



**American Friends
Service Committee**

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STATEMENT OF

AMERICAN FRIENDS SERVICE COMMITTEE

**HEARING: “Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public
Safety Consequences”**

SENATE COMMITTEE on the Judiciary

SUBCOMMITTEE on the Constitution, Civil Rights, and Human Rights

UNITED STATES SENATE

JUNE 19, 2012

Chairman Durbin, Ranking Member Graham and members of the Subcommittee: I am honored to submit this testimony for the record on behalf of the American Friends Service Committee (AFSC) regarding today’s hearing on solitary confinement, which has been a focus of our work for more than 25 years. We thank you for holding this critical and timely hearing.

Solitary confinement is characterized by long periods of isolation, with little or no human contact, often including lights on, or off, for 24 hours per day, deliberately loud sounds, extreme hot or cold, menacing dogs and other egregious violations of human rights.

We find the use of solitary confinement to be:

Pervasive – far overused and racially disparate

Illegal – a form of torture recognized and prohibited under international law

Harmful – to the mental health of those with and without pre-existing mental conditions

Solitary confinement is Pervasive. Solitary confinement is widely used in almost every state and within the federal system, in both dedicated long term supermax prisons and other forms of control units, and as shorter-term punishment units. The numbers are difficult to determine, due to lack of consolidated recording and reporting and other problems such as inconsistent definitions, changing policies and court decisions. Many experts are finding solitary confinement widely overused.

In addition the practice suffers from the same racial disparities evidenced in other aspects of the criminal justice system, with people of color significantly over-represented.

Solitary confinement is Illegal. The use of long term solitary confinement is in violation of international covenants:

- International Covenant on Civil and Political Rights, Articles 7, 10, 16
- U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 1, 4
- U.N. Declaration of Human Rights, Article 5
- American Convention on Human Rights (ratified by 24 OAS (Organization of American States) nations, but not the U.S.)

Although officials often claim that there is no clear definition of torture, torture is defined by the UN Convention Against Torture as, “any state-sanctioned action by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for obtaining information, punishment, intimidation, or for any reason based on discrimination.”

- By this definition, security housing units fail on several counts: they cause severe pain both physical and mental; they do primarily for the purpose of punishment, intimidation, or with the hope of extracting information; and they are the most racially segregated part of the prison system.

Solitary confinement also violates the U.S. Constitution’s 8th Amendment ban on cruel and unusual punishment. Its use in the United States has been rejected by the European Union, which will not extradite people to the U.S. if they will be placed isolation. The U.S. has come under frequent condemnation from the United Nations Committee on Torture and the UN Special Rapporteur on Torture for the cruelty of this practice.

Solitary confinement is harmful. AFSC has documented the harms of solitary confinement in reports.

- Supermax units are damaging to prisoners’ mental health
- There is no evidence that supermax units reduce prison violence
- Long-term isolation is linked to increased recidivism.

In 1944, the Quakers formed the Prison Service Committee to provide support to and monitor the incarceration conditions people who had been imprisoned for of conscientious objection to war. Since that time, the American Friends Service Committee has sought to

provide individual and collective advocacy over conditions of incarceration, policy advocacy against mass incarceration, the death penalty, "life without parole," and immigration detention. In the course of our work we have documented scores of prison abuses including the use of stun guns and restraint devices, rape, prison chain gangs, and inadequate medical care. Letters we have received from prisoners across the U.S. document significant, systemic problems in the area of solitary confinement.

Please allow us to share a few examples of testimony that we have gathered directly from people who have experienced solitary confinement. Some of these conditions have been witnessed directly by our staff in the course of their work inside prisons.

If you do something wrong, they lock you down. They make you go to bed early and feed you when they want to feed you. They lock you in this little cell (she describes something about 3 x 5). I cried every night there. It's painful. I felt like I couldn't get air. I cried every night there.

A.H. age 17, New Jersey

I went in when I was 14 to the Essex County Juvenile Detention Center. They have what they call an "MCU" there, and it's like the "hole" in a regular prison. [MCU - "management control unit" - a form of solitary confinement which may be an administrative, rather than punitive sanction] Kids that fight go in there. If you refuse, they come and get you. You don't see anybody in there. The lights go off early and there are no visits there. They bring the food to you. They even turnoff the toilets at 9 p.m. so if you have to go, you can't flush. It's freezing at night. There is no heat at all in lockdown.

D.D. age 15, New Jersey

I was placed in solitary confinement for trying to escape from prison. The actual sanction for the attempted escape was only 30 days, but once that sanction ended the prison administrators continued to hold me in solitary for the next 120 months. I was not allowed to participate in any sort of group therapy, religious services, vocational training, educational courses, or rehabilitative programs. I was allowed to shower three times a week; each shower was seven minutes. I was allowed to go outside into a small cage for one hour, five times a week. For any of this movement outside of my cell, my hands were cuffed behind my back before the officers would open my cell door, then I was searched.

