

*Supermax Isolation*

SOLITARY CONFINEMENT HAS BEEN part of American correctional practice since the birth of the nation. The idea of isolating prisoners for their own good was supported in the final years of the eighteenth century by such prominent figures as Benjamin Franklin and his friend Benjamin Rush, the pioneering psychiatrist. During that era, many Quakers viewed crime as a moral lapse and jail as a place where prisoners would be left by themselves in a cell and would be expected to search their souls about their errant ways and be “penitent” (thus the origin of the word *penitentiary*). But over the years, prison funding could not keep pace with a growing prison population, so this kind of solitary confinement for the general population of prisoners was abandoned as too expensive to construct for or to maintain. Where solitary was retained, its original rehabilitative rationale was stripped away; it was now openly used merely as a dreaded punishment and deterrent within the prison and as a convenient means of separating out, for months, years, even decades, individuals whose inclusion in the general prison population might pose problems for prison management.

THE LONG HISTORY OF SOLITARY  
CONFINEMENT IN THE UNITED STATES

The first correctional facility in the nation to consign prisoners to single cells was the Walnut Street Jail in Philadelphia. It was originally built in 1773 to handle the overflow of prisoners from the nearby, massively overcrowded High Street Jail. There were simply too many debtors, paupers, prostitutes, thieves, and ex-slaves going to jail for the jailers to find the space to house them. When Walnut

Street Jail opened, it contained very large rooms with high ceilings where prisoners were crowded and left to shift for themselves. They received little attention from staff; there were fights, thefts, and sexual assaults; the cellblocks were filthy; and there was absolutely no attempt at rehabilitation. But fifteen years after the Walnut Street Jail opened, the Quakers, in collaboration with other religious groups, succeeded in opening a wing of the jail, the “penitentiary house,” where each prisoner would have a room of his or her own, a notion very popular in the religious community. The small, clean single cells were arranged in a way that prevented the inhabitants from having contact with each other. They had windows high off the ground, and the window coverings prevented prisoners from looking out upon the surrounding streets. The prisoners in “separate confinement” were left alone in their cells and, at the beginning of their sentence, were not given work to do because the designers felt that they needed to be idle to properly reflect on their criminal ways and correct their life course. Later, however, the prisoners would be given handicraft materials and required to work alone in their cells—for example, repairing boots. An important feature of this “Pennsylvania System” for reforming criminals—one that at least to some degree may have mitigated the pains of isolation—was that the warden would visit each prisoner individually on a daily basis to check on his or her progress.<sup>1</sup> By the 1830s, with a continuing crowding problem in the Philadelphia jails, the single cells were converted to house two prisoners each, the warden’s visits became less frequent, and the conditions deteriorated until the penitentiary house at the Walnut Street Jail became as crowded and as nonrehabilitative in its aims as the group cellblocks that had preceded it. The Walnut Street Jail was finally shuttered in 1835. But other prisons, including Eastern State Prison in Philadelphia and Trenton State Prison in New Jersey, were built according to the “Pennsylvania System” that had originated there.

Eastern State Prison, established in 1829, also in Philadelphia, continued the effort begun at Walnut Street Jail to keep prisoners separate so that they could be penitent and to stress rehabilitation over punishment. Like the Walnut Street Jail, Eastern allowed some degree of prisoner labor carried out in solitude.<sup>2</sup> The facility’s architecture featured a central guard tower with multiple long hallways radiating out from it like the spokes of a wheel. The concrete cells had a high ceiling in the middle that contained a skylight, as if the “eye of God” were upon the penitent prisoner. There were small individual exercise areas outside the cells, but prisoners were not permitted to go to their exercise area when a neighbor was in his outside area. That way, the prisoners remained starkly separate. As at Walnut Street, the warden was, at

least initially, required to visit and talk to each prisoner frequently. Apart from that, total silence was enforced, any form of communication between inmates was forbidden, and prisoners wore hoods when they were taken out of their cells so that they would never see the faces of other inmates or of guards. To deepen the silence, guards had to wear socks over their shoes, and the wheels of the food wagons were covered with leather.<sup>3</sup> This was the second installment of the “Pennsylvania System.”

