



## UN Committee Against Torture Says United States Must Reform Its Use of Solitary Confinement

By Sridevi Nambiar

On November 28, 2014, the United Nations Committee Against Torture released a 15-page report reviewing the United States' compliance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The report cites the excessive use of solitary confinement in U.S. prisons and jails as a violation of CAT, and recommends a set of dramatic reforms.

The report is a follow-up to the Committee's meeting with United States government officials on November 12 and 13 in Geneva. As a state party to CAT, the United States is expected to submit a "Periodic Report" detailing its adherence to the Convention, as well as respond to any questions, observations, and recommendations for change issued by the Committee. Over the two days, the United States delegation presented its latest periodic report for a ten-member Committee to review.

The U.S. government's periodic report discusses some 55 separate issues of concern to the Committee Against Torture ranging from the treatment of immigrants in detention, the death penalty, police brutality, and sexual abuse of people in prison to the rendition and secret detention of terror suspects and their continued presence at Guantanamo Bay. In all cases, the United States insists that it is in compliance with CAT, even as several human rights and civil liberties organizations submitted shadow reports telling otherwise.

The U.S. periodic report also attempts to dismiss the Committee

Against Torture's concerns on solitary confinement—which the UN Special Rapporteur on Torture defines as "physical and social isolation of individuals who are confined to their cells for 22 to 24 hours a day," and to which some 80,000 people are being subjected to every day in the United States. The U.S. report claims there is "no systemic use of solitary confinement in the United States."

However, in Geneva, members of the Committee Against Torture raised multiple questions and concerns about solitary confinement in U.S. prisons and jails. The Committee Vice-Chairperson questioned the American delegation about measures taken to limit the use of solitary confinement, especially on children and other vulnerable individuals. Another Committee member asked about prolonged solitary confinement such as is being used in Louisiana, where individuals have been isolated for 40 years, and noted that such treatment caused "anxiety, depression and hallucinations until their personality is completely destroyed."

Both in its periodic report and during the hearings, the United States government sought to assure the Committee Against Torture that sufficient restrictions on the imposition of solitary confinement are already in place. At the hearings, the Deputy Assistant Attorney General at the Department of Justice maintained that "U.S. courts have interpreted the Eighth and Fourteenth Amendments of the U.S. Constitution as prohibiting the use of solitary confinement under certain circumstances." The U.S. periodic report further claims that The Americans with Disabilities

Act of 1990 and the Rehabilitation Act of 1973 limit the use of solitary confinement against persons with mental illnesses and other disabilities, while the Prison Rape Elimination Act offers protection from the same for children.

But in its "Concluding Observations" released last week, the UN Committee reaffirms that "it remains concerned about reports of extensive use of solitary confinement and other forms of isolation in US prisons, jails and other detention centres for purpose of punishment, discipline and protection, as well as for health-related reasons."

The Committee lays forth several recommendations for the United States to ensure its policies on solitary confinement are in better compliance with CAT. It asks the U.S. government to restrict the use of solitary confinement "as a measure of last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review." Further it reasserts the need to ban the imposition of solitary confinement on "juveniles, persons with intellectual or psychosocial disabilities, pregnant women, women with infants and breastfeeding mothers in prison." It also stresses that "regimes of solitary confinement such as those in super-maximum security detention facilities" need to be banned. Finally, the Committee once again brings attention to the lack of detailed information on the use of solitary confinement. It asks the United States to "compile and regularly publish comprehensive data on the use of solitary confinement, including related suicide attempts and self-harm."

# Pope Francis Calls for Prison Conditions That “Respect Human Dignity

By Jean Casella

In a wide-ranging speech on October 23, 2014, Pope Francis revealed himself as a passionate criminal justice reformer. His words also suggest that he is familiar with the controversies surrounding solitary confinement and supermax prisons, and strongly opposes their use.

Speaking at the Vatican to representatives of the International Association of Penal Law, the Pope said: “All Christians and people of good will are called today to fight not only for the abolition of the death penalty, be it legal or illegal, in all of its forms, but also for the improvement of prison conditions in respect for the human dignity of those who have been deprived of liberty.”

Previous popes, including John Paul II, have been outspoken opponents of capital punishment. But Francis took his discourse a step further, denouncing sentences of life in prison, and saying that “a life sentence is a hidden death sentence.”

The Pope called for a ban on all criminal detention of children and for

“special treatment” for elderly people in prison. More broadly, he denounced “the deplorable conditions of detention that take place in different parts of the world,” which he called an “arbitrary and merciless exercise of power over persons who have been deprived of freedom.”

Francis specifically turned his attention to supermax prisons. His term was *carceri di massima sicurezza*, which more literally translates to “maximum-security prisons”—but from his emphasis on extreme isolation and its consequences, it is clear that he was referring to the use of solitary confinement.

“One form of torture is sometimes applied by imprisonment in maximum security prisons,” the Pope said. With the motive of providing greater security to the community or special treatment for certain categories of prisoners, its main feature is none other than isolation. As demonstrated by studies carried out by different human rights bodies, the lack of sensory stimuli, the complete lack of communication, and the lack of contact with other human beings

causes physical and emotional suffering such as paranoia, anxiety, depression, and weight loss, and significantly increases the chances of suicide.”