It is difficult to describe what such a long time in solitary confinement feels like, as it is difficult to gauge how it has affected me. For ten years though I was powerless... There was no way to block out the sounds of a neighbor who was kicking with all of his might on his steel cell door because an officer refused to let him shower. There was constant stress because of my inability to earn a release, which in turn extended my incarceration for six years. My weight dropped from 170 lbs to 145 lbs, and I developed high blood pressure that required a number of medications.

In response to my pleas for release, the warden would merely tell me to keep on "doing good time..." I would appeal to him about my many years of exemplary behavior...He never

commended me, however, and never released me from solitary. I ended up serving ten years in solitary confinement.

Peter Martel, Program Associate, AFSC Criminal Justice Program-Michigan; law degree candidate

Families are also affected:

My son was able to escape the frightening conditions of 4-A, one of two SHU [Special Housing] units, (guards setting up rooster fights and shooting from the tower) by reading— although he did experience one of the set up fights—not by choice. We all sent books, as many as we could each month, and newspapers and magazines which he passed along to others. But, in this, reading and family, he was more fortunate than most. Because Corcoran was off in the middle of nowhere and the guard's union was so powerful, murder and mayhem on the part of a few guards prevailed in 4-A of the Corcoran SHU. Despite photos of yard fights and the Preston case, no guard was punished. It was almost as frightening to be a parent at that time as to be a prisoner.

Parent of a SHU prisoner, California, 2008

Our advocacy work has yielded results

Through the efforts of AFSC, its regional programs, and allies, we have achieved the following changes in the use of solitary confinement:

- *Maine* – 60% reduction in prison population held in isolation, and the ending of solitary confinement in the mental health unit
- *Michigan* – 30% reduction in people held in administrative segregation since 2008; closure of a maximum security prison;
- *New Jersey* - secured litigation leading to release of 80 people from a control unit and closing of security threat group (“gang”) unit;
- *California* – AFSC regional director chosen mediator by hunger strikers at Pelican Bay facility over conditions; minor concessions won; larger issues currently in litigation;

The American Friends Service Committee is heartened by the Subcommittee’s leadership in holding this hearing, and we are grateful for the opportunity to present stories drawn from our organizational experience with individuals and communities impacted by solitary confinement. We urge the Committee to move swiftly and take concrete actions to prohibit solitary confinement at the federal, state and local level:

- AFSC supports congressional efforts that seek an immediate end to the use of solitary confinement for extended periods, as recommended by the U.N. Special Rapporteur;

- AFSC calls for congressional action to establish independent prison oversight boards, with prisoner access without fear of reprisals;
- AFSC requests congressional action to require full collection and comparative reporting, by the Department of Justice, of data on all solitary confinement in U.S. federal, state and local prisons and jails.

Thank you again for this opportunity to express the views of the American Friends Service Committee. We welcome the opportunity for further dialogue and discussion about these important issues.

Appendix

These and other AFSC materials on solitary confinement may be found on our resource page:
<http://afsc.org/resource/solitary-confinement>

Reports

The Lessons of Marion: The Failure of Maximum Security Prison, A History and Analysis, 1985

The Use of Control Unit Prisons in the United States, 1997

Survivor's Manual, 1997; tinyurl.com/qa-sis

Torture in US Prisons – Evidence of Human Rights Violations, 2001

Our Children's House, 2002

The Prison Inside the Prison: Control Units, Supermax Prisons, and Devices of Torture, 2003;
tinyurl.com/qa-pip

Buried Alive: Solitary Confinement in Arizona's Prisons and Jails, 2007; tinyurl.com/qa-buried-az

Tolerating Failure: The State of Health Care and Mental Health Care Delivery in the Michigan Department of Corrections, 2007; http://prisoneradvocacy.org/downloads/tolerating_failure_sans_title.pdf

Buried Alive: Long-Term Isolation in California's Youth and Adult Prisons, 2008;
tinyurl.com/qa-buried-ca

Inalienable Rights, 2009.

Private Prisons: The Public's Problem, 2012; tinyurl.com/qa-private

Books

Beyond Prisons: A New Interfaith Paradigm for Our Failed Prison System, by Laura Magnani and Harmon Wray, 2006; www.quakerbooks.org

When the Prisoners ran Walpole: A True Story in the Movement for Prison Abolition, by Jamie Bissonette with Robert Dellelo, et al, 2008; <http://southendpress.org/2007/items/87705>

Marshall Law: The Life and Times of a Baltimore Black Panther, by Marshall "Eddie" Conway and Dominique Stevenson, 2011; www.quakerbooks.org

Film/DVD

Stop Torture in U.S. Prisons! by Claire Schoen with Tony Heriza tinyurl.com/qa-torture

Concrete, Steel & Paint, by Tony Heriza and Cindy Burstein; www.concretefilm.org