

Submission to the Senate Subcommittee

TO: Chairman Durbin and Ranking Member Graham

A Question of Torture

“International law prohibits every act of torture or other cruel, inhuman or degrading treatment or punishment, no matter where, when, or against whom it is perpetrated . . .”¹

Systemic and severe violations of international human rights law are an endemic—and suppressed—feature of prison conditions in the United States. During the last thirty years the United States has embarked upon a project of race- and class-based mass incarceration unlike anything the world has ever seen. Emerging in this same period has been the regime of super-maximum security prison units, where people are held in solitary confinement between 22-24 hours a day, seven days a week, often for years on end. These units are defined by severe restrictions on visitations, phone calls (which are often prohibited), incoming and outgoing mail, limits on in-cell legal and personal property, and prohibitions on cell decorations. Medical neglect, physical and psychological abuse, food deprivation, racism, and other human rights violations flourish in these conditions, which are effectively hidden from public scrutiny.

The Human Rights Coalition of Pennsylvania (HRC) is a group of current and former prisoners, family members, and supporters working to abolish solitary confinement, mass incarceration, and the political and economic inequalities responsible for systematic, pervasive, and worsening human rights violations inside and outside of the prison walls in the United States. During the past decade we have documented hundreds upon hundreds of instances of torture and other cruel, inhuman and degrading treatment inside the solitary confinement units of Pennsylvania Department of Corrections (PA DOC). The approximately 2,500 prisoners warehoused in solitary by the PA DOC are held in units where physical abuse, psychological deterioration, retaliation for exercising constitutionally-protected rights, food deprivation, extreme social isolation, severely reduced environmental stimulation, theft and destruction of property, obstruction of access to the courts, and racist abuse are normative features. These conditions are not unique to Pennsylvania, and it is long past time that they are exposed and eradicated once and for all.

As described below and in other submissions presented to this subcommittee, the austere, abusive, dehumanizing conditions of solitary confinement fit the legal definition of torture articulated in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment² and are strictly prohibited under international human rights

¹ Nigel S. Rodley with Matt Pollard, THE TREATMENT OF PRISONERS UNDER INTERNATIONAL LAW 81 (3d Edition 2009).

² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 1(1), Dec. 10, 1984, 1465 U.N.T.S. 85 (defining torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”).

law and the U.S. Constitution. The absolute prohibition on torture is recognized as a *jus cogens*, or peremptory norm of international law that is binding on all governments.³ No treaty or domestic statute can supersede this prohibition.⁴ The prohibition against torture is subject to universal jurisdiction and obligates governments to apprehend and bring to justice perpetrators wherever they are to be found.⁵

The Committee Against Torture, European Court of Human Rights, and Inter-American Court of Human Rights have all stressed that solitary confinement “should be ‘an exceptional measure of limited duration’ that is subject to strict judicial review both when it is applied and when it is prolonged.”⁶ This position was endorsed in the Istanbul Statement on the Use and Effects of Solitary Confinement that was adopted in December 2007 at the International Psychological Trauma Symposium, which declared that “[a]s a general principle solitary confinement should only be used in very exceptional cases, for as short a time as possible and only as a last resort.”⁷ The statement emphasized that when solitary is imposed it should be done in a manner that “raises the level of meaningful social contacts for prisoners” via the provision of meaningful activities in and out of their cells, social interactions with other prisoners, more visits from family and community members, as well as in-depth discussions with psychologists, psychiatrists, and religious personnel.⁸

The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment, Juan Mendez, recently submitted a report to the General Assembly on solitary confinement that resoundingly affirms the position that U.S.-style supermax units are criminal under international law.⁹ Noting his opinion “that all human rights standards are subject to the norm of ‘progressive development,’ in that they evolve in accordance with emerging new features of repression,”¹⁰ the report states that “the social isolation and sensory deprivation that is imposed by some States does, in some circumstances, amount to cruel, inhuman and degrading treatment and even torture.”¹¹ Clarifying just what circumstances rise to the level of a violation of international human rights law, the Special Rapporteur declared that punitive or prolonged solitary confinement constitutes torture or cruel, inhuman or degrading treatment in all instances. When imposed “for the purpose of punishment,” solitary confinement “cannot be justified for any reason, precisely because it imposes severe mental pain and suffering beyond any reasonable retribution for criminal behavior,” in violation of the CAT.¹² In addition, Mendez found that

³ Rodley, *supra* note 1 at 65-66.

