



# Torture:

## *The Use of Solitary Confinement in U.S. Prisons*

### What is Solitary Confinement?

Today, tens of thousands of individuals across the country are detained inside cramped, concrete, windowless cells in a state of near-total solitude for between 22 and 24 hours a day. The cells have a toilet and a shower, and a slot in the door large enough for a guard to slip a food tray through. Prisoners in solitary confinement are frequently deprived of telephone calls and contact visits. "Recreation" involves being taken, often in handcuffs and shackles, to another solitary cell where prisoners can pace alone for an hour before being returned to their cell.

Ever since solitary confinement came into existence, it has been used as a tool of repression. While it is justified by corrections officials as necessary to protect prisoners and guards from violent prisoners, all too often it is imposed on individuals, particularly prisoners of color, who threaten prison administrations in an altogether different way. Consistently, jailhouse lawyers and jailhouse doctors, who administer to the needs of their fellow prisoners behind bars, are placed in solitary confinement. They are joined by political prisoners from various civil rights and independence movements.

### Solitary Confinement is Torture

The devastating psychological and physical effects of prolonged solitary confinement are well documented by social scientists: prolonged solitary confinement causes prisoners significant mental harm and places them at grave risk of even more devastating future psychological harm and at times, these harms were found to be permanent or persist even after one was released from solitary.

Researchers have demonstrated that prolonged solitary confinement causes a persistent and heightened state of anxiety and nervousness, headaches, insomnia, lethargy or chronic tiredness, nightmares, heart palpitations, fear of impending nervous breakdowns and higher rates of hypertension and early morbidity. Other documented effects include obsessive ruminations, confused thought processes, an oversensitivity to stimuli, irrational anger, social withdrawal, hallucinations, violent fantasies, emotional flatness, mood swings, chronic depression, feelings of overall deterioration, as well as suicidal ideation.

Exposure to such life-shattering conditions clearly constitutes cruel and unusual punishment – in violation of the Eighth Amendment to the U.S. Constitution. Further, the brutal use of solitary has been condemned as torture by the international community.

"I feel dead. It's been thirteen years since I have shaken someone's hand and I fear I'll forget the feel of human contact."

- Luis Esquivel, a CCR Plaintiff who has spent over a decade in solitary confinement.

### A Growing Human Rights Movement against Solitary Confinement

Across the United States and the world, there is an emerging movement calling for the end of solitary confinement.

In the U.S., prisoner-led movements have attracted media attention and public scrutiny to harsh conditions of confinement, including overcrowding, the use of isolation, deplorable health conditions, substandard medical care, and the discriminatory and careless treatment of people with mental illnesses. Several prisoner-led hunger strikes have drawn attention to these harsh conditions, including efforts in Georgia, Ohio and California.

International human rights experts and bodies have also condemned indefinite or prolonged solitary confinement, recommended that the practice be abolished entirely and argued that solitary confinement is a human rights abuse that can amount to torture. In 2011, Juan Mendez, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, concluded that even 15 days in solitary confinement constitutes torture or cruel, inhuman or degrading treatment or punishment, and that 15 days is the limit after which irreversible harmful psychological effects can occur. However, many prisoners in the United States have been isolated for far longer than just 15 days. Also, other independent human rights bodies have also expressed concern about Pelican Bay prison and the overall use of solitary in U.S. prisons.



## Pelican Bay State Prison

Opened on December 1, 1989, Pelican Bay State Prison is the most restrictive prison in California and one of the harshest “super-maximum” prisons in the country. The prison was specifically designed to foster maximum isolation. It is one of four Security Housing Units (SHU) operated by the California Department of Corrections and Rehabilitation (CDCR).

In 2011 and again in 2013, prisoners across California organized coordinated hunger strikes in protest of inhuman and degrading conditions of confinement and outlined five core demands: (1) end group punishment; (2) abolish the use of debriefing; (3) end long-term solitary confinement and alleviate conditions in segregation, including the provision of regular and meaningful social contact, adequate healthcare and access to sunlight; (4) provide adequate food; and (5) expand programming and privileges.

Although CDCR convinced the prisoners to suspend the strike by promising change, the resulting reforms have not gone far enough, and CDCR has punished the hunger strike leaders with prison discipline and other retaliation.

Prior to the hunger strikes, more than 500 of Pelican Bay’s SHU prisoners have been held in solitary confinement in the SHU for over 10 years. Over 78 prisoners have languished in solitary for more than 20 years. Prisoners are detained inside windowless cells, are not allowed to call home and are served substandard or rotten food.

Prisoners are frequently assigned to the SHU without any significant disciplinary record; instead they are designated for indefinite solitary confinement based on their alleged gang affiliation. They can be labeled “gang members” for waiving hello to another prisoner who has already been so-designated, or for possession of artwork, or even the subject of their tattoos.

Until recently, the only real way out of the SHU was to “debrief,” to inform on other prisoners, thus condemning other prisoners to the same torture, and risking retaliation.

In response to the prisoner’s organizing, California has now created a “step down program” which allows prisoners placed in solitary for gang affiliation to earn release to general population after spending 3-4 years in solitary without any gang-related activity, so long as they take part in mandatory journaling and other programming. While many states have implemented step down programs, California’s requires longer in solitary than any other state, and is being imposed upon prisoners who have already spent a decade in solitary, misconduct free.

## Challenging Solitary Confinement

In May 2012, the Center for Constitutional Rights (CCR) filed a lawsuit against the state of California for its use of prolonged solitary confinement in the infamous Pelican Bay prison. *Ashker, et al. v. Governor, et al.*, is a federal class action challenging prolonged solitary confinement and deprivation of due process, based on the rights guaranteed under the Eighth and Fourteenth Amendments, at Pelican Bay. The case challenges inhumane, unconstitutional conditions under which thousands of prisoners live. The case argues that ten years or more of solitary confinement cannot be imposed on any prisoner, regardless of his mental health status, and that prisoners must have meaningful notice of the reason for their placement in solitary, and frequent reviews of that status. While California has implemented major changes to its process for placing and retaining prisoners in solitary confinement in response to prisoner hunger strikes and the litigation, grave rights violations remain at Pelican Bay and other prisons, and the case is set to go to trial in December 2015.

CCR’s case against solitary confinement at Pelican Bay is the latest in a long history of challenges to the use of isolation in prisons. In *Wilkinson v. Austin*, the U.S. Supreme Court unanimously ruled in support of CCR’s claims that prison officials cannot confine prisoners in long-term solitary confinement in a super maximum prison without first giving them the opportunity to challenge their placement. CCR has engaged in solidarity efforts alongside hungerstriking prisoners, as well as engaged in advocacy against the use of isolation in prisons.

## Take Action and Get Involved

- Pack the Court in December 2015; and
- Tell the CDCR to Honor the Pelican Bay SHU Prisoners’ Demands and Uphold Due Process. Visit: [www.ccrjustice.org/solitary-action](http://www.ccrjustice.org/solitary-action)