

**Statement of Six People Who Were Wrongly Convicted on
Their Experiences in Solitary Confinement**

**Hearing Before the Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights**

June 19, 2012

**Regarding
Reassessing Solitary Confinement:
The Human Rights, Fiscal, and Public Safety Consequences**

The Innocence Project, a founding member of the Innocence Network, submits the following six statements of exonerated men and women who have served time in American prisons and jails for crimes they did not commit. These innocent men and women experienced solitary confinement the way that thousands of other Americans have experienced such conditions. Six to thirty years after their original confinement, these individuals were proven innocent. Their experiences are typical of the experience of millions of people who have been confined in institutions that routinely and excessively use solitary confinement as a way to manage incarceration. These six innocent individuals add their voices to the many others that ask the Congress to stop this practice.

We wish to thank Chairman Durbin, Ranking Member Graham, and members of the Subcommittee for understanding the importance of exploring, and hopefully dramatically modifying the use of solitary confinement in this country. While these are the statements of the six exonerees to whom we reached out upon learning of this hearing, we know that there are many others who could attest to the inhumane practice of maintaining people in isolation for extended periods of time. As the Senate Judiciary Committee, and hopefully the Congress, continues to explore and address this issue, we would be happy to reach out to other exonerated men and women to share their experiences with you.

Statement of Julie Rea, wrongfully imprisoned for three years by the state of Illinois before her exoneration in 2006

No blanket, underwear or pillow. The lights were on 24/7. And no bed mat either. The metal slab that was my bed was hard. Especially since my weight was down and there was nothing between my hips and it, except for the thin cotton outfit in orange.

I was in solitary so that I wouldn't do anything rash, having been brought in on a charge of murdering my own son. I was considered at-risk of depression because I had been charged, not because anybody realized that I was locked up for something I didn't do. Actually upon entering the jail I felt hopeful that the police would discover before long they had the wrong person and let me go. I was wrong. Dreadfully wrong.

The jail was a dark place where truth wasn't respected highly, and humane behavior was sparse. Guards slammed the door when passing every fifteen minutes. No peace existed while I waited for the error to be righted. But then one doesn't focus on a need for peace when it is so cold. One is chattering and curled up as tightly as one can get for warmth. Still, it added to the discomfort of the experience as a whole.

Finally, trying to lie down and assume a sleep-like position seemed the best effort I could make. Shortly, I found out it wasn't. From the audio speaker the guards had access to communicate with me in the cell. There was also a video camera. So they were able to access my person and activities for 'my safety'. Not minutes from lying down, a tape was started, one of a woman being tortured. It took me a bit to realize it was a tape and not someone in the next cell in agony at the moment.

I froze. My God what could I do? What was happening? What was this place?

Then some laughs and a remark from one guard to another, "Look at her, she's playing possum."

"She's gonna be a tough one."

"Do you think she's asleep?"

"No, she's awake alright. She's just stubborn."

In reality I was neither tough, playing possum or stubborn at that point. I was just frozen with fear. I realized that the tape wasn't faked. No one screams like that and is faking it. These were the kind of blood curdling screams that come wrenched from a body that is too exhausted to give them up, but finds them escaping anyway as it jerks and responds to whatever is being done to her. They were real. Very, very real. And if these guards were willing to play this tape and take pleasure in seeing what it did to me to hear it, well, what else were they capable of?

Did they make the tape too?

This was day one and two of my experience in solitary while in a county jail. This was before I was tried and wrongfully convicted. This was the mildest form of abuse these particular guards inflicted on me during the nights I spent in that jail.

After a few months in this county jail, I received bond until my first trial. I couldn't lay still without jerking every few seconds even when sleeping, and sleeping didn't occur without someone holding me. This is not something anyone should go through. I was innocent, but it is wrong no matter what a person may actually be guilty of.

This is a commentary on our sick criminal justice and correctional system. I survived and have healed and am continuing to heal.

I've studied and read about Philip Zimbardo's work, the growing field of wrongful conviction work, and the history our country and world has that is a dark and sad account of how human nature can fail, even the best of us.

It has left me feeling less alone. But not less violated.

I sometimes wonder who the woman on the tape was. Where she is – as well as a large number of other things that involved other people I came to know during that time period.

My earnest prayer is that the men and women who assaulted my mind, body and spirit during this time will come to know love, joy and forgiveness in goodness, rather than the pleasure of the sick and twisted activities they chose at that time.

And it is my deeper prayer that somehow writing this will place a growing desire in the hearts and minds of those who read it, that they can bring health and change to our jails and prisons and courtrooms and will do so. Ideally, that we neither bring the wrongly charged and torture them trying to get a false confession, nor mistreat any of those in our system any longer. Even if we can save only one person at a time, that is often the key to changing a whole system.