The Pope also warned against seeing prison as a cure for all of society’s ills, “as if for different diseases one could prescribe the same medicine.” He advised that “caution in the application of punishment should be the governing principle of all criminal justice systems,” and that governments should not, for any purpose, subvert “respect for the dignity of the human person.”

Pope Francis previously made headlines during his first Holy Week by washing the feet of twelve youth held at a juvenile detention center in Rome while celebrating the mass of the Last Supper, when Jesus washed the feet of his disciples.

In a papal mass just a few days before his speech on criminal justice, Francis told an assembly of Catholic bishops: “God is not afraid of new things. That is why he is continuously surprising us, opening our hearts and guiding us in unexpected ways.”

## About Solitary Watch

Solitary Watch, PO Box 11374, Washington, DC 20008

Email: [solitarywatchnews@gmail.com](mailto:solitarywatchnews@gmail.com)

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 future copies, please send a request to the address or email above.

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 above, and tell us whether you would like us to use your name or would prefer to remain anonymous.

**Note: We regret that we cannot offer legal assistance or advice and cannot respond to requests for this type of help. Legal materials sent to us cannot be returned to the sender. We also cannot forward mail to others. Thank you for your cooperation.**

# Voices from Solitary: “I Am Somebody’s Daughter”

*The following account is by a young woman named Nicole who is currently being held in the segregation unit at Illinois’s Logan Correctional Facility, about three hours south of Chicago. Logan was repurposed from a men’s prison to imprison women from the shuttered Dwight and Lincoln Correctional Centers. The prison, which has a rated capacity of 1,106, currently holds 1,950 people. A December 2014 report by the John Howard Association described the dismal conditions at the “overcrowded [and] underresourced” prison. Shortly after Nicole’s arrival in segregation, a woman in the adjoining cell committed suicide. Her account, shows that even a few weeks or months in solitary confinement can have dire consequences on people’s physical and mental well-being. Nicole turned twenty-one while behind bars, and will celebrate her twenty-second birthday in solitary this year. —Victoria Law*

My name is Nicole. I am currently housed in segregation at Logan Correctional Facility in Illinois. Here at this fine institution, we are locked down 24 hours a day. We shower every four days maybe. If we act up, they sometimes refuse to shower you, although that’s against regulations. I’ve gone 12 days without a shower. Now that we have a new warden, the rules have changed. Before she started working here, for example, you would not be segregated for an unauthorized movement. Now, you must do two months in this miserable place. You would think segregation is supposed to be for violent offenders? No, now everyone comes to segregation. My cellmate, Gina, was feeling homicidal and asked for a mental health evaluation. Instead, they threw her in segregation and said she refused housing. When you refuse housing, they give you three months segregation. Gina has been in segregation for nine days and still has no sheets or blankets because they lost some of her property. She sleeps on the cold, plastic mattress. I share one of my

blankets. All these non-violent “offenses” and people are doing a very long time in segregation. Gina has also never, not once, gotten into trouble in the four years she’s been incarcerated! You want to know what violent offenses carry? They carry the least amount of time in segregation. If you get into a fight, you’ll do 15 days in seg. If you assault someone, you’ll do 30 days. Everything non-violent carries more than 30 days in seg!



You can’t even ask for mental help because they’ll throw you in segregation. I am in here because I had a seizure and was handcuffed and thrown into a wall by a lieutenant. I was not supposed to be handcuffed because I just had a seizure. I flipped out, panicked and spit on him. I’ve been in segregation six months. I should’ve went home December 3, 2014, but they are keeping me here until August 3, 2015. I have to be in segregation the whole time. The past six months have been hell. I’ve seen my friend commit suicide next door to me. While the police were waiting for her body to be transferred, they made jokes about how now there’s more bed space. My friend—RIP Shortybang—shouldn’t have even been in segregation. The police ignored her cries for help. They still ignore people when people

say they are suicidal or homicidal. They don’t see us as someone’s daughter, mother, or sister...They see us as a number, as bed space, as criminals. I’ve talked to many women in this prison and I haven’t met one yet who hasn’t been abused, raped, etc., in their life. I’ve heard the worst stories. I don’t know about other women, but when I’m in segregation, alone, locked in this six foot by ten foot cell for 24 hours per day, I start thinking about my life. I have a very messed-up past. Mainly when I was younger, but that wasn’t that long ago.

I will turn twenty-two in seg on April 6th. Long periods of solitary confinement are not healthy, especially for women like me who have severe PTSD and depression. I’ve attempted suicide so many times I lost count! Now what makes anyone think it’s okay to put me alone in a cell for over a year? You might think I’m being treated by a psychiatrist? Yes, but she refuses to put me on the correct medications. I see the psychiatrist through a TV once every two months, maybe, and she refuses to look at my records and see that I need certain medications. So, if I’m having severe issues just trying to survive day by day, I know others are as well. That’s why so many people are yelling constantly that they’re suicidal. This is a very depressing place. Another serious issue, medical...I have been begging to see the doctor for six months since I got in segregation. I wrote grievances about health care in segregation.

