

# Ending Solitary Confinement: Dangers of Isolation for Vulnerable Populations

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Because Freedom Can't Protect Itself

# Solitary Confinement

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- Form of imprisonment in which an inmate is locked up for 23 hours or more each day in a small, windowless cell, isolated from any human contact.
- Used as a form of punishment within the prison for rule violations or to confine “vulnerable populations” such as youth, the elderly, medically frail or LGBT inmates who are at risk of being harmed by others.
- Also employed when an inmate is considered dangerous to himself or to others.
- When in solitary, inmates cannot participate in educational classes, job training, drug treatment, work, or any other rehabilitative programming.

# Solitary Confinement in Arizona

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- Time spent in solitary can range from days to decades.
- There is a popular misconception that solitary is used only for the most violent offenders. But in Arizona, 35% of prisoners in “supermax” solitary units are there for non-violent offenses. Source: AZ Republic.
- Of the 3,000 people held in solitary confinement in Arizona on any given day, about 1/3 of them are seriously mentally ill, suffering from schizophrenia, or regularly engaging in “self-injurious” behavior like cutting, head-banging and self-starvation.

# Damaging Effects of Isolation

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- There is broad consensus among health experts that solitary is psychologically harmful.
- These damaging effects were addressed by the Supreme Court in *In re Medley* (1890) more than 100 years ago: *“A considerable number of the prisoners fell, after even short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.”*

# Damaging Effects of Isolation

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- In 1842, Charles Dickens in *American Notes* reported on the use of solitary confinement in American prisons:

“I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers ... there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow-creature. I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body.

# Solitary Confinement in Arizona

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- Through ACLU's litigation, *Parsons v. Ryan*, we have documented inhumane conditions in solitary confinement in four different facilities within ADOC.
- Conditions are designed to minimize human contact and environmental stimulation. Prisoners are held in cells with a solid steel door and no window to the outside.
- They have no means of telling time and become disoriented and confused, not knowing the date or whether it is day or night.
- Cells are illuminated 24 hours a day, making sleep difficult and exacerbating mental deterioration.

# Solitary Confinement in Arizona

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- Many prisoners have no radio or television, are illiterate or have difficulty reading, leaving them in a state of enforced idleness with nothing to do but sleep, sit or pace in their cells.
- Their only regular interaction with another human being occurs when officers deliver food trays or place them in restraints and strip search them while taking them to or from the “rec pen” two hours per week.
- The “rec pen” is a barren, windowless concrete cell (not much larger than their isolation cell) with no exercise equipment. They aren’t allowed to bring water with them even during the summer months.

# Solitary Confinement in Arizona

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- Some prisoners in isolation receive no outdoor exercise at all for months or years on end.
- State prison officials have a policy of denying prisoners in isolation adequate nutrition, arguing they don't exercise and therefore need less food. One of our plaintiffs, Jackie Thomas, who was diagnosed with seizure disorders, lost 30 pounds after being placed in isolation, where he began suffering from suicidal tendencies and tried to kill himself several times.
- He overdosed in November 2001 and did not receive medical attention.



# Vulnerable Populations In Solitary

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- Solitary confinement is particularly damaging for the mentally ill, often leading to self-mutilation or suicide. **Unlike many states, Arizona doesn't exclude the mentally ill from solitary.**
- In Arizona, the vast majority of prison suicides occur in solitary confinement. On average, 50% of suicides by prisoners occur among 2-8% of prisoners in solitary.
- In 2011, 13 prisoners committed suicide. 11 of those inmates killed themselves while in isolation.
- Arizona's official prison-suicide rate is twice the national average, according to federal Bureau of Justice statistics.

# Vulnerable Populations in Solitary

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- Otto Munster used shoelaces to hang himself while in solitary.
- Tony Lester slashed his throat with a razor blade he wasn't supposed to have because he was categorized as mentally ill. He bled to death.
- Rosario Rodriguez-Bojorquez killed himself while in solitary after being denied a request to be moved to protect him from other inmates. Source AZ Republic.

# Inadequate Care in Isolation

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- State prison officials admit they keep no mental health records of prisoners in isolation.
- Currently no psychiatrist on staff in two of the four “supermax” units.
- Prisoners in isolation do not receive regular contact with psychiatrists or mental health professionals. Treatment usually involves powerful psychotropic medications.
- One ACLU plaintiff did not see a psychiatrist for 4 years despite worsening mental health symptoms.

# Inadequate Care in Isolation

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- Another prisoner with depression in isolation repeatedly asked medical staff if he could be seen by a mental health professional because he was suicidal.
- Nothing was done for him. He committed suicide by hanging on January 28, 2012.
- High suicide rate is caused by the ADOC practice of maintaining suicide watch facilities that offer no meaningful treatment.
- Usually the only people who interact with prisoners are correctional officers who check on them, medical assistants who dispense pills and psychology assistants who talk to them through the front of their cells.

# What Do Prisons Say About Our Values?

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- "The degree of civilization in a society can be judged by entering its prisons" – Dostoevsky
- Solitary cells in Arizona are not compatible with civilized standards of humanity and decency.
- Suicide watch cells are often filthy, with walls and food slots smeared with other prisoners' blood and feces, reeking of human waste.
- Prisoners taunted by officers for being in "feces cells."
- When one prisoner complained about unhygienic conditions in the suicide cells, staff noted he was "bitching about cleanliness, germs and disease."

# Inhumane Conditions in Isolation

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- Prison officials keep suicide watch cells at cold temps.
- Prisoners are stripped of their clothing and given only a suicide smock that barely covers the top of inmates' thighs and thin blanket. Legs and arms exposed.
- No mattresses means they are forced to sleep on bare steel bed frames.
- They only monitoring prisoners in suicide watch receive is when correctional officers force them to awake every ten to 30 minutes, around the clock, to “check on their safety.”