Statement of Cornelius Dupree who was wrongfully imprisoned for 30 years by the state of Texas before DNA proved his innocence in 2011

When I first went into prison, I was really upset and stubborn because I was imprisoned for a crime I didn't do. I was getting written up a lot for not going to work and for not doing this and that. Around 1980 or 1981, I was working in the fields picking cotton at Cofield Prison. I got into a fight with one of the other inmates. I was charged with fighting with a weapon, even though I didn't have a weapon and was sentenced to 15 days of solitary.

If you were in solitary, you were only given a full meal every third day. The first day, you would get a spoonful of rice, a spoonful of beans and a roll. It was very dehumanizing. On the third day, you get a full meal but you'd be so hungry and weak that it wasn't enough. Without food for three days , you have to be careful about how fast you eat it because you'll get sick. In the 15 days I was in there, I lost 15 pounds.

I was also very cold from lying on steel. They give you one blanket. It wasn't very long, and you had to ball up in a knot for it to cover you. It was very dirty. It was dark. You don't know if it's day or night. You don't get recreation. They called it "the hole." There were no phone calls, there was no visitation. It was the worst thing that they had, and I'll never forget it.

**Statement of Robert Dewey who was wrongfully imprisoned for
17 years by the state of Colorado before DNA testing proved his innocence in 2012**

In 2002 or 2003, I got put in the hole because of my own medication. I was on Tylenol 3 because I had undergone back surgery, and they gave me a drug test. I told them I'm on medication, and they said that's okay we can distinguish the difference. But apparently they couldn't, because even though I gave them all my medical records, they said I tested positive for opiates and morphine.

When you're in solitary, you sit in the cell 23 hours a day for seven days a week with one hour out for yard. In that hour, you walk around in a concrete area. You really don't even get 60 minutes, because you need at least 15 minutes so you can take your shower.

Everybody likes human contact, so when you first get thrown in there and you're not used to it, you freak out a little bit. Your nerves kick in and you have to go down deep inside yourself and try to fight back against it.

For meals, they give you what they have to give you, no more and usually a lot less. You have to eat with a plastic spork. You lose weight because you don't eat as much, and then you also try to exercise to pass the time.

When you're down in the hole and you need help, you're really out of luck. The guards come by about once an hour, and they act like it's an inconvenience. Medication only comes at a certain time. For me, it was 6 a.m. and then not again until 7 p.m., regardless of what the doctor had prescribed.

**Statement of Nicholas James Yarris, former death row prisoner from the state of Pennsylvania who
spent 23 years in solitary confinement before his exoneration through DNA testing in 2003**

Although I may not appear before you this day, I hope that the following efforts I make in writing can

lend to all a clear understanding of what solitary confinement is to a human enduring it long term.

I am, unfortunately, a walking encyclopedic source of information about solitary confinement. Having spent an astounding 8000-plus days locked within a cell 23 hours a day, I have witnessed or understood every form of deprivation or sensory starved confinement one can know.

There are two features to solitary confinement that I wish to address here in this statement.

First, the most degrading mental breakdown to men comes from the physical confinement. In the three decades I spent watching new prisoners come to death row in Pennsylvania, I saw with little variation, the breakdown of the personality of men initially entering death row. This occurs when all structure from your previous life hits full stop and you are left with ordered times for every facet of your care. Combined with intentional cruelty inflicted upon men in maximum-security settings, makes most men break down in their first two years. I entered death row at age 21, being the second youngest man on death row in my home state at the time in 1982.

In subsequent years, I saw death row swell in numbers from 24 in 1982, to 250 in 2004 by the time I was set free. I saw endless processions of men enter death row only to see that within two years each one either committed violence on others, self harmed or had serious mental breakdowns and required long term medications to keep them stable. Of the three men executed by Pennsylvania, two were heavily medicated psychiatric patients with long term mental health issues.

I have witnessed numerous suicide attempts and 11 successful suicides. I myself have not only attempted my own suicide at age 21, but later in my incarceration, in 2002, I asked to be executed rather than to continue being held in endless degradation.

It was only because of my asking to be executed that the DNA tests I sought for 15 years had been forced upon the state. I was not let out of solitary confinement until the day I was set free. I was exonerated by DNA in July of 2003 and was not released until January 2004. In the last months I was stripped of all death row privileges and was placed in an administrative/disciplinary housing unit where I was allowed nothing at all in my cell.

I was brought before the prison administration of Green County Prison in Pennsylvania once DNA had been used in court to remove all of my death row convictions. I was told that I posed a threat to the staff because in the years confined within solitary confinement, having my hand crushed by a guard or other things done to me made them fear me. I was told that they feared I would lash out at them because they could not accept that anyone who had been subjected to the things done to me could not want vengeance.

I guess the loudest words of damnation come from the very mouths of those who inflict the hurts they know make them the ones to be feared.

The second aspect of solitary confinement is the detriment of not having any new input. When a man is incarcerated long term his demons are not all around him, it's in every stupid mistake and every memory of pain his yesterday held.

That is what destroys anyone with decent feelings: The many stupid mistakes we made before that door shut. Every lie we told, every fight we had, every time we were embarrassed or hurt. It all bears down on

you like some sick film reel of your life endlessly playing out what WAS your life. Prisoners die a thousand memories a day I was once told. I believe it is true.