I hope and pray that things will change back here. Even something as simple as how officers treat us would change a lot. I’ll do whatever I can from the inside and hope people listen to what I have to say. Just because I made one mistake in life doesn’t mean I deserve this suffering. I am somebody’s daughter. I have a great family. I should be home. I want to stop this from happening to others.

## News Briefs

**ARIZONA**—In December, the Arizona Department of Corrections (ADC) opened a new facility with 500 supermax prison beds in the Rast Unit at the Arizona State Prison Complex (ASPC Lewis) in Buckeye, Arizona.

The American Civil Liberties Union of Arizona and the American Friends Service Committee of Arizona have called the new solitary confinement beds unnecessary, urging the ADC to focus instead on rehabilitation programs. Critics of the increase in supermax beds also assert that, based on corrections documentation, the ADC is not filling the existing isolation beds it has, making the newly constructed prison facility a waste of taxpayers' dollars.

**NEW YORK** —In January, the New York City Board of Corrections adopted a set of rules to limit the use of punitive segregation at Rikers Island, the city's main jail complex.

The new rule excludes from solitary confinement people between the ages of 18 and 21 as well as those under 18, and individuals with mental disabilities. It also places a time limit on punitive segregation of 30 consecutive days and a maximum of 60 days during a six-month period.

At the same time, however, the City plans to create an "Enhanced Supervision Housing Unit" on Rikers to hold individuals deemed a threat to safety in long-term solitary, similar to what other jurisdictions call administrative segregation.

**NORTH CAROLINA**—In December, corrections chief David Guice requested that the state's upcoming budget include funding for improving the treatment of people with mental illnesses in the state's prisons, including hiring more than 300 additional mental health care staff. Guice requested more than \$20 million to provide adequate care for 4600 people requiring mental health services in the state's prisons.

The request comes following several reports indicating the state's Division of Prison's failure to protect

prisoners with psychiatric disabilities from neglect and abuse, including inadequate health care and the extensive use of solitary confinement. One such individual, Michael Anthony Kerr, died of dehydration after being in solitary confinement for 35 days. Recent reports have also highlighted the severe shortage of mental health personnel in the state's prison system.

**TEXAS**—In February, the American Civil Liberties Union (ACLU) of Texas and the Texas Civil Rights Project (TCRP) released a report arguing that "solitary confinement is dangerous, expensive and makes Texas less safe." *A Solitary Failure: The Waste, Cost and Harm of Solitary Confinement* draws on surveys, in-person interviews, and corroborative research conducted over an eight-month period. The ACLU and TCRP found that the Texas Department of Criminal Justice is trapped in "the outdated and expensive mindset of using solitary confinement as a routine correctional practice," leading to inhumane, inefficient, and archaic conditions that permanently damage people held in prison and threaten public safety—all at the taxpayers' expense.

**NATIONAL**—In March, during a hearing before Congress on the Supreme Court's budget, Justice Anthony Kennedy criticized the prison system in general, and solitary confinement in particular. "I think that the corrections system is one of the most overlooked, misunderstood institutions that we have in our entire government...Nobody looks at it," Kennedy said. "And this idea of total incarceration just isn't working—and it's not humane. The federal government built...supermax prisons, with isolation cells. The prisoner we had come before our court a few weeks ago...had been in an isolation cell according to the attorney...for 25 years. Solitary confinement literally drives men mad."

Kennedy compared U.S. supermax prisons with the more humane alternatives used in Europe, and concluded: "We haven't given nearly enough study, nearly enough thought, nearly enough investigative resources to looking at our corrections system. In many respects, I think it's broken."

**NATIONAL**—In January, a coalition of civil and human rights advocates, faith-based and other organizations sent a letter to U.S. Attorney General Eric Holder expressing concern over the opening of a new federal prison in Thomson, Illinois, that will significantly increase the federal government's capacity to house individuals in long-term isolation.

Sources indicate that the Thomson Correctional Center, projected to be activated by 2016, is intended to be a supermax prison, with 400 "Administrative Maximum" cells for extreme solitary confinement, and 1500 more "Special Management Unit" cells, where people will be held in 23-hour-a-day lockdown alone or with one other person.

The letter criticized the Bureau of Prisons (BOP) for planning to activate Thomson as a supermax prison while also claiming to be reducing the use of solitary confinement and other forms of isolation in the federal system. It also urges the Department of Justice to delay Thomson's activation until the completion of a year-long audit on the use of extreme isolation across the BOP.

**CANADA**—In February, advocacy groups filed two separate lawsuits alleging that solitary confinement as practiced north of the border constitutes cruel and unusual punishment, in violation of the Canadian Constitution. The lawsuits were sparked after the government refused to act on a series of recommendations made following the death of Ashley Smith. Smith, who was 18 years old and suffered from mental illness, died in a solitary confinement unit of self-strangulation while officers stood by and watched. Her death was ruled a homicide.