Charles Dickens and Alexis de Tocqueville both visited Eastern State Prison while the Pennsylvania System was being implemented and wrote about what they saw.<sup>4</sup> Dickens had this to say about Eastern State Prison in 1842:

In the outskirts (of Philadelphia), stands a great prison, called the Eastern Penitentiary, conducted on a plan peculiar to the state of Pennsylvania. The system here is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong. In its intention, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is that they are doing. I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers.<sup>5</sup>

As prisoners repeatedly broke rules in attempts to resist the isolation and monotony of this regime, attempting to escape, communicate with each other, or harm their captors, prison officials and guards improvised new punishments, including dousing prisoners with ice-cold water during winter or strapping prisoners so tightly into makeshift restraint chairs that they could not move at all and leaving them there for hours or days. Such abuses led to investigations. By 1913, the solitary confinement model was abandoned because of proliferating abuses, difficulties of finding work for prisoners that could be accomplished alone and in a small cell, and the high cost of housing prisoners separately. Prisoners were again housed in groups, and solitary was retained solely as a punishment rather than as a condition for all prisoners. But by the 1960s the prison had become so overcrowded that it was merely warehousing its inmates, and the building itself had deteriorated to such a degree that in 1970 Eastern was closed.

In 1816, in Auburn, New York, a large new prison opened utilizing a somewhat different model of isolation as rehabilitation, the “Auburn System.”<sup>6</sup> Auburn Prison is still operating, and its facade looks much as it did in the nineteenth century. When I visited the facility in 2007 while preparing to testify in a statewide lawsuit about the adequacy of mental health services in prisons run by the New York Department of Correctional Services (DOCS),

the very high, intimidating wall, which bordered the street, seemed to convey the utter separation and seclusion of prisoners that the regime was originally intended to enforce.

All of Auburn's cells were very small and single occupancy. They were arranged in two rows down the middle of the building and stacked in five tiers. Cell doors faced the outer walls, whose grated windows provided indirect light but no view of the outdoors.

Auburn Prison initially introduced solitary confinement in 1821 by imposing absolute isolation and idleness on prisoners, but according to Alexis de Tocqueville and Gustave de Beaumont, nineteenth-century French writers who visited the United States and toured the prison in 1832, this experiment had horrifying results: "In order to reform [the prisoners], they had been submitted to complete isolation; but this absolute solitude, if nothing interrupt it, is beyond the strength of man; it destroys the criminal without intermission and without pity; it does not reform, it kills. The unfortunates, upon whom this experiment was made, fell into a state of depression, so manifest, that their keepers were struck with it; their lives seemed in danger, if they remained longer in this situation."<sup>7</sup> Some prisoners died, others attempted suicide, still others went mad. So in 1823 the system was modified to what became known as the Auburn System: prisoners were confined to their cells at night but were brought together in the daytime to take meals and to labor in prison industrial shops where products were manufactured for sale on the market. Even in these group settings, however, staff attempted to enforce absolute silence and noncommunication among inmates that would maintain their separation. Yet as de Beaumont and de Tocqueville note, "In observing silence, [prisoners] are incessantly tempted to violate its law,"<sup>8</sup> and additional punishments, even more severe punishments and restrictions had to be devised to prevent this and other infractions. Consequently, abuses—flogging, icewater baths, restraint positions—proliferated just as they had at Eastern State Penitentiary.

But the Auburn System, despite its critics, spread beyond the walls of Auburn Prison, informing especially the architecture, the use of isolation, and the work programs at Sing Sing Prison just north of New York City as well as prisons in other states. The Pennsylvania model effected at Walnut Street Jail could not be extended up above a single floor because it required a small outdoor area for each prisoner. But as prisons grew in size, that model would prove too expensive. The five stacked tiers of Auburn Prison proved more economical.

By the 1860s and 1870s, however, overcrowding and abusive staff practices had tarnished any reputation for effective rehabilitation that the Auburn System had once possessed. Like the Pennsylvania System, it gradually gave way to and was superseded by other approaches for the general prison population. Auburn today is a maximum security prison with little in the way of programs for education, work, or schooling, and with a solitary unit used for disciplinary purposes.

Thus all three experiments had as their starting point a Quaker vision of reform in which a prisoner would have the opportunity to introspect and reconsider his criminal ways, in a clean and quiet space, while being shown kindness and given counsel by visitors and officials who would guide his penitence. Even so, the system proved to be ineffective and cruel and to generate escalating abuses. Today solitary confinement has entirely lost its claims of rehabilitative purpose and has become merely a means of enforcing discipline and removing from the general prison population inmates considered to be dangerous or in any way problematic. The result is that these inmates are warehoused in deteriorating isolation cells, where they may be neglected for years.

