

# Racism and Solitary Confinement

Solitary confinement is a form of imprisonment that isolates people in confined spaces with little or no human contact for up to 24 hours a day. Solitary restricts environmental stimulation and social interaction, often causing a severe decline in mental health. The psychological effects of isolation are exacerbated with time, and the United Nations has declared that solitary confinement beyond 15 days is cruel and inhumane, and often rises to the level of torture.<sup>1</sup> Yet in U.S. prisons and jails, people are regularly put in solitary for weeks, months, or even years.<sup>2</sup>

**The systemic discrimination that has led to the mass incarceration of people of color has replicated itself within solitary confinement.** Behind bars, people of color are more likely to be perceived as a threat by staff and more likely to face serious punishments in comparison with their white counterparts.<sup>3</sup> Both factors contribute to racial disparities in the use of solitary confinement.

## Race and Solitary by the Numbers

In 2019, the Correctional Leaders Association and the Liman Center at Yale Law School surveyed federal and most state prison systems and found that Black men make up 40.5% of the total male prison population and 43.4% of men in solitary confinement.<sup>4</sup> (In contrast, 13.1% of the male United States population is Black.)<sup>5</sup> Incarcerated Black women are even more disproportionately sent to solitary: They make up 21.5% of women in prison, but 42.1% of women in solitary. And Latino men represent 15.4% of the male prison population, but 16.9% of those in solitary.<sup>6</sup>

Similarly, a study of admissions into the New York City jail system from 2011 to 2013 found that Black people were 2.52 times more likely than white people to be put in solitary.<sup>7</sup> And a 2021 study conducted within the Florida Department of Corrections found that while Black individuals make up 43% of the prison population, they

Finally, a new study of Pennsylvania prisons found that Black and Latino men in the state are 8.2 and 2.5 times as likely as white men to be held in solitary, respectively. According to the study, 11% of all Black Pennsylvanian men born between 1986 and 1989 experienced solitary confinement by the age of 32.<sup>10</sup>

## Harsher Punishments for People of Color

*“Minority offenders may be more likely to be perceived as a disciplinary threat by correctional officers, regardless of an offender’s actual behavior. For example, a correctional officer may be more likely to perceive contraband in a black offender’s hand than in a white offender’s hand. A prison guard may also decide more quickly that a black offender is a threat as compared to a white offender, leading perhaps to increased citations for black offenders.”*

— Andrea Armstrong, “Race, Prison Discipline, and the Law”<sup>11</sup>

### BLACK MEN REPRESENT:

**13.1%**  
OF ALL MEN IN THE U.S.

**40.5%**  
OF MEN IN PRISON

**43.4%**  
OF MEN IN SOLITARY CONFINEMENT

### BLACK WOMEN REPRESENT:

**13.8%**  
OF ALL WOMEN IN THE U.S.

**21.5%**  
OF WOMEN IN PRISON

**42.1%**  
OF WOMEN IN SOLITARY CONFINEMENT

A 2016 *New York Times* investigation found that in New York State prisons, Black men received 61% of disciplinary tickets for alleged assaults on staff, while white men received only 9%. In one of the facilities investigated, Black people were nearly four times as likely to be sent to solitary as white people, and

make up 63% of those in extended solitary confinement lasting months or years. This pattern was reversed for white people.<sup>8</sup> A 2020 study from the Minnesota Department of Corrections also found disparities in the use of isolation for Black people and Native Americans compared to whites.<sup>9</sup>

were held there for an average of 125 days, compared with 90 days for whites.<sup>12</sup>

Such discrepancies exist throughout the country. A groundbreaking 1980 paper by Eric Poole and Robert Regoli found that incarcerated Black and white

individuals are equally likely to engage in rule-breaking activity, but correctional officers are more likely to report a Black person for a rule violation. For example, identical behavior may earn a write-up for “insolence” for a Black person but not a white person, since an officer may be more likely to perceive anger from the Black person.<sup>13</sup>