⁴ *Id.*

⁵ *Id.* at 49.

⁶ Jules Lobel, *Prolonged Solitary Confinement and the Constitution*, 11 U. Pa. J. Const. L. 115, 129-30 (2008).

⁷ Rodley, *supra* note 1 at 407.

⁸ *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Annex, U.N. Doc. A/63/175 (July 28, 2008).

⁹ *Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment* U.N. Doc. A/66/268 (August 5, 2011) (Defining solitary confinement in ¶ 26 as “the physical and social isolation of individuals who are confined to their cells for 22 to 24 hours a day.”).

¹⁰ *Id.* at ¶ 37.

¹¹ *Id.* at ¶ 20.

¹² *Id.* at ¶ 72 (Noting that “[t]his applies as well to situations in which solitary confinement is imposed as a result of a breach of prison discipline, as long as the pain and suffering experienced by the victim reaches the necessary severity.”).

“any imposition of solitary confinement beyond 15 days constitutes torture or cruel, inhuman or degrading treatment or punishment,” and called on the international community to adopt such a standard and impose “an absolute prohibition on solitary confinement exceeding 15 consecutive days.”¹³

International law, as codified in treaties that are recognized as the Supreme Law of the Land under the U.S. Constitution, mandates that local, state, and federal governments have an affirmative duty to conduct independent, legitimate and transparent investigations and prosecute guards and officials involved in the perpetration or enabling of torture and other cruel, inhuman, and degrading treatment of prisoners. Survivors of torture are entitled to justice and state officials of every jurisdiction are responsible for ensuring the abolition of torture within institutions subject to their control.

Psychological Trauma of Solitary Confinement

Solitary confinement units, by design and intent, inflict immense and predictable psychological suffering and trauma. In 2009 HRC submitted questionnaires to over 75 prisoners throughout the state about conditions in solitary confinement units. Responses to these questionnaires confirmed that a disturbingly large number of prisoners in solitary have experienced one or many of the following symptoms: depression, nervousness, difficulty concentrating, deterioration of social skills, speech impairment, feelings of rage, agitation, inability or difficulty sleeping, fatigue, and mood swings. Prisoners have reported setting their cells on fire, self-mutilation, and attempts to hang themselves. The mandated response from prison staff in these circumstances is to send guards in riot gear into the cell to “extract” the prisoner, often attacking him or her with pepper spray first, and then forcibly transporting the cuffed and shackled prisoner to a psychiatric observation cell where he or she is subjected to even more intensive isolation. Several prisoners have reported being kept in these cells without bedding, a mattress, running water, or clothes for days at a time. This brutality exacerbates and multiplies the incidence of mental health problems inside prisons.

HRC has also received numerous reports of guards encouraging, suggesting, and goading prisoners to commit suicide and not responding to requests for mental health care. When mental health care is provided, it is grossly inadequate to the point of being completely ineffective. Psychotropic drugs are often administered in lieu of necessary counseling, and these prescriptions are sometimes stopped arbitrarily with devastating effects.

On April 24, 2009, Matthew Bullock, a prisoner housed in solitary at State Correctional Institution (SCI) Dallas, Pennsylvania, committed suicide by hanging. In the days and weeks that followed HRC obtained 8 statements from other prisoners testifying that: (1) Bullock was severely depressed as a consequence of conditions in the Restricted Housing Unit (RHU), where he was being held in violation of a judge’s sentencing order that he serve his time in a secure mental health institution; (2) Bullock made staff aware of his urge to commit suicide; (3) Bullock was taken off psychotropic medications despite his mindset; (4) guards ignored his plea for help and even encouraged him to kill himself; (5) guards moved him from a cell with a camera to a cell without a camera after Bullock threatened to kill himself; (6) staff then failed to make rounds for at least four hours during which time Bullock killed himself.

On May 6, 2011, John McClellan, a prisoner with a history of mental illness in SCI Cresson’s RHU, committed suicide. HRC received four letters stating that prison guard

¹³ *Id.* at ¶ 76.

McCullen and Sgt. Bejmovic encouraged McClellan to kill himself after he sought help for his mental condition. Another report indicated that Unit Manager Michelle Houser ignored the warning signs of his mental crisis. Guards then retaliated against prisoners who filed grievances on the staff members who incited McClellan to suicide.

