



## “Disappearing” the Disadvantaged Into Solitary Confinement

By Dr. Terry Kupers

In recent decades in the U.S.A., wealth has become more concentrated in fewer hands, the gap between rich and poor has grown, and there has been a turn away from social welfare programs that support disadvantaged people...For example low-income individuals with serious mental illness, on average, receive less than adequate treatment and support in the community, and tragically, in all too many cases, find their way into the criminal justice system.

In other words, poor and disenfranchised people are “disappeared” by the increasingly inequitable society that refuses to adequately fund services they need to stay afloat. While this trend is rarely discussed in these terms, I firmly believe disadvantaged people are being disappeared from public view into the jails and prisons because the public is too little interested in helping them, cannot bear to witness their suffering in the community, and all too conveniently, there is the politically popular ideology of “lock ‘em up and throw away the key.”

Criminal defenses built on some version of “incompetence to stand trial” or “not guilty by reason of insanity” become more difficult to win. Sentences are made longer, more mandatory and harsher. And meanwhile, in the jails and prisons, there is crowding and inadequate mental health services, and diminishing opportunities to participate in meaningful educational and rehabilitative programming.

Individuals with serious mental illness spend ever longer periods behind bars, they are less prepared for success at “going straight” once they are released, and their parole violation rates

and recidivism rates rise precipitously.

While the population of prisoners with serious mental illness might appear a “special case,” in fact a comparable fate awaits prisoners who do not suffer from significant mental illness. While the prison population has multiplied many times over in recent decades, educational and rehabilitation services, like mental health treatment services, have not grown apace. Prisoners face longer sentences, a greater likelihood they will spend a significant amount of time in isolation including supermax confinement, and a rapidly rising recidivism rate after they are released.

In his 2001 book *The Culture of Control*, David Garland provides a social historical analysis of these developments, differentiating between the age of reform or the welfare state era that lasted for approximately 100 years and came to an end in the early 1970s, and the “culture of control” that has succeeded the welfare state era and prevails today in criminal justice:

*The criminologies of the welfare state era tended to assume the perfectability of man, to see crime as a sign of an under-achieving socialization process, and to look to the state to assist those who had been deprived of the economic, social and psychological provision necessary for proper social adjustment and law-abiding conduct. Control theories begin from a much darker vision of the human condition. They assume that individuals will be strongly attracted to self-serving, anti-social, and criminal conduct unless inhibited from doing so by robust and effective controls.... Where the older criminology demanded more in the way of welfare and assistance, the new one insists upon tightening controls and enforcing discipline.*

Of course, the supermaximum security prison is the epitome, and a natural culmination of control theories. Another name for the supermaximum security unit is “Control Unit.” And it is no accident that little in the way of education or rehabilitation is available to the denizens of supermaximum “control units.” Rehabilitation is not in the government’s plans for them.

I have focused on prisoners with serious mental illness who land in long-term solitary confinement. Their conditions and their prognosis become much worse on account of the idleness and isolation. Of course, when prisoners are kept idle and isolated, there is little or no mental health treatment, nor rehabilitation. This explains why prisoners with serious mental illness are so severely and irreversibly damaged by their experience in isolation.

But the conditions that cause psychiatric deterioration in prisoners with serious mental illness are obviously going to cause pain and emotional harm to prisoners who might appear to be emotionally stable. Thus...a group of widely recognized experts on solitary confinement concluded in 2005: “No study of the effects of solitary or supermax-like confinement that lasted longer than 60 days failed to find evidence of negative psychological effects.”...

The harsh conditions of solitary confinement cause great and permanent damage. Prisoners suffering from serious mental illness are disproportionately consigned to solitary confinement for much of their term in prison. There they are unlikely to receive adequate treatment, they are not going to participate very much in rehabilitation programs, and after they have spent

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a number of years in prison their psychiatric disorder is likely to be more severe, more chronic, less amenable to treatment, and they are more likely to leave prison (if they have a determinate sentence, and over 90% of prisoners are eventually released) broken and incapable of adjusting to life in the community.