Since incarcerated Black people are more likely to be written up, they become more likely to establish a disciplinary record. This creates a cycle of punishment that often lands them in solitary confinement for prolonged periods of time.<sup>14</sup>

Racism permeates U.S. prisons and jails in part because of implicit biases Americans hold regarding race. Studies using implicit bias tests show that participants more quickly associate the word “bad” with Black or darker skin, and “good” with white or lighter skin.<sup>15</sup> In prisons and jails, these biases are exacerbated by pronounced racial imbalances between staff and the incarcerated. In New York, for example, 85% of the state’s corrections staff is white, but the majority of those incarcerated are people of color.<sup>16</sup>

In some cases, incarcerated people of color are punished after responding to racist verbal and physical assaults from white correctional officers. The *New York Times* article cited John Richard, a Black man who was attacked by several correctional officers, one of whom referred to him as a “monkey.” Even though he was the one attacked, Richard was found guilty of assault and spent six months in solitary confinement. Under department rules, officers have considerable leeway over what constitutes an assault; an incarcerated person can be disciplined for assault without causing an injury or even touching an officer. This unchecked power allows officers to use solitary confinement as a method to express their own bigotry.<sup>17</sup>

### Solitary Because of Mental Illness

*“The correctional officers and the psychologists at all four [prisons I’ve been in] accused me and other Black brothers with mental illnesses of just being assholes... A lot of times they won’t send us to [the Psychiatric Observation Center], but strip us naked, take all our clothes, blankets, mattresses, and leave us in our cells cold and naked and sleeping on steel bunks. They do this as punishment for acting, in their words, like an asshole.”*

— Tashon, incarcerated in Pennsylvania<sup>18</sup>

When incarcerated people of color demonstrate behavior related to mental illness, they are more likely to be punished with solitary confinement, and less likely to receive diagnoses of mental illness than their white counterparts.

The New York City jail study showed that white people in the jail were more likely to receive a mental health

diagnosis than other groups (22% of non-Hispanic whites received mental health diagnoses, compared to 16% of non-Hispanic Blacks, 13% of Hispanics, and 10% of others). Non-white mental health patients were also more likely to have waited seven days or more after admission into the jail before receiving their diagnoses. And among people who had to wait more than seven days, close to 40% of Black people and 26% of Latinos had experienced solitary confinement prior to the diagnosis, while only about 9% of whites had.<sup>19</sup>

This disparity means that people of color who are already experiencing mental illness disproportionately suffer the psychological effects of solitary, such as anxiety, depression, anger, cognitive disturbances, perceptual distortions, obsessive thoughts, paranoia, and psychosis. And for individuals with a past history of serious mental illness like schizophrenia or bipolar disorder, the stress, lack of social engagement, and unstructured days of solitary can exacerbate symptoms of illness or provoke recurrence.<sup>20</sup>

When they do receive mental health diagnoses, people of color are more likely to be assigned mood, adjustment, or antisocial personality disorders. These disorders are associated with criminality and have a harmful connotation. Meanwhile, white individuals are more likely to be diagnosed with mental disorders like anxiety or depression—disorders that are perceived to be more sympathetic and “legitimate.”<sup>21</sup>

### Solitary for Political Activism

*“Our resistance gave us an identity. Our identity gave us strength. Our strength gave us an unbreakable will.”*

— Albert Woodfox, from the book *Solitary*

For people of color in prison, being active in politics and expressing beliefs can lead to solitary. One famous example involved three Black men incarcerated in Louisiana State Penitentiary (known as Angola). In the 1970s, Black Panthers Herman Wallace, Albert Woodfox, and Robert King organized to improve prison conditions at Angola, which made them a target for the prison administration. Wallace and Woodfox were prosecuted and convicted for the murder of a prison guard, even though the state’s case was rife with inconsistencies, and were placed in solitary confinement for four decades.<sup>22</sup> Along with Robert King, who spent 29 years in solitary, they became known as the Angola 3. Then-warden Burl Cain suggested their continued isolation was a result of their politics, stating, “It’s not a matter of write-ups. It’s a matter of attitude and what you are... Albert Woodfox and Herman Wallace is locked in time with that Black Panther revolutionary actions they were doing way back when.”<sup>23</sup>

