

Solitary confinement is the widespread practice of isolating people in closed cells with virtually no human contact for days, weeks, months, or decades. Prolonged solitary confinement fits the definition of torture according to the United Nations and several other human rights bodies.<sup>1</sup> Yet at last count, on any given day in U.S. state and federal prisons and local jails, more than 122,000 people are held in these tortuous conditions.<sup>2</sup>

A growing number of individuals in solitary confinement are women. While there are far more men behind bars than women, the incarcerated female population has grown twice as fast, skyrocketing 475% from 1980 to 2020.<sup>3</sup> About 20.4% of women in prison report spending time in solitary, compared to 17.9% of men.<sup>4</sup>

**Solitary confinement is always harmful, but can be uniquely detrimental to incarcerated women, who enter prison with high rates of mental illness; past trauma; and other physical, medical, and psychological challenges that are worsened by time spent in solitary.**<sup>5</sup>

**Incarcerated women may also have pregnancy and reproductive care needs that go unmet in solitary cells. For mothers and their families, the isolating conditions of solitary can be additionally painful and harmful. Solitary is often used to hold the most vulnerable women, including individuals with mental illness, transgender women, and victims of sexual assault by staff.**<sup>6</sup>

## Women Are Sent to Solitary for Minor Infractions

*“I interviewed 51 people [in a Minnesota women’s prison] who had gone to segregation and discovered that regardless of age, race, or sexual orientation, the common denominator was not a tendency for violence, but a history of trauma.”*

— Elizabeth Hawes, incarcerated journalist<sup>7</sup>

Women are more likely than men to be placed in solitary for low-level, nonviolent offenses like noncompliance or disrespect.<sup>8</sup> One analysis found that women in prison are often disciplined two to three times more often than men.<sup>9</sup> A study of people who experienced solitary in Pennsylvania prisons found that a larger percentage of the men were sent there because they were assigned to administrative custody (used when authorities consider someone a threat, or in need of protective custody). A larger percentage of the women were placed in solitary for “defiance” or possession of contraband.<sup>10</sup>

Incarcerated journalist Elizabeth Hawes interviewed women about why they were sent to solitary, and found that many were punished for trivial reasons like singing, braiding hair, walking backwards in the courtyards, loitering, and passing food. Lashonia Thompson-El, who spent 18 years in prison, told Hawes she was placed in solitary for three months after making an unauthorized phone call to her daughter.<sup>11</sup> Correctional staff also frequently prohibit and punish platonic touching between incarcerated women, including hugs and even handshakes.<sup>12</sup>

## Many Incarcerated Women Struggle with Mental Illness and Past Trauma

*“There is a girl I know there who bangs her head ‘til it bleeds just to get out of her cell. They isolate people so they don’t have to deal with them...As a society, don’t we have a better way to deal with mental illness?”*

— Jayde Moon, placed in solitary six times<sup>13</sup>

Research suggests that disciplinary infractions by incarcerated women may be predominantly motivated by poverty, substance use disorders, or mental health disorders, which sometimes stem from abuse. Incarcerated women experienced childhood abuse at extremely high rates: In one study of women in prison, 54% reported being sexually victimized and 34% being physically abused before their 18th birthday.<sup>14</sup> The trauma continues behind bars: The Bureau of Justice Statistics reported that in 2016, 18.8% of women in state prisons had experienced serious psychological distress in the past 30 days, and 68.7% reported a diagnosed history of mental health problems. Men reported significantly lower rates of 13.8% and 40.9%, respectively.<sup>15</sup> Rates of psychological distress and mental health diagnoses were even higher in jails.<sup>16</sup>

The conditions of solitary confinement—including immense stress, lack of meaningful social contact, and unstructured days—can exacerbate symptoms of mental illness or provoke their recurrence. Often, solitary confinement leads incarcerated people with serious mental illness to require crisis care or psychiatric hospitalization.<sup>17</sup>

While prison officials often defend the use of solitary by claiming it reduces prison violence, research indicates that women are *more* prone to violent behavior as a result of time in solitary confinement, including engagement in suicide attempts and self-mutilation.<sup>18</sup> Self-harming behaviors can be an attempt to regain a sense of agency, or to gain a reprieve from the loneliness and the psychological pain of isolation.<sup>19</sup> Extended periods of idleness and isolation can also lead to dangerous mood swings, crying spells, and intense paranoia.<sup>20</sup>