Destroying a prisoner's ability to cope in the free world is one of the worst things prison does. I have described this as "the decimation of life skills," a form of torture. Crowding, a lack of rehabilitation opportunities, excessive reliance on isolation as punishment, restriction of visits and contacts with the outside world, pervasive sexual abuse, disrespect at every turn, the failure of pre-release planning — all these things add up to throwing the prisoner who completes a prison term out into the world broken, with no skills, and a very high risk of recidivism. This is the plight of prisoners with serious mental illness, and it is also the plight of the other prisoners consigned to long-term supermax settings.

I do not believe the public would stand for this outrageous callousness — if the public were aware it is going on in our midst. But the public is almost entirely ignorant about all

of this. After all, there is little media attention to the plight of prisoners with serious mental illness, nor to the plight of prisoners with or without mental illness who spend inordinate lengths of time in solitary confinement and are then returned to the community.

And visiting is very restricted. To a great extent, we in the community learn what is happening in prisons largely from the families of prisoners, who visit them and hear about their terrible straits, and then return to the community, and to their legislators, to talk about that. But supermaximum security units tend to be located far from population centers. Then, visiting at supermax prisons is very restricted,...and quite a few prisoners tell me they actually dissuade their families from visiting because they do not want their loved ones to see them in shackles. The public hears little of what occurs in supermax prisons.

I have described a tragic phenomenon that is all too usual. Prisoners in solitary confinement deteriorate and become more psychiatrically impaired and less capable of functioning back in the community. Then, as if to "hide the evidence" from the public that supermax facilities are destroying people rather than preparing them for a law-abiding post-release life in the com-

munity, new ways are invented to keep the prisoners locked up and out of sight even longer...in recent years, there has been legislation in many states mandating new forms of post-release civil commitment, and increasingly new criminal charges are brought against prisoners for relatively minor misbehaviors that once would have been punished during their prison term with a short stint in segregation.

So the prisoner who completes his prison term is faced with the possibility of being locked in a psychiatric hospital (if he suffers from serious mental illness) or the possibility of being found guilty of a new, in-prison crime because of his actions while locked in an isolation unit. It is as if there is a wish to hide the damage wreaked by years of solitary confinement.

*Dr. Terry Kupers is one of the nation's leading experts on the psychological effects of prison isolation. A psychiatrist, he is on the faculty of the Wright Institute in Berkeley, California. The following is a brief excerpt from a chapter on solitary confinement which appears in The Routledge Handbook of International Crime and Justice Studies (2013). It is reprinted here with the kind permission of the author.*

## About Solitary Watch

Solitary Watch ([www.solitarywatch.com](http://www.solitarywatch.com)) is a web-based project aimed at bringing solitary confinement out of the shadows and into the light of the public square. Our mission is to provide the public—as well as practicing attorneys, legal scholars, law enforcement and corrections officers, policymakers, educators, advocates, and people in prison—with the first centralized source of background research, unfolding developments, and original reporting on solitary confinement in the United States.

The print edition of Solitary Watch is produced quarterly and is available free of charge to currently and formerly incarcerated people, to prisoners' families and advocates, and to non-profit organizations. To receive a copy, send a request to the address or email below.

We also welcome accounts of life in solitary confinement, as well as stories, poems, essays, and artwork by people who have served time in isolation. Please send contributions to "Voices from Solitary" at the address below.

**Solitary Watch, PO Box 11374, Washington, DC 20008**

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# Prayers for People in Solitary

In advance of Torture Awareness Month this June, the National Religious Campaign Against Torture, California Families Against Solitary Confinement, the American Friends Service Committee, and T'ruah: The Rabbinic Call for Human Rights, issued a national call for people of faith and conscience to compose and share prayers for all who remain in conditions of isolated confinement, and in remembrance of the significance of the upcoming one year anniversary of the historic peaceful prisoner hunger strike throughout California prisons which began July 8, 2013, with more than 30,000 participating.