In 2002, Asian American activists Eddy Zheng, Viet Mike Ngo, and Rico Riemedio (collectively known as the San Quentin 3) were placed in solitary confinement

in California's San Quentin State Prison, after they petitioned for ethnic studies to be incorporated into the prison's educational curriculum. While Ngo and Riemedio were transferred out of solitary after the Asian Prisoner Support Committee intervened on their behalf, Zheng was kept in isolation for eleven months.<sup>24</sup>

In 2011, American Indian Movement activist Leonard Peltier was ordered to spend six months in solitary for a series of petty infractions, including being sent an unsolicited £20 bank note from a supporter in Scotland.<sup>25</sup> Peltier has continued to advocate for Indigenous

rights while incarcerated.<sup>26</sup> In a recent phone call with Representative Raúl Manuel Grijalva (D-Arizona), who has petitioned the Biden administration for clemency in Peltier's case, Peltier noted that the isolated conditions he endured in prison were not unlike those he experienced as a child in federal Indian boarding schools.<sup>27</sup>

Discrimination against activists continues today. University of Delaware sociology professor Earl Smith told Solitary Watch that while visiting Pennsylvania prisons, he found correctional officers carried their conservative political ideologies into the workplace. For example, he often saw Confederate flag stickers and Trump stickers on officers' cars in prison parking lots. He noted that their ideologies were in stark conflict with incarcerated individuals he interviewed.

Smith recounted speaking to an incarcerated man who was a former member of the California Black Panther Party. The man, who was in a semi-restraint chair, had damaged legs from being repeatedly beat up by officers. From the perspective of officers, Smith said, "you have a Black guy who is now semi-impaired who has done all these things on the outside...and now you have a chance to humiliate this person and treat them less than human."<sup>28</sup> Solitary confinement is a vulnerable location for activists, as officers can cause harm there in more secrecy.



Mural in New Orleans of Albert Woodfox of the Angola 3, painted in 2015 by artist Brandon "B-Mike" Odums in conjunction with Amnesty International.

## Reducing the Racist Use of Solitary

These recommendations are informed by the research of Professor Andrea Armstrong at Loyola University New Orleans College of Law.

- 1** Prisons and jails should ban isolation as a form of punishment for nonviolent offenses such as insolence or disobeying a direct order. These violations are vague, meaning they are susceptible to racial bias and abuse.
- 2** The status quo of courts allowing prison administrators to have complete autonomy must change. Courts consistently show deference to "the professional judgment of prison administrators," providing them with flexibility to make decisions because of the "volatile" nature of prisons and jails. This approach facilitates the use of ambiguous and unjust disciplinary rules.<sup>29</sup>
- 3** People should be able to bring and win lawsuits alleging racial bias in US prisons and jails. While the 1996 Prison Litigation Reform Act created significant barriers for all suits brought by incarcerated people,<sup>30</sup> the barriers are particularly high for claims of racial discrimination. (Courts apply deferential review for most constitutional claims by incarcerated people, but apply strict scrutiny for claims of racial bias, which requires the plaintiff to prove discriminatory intent.)<sup>31</sup>
- 4** It is too difficult for incarcerated people to contest wrongful disciplinary decisions. Courts apply the "some evidence" standard, meaning that the bare minimum amount of evidence is enough to validate disciplinary decisions.<sup>32</sup>

## Resources

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## Notes

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Solitary Watch is a watchdog organization that investigates, reports on, and disseminates information about solitary confinement in U.S. prisons and jails to promote awareness, create accountability, and shift public narratives.

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