*“I watched a woman claw chunks out of her cheeks and nose and write on the window with her blood,”* said Sarah Jo Pender, a woman incarcerated in Indiana. *“My neighbor bashed her head against the concrete until officers dragged her out to a padded cell. Two other women tried to asphyxiate themselves with shoestrings and bras.”*<sup>21</sup>

Mental illness can also lead to placement on suicide watch, which often looks and feels like solitary confinement. While working as a prison custodian, one incarcerated woman witnessed a young woman held in isolation in a suicide prevention cell for 21 days. The woman's condition was so serious, she did not know her own name. The cleaner told the ACLU that the woman would remove her suicide prevention smock and dance naked in front of correctional officers, who encouraged her and brought others to watch as entertainment.<sup>22</sup>

Women may also end up in solitary confinement due to the ongoing effects of past abuse. One woman who had experienced past sexual trauma was sent to solitary five times due to her inability to urinate for drug tests in front of correctional officers.<sup>23</sup> Trauma backgrounds are frequently the basis for so-called disruptive behavior that results in solitary confinement.

## Women May Be Sent to Solitary for Reporting Sexual Assault

*“A lot of us do not report any kind of staff misconduct because history has proven that any kind of reports...are found [by the administration] to be false...[and then] the people were immediately found guilty and sent to administrative segregation.”*

— Stacy Barker, plaintiff in 1996 lawsuit against Michigan DOC for widespread sexual abuse by prison guards<sup>24</sup>

The Prison Rape Elimination Act (PREA) has not stopped the widespread practice of using solitary confinement to punish those who speak out against sexual abuse by prison staff. In Kentucky, a woman who saved evidence from her sexual assault was placed in segregation for 50 days. In Illinois, a member of the prison administration threatened to add a year to the sentence of a woman who tried to report repeated sexual assaults. She was subsequently placed in solitary.<sup>25</sup>

In a particularly egregious case, FCI Dublin, a federal women's prison in California, was dubbed the “rape club” by incarcerated people. Witnesses detailed how women could be sent to solitary for reporting abuse; even the officials responsible for preventing and investigating sexual misconduct were themselves accused of abuse.<sup>26</sup>

The pattern of sending women to solitary for reporting abuse discourages other women from reporting their abuse. And once they are hidden away in solitary confinement, women are increasingly vulnerable to physical and other forms of abuse by correctional officers.<sup>27</sup> In Texas, one incarcerated writer reported that staff routinely forced women in solitary confinement to perform sexual acts, such as stripping, in exchange for goods like water and gum.<sup>28</sup>

## Motherhood and Reproductive Health from Solitary Confinement

*“My kids didn't know it was me because I lost so much weight in [solitary confinement]. I looked so pale. My friends were in front of the prison, telling the kids, that's your mom. And my kids were like, that's not our mom.”*

— Esther Arias, solitary survivor<sup>29</sup>

According to a 2021 report, 58% of women in both state and federal prisons reported having minor children.<sup>30</sup> Because women were often the primary caretakers prior to their incarceration, children and families are additional victims of the increased incarceration of women—and are doubly victimized when those loved ones are subjected to solitary confinement.<sup>31</sup> If they are allowed visits at all, people in solitary are typically allowed only no-contact visits, usually through glass. Non-contact visits have been shown to have traumatizing effects on children.<sup>32</sup>

In 2015, the United Nations General Assembly adopted the Nelson Mandela Rules, which prohibit solitary confinement of pregnant people, postpartum people, and people who are breastfeeding.<sup>33</sup> Nevertheless, solitary confinement continues to be used on these vulnerable groups in U.S. prisons and jails.