According to the social historian David Rothman, this trajectory is replicated in larger historical trends.<sup>9</sup> Reviewing publications by psychiatrists of the period, Rothman tracked the optimistic expectations that accompanied the construction of a new generation of mental hospitals and prisons under the Jacksonian reforms in the late 1820s and demonstrated how the initial optimism of clinicians and warders faded as ex-patients and ex-prisoners they had declared cured or reformed, and had released from the institutions, returned a few years later in a deteriorated state. Rothman concludes that by the time of the Civil War prisons and asylums had once again become mere crowded warehouses for incorrigible criminals and lunatics—the same fate as the Walnut Street Jail, Eastern State Prison, and Auburn Prison.

By 1890, when the US Supreme Court considered an appeal of the sentence for murder of Mr. James J. Medley, the expectation that solitary confinement involved penitence and provided rehabilitation had entirely disappeared, and the practice was seen as what it really was, harsh punishment.<sup>10</sup> Mr. Medley had been sentenced to death by the Colorado District Court for the 1889 murder of his wife, Ellen Medley. The court also sentenced him to be consigned to solitary confinement at Colorado State Prison for one month prior to his hanging. Hearing an appeal of the case, the Supreme Court opined that solitary confinement was an additional punishment beyond execution, one that they called “a further terror and peculiar maker of infamy.” The issue the Supreme Court

justices were interested in was not the death penalty, which they thought was fair, but the *ex post facto* quality of the additional sentence to a month in solitary confinement at the state prison prior to the hanging. The state of Colorado had passed a new law making legal a period in solitary confinement at the prison, but that law was passed after Mr. Medley killed his wife, so he was being punished *ex post facto*. In its ruling, the Court referenced an entry in the *American Encyclopedia* that included this passage about solitary confinement:

The peculiarities of this system were the complete isolation of the prisoner from all human society, and his confinement in a cell of considerable size, so arranged that he had no direct intercourse with or sight of any human being, and no employment or instruction. . . . But experience demonstrated that there were serious objections to it. A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.

The site of solitary confinement that is perhaps most well known to the public is the Alcatraz Federal Penitentiary, nicknamed “the Rock.” It was built on an island in San Francisco Bay and was opened in 1934. The most dangerous prisoners in the federal prison system were sent there, and security was very high. One of the famous inhabitants of Alcatraz was Robert Stroud, “the Birdman of Alcatraz,” played by Burt Lancaster in the 1962 film of that name. The penitentiary was composed of four cellblocks, A, B, C, and D, with the rowdiest prisoners consigned to D. D-Block was the site of varying degrees of solitary confinement: its prisoners would eat their meals alone in their cells and not be permitted to work or to have contact with other prisoners. At the end of the dark and dank hallway of D-Block were cells 9 to 14, which were called “the hole.” Those cells had no light and were colder than other cells. Then, for prisoners who were especially incorrigible or disliked by officers, there was a basement under D-Block where the dark, cold cells contained a hole in the floor in place of a toilet. Prisoners were sometimes chained to the walls in the dark in “the dungeon” under “the hole” in D-Block. Needless to say, unfathomable other abuses and suffering went on in “the hole” at Alcatraz. The Rock was closed in 1963.<sup>11</sup>

Another infamous solitary confinement unit was the “Adjustment Center” at San Quentin Prison, a large state prison jutting out into the San Francisco Bay from its northern shore in Marin County. It is California’s oldest prison, having opened in 1852. The aging facility has a design capacity

of more than three thousand prisoners, and until the 1980s it was the highest-security prison in California. The Adjustment Center at San Quentin was the site of stark solitary confinement, where political radicals of the 1960s, among others, were held in extreme isolation and very tight security. George Jackson was a black revolutionary leader who joined the Black Panther Party in the 1960s and wrote poignantly about race relations in America and why so many young black men found their way into the prisons.<sup>12</sup> He was shot and killed by guards while housed in the Adjustment Center at San Quentin, allegedly while trying to escape. It remains unclear what happened on August 21, 1971, but it is known that George Jackson was gunned down by guards, that two other prisoners and three guards died, and that afterwards there was brutal retaliation against radical black prisoners in the Adjustment Center.<sup>13</sup> The Adjustment Center, which is still in operation even though San Quentin is no longer the highest-security prison in the state, served as one of the models for the Security Housing Unit or “SHU” at Pelican Bay State Prison, which would open nearly two decades after the killing of George Jackson. Both the Adjustment Center at San Quentin and the SHU at Pelican Bay were premised on the notion that if “the worst of the worst” were locked away in solitary the problems of prison violence could be controlled.<sup>14</sup>