On December 1, 2011 the Department of Justice launched a civil rights investigation into SCI Cresson and SCI Pittsburgh based on reports of human rights violations. The DOJ will investigate SCI Cresson to determine if the prison “provided inadequate mental health care to prisoners who have mental illness, failed to adequately protect such prisoners from harm, and subjected them to excessively prolonged periods of isolation, in violation of the Eighth Amendment to the U.S. Constitution.”

Testimony from Christopher Balmer, May, 2011 at SCI Cresson: “I attempted to kill myself over 7 times while at SCI Cresson and destroyed my body with razor blades. The administration ignored my pleas for help, the same administration that is locking me down in the RHU long term (since 2007) with no prospect of release in the near future. They know of my extensive mental health issues and my problems w/ self mutilation and suicide attempts when depressed and severely stressed. As a long term resident in the RHU and as a mental health inmate, the risk of death is high due to the environment of solitary confinement long term increasing the risks of suicide. Since the SCI Cresson administration does not like me for pressing litigation against them in a state court and civil court they are playing hardball and refusing to ... help me w/ my problems w/ self mutilation and suicide attempts. I’m not benefiting from sitting in an RHU setting with no mental health treatment. I’m actually getting more depressed stressed out and my hypertension is getting worse due to fear of physical assault by this administration. I was already told by the superintendent that he’s going to have guards kill me and cover it up as a suicide. Each day I’m in fear of assault and death.”

A Culture of Terror and Abuse

Within this context of social isolation and deprivation, whereby certain people are deemed unworthy and rendered unable to exercise the most basic elements of their human personality, it is unsurprising that brutality flourishes. Instances of staff mistreatment “cannot be characterized as unfortunate but merely occasional incidents to solitary confinement; they are too often an integral part of the experience.”¹⁴

A review of thousands of pages of letters, affidavits, grievances, misconducts, other prison documents, legal paperwork, and conversations with family members and support people has revealed a culture of terror within the solitary confinement units in PA prisons. HRC has spoken and corresponded with survivors of this abuse, people who have been beaten, had their bones broken, been saturated with pepper spray and left in excruciating pain for hours, repeatedly shocked with 50,000-volt charges, had glass, insects, and dirt placed in their food, and who have been subjected to casual and routine use of racist language and images.

A culture of terror is defined as a set of assumptions and practices that divide a community into those with absolute power and those who are absolutely powerless. This dynamic is inherent within the logic of prisons, and is at its most intense in the solitary confinement units. Any attempt to upset this totalitarian balance and its dehumanizing logic is met with remorseless brutality by those in power. The core elements of this culture of terror

¹⁴ Craig Haney and Mona Lynch, *Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement*, 23 N.Y.U. Rev. L. & Soc. Change 477, 531 (1997).

include: arbitrary and biased processes for establishing who is placed in solitary; utilization of fabricated misconducts as a tool of retaliation; systematic denial of prisoner grievances regardless of their merit; the use of violence as a standard technique for enforcing obedience; refusal to engage in constructive dialogue on the part of prison authorities; targeting witnesses of abuse for purposes of intimidation; displays of overt racism as a tool of dehumanization.

Those with power in this culture reinforce their rule through a strict code of silence whereby they refuse to inform on one another to those higher up or outside of the prison hierarchy. Prison guards enforce their rule through threats and use of force, along with deprivations of basic necessities such as food, water, hygienic items, cleaning supplies, clothing, and bedding. Prison administrators and top officials of the PA DOC adopt an informal though strictly enforced policy of turning a blind eye to reports of torture and abuse.

Professor of Corrections and Correctional Law at Minnesota State University, James Robertson, has stated that “Retaliation is deeply engrained in the correctional office subculture; it may well be in the normative response when an inmate files a grievance, a statutory precondition for filing a civil rights action.” He also refers to a survey of Ohio prisoners that found “that 70.1% of inmates who brought grievances indicated that they had suffered retaliation thereafter; moreover, 87% of all respondents and nearly 92% of the inmates using the grievance process agreed with the statement, ‘I believe staff will retaliate or get back at me if I use the grievance process.’” As Robertson says, guards who retaliate “cannot be regarded as rogue actors. They act within the norm.”¹⁵