Solitary greatly impedes access to health care services, including prenatal care. Many institutions require incarcerated people coming from solitary be shackled during medical appointments. Women in solitary may be unable to request emergency health care, or may fear sharing their health care needs with correctional officers.<sup>34</sup> In one instance identified by the Correctional Association, an oversight agency in New York, a pregnant woman was isolated for four weeks while her complaints of bleeding were ignored.<sup>35</sup>

## Women of Color, Transgender Women, and Others with Intersectional Identities Are More Likely to Be Put in Solitary

*“Black women were more than twice as likely to be charged with verbal threats leading to solitary confinement as white women.”*

— From a study published in *Science*<sup>36</sup>

*“They have this whole language they used toward the trans community. They call us horrible names, they used to have us strip out in front of other inmates to embarrass us. They used to come and ransack our cells and take our make-up. They wouldn't let us eat in chow halls if we were wearing any make-up at all.”*

— Jasmine Rose Jones, released from prison in 2020<sup>37</sup>

Women of color are disproportionately subjected to solitary confinement, as revealed in a report by Yale's Liman Center, which collected information on the race or ethnicity of incarcerated women from 32 jurisdictions. Across those jurisdictions, Black women made up under 24% of the general prison population, but nearly 40% of those in solitary.<sup>38</sup>

Black women are often perceived as more aggressive and disciplined accordingly by prison guards. Harmful stereotypes also permeate the treatment of Latin and Native women. Many women in solitary units are subject to gendered racial epithets including “Black bitches,” “dogs,” and “whores.”<sup>39</sup>

Transgender people are incarcerated at double the national rate, and Black transgender women are incarcerated at 10 times the rate.<sup>40</sup> Nearly one in six transgender Americans and one in two Black transgender people has been to prison.<sup>41</sup>

Once incarcerated, transgender people are rarely placed in prisons consistent with their lived gender.<sup>42</sup> When housed in a male prison, transgender women are often punished with solitary for expressing their gender, such as wearing makeup or a bra.<sup>43</sup> And although experts warn that “security is not safety,”<sup>44</sup> in many facilities the only protection offered to trans women (and other vulnerable populations) is “protective custody,” which is often just solitary confinement.<sup>45</sup>



Layleen Xtravaganza Cubilette-Polanco died alone in her cell from a “mortal seizure.”<sup>46</sup> The 27-year old transgender woman was placed in solitary confinement on New York’s Rikers Island, despite her known history of epilepsy. She died just 212 minutes later, after staff failed to check on her for intervals as long as 47 minutes before finally responding. (Security video, NYC Department of Correction)

## Girls and Senior Women Are Subject to Solitary Confinement

*“I was supposed to be there for three months and it ended up being over a year. I was in there for so long that I got used to it. For a kid to feel that was all they have — it messed me up.”*

— Jaki Muillo, first placed in “secure housing unit” at age 12<sup>47</sup>

The United States is one of the only countries in the world that subjects minors to solitary confinement. Girls under 18, in particular, are at risk of being placed in solitary for protective custody purposes.<sup>48</sup> Solitary can be particularly damaging for youths due to their still-developing brains and higher

vulnerability. Half (50%) of youth who died by suicide while detained did so in solitary confinement, and 62% of detained youth who committed suicide had been in solitary at some point.<sup>49</sup>

Due to longer sentences and mandatory minimums, the U.S. prison population has gotten older, meaning more older women are also subjected to solitary confinement. Data from 2018 showed that 9.4% of women in solitary were over the age of 50. Health difficulties may make it harder for older women to perform tasks and obey orders quickly, leading correctional officers to send them to solitary. Older women are also particularly at risk of dangerous falls and fractures, memory loss, hearing or visual issues, heart disease, and other health concerns while in solitary.<sup>50</sup>

## Recommendations to Aid and Protect Incarcerated Women

Abolishing solitary and adopting trauma-informed practices in correctional settings allows for a safer environment and sets women up for greater success upon release from prison. These practices include training staff to recognize and respond to symptoms of trauma, facilitating productive and safe interactions between incarcerated people, upholding basic standards of privacy, and offering mental health and wellness programs.<sup>51</sup> Maintaining family relationships for incarcerated people is also crucial for women’s mental health.

A national consensus is developing that restrictive housing poses grave harms on the individuals being confined, on prison staff, and on the communities to which incarcerated people are returned.<sup>52</sup>

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Solitary Watch, PO Box 11374, Washington, DC 20008  
[solitarywatch.org](https://solitarywatch.org) | [info@solitarywatch.org](mailto:info@solitarywatch.org) | [@solitarywatch](https://twitter.com/solitarywatch)