#### THE MODERN SUPERMAXIMUM SECURITY PRISON

As noted in the Introduction, the modern love affair with supermaximum security began with the 1980s experience of a long-term lockdown at the federal penitentiary in Marion, Illinois, and came into its own, nationwide, during the 1990s, when many of today’s supermax facilities were built, including the state-of-the-art federal supermax, the ADX (administrative maximum facility). Sharon Shalev, a London-based criminologist and human rights advocate, in her 2009 book *Supermax: Controlling Risk through Solitary Confinement*, points out that although solitary confinement is far from a new development the modern supermax’s use of advanced technology to maximize security also maximizes human damage. Over forty state departments of correction as well as the Federal Bureau of Prisons contain supermaximum security solitary confinement units.

In supermax units, prisoners are held alone, or less often with a cellmate, for approximately twenty-three hours a day in a cell that lacks natural light and does not permit much in the way of meaningful activities. They are fed

in their cells. They have little or no physical contact (or, for that matter, verbal contact) with anyone except an officer who passes them their food trays through a slot in the door and accompanies them in shackles when they leave their cells to go to the shower, the recreation yard—which is usually a very small enclosure with insufficient room and equipment to exercise large muscles—or a medical appointment. In many supermax units where cell doors are solid metal, the only way for the prisoner to see outside the cell is to stoop down and look out the food port when it is briefly opened for food delivery. In others, the cell doors have bars, and in still others a perforated metal grid partially obstructs the view through the cell door. Some supermax units have on the outside wall a small window, which usually does not open. Other units do not even have a window, so the prisoner is isolated all day in artificial lighting, with no view of the sky or the natural world outside.

Some supermax prison facilities are built as separate units within a larger prison complex. In this case, the supermax occupies a single cellblock or even a separate building. For example, at the new Montana State Prison that opened in 1979 near Deer Lodge, Montana, the Max Unit (which is actually supermaximum security) occupies a separate building in the maximum security portion of the prison. A-Block is a small special detention unit within the supermax that is designed for extra disciplinary punishment above and beyond standard solitary confinement. If a prisoner receives a serious disciplinary infraction he is sent to Max for “administrative segregation” or solitary confinement, but then if he gets into more disciplinary trouble while in segregation he is placed on A-Block and his activities are even more severely restricted. At Montana State Prison, inmates in A-Block receive only the bare necessities and cannot have visits or phone calls until they go for a full year without further disciplinary infractions. The cells do not have windows to the outside, so no natural light enters. There is a single light fixture in the ceiling, and staff control the lighting. The light remains on twelve to sixteen hours a day. No recreation yard time is allowed for inmates in A-Block, and they are permitted to keep in their cells only paper and pencil and a few books. I will discuss in chapter 2 the experiences of two prisoners with serious mental illness who were consigned to A-Block, Edward Walker and Raistlin Katka.

Other supermaximum facilities, such as the Northern Correctional Facility in Connecticut (NCI) and the Upstate Correctional Facility in New York, fill an entire prison complex. The architecture of the NCI is distinctive. There are six, essentially identical units, each with fifty cells, arranged in an upper and lower tier. Doors are controlled remotely by an officer in a control



center, and video cameras are installed throughout the institution but not in the cells. There is a speaker system between the cells and the control center, and there are buzzers in the cells. The thick concrete walls lack decorations for the most part. Cells have no windows, and their furnishings are very sparse. The effect is an oppressive sense of enclosure. The cells measure seven feet by twelve feet and are identical throughout the institution, with a few exceptions. The doors are solid metal with a horizontal food port below waist level and a nonopening vertical transparent panel at approximately eye level. Most of these “boxcar doors” slide on a track, remotely controlled. A few cells in the Administrative Segregation Program are designated “In-Cell Restraint,” and prisoners are assigned to these stripped-down cells as a consequence of a disciplinary procedure. Prisoners can talk to their neighbors only through a vent or by screaming, but this is discouraged by staff.

The Supermax Correctional Institution (SMCI) at Boscobel, Wisconsin, is built entirely of isolation cells. It was the focus of the class action lawsuit *Jones 'El v. Berge* (2001), brought by the ACLU National Prison Project. As a psychiatric expert witness in *Jones 'El*, I was provided access to this state-of-the-art supermax prison.