Without structure we as humans break down or have our weaknesses magnified to the point of being overwhelmed. We need to have art, literacy and any form of in-cell programming we can if we care about not just erasing humans in cells. We need to understand that there are those who need to be separate from others. We have to look at the form of separation that provides security for staff and handles the burden on the state to care for the prisoner.

I think that the United States Government should seek programming and penal ideals from around the world and attempt to use as many of these as we can to better prisons for both inmates and staff. Although it was not part of this statement in focus, we must really be aware that brutal regimens in prison break down the staff in their mental outlook. Prison guards have higher than average rates of suicide and divorce and alcohol abuse because of what they are being made to do to other humans. Solitary confinement is not a cure to violence nor a control to behavior. It is a short term part of what has to be long term strategy.

I now live in the United Kingdom. I hold a steady job and have a loving partner and we plan to marry next year. I have not wasted my time in anger for the many years I spent in solitary confinement. I also thank God for the hard work I spent studying and growing while inside.

I have been in the company of dignitaries, government officials, celebrities and powerful figures in society. I walk around society today no different than anyone else... and yet, I was on the FBI's most wanted list and came as close as 90 days away from being executed.

For all of Pennsylvania's efforts to hold me in solitary confinement because I was so dangerous was, in the end, a facade.

I make this last point not to be facetious, but to point out the reality that every prisoner at some point is going to get out, either on his feet or not. I am able to look at what was done to me and see beyond the draw of anger or pain. Not everyone is going to feel as I do, and they are going to be worse in society than they were before we subjected them to solitary confinement.

Lastly, I would like to add that in no way do I wish to take away from any respect shown to the families of those harmed by men who are placed in solitary confinement, and I also wish to acknowledge the few kind and compassionate human beings I met while in prison who rose above the setting and treated me with dignity or respect. Those are the moments I choose to hold onto from my time held within a cell.

Statement of Clarence Elkins, Wrongly Imprisoned in Ohio for 6 ½ Years

My name is Clarence Elkins, and I served six and a half years in prison for crimes I did not commit.

When I was in prison in Lucasville, Ohio, I had to take drug tests. It was difficult for me to use the restroom in front of so many people. Even though I gave them a sample and passed the test, the sergeant said that I had refused testing and put me in the "hole."

The next time, I was put in solitary because I had been having psychological problems. I was hearing people plotting to kill me. I pretty much lost my mind. I didn't get to talk to anyone—they just put me in

solitary until they thought I was OK, and then they let me out and put me right back where I had been. A couple of weeks later, they put me back in solitary.

The last time, I was in solitary for three months. It turned out that the actual perpetrator of the crimes I was convicted of was serving time in the same prison, so they put me in “protective custody” because they thought I might be in danger. I did absolutely nothing wrong, but I was treated the same as everyone else in solitary. I didn’t get any assistance from the staff—they would walk right by me like they didn’t see or hear me. I felt neglected and completely invisible. I felt like I didn’t mean anything.

The noise in solitary is unbearable. Twenty-four hours a day there are inmates hollering and screaming about nothing. I thought I was going to lose my mind one night—I just started screaming too. It’s just such a lonely place. It’s the worst of the worst. Prison is bad, but solitary is really bad. No visits, no family, limited reading materials, screaming 24-7, terrible food, disgusting showers. Being locked up in a tiny cell that long is cruel and unusual.

When I finally walked out of the prison, some news reporters were out there waiting and someone raised my hand up in the air. I was actually numb. I thought, “OK. This is another day.” I didn’t think it was real. Coming out of solitary and into society, I just didn’t have any feelings when I walked out the door. You don’t know what to expect, or what to do. Six years later, I’m still learning how to cope.

**Statement of Herman Atkins, Wrongly Imprisoned by California for 11 ½ Years
Before Being Exonerated by DNA Evidence**

My name is Herman Atkins, and I spent more than 11 years in prison in California for a rape and robbery that DNA testing ultimately proved I didn’t commit. Being wrongly convicted and ordered to prison was a nightmare that I will never completely recover from, but the 16 months that I was forced to spend in solitary confinement was in a league all its own.

Nothing will ever compare to the way I was completely stripped of my humanity while in the “hole.” I was confined for 23 hours a day in a small windowless room. A light remained on at all times, allowing the correction officers to watch my every move. I was given one hour for time in the yard and for a shower. But there were many times when, if I picked the yard first, I didn’t get a shower. If I showered first, I wouldn’t make it out to the yard.

In the brief time I was actually allowed out of confinement, I had to contend with constant tormenting from officers who tried to set me off so that they could prolong my sentence.

All of this happened to me, and I was proven innocent. That shouldn’t matter though. When you’re confined with no ability to read, to exercise, to receive basic medical attention or to develop your mind, it’s just inhumane. I saw some people snap. They just lost their sanity.

As a nation, we must do better. When a government has the authority to treat people so poorly, it’s impossible to hold citizens to a higher standard.