

Life in the Hole: How the U.S. Deals with Solitary Confinement

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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The U.S. currently holds 2,094,000 of a total 10,350,000 inmates, amounting to over 20% of prisoners worldwide (World Prison Brief, 2020). The total population of the U.S. is 328,239,523, which represents 4.25% of the global population (U.S. Census, 2019). These disproportionate statistics highlight the continually expanding prison system in the U.S. Solitary confinement is an internal conflict, which has come under particular scrutiny since the 21st century. One side thinks it's a necessity and the other thinks it's torture, how do these polarized groups advance their respective agendas? Where does it leave prisoners?

Prison guards use administrative segregation as a corrective punishment; its purpose is to, “exert control over the offenders in such facilities that still commit severe infractions” (Curtis Isele, 2016). Proponents lobby on its effectiveness to isolate problematic inmates, minimize violence, and deter repeated behavior. They contend that it helps the overall rehabilitation of the prisoners. Opponents find themselves asking many questions, two of which are “*Is it ethical?*” and “*Is it used appropriately?*”. They organize into unions and protest for reform in the prison system, arguing that it is cost ineffective; intensifies mental illness; does not help rehabilitation efforts; and could be considered cruel and unusual punishment. The struggle between these two sides leaves the U.S. divided while prisoners are left to bear the burden.

Review of Research

O'Keefe et al. (2011), a forensic and clinical psychologist, performed a study on inmates with and without predispositions and found that administrative segregation can manifest mental health issues. Similarly, Chadwick (2018) conducted a longitudinal study of male inmates showing that solitary confinement caused higher levels of anxiety and depression; a more insightful

conclusion was that administrative segregation was a barrier to opportunities for psychological growth, demonstrating how prison incarcerates the body and mind. A team of psychologists from the University of Montreal (Luigi et al., 2020) studying the lasting effects of solitary confinement found high mortality rates, especially by suicide. Algamal (2020) performed a study on mice which demonstrated how “unpredictable stress and chronic social isolation” lead to “exaggerated fear memory recall and blunted HPA axis functionality”. This means that in a stressful situation while isolated, like in solitary confinement, the brain and hormonal release are affected and most often lead to PTSD. Alexander et al. (2010) and his team at Simon Fraser University performed a study with rats which showed that isolation increased drug use. This has alarming effects for prisoners released after enduring solitary confinement. Mears and Bales (2009) analyzed data from the Florida Department of Corrections and found that there was a correlation between the rates of recidivism and whether or not the prisoner was held in supermax prison or not. This shows that solitary confinement may have the opposite effect it intends.

First-Hand Accounts

According to the Oxford Dictionary, torture is “the act of causing somebody severe pain in order to punish them or make them say or do something” (Oxford Dictionary, 2021). When solitary confinement is abused (i.e. unprovoked, prolonged, or unwarranted), it becomes torture: it causes both mental and physical pain and is used as a punishment to make the prisoner act a certain way. That’s the heavy burden inmates bear while incarcerated and it’s clear to the prisoners that the system is being abused. Shavez Holden, an inmate serving 20-40 years for 3rd degree murder, detailed his experience dealing with the abuse and corruption surrounding solitary confinement through a website called “Prison Writers.” He examined the abuse of

power, remarking: “You really don’t have to do anything,” to get sent to “the hole” (Shavez, 2020). Danny Murillo, a Latino man from Los Angeles, was arrested at 16 for armed robbery and spent 7 of his 14-year sentence in solitary confinement. He was sent to solitary for having a calendar with pictures of Aztec and Mayan drawings, which guards wrongfully associated with gangs. This illustrates the unfortunate truth of racial bias in the prison system, “[Solitary] is there to dehumanize you, to break you physically, mentally, and spiritually” (McCray, 2015). Joe Giarratano recounts the degrading conditions from his 8-year stint in secure housing in a letter written to the American Civil Liberties Union (ACLU). As soon as Joe entered solitary he was told, “you will cooperate or be broken” (Giarratano, 2004). He was only allowed two, ten-minute showers per week and 1 hour outside of his cell. Joe wrote that he decided to skip going outside because the others would fight and, “to get at each other they would throw feces and urine at each other while in the cages” (Giarratano, 2004). Along with skipping his only hour outside of the cell, he went on multiple hunger strikes so that he could be sent to the medical unit to escape his 8’ 10’ cell. He ends his letter by saying,