Two architectural features of SMCI still stand out for me as I recall the case. One was the solid metal “boxcar door” to each isolation cell, which featured a small metal food slot in the middle of the door and a small port near the bottom of the door through which leg irons or shackles were affixed. The other was a feature of the Alpha Unit cellblock where the most troublesome prisoners would be consigned, a place the prisoners described as “the hole within the hole.” On Alpha Unit, cells did not open onto the hallway where officers would move about; instead, pairs of cells opened onto a small chamber that was separated from the hallway by another door, so that the inhabitants of those cells would not even have the experience of seeing officers walk up and down the hallway across from their cell.

Rule-breaking prisoners with serious mental illness were disproportionately consigned to the superisolation cells on Alpha Unit. Colin, a thirty-two-year-old African American man, had spent over two years there by the time I met him. He had entered prison ten years earlier after first being adjudged incompetent to stand trial, and then when he was subsequently declared competent again he was seriously considered for an insanity defense. But he was found guilty and received a twenty-year sentence. In prison, he was diagnosed as having major depressive disorder with psychotic features and was prescribed Haldol, a strong antipsychotic medication, along with an antidepressant

medication. He was consigned to solitary after assaulting a correction officer when a hallucinated voice commanded him to do so. He had spent most of his term in solitary in the Alpha Unit.

Almost immediately after entering Alpha Unit he began attempting suicide on multiple occasions by cutting himself or by ingesting an overdose of pills. Each time he made a suicide attempt he would be transferred to a small observation cell in the infirmary where he would remain for a few days, or until he told staff he was no longer feeling suicidal, and then he would be returned to his cell on the Alpha Unit. He said of the extreme isolation, "It makes me feel like I'm in a coffin." Only video visits were permitted for prisoners on the Alpha Unit, so visitors would be in a room on the other side of the prison and would be visible to the prisoner only on a monitor. Colin refused visits and told me why: "How do I know they are not faking the images?" He did not know the date or time of day, and no watches or clocks were permitted on the unit.

Colin admitted that he heard imaginary voices, and when I asked if the officers knew he was hallucinating he said, "The doctor told them I hear voices, but still they punch me and spray me [with pepper spray]." Colin told me with tears in his eyes that as soon as he was placed in a solitary cell the voices became louder and more insistent and he became extremely anxious; that was when he started trying to kill himself. He felt he was stuck forever on Alpha Unit because transfer to a less restrictive environment would give him access to a television, and staff were very concerned that he might break the television and use some of its metal parts to kill himself. By the time of our interview Colin had been issued disciplinary reports multiple times while in the Alpha Unit for destroying state property, the pieces of metal he used to cut himself. In my report about the SMCI for the *Jones 'El* litigation, I strongly recommended that he be removed from isolation and transferred on an urgent basis into an intensive mental health treatment program. The lawsuit was eventually resolved, with part of the agreement being that prisoners with serious mental illness would no longer be consigned to the SMCI.

In all facilities, the profoundly deleterious effects of this type of solitary confinement on individuals are pervasive. A significant number of individuals in supermax units commit suicide along the way or are driven by conditions to commit a crime while in prison that gains them a longer prison term; but in the end most are released, very damaged, back into the community.

For those interested in viewing a supermax isolation cell in more detail, the *Guardian*, along with the prisoner rights organization Solitary Watch, a



FIGURE 3. Solid metal cell doors on pod of administrative segregation unit with evidence of fires set by prisoners desperate to have officers pay attention to their needs, Eastern Mississippi Correctional Facility, 2014. Photo by ACLU National Prison Project and Southern Poverty Law Center.



FIGURE 4. A prisoner exercises by jumping off a toilet in the cage-like “yard” in administrative segregation at San Quentin State Prison. Photo by Lucy Nicholson, Reuters, 2012.

Web-based project “aimed at bringing the widespread use of solitary confinement out of the shadows and into the light of the public square,” has created a virtual reality experience of a solitary confinement cell with links to interviews with individuals who have spent time in solitary confinement.<sup>15</sup>

PELICAN BAY STATE PRISON AND  
THE STRUGGLE FOR DECENT CONDITIONS

I first visited the SHU at Pelican Bay State Prison in 1992, two years after it opened. I drove toward the high-tech prison through the lush, green forest that surrounded it, then entered a clearing containing what looked like large concrete bunkers surrounded by glistening gravel on the bare ground. As it turned out, what I had taken for bunkers were the surprisingly low prison buildings. I soon learned that much of the SHU had been constructed below ground level. And officers who accompanied me on my tour explained that the gravel surrounding the supermax unit made it more difficult for prisoners to escape without being seen—as if anyone could escape from that grotesque concrete and steel labyrinth.

