



# Torture:

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

### What is Solitary Confinement?

In the early nineteenth century, the U.S. led the world in a new practice of imprisoning people in solitary cells, without access to any human contact or stimulation, as a method of rehabilitation. The results were disastrous, as prisoners quickly became severely mentally disturbed. The practice was all but abandoned. Over a century later, it has made an unfortunate comeback. Instead of torturing prisoners with solitary confinement in dark and dirty underground holes, prisoners are now subjected to solitary confinement in well-lit, sterile boxes. The psychological repercussions are similar.

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 superpredators, 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 inmates behind bars, are placed in solitary confinement. They are joined by political prisoners from various civil rights and independence movements.

**"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 13 years in solitary confinement.

### CCR's Challenges to 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. *Ruiz, et al. v. Brown, Jr., 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. *Ruiz* reasserts the importance of fundamental human rights and the Constitution's guarantee that no one may be subjected to cruel and unusual punishment, and that all are entitled to the due process of law.

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 inmates 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 and education efforts around the impact of the use of isolation in prisons.

### 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.

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, and fear of impending nervous breakdowns. 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.

# A Growing Human Rights Movement against the Use of 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. Advocates have joined in solidarity and alongside prisoners to protest the use of solitary confinement.

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 August 2011, Juan Mendez, the United Nations 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 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.

## Solitary Confinement at the Pelican Bay Security Housing Unit

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).

More than 500 of Pelican Bay’s SHU inmates 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 waving hello to another prisoner who has already been so-designated, or for possession of artwork, or their tattoos.

The only real way out of the SHU is to “debrief,” to inform on other prisoners, thus condemning other inmates to the same torture, and risking retaliation. Review of the continued need for SHU confinement is limited to every six years, and these reviews are little more than rubber stamps for prisoners who refuse, or are unable, to debrief.

## The California Hunger Strikes

In 2011, prisoners across California organized two 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.

Though the CDCR convinced the prisoners to suspend the strike by promising change, the CDCR has responded instead by punishing the hunger strike leaders with prison discipline and other retaliation, and stonewalling any real efforts at reform.

### **Tell the CDCR: Honor the Pelican Bay SHU Prisoners’ Demands**

Pelican Bay SHU prisoners have organized to combat cruel conditions of confinement, and have launched two hunger strikes thus far to raise attention to their demands. The CDCR must honor the Pelican Bay SHU Prisoners’ Demands.

**Take Action at: [www.ccrjustice.org/solitary-action](http://www.ccrjustice.org/solitary-action)**