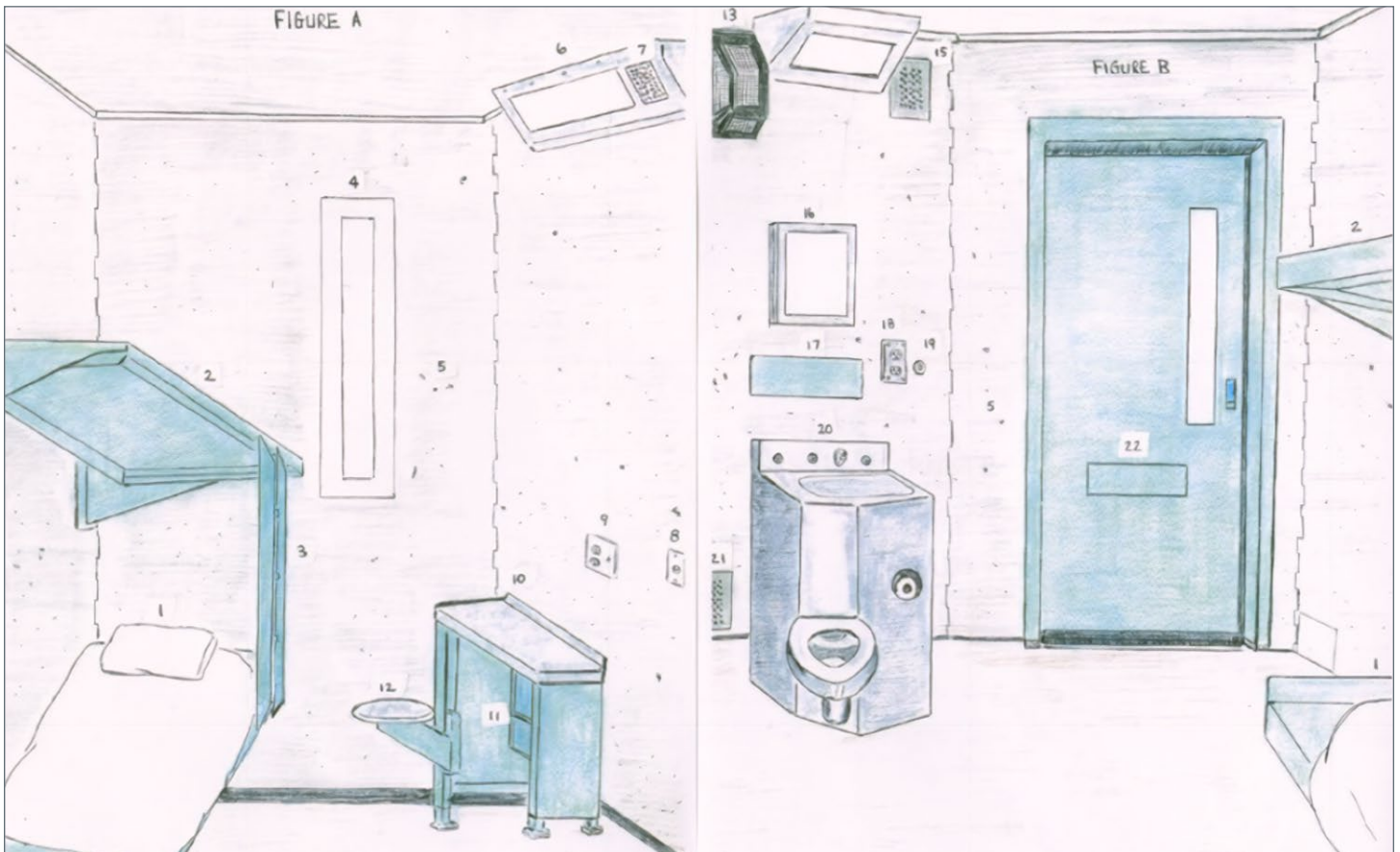


CALCULATING TORTURE

Analysis of Federal, State, and Local Data Showing More Than 122,000 People in Solitary Confinement in U.S. Prisons and Jails



A Report by Solitary Watch and the Unlock the Box Campaign
May 2023



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INTRODUCTION

Solitary confinement is a torturous and deadly practice.¹ Prisons, jails, and detention centers inflict solitary confinement disproportionately on Black people, Latino/a/x people, Native people, and other people of color.² Decades of research have attested to the lived experience of people who have been incarcerated and their loved ones, corroborating that solitary causes devastating harm to physical, mental, and behavioral health and is counterproductive to any goals of safety.³ Any length of time in solitary confinement—days, or even hours at a time—can have severe consequences.⁴

While there has been a growing recognition of the need to end solitary confinement, and some groundbreaking policy changes have shown movement in that direction, the use of solitary confinement in prisons, jails, and detention centers across the United States remains common and widespread.⁵

This report provides the first ever comprehensive accounting of the total use of solitary confinement in *both* prisons and jails across the United States. Analysis of data recently released by the federal Bureau of Justice Statistics (BJS) and by two state prison systems that did not report to BJS, as well as data from a survey of local jails conducted by the Vera Institute of Justice, reveals that state and federal prisons and local and federal jails in the U.S. have reported on a given day locking a combined total of more than 122,000 people in solitary confinement for 22 or more hours.⁶

These newly available numbers come closer than have any previously published figures in accounting for the number of people in solitary confinement. Yet they still undoubtedly undercount the number of individuals who experience solitary and the number impacted by it.

To begin with, the numbers are self-reported by correctional systems. Further, they cover only solitary confinement that involves being locked in a cell 22 or more hours a day. They do not include various informal or transient forms of solitary confinement such as group lockdowns or quarantines, nor do they include so-called alternatives that amount to solitary by another name.