The purpose of my visit that first time was an investigation in preparation for expert testimony in *Coleman v. Wilson* (1993), a statewide class action lawsuit claiming substandard mental health treatment and consignment of inadequately treated prisoners with serious mental illness to solitary confinement, where their condition would predictably deteriorate dramatically. I interviewed prisoners who had been in the SHU for up to two years and determined that the extreme isolation was exacerbating their mental disorders, whether they suffered from schizophrenia, bipolar disorder, major depressive disorder, or another condition. I heard stories of terrible abuse from guards, and I witnessed the despair on the men’s faces, their conviction that they would never get out of the hell where they found themselves and would die alone inside those concrete walls. For a long time after that 1992 visit, I could not get out of my mind the image of human beings dwelling alone with nothing to do in windowless cells made of concrete and steel.

Pelican Bay State Prison, a maximum security correctional facility located near California’s coastal border with Oregon, opened in December 1989. Its sprawling, interconnected buildings are arranged in the shape of an X. The prison has a design capacity of approximately three thousand prisoners, and

out of that number approximately 30 to 35 percent (1,000–1,200 prisoners) are consigned to the SHU. The SHU contains twenty-two housing units of six pods each; each pod contains eight cells, four on the lower tier and four on the upper tier. Thus there are 1,056 cells. Cells are eight feet by ten feet; they contain a metal toilet/sink appliance, a concrete slab designed to hold a mattress, and a sliding metal door covered by a sheet of metal with perforations that permit the occupant to walk up close to his door and peer out through the metal grid to gain a distorted view of a blank wall across from his cell. Doors are opened and closed by remote control. An armed officer in a control booth looks out over the six pods that project radially from the control booth, and at the far end of each pod is the recreation area or “yard.”

Prisoners are released from their cells for sixty to ninety minutes, five days per week, to go alone (or with a cellmate) to “the yard,” a room-sized space with walls twenty feet high that is devoid of equipment except for a pull-up bar and a small ball.<sup>16</sup> A Lexan sheet covers over two-thirds of the ceiling area of the yard, so that only the remaining third permits a view of the sky. Prisoners say that if they see a bird, a bit of nature, fly over the uncovered ceiling of the recreation area they feel they are having a good day. When they leave their cells, they are searched and escorted in handcuffs and, if they are considered especially dangerous, in even more metal restraints. There are no areas designated for congregate activities. Prisoners are permitted showers where they are locked into a shower stall for a short period.

To a visitor, the hallway in the pods looks deserted. When you walk up to a cell door and peer in, you see a man, usually in white T-shirt and boxer shorts, sitting on or lying in his bunk or pacing in circles in the very small floor space he is allotted. It is always jarring to stand in an empty, fluorescent-lighted hallway, to walk up to a cell door covered by a perforated metal sheet, and to discover a man alone in the very small space behind it. Sometimes it is even difficult to discern the race of the man in the cell because the years with no exposure to natural light have made very pale the complexion even of men who once had a lot of pigment in their skin. Michael Montgomery, a journalist who wrote a series of articles about his visits to Pelican Bay State Prison during the hunger strikes of 2011 to 2014 and was a major source of information about developments there, wrote, “The monochrome landscape seemed to permeate even the faces of the inmates here; men I encountered (mostly through the perforated metal cover of a cell door) had a pasty, ghostly pallor.”<sup>17</sup>



FIGURE 5. A view of a pod at the Pelican Bay SHU. Photo by Monica Lam, working with journalist Michael Montgomery and the Center for Investigative Reporting, 2012.

No matter what mental condition a man is in before entering solitary, in my experience it is rare that he does not emerge in demonstrably worse mental and physical condition. A Mexican American prisoner from Southern California who had been in the Pelican Bay SHU for seventeen years told me he was lucky to sleep four or five hours at night. He was hearing voices when nobody was talking to him and believed that this was caused by SHU confinement. He was overweight (240 pounds, when he should weigh 170). He knew he should exercise, but he felt so listless all the time that he did not have the initiative or the energy to do that or anything else. He experienced a lot of headaches. The unfairness of his long-term isolation, his lack of recourse, and the dull-colored walls and monotony of life in the SHU all caused him to feel depressed and hopeless.

An African American man who had been in SHU for thirty-six years at the time of our interview told me about the anxiety he was experiencing all the time, so intense that he was sweating even without exertion. He reported frequent “weird violent dreams,” a strong startle reaction especially to the sound of doors opening, perceptual distortions that he attributed to the lack of windows in his cell and the odd experience of looking at the wall across from his cell through the small holes in his metal cell door, a sense of losing the ability to feel things, wide swings in emotion, a tendency to constantly



FIGURE 6. Inside a windowless cell at the Pelican Bay SHU. Photo by Monica Lam, working with journalist Michael Montgomery and the Center for Investigative Reporting, 2012.