The national response to the call for prayer was moving and overwhelming, with more than one hundred prayers submitted in a matter of days. The prayers share an urgent call for restorative justice and an end to the cruel and inhumane treatment of long-term isolation, and for an end to systems and practices that sow division and distrust.

On June 26, the International Day in Support of Victims of Torture, an interfaith clergy delegation will meet with the California Department of Corrections to deliver a collection of the prayers printed on prayer cards, with a request that the cards be delivered to those who remain in SHU in California.

The spirit of this interfaith and nationwide effort extends to all who remain in solitary confinement. We share a small selection of the prayers with the hope that they will serve as a reminder to you, reader, that you are not alone, that you are not forgotten, and that the prayers of our global family continue for you. We believe in freedom and will not rest until it comes. —Rev. Laura Markle Downton, National Religious Campaign Against Torture

May you know in your being that there are people who care about your suffering and who think of you and your pain. May you know that there are those who are fighting for the injustice being done to you. May you find relief from the pain of isolation and confinement. May you know that you are not alone. May you feel held in the web of life. In love and care —K.R.P.

Lord be with all your children in Seg or SHU right now, wrap your arms of love and grace around them and fill them all up with your love, peace, joy, rest, stillness and an inner strength, I pray, and also that they be removed from SHU or Seg right now. So many have been in for nothing and they need to be released and rehabilitated too to mainline. Encamp your angels all around them also I pray. Amen. — D.C.

I humbly seek your guidance Heavenly Father for all the men and women without voices that are screaming to the Heavens using their bodies! Heavenly Father, watch over these men and women held without human contact, without hope, except in you Heavenly Father. Father you aided me when I was one of these men and helped me carry my burden, for I would not have been able to do this without your loving arms to support me. These men are sacrificing the health and possible life in their endeavors to be treated humanely. All things are possible through the Heavenly Father, His Only Son and the Holy Spirit. —B.N., Your Brother in Struggle

For world peace and personal happiness, please chant Nam-Myoho-Renge-Kyo.

It is a wish-granting jewel of a prayer.

Nam, mee-yo-ho, rin-gay, kee-yo.

Say it three times, with conviction in your heart, that ultimately, you are a Buddha.

It is true. You. Are. A. Buddha.

Nam, myoho, rengo, kyo. —L.B.

In the name of Allah, the most Gracious, the most Merciful

Praise be to Allah, lord of the worlds

The most Beneficent, the most Merciful

The Only ruling Judge on the Day of Judgment

You alone do we worship, from you alone do we seek help,

Guide us along the straight path

With those of whom have your favor

Not those who have earned your anger,

Not those who go astray. Amen. —M.M.

Jesus, Incarnate God, our blindness to your gift of Life led to your judgment, imprisonment, and sentence to death. You are present now in all who are imprisoned, whether justly or unjustly. Be with each one in compassion and light. Awaken each one to the gift of your holy truth and infinite, personal love. May each one experience the freedom that comes of accepting you in faith. Amen. —Sister H.R.

Dear God, I ask you to comfort those who are in solitary confinement. Please don't let them give up hope or lose their dignity. Let them know that they are not forgotten. I thank you for the many people who are moved to act to end the huge overuse of incarceration and solitary confinement. Please help us to create a society where everyone is treated with love. —A.

Dear one—May the God of Justice—the Holy One who cries with us when we weep, listens to our pleas and delivers us from evil—hear our cries this day. May your bravery inspire the people of this state to rise up and ban solitary confinement once and for all. May the God who never leaves us or forsakes us bring you strength, courage and encouragement, even in your darkest days. You are not alone. —M.

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Immanent God, God who is near to the broken-hearted, God who is found even in the darkest places, you alone can penetrate any wall, break through any barrier, enter every heart. So I pray that you accompany each and every person in solitary confinement today and every day. Be with them. Fortify their spirits. Comfort their hearts. Strengthen their minds. Keep alive in them hope.

