



Cruel and Usual: Solitary Confinement in U.S. Prisons

By James Ridgeway and Jean Casella
Millions of Americans have been haunted by the spectre of Guantanamo and Abu Ghraib, where isolation and deprivation have been raised to the level of torture. Yet every day, here in the United States, tens of thousands of prisoners languish in “the hole.”

A few of them are prison murderers or rapists. Far more have committed minor disciplinary infractions within prison or otherwise run afoul of corrections staff. Many of them suffer from mental illness, and are isolated for want of needed treatment; others are children, segregated for their own “protection”; a growing number are elderly and have spent half their lives or more in utter solitude.

No one knows for sure what their true numbers are. Many states, as well as the federal government, flatly declare that solitary confinement does not exist in their prison systems. As for their euphemistically named “Secure Housing Units” or “Special Management Units,” most states do not report occupancy data.

By common estimate, at least 20,000 inmates are held in supermax prisons, which by definition isolate their inmates. Perhaps 50,000 to 80,000 more are in solitary confinement on any given day in other prisons and jails, many of them within sight of communities where Americans go about their everyday lives.

Over the past 30 years, their numbers have increased even faster than the

nation’s explosive incarceration rate; between 1995 and 2000, the growth rate for prisoners housed in isolation was 40 per cent, as compared to 28 per cent for the prison population in general, according to Human Rights Watch.

Likewise, no one can state with any consistency what these prisoners have done to warrant being placed in solitary confinement, or what their isolation is supposed to accomplish.

As it stands, prisoners can be thrown into the hole for rule violations that range from attacking a guard or a fellow inmate to having banned reading materials or too many postage stamps. In doling out months or even years in solitary, the warden and prison staff usually serve as prosecutor, judge and jury, and unsurprisingly they often abuse that power. The cases are shocking, and they abound.

At the all-solitary Colorado State Penitentiary, Troy Anderson has spent the last 10 years in isolation, never seeing the sun or the surrounding mountains, due to acting out on the symptoms of untreated mental illness. Anderson has been diagnosed with ADHD, bipolar disorder, intermittent explosive disorder, antisocial personality disorder, cognitive disorders, a seizure disorder, and polysubstance dependence, and he has attempted suicide many times, starting at the age of 10.

Anderson’s mental health treatment in prison has consisted largely of intermittent and inappropriate medications

and scant therapy, most of it conducted through a slot in his solid steel cell door. By Colorado’s own estimate, 37 per cent of the prisoners in its isolation units are mentally ill.

Steve Bright of the Southern Center for Human Rights described the case of a 15-year-old boy named JP —accused, but not yet tried or convicted, of murder —who stands to spend up to two years in isolation in a Tennessee jail because his family is too poor to afford his bond, set at \$500,000. Although he had previously attempted suicide and been treated for mental illness, JP has spent his time behind bars “with no physical contact from a member of his family and no schooling.”

JP’s mother is allowed to “visit” him by seeing him twice a week for 30 minutes on a TV monitor. She has not touched her son in more than a year. “The child has gone for over a year with no physical contact other than a correctional officer holding his arms when they move him,” says Bright. This story is far from rare: Children in adult prisons often end up in solitary because there is simply nowhere else to put them to prevent them being victimized.

Prisoner Michelle Ortiz was first admonished, then shackled and sent to solitary confinement as punishment for reporting her molestation and subsequent rape by a male guard at the Ohio Reformatory for Women. When Ortiz reported her first assault to prison officials, they told her that the male guard

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About Solitary Watch

Solitary Watch is an innovative web site aimed at bringing this issue out of the shadows and into the light of the public square.

The mission of Solitary Watch is to provide the public—as well as practicing attorneys, legal scholars, law enforcement and corrections officers, policymakers, educators, advocates, and prisoners—with the first comprehensive source of information on solitary confinement in the United States.

Combining a data bank compiled through state-by-state research with background, analysis, breaking news, and “Voices from Solitary,” the site will serve as an information clearinghouse and educational resource.

Solitary Watch is on the web at **www.solitarywatch.com**.

The print edition of Solitary Watch is produced quarterly, and includes a small selection of pieces from the site. It is available free of charge to current and former prisoners, 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 inmates in isolation. Please send contributions to “Voices from Solitary” at the address below.

PO Box 11374, Washington, DC 20008

solitarywatchnews@gmail.com

Recipe for Madness in Prisons

By Dr. Terry Kupers

The recipe for creating madness in our prisons is easy enough to explicate; one merely needs to identify the steps that were taken to reach the current state of affairs. Here is the recipe:

Begin by over-crowding the prisons with unprecedented numbers of drug-users and petty offenders, and make sentences longer across the board.