At the end of September 2010, prisoners in the solitary confinement units at SCI Huntingdon began a sustained campaign of organized, non-violent resistance. The initial protest occurred on September 29, 2010, when eight prisoners refused to return to their cells from the exercise cages where they are provided one hour of time outside of their cells five days a week. Anthony Allen, Theodore Byard, Vincent Hallman, Rhonshawn Jackson, Kyle Klein, Eric Mackie, Gary Wallace, and Jeremiah Weems staged a peaceful demonstration in protest of the “abuse, racism, retaliation and witness intimidation” they were being subjected to. The prison responded with violence: “we were all sprayed with [pepper spray] and forcibly removed from the exercise yard. We were then brought into our cells with the spray all over our skin which continues to burn until it is properly washed away. Approximately 4 hours later I was burning so bad and my breathing was so hampered that I had to cover my cell door to force a cell removal so that I could receive medical attention.” Another of the non-violent protestors stated, “I was then forcibly extracted from my cell taken to an isolation cell where I was stripped naked, with no running water, or working toilet, and left to sleep naked on a concrete slab. As a result my hips were bruised, sore, and I am in extreme pain.”

Non-violent protests continued throughout the month. In all, HRC received reports that fourteen men in the solitary confinement unit at SCI Huntingdon were subjected to attacks with pepper-spray and cell extracted in less than one month: Anthony Allen, Theodore Byard, Timothy Everson, Vincent Hallman, Eric Iorio, Rhonshawn Jackson, Jamiel Johnson, Anthony Jones, Kyle Klein, Anthony Martin, Jesse Ring, Naseer Shakur, Gary Wallace, and Jeremiah Weems. Despite the absolute refusal by the prison to address their grievances, many of those involved in the protests refused to be deterred. “Their goal is to stop us from speaking out against them,” wrote Kyle Klein, “but it will never work, not a chance in hell, or the hell we are in.” He added: “Even when winning is impossible, quitting is far from optional.”

¹⁵ “*One of the Dirty Secrets of American Corrections*”: Retaliation, Surplus Power, and Whistleblowing Inmates, 42 U. Mich. J.L. Reform 611 (2009).

Vincent Hallman explained his willingness to engage in non-violent protest and risk certain violence “because your honor of being seen as a human being is at stake and your right to be treated as one is being stripped away from you so you’ll take the chances of being hurt in the process cause it’s worth it. That’s courage.”

This cycle of dehumanization and abuse once again turned lethal in Pennsylvania on April 26, 2012, when John Carter, a 32-year-old state prisoner from Pittsburgh, was killed by prison staff during a cell extraction in the solitary confinement unit at SCI Rockview. A cell extraction is a procedure where six guards suit up in riot gear armed with pepper spray, a stun shield and taser, and enter a prisoner’s solitary confinement cell and forcibly subdue, handcuff and shackle him. According to witness accounts, prison guards filled Carter’s solitary confinement cell with an extraordinary quantity of pepper spray prior to opening his cell door, tasing and assaulting him. One report stated that the incident began after Carter protested being deprived of food. Another prisoner reported that during the cell extraction he could hear Carter say, “Alright, alright, I’m coming out. Let me cuff up.” The same report stated that he then heard a guard say, “No, you should’ve come out when we asked you the first time,” and that the guards continued to spray Carter, “turning his cell into a gas chamber.”¹⁶

John Carter had been held in solitary confinement in several different prisons for the last eight to eleven years where he had developed a reputation as a jailhouse lawyer willing to speak out against the rampant and endless cycle of human rights violations in prisons throughout the PA DOC. A fellow prisoner wrote of Carter: “He was a person of integrity. He did not believe in abuse of others, especially the abuse of prisoners from prison guards. If he could help someone in understanding the law, he was there. And he had a lot of patience with others, especially the mentally impaired.”

Years and Decades Inside the Prison within the Prison

That John Carter spent approximately one decade in solitary confinement is a fate shared by many others in the PA DOC, although the number of people being held in such long-term solitary confinement is unknown. As of August 2010, the PA DOC confirmed that 85 persons were currently being held on the Restricted Release List (RRL), a form of indefinite, possibly permanent solitary confinement that is subject to an elaborate process for release to general population that must be authorized by the unit staff at the prison, the warden, the regional deputy secretary of the department, and finally the secretary of corrections. Though the PA DOC has refused to release the names of prisoners on the RRL, many prisoners have been individually informed that they are on RRL status. Interviews with these prisoners show that the majority of people on this list are people of color and many have a reputation as jailhouse lawyers or human rights defenders inside the prison.