FIGURE 7. The yard at the Pelican Bay SHU. Photo by Monica Lam, working with journalist Michael Montgomery and the Center for Investigative Reporting, 2012.

misplace things, an inability to concentrate, memory loss, irritability, and worries about becoming more unkempt and disorganized. He described irregular sleep with frequent waking whenever he heard the sound of doors opening and closing. He explained that loud noises made him jump or induced panic attacks because he was afraid officers would come into his cell and beat him. He admitted to being hyperaware, even paranoid. In chapters 4 and 5 I will have much more to say about the symptoms and emotional damage that are typically brought on by long-term solitary confinement.

One reason that solitary confinement has been allowed to proliferate so much in the modern era is that the general public has very little knowledge about what is occurring inside the prisons. The California Department of Corrections has a “gag order,” a policy prohibiting journalists from talking to prisoners without the department’s specific prior approval. The policy was supposedly put in place to prevent prisoners from using press contacts to foster personal fame or business pursuits, but the effect of the prohibition has been to greatly limit the public’s knowledge about what is going on inside the prisons.

To the extent that the public—including researchers and journalists—have learned about what is happening in supermax units, the breaking news



has tended to come from reports of prisoners' family members who have found a way to visit or to hear about the prison's day-to-day reality and then to return to the community, and legislators, to talk about the abusive conditions they witnessed. But rules for visits are very strict, especially for prisoners in solitary confinement. Moreover, supermaximum security units tend to be located far from population centers, and many relatives and friends drop off the visiting rolls because of the long distances. Visits with prisoners become less common. This is not a positive development because, when the statistics are run, prisoners who sustain quality visits with loved ones throughout their prison term have a much lower recidivism rate than prisoners who are cut off from family while doing their time.<sup>18</sup> In the absence of robust public awareness of the problems associated with solitary confinement, its use has unfortunately spread in ways that are not even officially considered solitary confinement.

#### ISOLATION BY ANY OTHER NAME

There are varied rationales for prison isolation techniques. The discussion so far has mostly been about isolation as punishment for rule violations or for gang affiliation. But isolation is also used for other purposes. For example, a prisoner deemed suicidal may be placed in an "observation cell," a setting that can be virtually the same as solitary confinement.

The observation cells for suicidal and acutely psychotic prisoners in Unit 42 at the Mississippi State Penitentiary in Parchman demonstrate the problem. When I toured the unit in preparation for testimony in the *Willie Russell v. Epps* and *Presley v. Epps* class action lawsuits, Unit 42 was functioning as the prison infirmary. There were several observation cells for suicidal and acutely psychotic prisoners along one hallway. The cells were relatively large. Some had a window to the outside and some did not, and all cells had a solid metal cell door with a small window at eye level through which the prisoner could look out onto the hallway. Prisoners were cell-fed. They were given no therapy sessions, no congregate activities of any kind, not even time out of the cell for recreation. Psychiatric patients could spend many months in one of these cells. They were permitted fewer activities than prisoners in supermax isolation and did not receive much mental health treatment except, perhaps, psychotropic medications. Many prisoners transferred to the unit told me they would prefer being back in a segregation cell to the numbing

isolation of “Observation.” Why would anyone think such a situation might prevent further decline in the mental health of a person who felt suicidal?

There are numerous other examples of solitary confinement by another name. Most prisoners on Death Row are restricted to their cells inside a supermaximum security isolation unit. In my view, there really is no sound reason for this. I suspect it is done as a public relations ploy: it helps convey the impression that the corrections mission is the management of extremely dangerous people who can be contained only by extreme measures.

Or consider a lockdown on the basis of race. Let’s say there has been a violent incident, such as a knife-wielding prisoner’s attack on an officer. There is no reliable identification of the assailant, but several officers report that he was African American. The warden orders that all African American prisoners are on lockdown status immediately until further notice. The men in lockdown are cell-fed. They may be alone in a cell or have one or several cellmates. They get no phone calls and no out-of-cell programming. Though in theory they are allotted five hours per week on the recreation yard, often so many prisoners are on lockdown and so few officers are available to guard them that many of their allotted recreation periods are canceled with no prior notice and no explanation. These locked-down prisoners are in solitary confinement, and not for anything they have done, only for the color of their skin.