God who sees and knows all, May those in isolation believe, indeed know in the hidden recesses of their hearts, that there are many of us who are working to bring their hidden stories into view. May this bring them encouragement. May they feel in their souls, that there are indeed thousands of us who feel in our souls a deep and sharp pain for all they endure. May they feel and may they know that there are thousands of us who care for them, who are fighting for them, who have not forgotten and who will not forget them.

Dearest God – source of life of every one of us – every parent and every child, console the hearts, encourage the spirits and strengthen the resolve of the friends and families of those in isolation. May they, and their loved ones in isolation know that in their struggle – they are not alone. —Rabbi R.G.

In hunger you made a stand to end a punishment most unusual and cruel of being kept apart from your fellow man so here is a prayer that this unfair treatment may end and you rightfully restored to the human race again. Blessings to you. —D.S.

A mí y a mucha gente nos indigna la injusticia que Uds. están viviendo.

Sepan que no descansaremos hasta que este horror de saparezca del mundo.

A Uds. van dirigidos nuestros más tiernos sentimientos y más altos pensamientos.

Que Dios borre del mundo toda esta miseria humana. Amén —A.N.

Please know that God is ever present everywhere. That means holding you and surrounding you even in Man's prisons. You are a Child of God and loved deeply by your Source of Life and Love and Light. I pray you experience this Truth. We are all connected as One in the Universe.

The Ubuntu saying is "I AM, BECAUSE WE ARE " And You Are. Amen. Best Wishes & Blessings. —S.M.

Great Spirit, You who are That which connects each of us to each other ~ each of us drops of water, leaves, animals and people ~ keep us always aware that we are in you One, through prison walls of concrete and steel, that all the oppression of our sisters and brothers in prisons and prisoners' families, oppresses us, that their victories are ours. —C.F.R.

You are loved. You are not forgotten. You are not invisible. We will not stop fighting for you, and for us all. We stand outside in solidarity, inside our one heart, our collective soul, our spirits calling out for change, our hands working for it. We will not give up. —J.S.

**On February 25**, the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights held its second public hearing on solitary confinement. At a packed hearing room on Capitol Hill, the subcommittee chair, Dick Durbin, called for “all federal and state facilities to end the use of solitary confinement for juveniles, pregnant women, and people with serious and persistent mental illness, except in the rarest of circumstances.” But Durbin, an Illinois Democrat, fell far short of denouncing solitary confinement altogether, declaring: “Make no mistake....Some dangerous inmates must be held in segregated confinement.” A more uncompromising position on solitary confinement was taken by Damon Thibodeaux, who spent 15 years in isolation on death row in Louisiana’s Angola prison before being exonerated. Testifying at the hearing, Thibodeaux said: “I

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do not condone what those who have killed and committed other serious offenses have done, but I also don’t condone what we do to them when we put them in solitary for years on end and treat them as subhuman...As a civilized society, we should be better than that. I would like to believe that the vast majority of the people in the U.S. would be appalled if they knew what we are doing to inmates in solitary and understood that we are torturing them, for reasons that have little, if anything, to do with protecting other inmates or guards from them.”

**On April 24**, the American Civil Liberties Union released a report on the impact of solitary confinement on women. The report found that women prisoners are more likely than their male counterparts to have his-

tories of mental illness and physical and sexual abuse, and that these conditions make them particularly vulnerable to the harmful effects of solitary.

**On May 8**, the Solitary Confinement Study and Reform Act of 2014, the first federal legislation intended to place limits on the use of prison isolation, was introduced in Congress by Representative Cedric Richmond, a Louisiana Democrat. The legislation calls for creation of a commission to study solitary and recommend reforms that would create “a more humane and constitutionally sound” prison system. Richmond’s legislation is supported by human rights and civil rights groups, but it faces a steep uphill battle in the House of Representatives. In recent years, bills to reform solitary have been introduced in more than a dozen states, but few have succeeded in becoming law.