One person being held in long-term solitary is Russell Maroon Shoats, a 68-year old prisoner who has spent the last twenty-one years in solitary confinement. He has not been issued any misconducts for violating prison rules in more than two decades. Despite this record, prison authorities continue to hold him in 23-24 hour lockdown at SCI Greene, allegedly because he managed to escape from state prisons on two occasions more than thirty years ago. However, during a visit with SCI Greene’s warden Louis Folino, a visitor was informed that Maroon is

¹⁶ For coverage of the killing of John Carter see PA Prison Report May 7 (<http://hrcoalition.org/node/211>); PA Prison Report May 14 (<http://hrcoalition.org/node/213>); PA Prison Report May 21 (<http://hrcoalition.org/node/215>).

actually being kept in solitary confinement due in substantial part to his role as an organizer and a political dissident, a straightforward admission that he is being targeted for exercising constitutionally-protected rights.

During the seventies and eighties, Maroon was frequently placed in solitary confinement in order to repress his organizing ability. Maroon was placed in solitary after being elected as president of the DOC-approved lifers organization in 1982. In 1989, after a prisoner uprising at SCI Camp Hill in central Pennsylvania, Maroon was temporarily transferred to the federal penitentiary in Leavenworth, Kansas, although he was not confined at SCI Camp Hill during the uprising and played no role in it. During his eighteen months in federal custody, Maroon was held in the prison's general population without incident. Upon his return to Pennsylvania, he was immediately placed in solitary confinement, where he has remained to this day in violation of his right to be free from torture and other cruel, inhuman and degrading treatment.

Paul Rogers is another prisoner on the RRL. He has spent the last twelve years in solitary confinement after he assaulted a guard in the year 2000. This incident occurred after an earlier period of solitary confinement (which is known to produce anger and lack of impulse control). He has not had a serious disciplinary infraction in the last twelve years, and despite being recommended for removal from the RRL and release into general population, the former Secretary of the PA DOC, Jeffrey Beard, rejected the recommendation without explanation.

Other prisoners, some on the RRL and some not, have been held in solitary confinement for more than five years, many for a decade or longer: Carrington Keys, Andre Jacobs, Damont Hagan; Andre Gay, Jerome Coffey, Hector Huertas, Caine Pelzer, Gary Tucker, Chris Washington, Michael Edwards—these are a handful of the hundreds of people in Pennsylvania who have been forced to survive in an atmosphere dedicated to destroying their humanity.

In addition to being an unconscionable and illegal violation of human rights and constitutional law, solitary confinement fails to achieve its stated objectives of improving prison security and public safety. Counter to the claim that solitary confinement improves security, decreases violence, or produces any significant positive outcomes is that “there are no credible or convincing data” supporting such an assertion.¹⁷ In stark contrast to the “massive body of evidence” documenting the suffering caused by solitary confinement, there is an “absence of documentation” supporting claims that the practice achieves its stated objectives.¹⁸ That there is an absence of any data to support the hypothesis that solitary confinement reduces violence and improves security is further confirmed by the emerging trend in certain states to reduce the solitary population as a cost-saving measure, disproving the fraudulent claims of prison officials that these units are needed to preserve “order” and “security.” To the contrary, extant research and analysis strongly suggests that the use of solitary confinement is counter-productive in regard to reducing violence and positively reforming antisocial behaviors.

Prisoner Protest and Leadership in Defense of Human Rights

It is unlikely that a senate subcommittee hearing would have ever been convened to discuss the issue of solitary confinement were it not for the movement of non-violent resistance in solitary units across the nation. In July 2011, a hunger strike in the Security Housing Unit

¹⁷ Haney & Lynch, *supra* note 14 at 534-35; *See also*, Jennifer R. Wynn and Alisa Szatrowski, *Hidden Prisons: Twenty-Three-Hour Lockdown in New York State Correctional Facilities*, 24 Pace L. Rev. 497, 514 (2004).

¹⁸ *Id.* at 536.