Dismantle many of the rehabilitation and education programs so prisoners are relatively idle.

Add to the mix a large number of prisoners suffering from serious mental illness.

Obstruct and restrict visiting, thus cutting prisoners off even more from the outside world.

Respond to the enlarging violence and psychosis by segregating a growing proportion of prisoners in isolative settings such as supermaximum security units.

Ignore the many traumas in the pre-incarceration histories of prisoners as well as traumas such as prison rape that take place inside the prisons.

Discount many cases of mental disorder as “malingering.”

Label out-of-control prisoners “psychopaths.”

Deny the “malingerers” and “psychopaths” mental health treatment and leave them warehoused in cells within supermaximum security units.

Watch the recidivism rate rise and proclaim the rise a reflection of a new breed of incorrigible criminals and “superpredators.” •

Dr. Terry Kupers is a psychiatrist and a leading expert on the psychological affects of solitary confinement. This piece is an excerpt from a longer article titled “How to Create Madness in Prisons,” which appeared in the book Humane Prisons, edited by David Jones (Oxford: Radcliffe Publishing, 2006).

Solitary Confinement Comes to Capitol Hill

By Daniel Goldman

Most of the presentations at April 5's congressional briefing on the effects of long-term solitary confinement provided a simple overview of what Solitary Watch's readers know well: prolonged, isolated confinement causes serious psychological damage, and most courts and legislatures have been unwilling to find harsh practices unconstitutional or to change this nation's current trajectory. The briefing, held in a packed room at the Rayburn House Office Building, was co-sponsored by Congressmen John Conyers (D-MI), Robert C. "Bobby" Scott (D-VA) and Cedric Richmond (D-LA).

The panelists explained some of the problems with solitary and provided insights that could guide reform at the national level, such as isolation time limits, better data collection, more mental health screening and care, and reductions in overcrowding and overall incarceration rates.

David Fathi, Director of the ACLU's National Prison Project, was the first speaker and cited statistics that some 20,000 inmates live in isolation conditions in U.S. supermax prisons. Fathi went on to explain how disparate labeling practices across correctional systems make it difficult to accurately count those in isolation, and that the numbers are therefore certainly much higher. Virtually all prisons and most jails have some form of solitary confinement, but few if any systems keep or disclose data on how many are kept in isolation or for how long.

Laura Rovner provided some ideas for gathering more accurate data about the numbers of people held in solitary and the length of their stays, based on her work with inmates at ADX, the federal supermax in Florence, Colorado. At her University of Denver Civil

Rights Clinic, Rovner and her students wrote letters to 133 ADX inmates and asked them to report on their conditions of confinement and lengths of stay. Of the 61 who responded, 33 had been in isolation for more than eight years. Once an inmate is transferred to ADX, it takes a minimum of three years for him to earn enough credit to be moved to another institution, and only five percent actually leave in three years. Reports described mental health interviews of ADX inmates taking place through the cuffsports of the nearly soundproof doors and averaging less than five minutes.

Rovner pointed out that these extremely harsh conditions—many of which are in clear violation of international human rights laws—have given the European courts reason to block the transfer of terror suspects to the U.S. on the basis that they would likely end up at ADX.

The only panelist from the corrections community was Michael Randle, a former administrator in the Illinois and Ohio Departments of Corrections. Randle described the reforms that took place during his time in those state systems, "unfortunately as a result of litigation." The five reforms he saw as crucial to improving conditions in solitary were:

- Establishing a centralized process in each system that places prisoners in disciplinary solitary only after independently reviewed hearings that take place outside the prisons and that follow specific criteria that are disclosed in prisoner handbooks.
- Allowing inmate participation in disciplinary hearings.
- Creating an appeal process by which challenges go to administra-

tor with access to the director of the system.

- Informing inmates of how long they will be in solitary and what they can do to increase or decrease that time.
- Reducing isolation by using out-of-cell time and a system of progressive housing for transferring out of solitary and back into general population.

Most of the ideas Randle described are already in place in some states, but no prison system has created a policy by which all inmates are humanely and safely treated.

One panelist had himself spent 29 years in solitary confinement: Robert King, the only member of the so-called Angola 3 now living in the free world. Their case was depicted in the documentary film *In the Land of the Free*, which was screened following the panel discussion.