# Rethinking Solitary Confinement

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- States are rethinking the use of solitary confinement, mainly for budgetary and safety reasons
- A 2006 study found that opening a supermax prison had no effect on prisoner-on-prisoner violence in Arizona, Illinois and Minnesota. *Chad S. Briggs, et al. 2006*
- Same study found prisoner-on-staff violence actually increased violence in Arizona.
- Similar study in California found that isolation increased violence in the prison system.
- Research shows prison violence is related to how prisoners are treated and how prisons have been managed and staffed.

# Rethinking Solitary Confinement

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- Supermax prisons are 2-3 times more expensive.
- Staffing costs higher – prisoners are usually escorted by 2 or more officers and work that in other prisons is handled by prisoners (like cooking and cleaning) must be done by paid staff.
- A 2007 estimate from Arizona put the annual cost of holding a prisoner in solitary confinement at \$50k compared to only about \$20k for the average prisoner. AFSC's Buried Alive (2007).



# Rethinking Solitary Confinement

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- Supermax prisons threaten public safety.
- In most systems, prisoners are released into communities without transferring into lower security units first.
- A blue ribbon commission chaired by the Hon. John J. Gibbons and Nicholas de. B. Katzenbach raised concerns regarding the practice of releasing prisoners directly from segregation settings to the community.
- Recidivism rates are 20% higher for solitary prisoners vs. general population.

# Rethinking Solitary Confinement

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- State legislatures in Colorado, Michigan, Illinois, New Mexico, Virginia and Texas have recently initiated legislative reforms to regulate the use of solitary for disciplinary and non-disciplinary reasons.
- Colorado passed a bill reclassifying prisoners with mental illnesses and reduced its “administrative segregation” population by 36.9%
- IL Gov. Pat Quinn closed the state’s 500-bed supermax in 2012, saving taxpayers \$21.6 million in 2013, and \$26.6 million every year after.

# Rethinking Solitary Confinement

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- In California, Texas, Wisconsin, Mississippi, Connecticut, Indiana, and New Mexico there have been court rulings or settlements resulting in solitary bans (limited to specific populations of the mentally ill or specific facilities).
- Mississippi reduced its supermax prison population by almost 90%, reassigning prisoners to mental health units or the general prison population. Violence rates dropped 70% and the state now saves \$8 million annually.

# Modern Court Decisions on Solitary

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- In **1995**, Judge Thelton Henderson wrote that solitary confinement “may well hover on the edge of what is humanly tolerable,” and that for those who have been diagnosed mentally ill, “placing them in [solitary confinement] is the mental equivalent of putting an asthmatic in a place with little air.” — *Madrid v. Gomez*, 889 F. Supp. 1146, 1265 (N.D. Cal. 1995).
- In **1998**, the 7<sup>th</sup> Circuit observed that: “the record shows ... that isolating a human being from other human beings year after year ... can cause substantial psychological damage.” *Davenport v. DeRobertis*, 844 F.2d 1310, 1313 (7<sup>th</sup> Cir. 1988).

# Modern Court Decisions on Solitary

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- The court in *Davenport* concluded that for mentally ill prisoners the use of solitary violated evolving standards of decency.
- In **2001**, in *Koch v. Lewis* experts agreed that extended isolation causes “heightened psychological stressors and creates a risk for mental deterioration.” *Koch v. Lewis*, 216 F. Supp. 2d 994, 1001 (D. Ariz. 2001).
- In **2001**, *Jones ‘El v. Berge*, a Wisconsin federal judge ruled that prisoners in solitary “aren’t capable of maintaining their sanity in such an extreme and stressful environment.” *Jones ‘El v. Berge*, 164 F. Supp. 2d 1096, 1101-02 (W.D. Wis. 2001).

# New ABA Standards

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- In the United States, our criminal justice system should keep communities safe and treat people fairly.
- New standards adopted by the American Bar Association (ABA) aim to ensure that solitary confinement is only used when justified.
- Standards require that prisoners receive adequate and meaningful process before being placed or retained in segregation.

# End the Over-use of Solitary

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- Solitary confinement jeopardizes our public safety, wastes taxpayer dollars, and is fundamentally inhumane.
- It does nothing to facilitate rehabilitation and can exacerbate mental illness. Normal human contact is essential for ensuring successful re-entry into society and reducing recidivism rates.
- Finally, the cost of building and operating solitary confinement units far exceeds that of regular prisons.

# End the Over-use of Solitary

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- We need better, more cost-effective, evidence-based methods that are proven to make prisons safer and to rehabilitate prisoners for return to the community.
- Solitary confinement should only be used for people who pose an active and ongoing threat to the safety.
- Even then, prisoners should be regularly evaluated to ensure that they are being properly treated and their mental health is not being adversely affected, and there should be systems in place for prisoners to earn their way out of solitary confinement.



# Take Action to End Solitary

- Visit: [acluaz.org/FairCareForAll](http://acluaz.org/FairCareForAll) for more information;
- Visit: [aclu.org/we-can-stop-solitary](http://aclu.org/we-can-stop-solitary) to hear more stories from prisoners and their families;
- Tell Gov. Brewer: “Arizona is Maxed Out” and does not need 500 new maximum-security prison beds;
- Send her an email at: [aclu.org/secure/az-maxed-out](mailto:asoler@acluaz.org); and
- Email [asoler@acluaz.org](mailto:asoler@acluaz.org) for a copy of today’s PowerPoint presentation.



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