(SHU) of Pelican Bay State Prison in California spread to nearly a third of the California Prison system, generating national and international attention. A supporter of the striking prisoners explained the reality of those trapped in the SHU: “They had exhausted the legal process, going through the avenues, no matter how narrow, outlined by the prison administration. They had nothing else besides their bodies to use.” Swelling to include 6,600 prisoners, the July strike was the beginning of a renewed struggle against the conditions of solitary confinement in California prisons, and has resulted in a federal lawsuit challenging the use of long-term isolation in California.

California was not the first major hunger strike in the nation or the most recent. Prisoners held in solitary units in North Carolina, Ohio, and Virginia have staged hunger strikes in recent months, and countless others have occurred across the nation. Each strike has focused mainly on the policies that place and keep prisoners in solitary units. In California one of the core policies used to hold people in indefinite solitary confinement is the “gang validation” program, which targets prisoners based on their alleged affiliations with a gang, a determination that is often made on the basis of secret and unreviewable evidence. In order to be released from the SHU, a prisoner has to become a state informant, providing any and all information about the gang, thus placing that person and their family at serious risk of reprisal. In Ohio there are no guidelines for how long a prisoner can be held in the solitary unit and prisoners placed there for whatever reason can expect to stay for at least a year.

Hunger strikes and other extreme means that solitary prisoners have been driven to in order to seek redress for the glaring constitutional and human rights violations they are suffering demonstrate the fundamental inhumanity of the use of solitary. It is prisoners themselves who have taken leadership in speaking out against their own dehumanization and that of their fellow prisoners, and it is they who have been most instrumental in exposing the true nature of prison life in this country. Filing grievances and lawsuits, alerting outside governmental and non-governmental agencies, mobilizing friends and support people are all routine acts of non-violent, constitutionally-protected protest and whistle-blowing. Those who engage in hunger strikes and other individual and collective acts of protest and non-violent resistance do so at great risk to themselves, as prison officials almost uniformly treat attempts to address grievances as acts of subversion to be violently suppressed. It is the efforts of those inside these units fighting to hold onto their sanity and their humanity that have alerted and motivated the growing array of support groups, family members, civil and human rights groups, lawyers, mental health experts, and legislators to begin to recognize the scale of and urgency of their predicament.

Recommendations

While our government purports to be concerned about human rights and the rule of law globally, the unacknowledged human rights crisis inside U.S. prisons indicates that the government is not in a position to lecture others on these subjects. A fundamental change in public consciousness and governmental priorities is long overdue if the U.S. is to begin to bridge the vast chasm between its stated respect for the rule of law and the reality of widespread and normalized torture and other ill-treatment in the prison system.

The United States Congress is profoundly implicated in these widespread and systemic human rights violations. In addition to embarking on a historically and globally unprecedented experiment in race and class-based mass incarceration, the passage of the Prison Litigation Reform Act in 1996 raised deliberate obstacles to prisoners’ ability to vindicate their civil rights

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in U.S. courts. If this hearing is to be the beginning of a serious, constructive engagement with the urgent and worsening human rights crises inside U.S. prisons, it is imperative that the voices, experiences, and leadership of current and former prisoners and those communities most impacted by solitary confinement and mass incarceration are at the center of reversing this culture of dehumanization. Some recommendations toward the abolition of torture in U.S prisons that can be acted on by the U.S. Congress include:

1. Holding further hearings in Washington, D.C. and in the home districts of individual representatives and senators that feature the testimony of current and former prisoners, their families, civil and human rights organizations, and other relevant experts and advocates. These hearings must directly confront the debilitating psychological impact of solitary confinement and its use as a tool of terror and repression.
2. Creating a commission to investigate torture and other ill-treatment within state and federal prisons. This commission shall be shaped by prisoners and their families and focus on the voices and experiences of those whom have survived solitary confinement torture. The commission must be granted the authority to subpoena government officials and prison officials and records. Periodic progress reports will be mandatory and the commission must be granted the authority to bring criminal charges as soon as the evidentiary threshold for such is met. All records of the commission's investigation shall be made available upon request in order to satisfy the requirements of transparency.
3. Introducing legislation to prohibit torture and other cruel, inhuman and degrading treatment in county, state, and federal prisons, including military prisons. Solitary confinement should be identified as a *prima facie* statutory violation of this law.
4. These recommendations should be construed as part of a broader process of Truth and Accountability that seeks to abolish solitary confinement, other forms of torture, and mass incarceration. This process will only be effective if it is rooted in the leadership of prisoners and communities targeted by policies of mass incarceration.