Human beings are social creatures. We need psychological, intellectual, spiritual, environmental stimulation to function properly, to grow and develop. Without that stimulation we deteriorate. I do not care how strong one is mentally solitary confinement will adversely affect you. I have literally watched grown men deteriorate before my eyes, and go mad (Giarratano, 2004).

Giarratano proposes that solitary confinement be used as a last resort and if used only in short periods of 1 to 3 days. Robert King, part of the “Angola 3”, was arrested in 1969 for a robbery he says he didn’t commit. While in prison, he joined the Black Panthers which the officers perceived as a threat. Three years later, an inmate was fatally stabbed and King was

blamed. He was held in solitary confinement for 29 years until he was acquitted of the murder in 2001. King commented in his article that, “I talk about my years in solitary as if it was the past, but the truth is it never leaves you. In some ways I am still there” (King, 2010). The two other prisoners of the “Angola 3” have served 38 years in solitary and remain there today. King has spent his life on the outside trying to spread the word on the conditions of solitary confinement so that his friends can join him on the outside. Personally, his eyesight has deteriorated and he has many stress-related issues. King described solitary by saying, “the soul cries and I think the brain shrinks” (King, 2010).

Proponents

Most prison workers see solitary confinement as essential to the operation of a prison. The vast majority of guards do not like to use solitary confinement, but are compelled to when there is sexual assault, drug possession, violence, theft, or any other serious crime. In order to maintain the right to use solitary confinement as a method of correction, they must lobby and contact elected officials. In an article directed toward President Obama’s new rules on solitary confinement written by Curtis Isele, a corrections officer, paints a vivid picture of life behind the wall. Isele describes confinement behind bars as tumultuous: “Sexual and physical assaults, extortion, robbery, theft, and drug possession/use can occur at high rates” (Curtis Isele, 2016). He goes on to say that the rates are much higher than reported because you can’t catch everything. He concludes that, “solitary confinement is an absolute necessity in our nation’s prison system” because of the egregious crimes that a small number of prisoners commit. Isele believes that evil people must be punished at all costs, even at the expense of civilized prisoners. An anonymous prison guard gave his perspective in an interview, providing examples of actions

that could warrant solitary (ex. stealing, fighting, etc.) and described his experience feeding and showering inmates. He remembered the “cold and hollow” feeling of being in “the hole” (Stahl, 2017). Anthony Gangi has worked in corrections for over 15 years and wrote an article that describes why solitary confinement is useful in bringing control to chaos. His argument is based on an observation, “people tend to be more motivated by a loss than by a gain” (Gangi, 2015). He goes on to say that solitary is nothing more than an extreme case of “loss of granted items” (Gangi, 2015). Gangi concludes by saying that solitary is necessary to maintain control of prisoners because they respond to having their privileges taken away and will act accordingly. Though different (but not dissimilar), proponents of the death penalty also use deterrence as a justification for the punishment: “by executing convicted murderers, we will deter would-be murderers from killing people” (BBC, 2014). This same argument is applied to solitary confinement, it tries to deter others and the offender from committing a similar act again.

