

Solitary Confinement: Torture in U.S. Prisons

What is Solitary Confinement?

Today, tens of thousands of individuals across the country are detained in near-total solitude for between 22 and 24 hours a day. Their cells—usually about the size of a parking space—contain a concrete bed, an unmovable stool, and a combination toilet/sink. There is a slot in the door just large enough for a guard to slip a food tray through. Prisoners in solitary confinement are frequently denied telephone calls and contact visits. “Recreation” involves being taken, often in handcuffs and shackles, to another solitary cell to 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 the practice 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, as well as political prisoners from various civil rights and independence movements, are disproportionately placed in solitary confinement.

Solitary Confinement is Torture

Prolonged solitary confinement causes prisoners significant mental harm and places them at grave risk of even more devastating future harm. These harms may be permanent and persist even after one is released from solitary.

Researchers have proven 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 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, and 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 and international laws.

"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,
CCR Plaintiff who 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 have spurred public condemnation of the use of isolation in state and federal prison systems. Prisoner-led hunger strikes have been particularly successful in drawing attention to the cruel practice. Litigation and legislation has led a number of states to restrict the use of solitary confinement within prisons, and corrections leaders are themselves starting to question the use of long-term solitary.

The movement is international as well. International human rights experts and bodies have also condemned indefinite or prolonged solitary confinement, recommending that the practice be abolished entirely and arguing that solitary confinement is a human rights abuse that can amount to torture. In 2011, the U.N. Special Rapporteur on torture concluded 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. Other independent human rights bodies and U.N. experts have also expressed concern about the overall use of solitary.

Solitary Confinement in California

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

Prior to a prisoner-led movement, more than 500 of Pelican Bay’s SHU prisoners had been held in solitary confinement for 10 or more years, and over 78 prisoners had languished in solitary for more than 20 years.. California had more people in solitary, for longer time periods, and with less justification, than any other state.

Prisoners were routinely assigned to indefinite solitary confinement without any significant disciplinary record, based only on their alleged gang affiliation. They could be labeled a gang affiliate just for possession of artwork, for waving hello to another prisoner who had already been so-designated, or even because of their tattoos. The only real way out of the SHU was to “debrief”—to inform on other prisoners—thus condemning others to the same torture, and risking retaliation.

The California Hunger Strikes

In 2011 and again in 2013, prisoners across California organized coordinated hunger strikes in protest of inhuman and degrading conditions of confinement. Representatives of the movement authored an Agreement to End Hostilities, calling for an end to all violence between racial groups and uniting prisoners throughout the state.

The prisoners also outlined five core demands to prison administrators: (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.

The resulting hunger strikes were the largest in the nation, with tens of thousands of prisoners taking part; they garnered national and international attention, and resulted in a series of legislative hearings. While the hunger strike leaders were punished with prison discipline and other forms of retaliation, CDCR officials would later admit that their organizing sparked necessary reforms. The hunger strikes also spurred successful litigation that would ultimately end the use of long-term solitary confinement in California.

Challenging Solitary Confinement

In May 2012, the Center for Constitutional Rights (CCR) joined a pro se case, initially filed by two leaders in the prisoner human rights movement challenging California’s practice of placing prisoners in indefinite solitary confinement in the infamous Pelican Bay prison. *Ashker, et al. v. Governor, et al.* was a federal class action challenging prolonged solitary confinement and deprivation of due process at Pelican Bay, based on rights guaranteed under the Eighth and Fourteenth Amendments. The case challenged the inhuman, unconstitutional conditions under which thousands of prisoners lived. The plaintiffs argued 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.

In September 2015, CCR announced that the parties had reached a settlement to end indeterminate solitary confinement in California, and dramatically reduce the number of people in isolation, and in October 2015, CCR and its co-counsel began a two-year monitoring period to ensure broad, sweeping changes. These include but are not limited to: ending indeterminate SHU sentences; ending California’s status-based practice of solitary confinement, transforming it into a behavior-based system; immediate review of all gang-validated SHU prisoners and the subsequent release of the vast majority of such prisoners to general population; and creating a formal role for prisoners themselves in monitoring compliance with the settlement agreement.

The settlement agreement requires that all prisoners who were placed in SHU based on their alleged gang affiliation be released to general population, so long as they had not committed a gang-related SHU-eligible offense within the previous two years. If they had committed such an offense, they enter a two-year “step down program,” in which prisoners earn release to general population so long as they refrain from gang-related offenses, and take part in rehabilitative programming.

CCR’s case against solitary confinement at Pelican Bay builds on our commitment to challenge and end the use of isolation in prisons. In our case *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 hunger-striking prisoners, as well as engaged in advocacy against the use of isolation in prisons before Members of Congress and the U.N.

Learn more: ccrjustice.org