There is a long way to go before solitary practices in the U.S. reach international human rights standards, and there is seemingly very little momentum for getting us there. Nevertheless, a briefing on Capitol Hill raises some hope that at least a small group of congressmen—motivated in part by the successes of the civil rights movement—has decided that solitary confinement is an issue worth pursuing at the national level. Gathering data and reporting on widespread abuses can provide some ammunition for the political fight that will surely follow the introduction of any legislation to limit solitary confinement. •

Daniel Goldman is a 2011 graduate of Washington and Lee University School of Law and a reporter and researcher for Solitary Watch.

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was being transferred to another facility and was “just a dirty old man.” That same evening, the guard raped her.

Ortiz was sent to solitary, reportedly, so that she could not tell other prisoners what had happened to her. Victims of prison rape, like children, are often isolated “for their own protection,” or given a choice between solitary and continued sexual assault.

Timothy Muise, a prisoner at the Massachusetts Correctional Institute at Norfolk, protested to prison authorities about a sex-for-information racket being run by guards, in which certain prisoners were permitted to have sex in return for snitching on others.

Muise was thrown into solitary for two-and-a-half months, brought up on disciplinary charges for “engaging in or inciting a group demonstration,” and shipped out to another prison. It is far from unusual for prison whistleblowers to be silenced through the use of solitary confinement.

Maine prisoner Deane Brown, serving a lengthy sentence for burglary and robbery in the lockdown unit of Maine State Prison, began sending reports by letter then by phone to a community radio station; he called his reports “Live from the Hole.”

Brown was reprimanded by the warden, who said he was “disclosing confidential information through the media.” Then Brown was suddenly whisked away to a series of maximum security prisons in Maryland, and ended up in a particularly brutal solitary confinement unit in New Jersey. Cases of jailhouse journalists being punished with isolation have surfaced in other states, as well.

At the Louisiana State Penitentiary at Angola, Herman Wallace and Albert

Woodfox were placed in solitary confinement following the murder of a prison guard. They maintain that they were targeted for the crime because of their membership in a prison chapter of the Black Panthers.

More than 38 years later they are still in solitary. Both men are now in their 60s, but the warden maintains they must be kept in isolation because they are “still trying to practice Black Pantherism” and he does not want to “have the blacks chasing after them.”

What conditions await these prisoners consigned to solitary for months, years or decades? A typical supermax cell runs about 6 x 9 feet and contains a toilet and sink, a slab of poured concrete for a bed and another slab for a desk.

Occupants may get a brief shower a couple of times a week and a chance to exercise in what looks like the run of a dog kennel three days a week. Food is shoved through a slot in the door. They get perhaps one phone call a month and an occasional visit, through a barrier, with an approved list of family and friends. They can select a book every so often from an approved list. On occasion, a TV inside or outside the cell blares programming at them, often of a religious nature.

If they are deemed to have misbehaved in some way they may be deprived of exercise, books or visits; if deemed a suicide risk, they can have their blankets and even their clothing removed. In one Louisiana parish prison last year, suicidal inmates were found being locked, alone and often naked, in so-called “squirrel cages” measuring 3 x 3 feet—one-fourth of the locally mandated size for caged dogs.

Wilbert Rideau, a renowned prison journalist (and now a free man), describes in his memoir *In the Place of Justice* the “bone-cold loneliness” of life in solitary confinement on Angola’s death row. He describes solitary as

being: “Removed from family or anything resembling a friend, and just being there, with no purpose or meaning to my life, cramped in a cage smaller than an American bathroom. The lonesomeness was only increased by the constant cacophony of men in adjacent cells hurling shouted insults, curses, and arguments—not to mention the occasional urine or faeces concoction. Deprivation of both physical exercise and meaningful social interaction were so severe ... that some men went mad while others feigned lunacy in order to get transferred to the hospital for the criminally insane.” On occasion, prisoners facing the possibility of a lifetime in solitary have asked judges to sentence them to death instead.

In Europe, solitary confinement has largely been abandoned, and it is widely viewed as a form of cruel, inhuman and degrading treatment, in violation of international human rights conventions. But American courts and politicians have, for the most part, failed to take a strong stand against solitary confinement. There are signs, however, that the consensus may be shifting.

Legislation to limit solitary confinement has been introduced in Colorado, New Mexico, and Maine, among other states. At the same time, cases have been brought before federal courts challenging on constitutional grounds the decades-long solitary confinement of several of the nation’s most isolated prisoners.

The ACLU’s David Fathi believes that a combination of legislation and litigation, grassroots activism and investigative journalism are producing “a breakthrough in public awareness.” If this is true, it may at least bring this form of “no-touch torture” out of the shadows of the prison walls and into public view. •

James Ridgeway and Jean Casella are the editors of Solitary Watch.