Then there is “protective custody.”<sup>19</sup> I interviewed a young man in an administrative segregation unit of a maximum security prison in a western state who entered adult prison at seventeen and was almost immediately raped by an older prisoner. When he reported the rape to officers they demanded to know who had done it. He suffered from schizophrenia and was having trouble thinking clearly, yet he had to decide whether to snitch on another prisoner to an officer. The stakes were very high: if he snitched and word got out, there would be certain retaliation, perhaps lethal retaliation. In any case, he was consigned to solitary confinement “for his own safety,” where he had to remain for months while the investigation into the alleged rape proceeded.

A trans woman prisoner may also be put in solitary, simply because her sexual identity has created a quandary for the classification officers and because they have no appropriate housing situation for her.<sup>20</sup> In solitary, they believe, she will at least be safe until some other solution can be found.

All prison systems have a classification system that serves to separate members of rival gangs and prisoners who have enemies. But separation must not entail isolation. According to all standards, prisoners who need to be

separated from the general population because of their vulnerabilities or their enemies must be transferred to another setting where they will not be isolated in a cell and where they have all the freedoms and amenities, including access to all the jobs, educational opportunities, and vocational training programs, that their classification level permits.<sup>21</sup> The distinction between separation and isolation is very important. Similarly, the prisoner who is at high risk of acting violently must be separated from those with whom he is likely to become violent, but that does not justify his isolation. In many situations what is needed is separation, not isolation.

Solitary confinement is also the preferred form of housing for people captured during wartime who are being interrogated or tortured. Mohamedou Ould Slahi, a Mauritanian, was in Al Qaeda fighting against the Russians in Afghanistan in the early 1990s and much later was picked up by the United States and brought to Guantanamo.<sup>22</sup> Although he maintained that he had had no further connection with Al Qaeda, he has been kept a prisoner at Guantanamo since soon after 9–11. Slahi’s gruesome description of his years of confinement and interrogation at Guantanamo are emblematic of the torturous experiences of individuals in solitary confinement:

When I entered the block, it was completely empty of any signs of life. . . . In the block the recipe started. I was deprived of my comfort items, except for a thin iso-mat and a very thin, small, worn-out blanket. I was deprived of my books, which I owned, I was deprived of my Koran, I was deprived of my soap. I was deprived of my toothpaste and of the roll of toilet paper I had. The cell—better, the box—was cooled down to the point that I was shaking most of the time. I was forbidden from seeing the light of the day; every once in a while they gave me a rec-time at night to keep me from seeing or interacting with any detainees. I was living literally in terror.<sup>23</sup>

Correctional authorities might protest that Mr. Slahi was not in “solitary confinement” because there were military intelligence officers interrogating him. But the interrogation did not include any trace of human understanding or meaningful communication, and after being interrogated, he would always be returned to an isolation cell.

Solitary confinement is commonplace in jails or local detention facilities. Jails contain a variety of different types of housing, but often the prisoner is in a cell by himself. A number of jail commanders have reported to me that if a prisoner seems to have a significant mental illness they will do their best to keep that prisoner in a single cell because mixing him or her with others is too risky. But although placing such individuals in isolation is meant to

protect them from other prisoners, it also forces them into a type of solitary confinement that will almost certainly damage their mental health.

Another area of concern is the use of solitary confinement on detained immigrants. US Immigration and Customs Enforcement (ICE) has contracts with private companies to run detention centers. These companies reap profits by lowering their budget for staffing as much as possible, and on average immigration lockups are very poorly staffed. As a result of this, undertrained and overworked staff tend to consign to solitary immigrant prisoners who seem troublesome in any way. Moreover, because the rest of the prisoner's family are frightened that they too might be arrested if they appear anywhere near immigration officials or police, they do not visit and do not complain about the horrendous conditions where their kin are confined, such as in a solitary confinement cell.<sup>24</sup>

Solitary confinement is quite simply the fallback option for any number of difficult scenarios in corrections today. Rowdy prisoners? Lock them up! A prisoner wants to cut his wrists? Lock him up in Observation! Violence on the yard? Lock down the racial group that seems involved! Not enough staff to move prisoners in isolative confinement to recreation? Leave them in their cells twenty-four hours per day!

There is a growing consensus in corrections circles today that solitary confinement facilities were overbuilt in the 1990s and that solitary confinement can be very counter-rehabilitative and countertherapeutic.<sup>25</sup> The advent of the supermax certainly signaled the demise of robust prison rehabilitation and the expansion of an ever harsher culture of punishment in prisons.