Opponents

Many citizens believe it’s a cruel and unusual punishment to lock someone away with virtually nothing for 23 hours a day. The opponents of solitary confinement organize into unions and use grassroots protesting as well as utilize constitutional arguments to try and reform corrections in the prison system. The ACLU has a campaign to stop solitary confinement, claiming, “Long-term isolation costs too much, does nothing to rehabilitate prisoners, and exacerbates mental illness” (ACLU, 2020). The Center for Constitutional Rights (CCR) is an organization that helps support prisoners in solitary confinement. They offer legal counsel for prisoners in need and have notably fought in the case of *Ashker, et al. v. Governor, et al.* which ended indefinite solitary confinement at Pelican Bay, CA (Center for Constitutional Rights,

2012). The U.N. Special Rapporteur stated that, “even 15 days in solitary constitutes torture or cruel, inhuman or degrading treatment or punishment, and that any longer in solitary can cause irreversible harmful psychological effects” (Center for Constitutional Rights, 2012). The CCR brought the U.N.s concern to light in the court room. They are also, “engaged in solidarity efforts alongside hunger-striking prisoners, as well as engaged in advocacy against the use of isolation in prisons before Members of Congress and the U.N.” (Center for Constitutional Rights, 2012). President Obama knew the harsh effects of solitary confinement and opened an investigation into the use of “restrictive housing” in 2015. He adopted the recommendations found from the investigation, mandating that all prisons must document a specific reason for punishment; implement routine training for staff; review inmate placement regularly; and develop a plan to return the inmate to non-segregated housing (Office of the Press Secretary, 2016). Protests of many forms have manifested to stop solitary confinement. One of the largest comes from the prisoners themselves. In 2013, nearly 30,000 prisoners started a hunger strike in California to protest aggressive solitary confinement policies (Medina, 2013). The strike also included refusing to fulfill work duties which pay them \$1 an hour due to an exemption in the 13th which allows involuntary servitude as a punishment (Troy, 2018). This protest inspired others not in prison to rally against solitary confinement as well. A group formed outside of the Department of Corrections headquarters holding signs and chanting the slogan, “solidarity, not solitary” (Atelsek, 2019). The multitude of voices were heard after corrections officers promised to use better criteria for placing inmates in solitary confinement.

Litigation

Due to solitary confinement only recently being scrutinized, little has been enacted formally, especially on the level of the Supreme Court. While many lower courts have imposed limitations on segregated housing in prisons, the Supreme Court has yet to make such a judgment. In the case, *Wilkinson v. Austin*, the constitutionality of solitary confinement was brought in front of the 9 justices. The unanimous opinion was that “the New Policy classified prisoners for placement at the facility provided sufficient protection to comply with the due process clause” (*Wilkinson v. Austin*, 2004). Shira Gordon, a University of Michigan Law student, has made a push for national reform on solitary confinement. She points out disproportionate statistics like how the number of prisoners held in solitary confinement grew 40% while total population only grew 28% (Shira E. Gordon, 2014). This shows that solitary confinement is increasing in use, which Shira argues is harmful to the prisoners. She cites two studies that conclude that solitary confinement actually increases recidivism, the act of repeating a behavior due to experiencing negative consequences, which directly contradicts what the proponents of the punishment purport. On this crux, she builds a provisional statute for the Supreme Court to impose limitations and, “decrease the harmful effects that solitary confinement has on recidivism and public safety” (Shira E. Gordon, 2014). A pivotal lawsuit filed in junction with the ACLU against the Pennsylvania Department of Corrections in 2018 set precedents on solitary confinement. Based on “violations of the Eighth and Fourteenth Amendments,” the court decided that “the use of long-term solitary confinement on anyone is torture” (Reutter, 2020). This verdict has changed the way solitary confinement is used in Pennsylvania and may set a precedent for other states as well. The constitutionality of solitary confinement once again appeared in front of the Supreme Court in the 2017 case *Apodaca v. Raemisch*. This case

stemmed from two separate Colorado state prisoners who were held in administrative segregation, claiming they were deprived of outdoor exercise. The cases cited a violation of 8th amendment rights and the district courts denied the motion to dismiss the case made by the warden (Justia, 2017). It was then sent to the Supreme Court where it was reviewed and denied because the warden had qualified immunity on the grounds that the violation wasn't "clearly established". The case was dropped, but Supreme Court Justice Sonia Sotomayor ridiculed this decision and remarked, "A punishment need not leave scars to be cruel and unusual..." in regards to solitary confinement (Gilna, 2018). Justice Sotomayor is referencing the profound psychological impact that occurs while in solitary confinement.

