



The Root of America's Over-Use of Solitary Confinements in Prison — and How Reform Can Happen

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Tens of thousands of prisoners across the United States spend months, years – and sometimes decades – locked alone in windowless concrete rooms the size of wheelchair accessible bathroom stalls for at least 23 hours a day, seven days a week. Prison officials, not judges or juries, decide both which prisoners end up in solitary confinement and how long prisoners spend locked in these conditions. The United Nations Special Rapporteur on Torture says that more than 15 days in these conditions can violate international human rights law. And social psychologists argue that these conditions can induce symptoms of psychosis after anywhere from just a few days to weeks. Solitary confinement is not only psychologically expensive – it is fiscally expensive, too. A year in solitary averages \$75,000 per prisoner – about three times the average annual cost of incarceration in the United States and eight times the average annual cost of public university tuition. In spite of these investments, solitary confinement does not actually reduce violence or prison problems.

My research examines how and why solitary confinement, especially its modern iteration in supermax facilities, became widespread and popular in the 1980s – and why the practice began to wane in popularity if not prevalence in the 2010s. By examining the history of supermax prisons and doing interviews with prisoners and staff, my research presents possibilities for reform.

The History of Solitary Confinement

In the late 19th century, the U.S. Supreme Court presumed that solitary confinement would be abandoned as a correctional practice, calling it “barbaric.” But, almost 100 years later in the 1970s, courts in California and across the country were still chastising prison officials for keeping prisoners locked in their cells for months at a time, with little access to running water, lighting, or human contact. Yet the practice both persisted and expanded. Throughout the 1980s, prison officials designed and built supermax facilities to the exact minimum specifications courts had delineated for solitary cells – with sinks and toilets in each cell, fluorescent lights on 24 hours per day, and hyper-sanitized facilities made of easy-to-clean poured concrete.

Prison officials opened the first supermax facilities in California and Arizona in the 1980s. California’s Pelican Bay Security Housing Unit and Arizona’s Special Management Unit were both technologically advanced facilities designed with the sole purpose of imposing long-term solitary confinement. No voter, legislator, governor, or judge participated in design decisions. In fact, judges and prisoner-rights lawyers first learned about the incredibly restrictive conditions of confinement in places like California’s Pelican Bay Security Housing Unit when prisoners started writing to advocates to complain about the draconian conditions. These first letters shocked their recipients – so much that within a year of Pelican Bay’s 1989 opening, a federal judge certified a class of prisoners there and promised to evaluate their conditions of confinement. In 1995, U.S. District Court Judge Thelton Henderson found that conditions in the isolation unit at California’s Pelican Bay

November 2, 2018 <https://scholars.org>

State Prison, “hover[ed] on the edge of what is humanly tolerable.”

Expanding Solitary Confinement without Clear Reasons

Although Judge Henderson monitored conditions at Pelican Bay for nearly two more decades, the use of solitary confinement continued to expand in California and across the United States, often with little to no oversight from the public, elected officials, or even the courts. Solitary confinement faced renewed national and international scrutiny in the 2010s, in part thanks to a series of non-violent prisoner actions in which more than thirty thousand California prisoners refused food for weeks, specifically protesting conditions in solitary confinement. As reporters, elected officials, and scholars started asking questions, answers were scarce.

No one knows exactly how many U.S. prisoners are or have been in solitary confinement or comprehends exactly what the long-term mental health consequences of these conditions might be. Nor are there firm answers about whether solitary confinement reduces violence in prison or recidivism after release. Early research did reveal one surprising fact. In some of the states with big solitary confinement populations, hundreds of prisoners per year were being released directly from solitary confinement onto city streets. Consequences for individuals, therefore, likely spill over into the communities to which they return. Only in 2015 did the Bureau of Justice Statistics release the first report attempting to estimate the national prevalence of experiences with “restrictive housing” – a new term coined to encompass the varieties of segregation and isolation conditions used in U.S. prisons.

Meeting the Challenge of Reform

As solitary confinement has faced public scrutiny, advocates, elected officials, and even some correctional officials have been working to reduce its use. Academics are trying to better understand its short and long-term impacts on prisoners, prison staff, and communities, but more research is needed. As scholars and prison officials debate the effects of solitary confinement, a growing body of research suggests that prisoners fare better – in terms of health and behavior in and after prison – the less restrictive their conditions of confinement. Advocates and policymakers should integrate such findings into their efforts to craft reforms.

Indeed, solitary confinement reform has gone forward in various ways – by legislation, through the courts, and administratively, independently initiated by progressive corrections departments. My interviews with prison staff working in solitary confinement facilities suggest that prison officials themselves are critical to reform efforts, because they make so many of the foundational decisions about where prisoners are housed, the privileges prisoners have, and the treatment prisoners can access. As conversations around prison reform continue and continue to be informed by new research about the effects of solitary confinement, prison officials must be brought to the table. With their participation, perhaps recognition can spread that in order to be a global leader in human rights, the United States can and must end cruel and ineffective prison practices that undermine basic human dignity and wellbeing.

Read more in Keramet Reiter, *23/7: Pelican Bay Prison and the Rise of Long-Term Solitary Confinement* (Yale University Press, 2016).