Effects on Prisoners

The minimal human interaction that comes from solitary confinement causes social isolation and leads to serious cases of depression, PTSD, schizophrenia, agoraphobia, and many other mental illnesses in prisoners who may not have a predisposition. This is because the brain is equipped to handle an abundance of stimuli that release hormones and illicit regular emotions and thoughts. Therefore, when the stimulus is low it leads to a chemical imbalance because the regulatory hormones aren't being released. Neurotic holding patterns in the brain make these changes hard to overcome and, in most cases, permanent, even after a prisoner is released from solitary confinement. Frank De Palma spent 22 out of his 42-year sentence in solitary confinement and developed severe agoraphobia, which adversely affected his ability to assimilate to the outside world. De Palma spent the first 10 months in the psych ward to adjust to civilian life. De Palma wrote, "I wear a smile on my face, but there's a war going on inside," showing that people aren't the same after solitary confinement, even if they act like it (De Palma,

2019). Jan Green, a Computer Science major from Minnesota, was arrested in 2009 for domestic violence charges (Harki, 2018). When Jan first arrived at the prison, she was supposed to get an immediate psychological evaluation. Instead, she was pepper-sprayed and put in solitary confinement. Her cell was a repurposed bathroom where the mattress went over the shower drain and water dripped on her while she slept. While in this cell, she would hear voices and start hallucinating; isolation had catalyzed Jan's schizophrenia (Harki, 2018). On top of developing schizophrenia, Jan stopped coming out of her cell all together, which is common in prisoners who experience long-term solitary confinement. Jan withdrew into herself, any sensory stimuli seemed to hurt; a reaction comparable to an addict experiencing withdrawals, but on the other side of the spectrum. Morgan Bluehorse took his own life while in solitary confinement. He was arrested in 2004 for a string of burglaries and was sentenced to 15 years (Jenkins, 2019). Soon after he arrived in the prison, he was put in solitary for "his own protection" because the guards were afraid he would be sexually and physically assaulted (Jenkins, 2019). Bluehorse had a history of mental illness and was diagnosed with bipolar disorder, post-traumatic stress disorder, major depression and an unspecified personality disorder (Jenkins, 2019). The guards and the psychiatric team at the prison refused to see the blatant red flags and on May 29th, 2014, Bluehorse was found hanging by a bedsheet from the sprinkler. A chilling note was found in his cell that read, "D.O.C. does not seem to care about my safety. So my only option I feel is to subtract myself from the equation" (Jenkins, 2019). The sad truth is that Bluehorse was 1 of 11 others who committed suicide during 2014-2015 in Washington state alone.

Conclusion

There are multiple sides to this story, from the prisoners themselves and activist groups against solitary confinement to the warden, guards, and proponents who run the prison all the way to the President of the United States. Each group advances their respective agendas differently. The prisoners tell their first-hand stories of what they endured and hold the prison system accountable. Activist groups form unions and protest for reform by utilizing constitutional arguments. Proponents lobby for its effectiveness and guards share its usefulness. The government attempts to listen to all sides and examine the system to make changes.

According to Davis (2003), the rapid growth of the U.S. prison system is attributable to a “prison-industrial complex,” which demands ever more prisoners. This means that an increasing number of prisoners will face the effects of solitary confinement before the battle over the punishment is settled. This is exacerbated by the lack of action by the federal court system. It’s evident that solitary confinement is being abused, whether that is the minority or majority of cases, and is ruining the lives of the ones who endure it long after they are released. As Robert King said, “I talk about my 29 years in solitary as if it was the past, but the truth is it never leaves you. In some ways I am still there” (King, 2010). There need to be changes on the national level to the criteria that put prisoners in solitary and the length at which it can be used. Until that is accomplished, we can’t move on to improving the prison system in America.

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