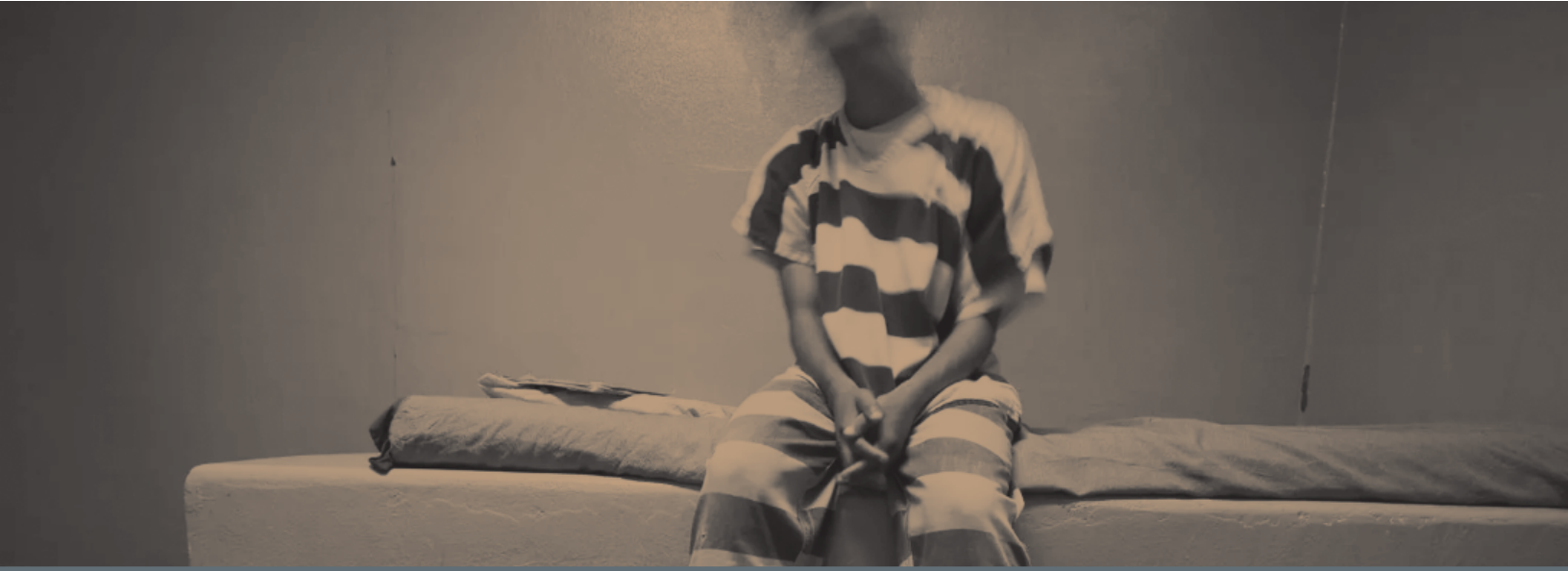
In addition, the figures represent a snapshot of the number of people in solitary confinement at a given moment in time, while many times that number are locked in solitary during the course of a year.

Moreover, the numbers include only people in prisons and jails. Immigration detention facilities lock people in solitary confinement nearly 9,000 times a year, and children and other young people in youth facilities continue to be subjected to solitary.⁷

Even given all these excluded factors, the numbers far exceed those of other recent counts, which, in the absence of more comprehensive figures, have been widely quoted by media outlets and even scholars and advocates.⁸

Solitary Watch has been investigating and documenting the widespread use of solitary confinement for more than a dozen years to increase awareness of and accountability for this humanitarian crisis. The Unlock the Box Campaign and activists across the country have been urging policy makers at the local, state, and federal levels to build on recent efforts to end or limit the use of solitary and to take much more substantial action to significantly reduce or eliminate its use. Together, we believe that accurate information—including the most comprehensive possible count of the numbers of people in solitary confinement—is critical to creating change.





KEY ANALYSIS: PRISONS AND JAILS LOCK MORE THAN 122,000 PEOPLE IN SOLITARY CONFINEMENT FOR 22 OR MORE HOURS ON A GIVEN DAY

Data recently released by the U.S. Department of Justice’s Bureau of Justice Statistics (BJS), supplemented by state data reported by California and Virginia, reveals that prisons and jails across the U.S. reported locking more than 122,000 people in solitary confinement for 22 or more hours on a given day in 2019.⁹ This data provides a snapshot of the number of people in solitary confinement across the country on a given day in the most recent year for which comprehensive figures are available.¹⁰

Federal and State Prisons

Federal and state prisons reported locking nearly 81,000 people—roughly 6.3 percent of all people in prison—in solitary confinement for 22 or more hours on a given day.

RESTRICTIVE HOUSING IN U.S. STATE AND FEDERAL PRISON IN 2019, SUMMARY

JURISDICTION	TOTAL PRISON POPULATION (BJS)	INDIVIDUALS IN RESTRICTIVE HOUSING (BJS and State Records)	PERCENTAGE IN RESTRICTIVE HOUSING (BJS and State Records)
FEDERAL	159,233	11,011	6.92
STATE	1,126,970	69,757	6.19
TOTAL	1,286,203	80,768	6.28

This analysis includes the latest available data on restrictive housing from the BJS. Released in August 2022, it documents the use of solitary confinement in mid-2019 for both the federal prison system and state systems that self-reported to BJS.¹¹ It also includes data reported by two states, California and Virginia, that did not report on their use of solitary confinement to BJS but did report publicly on their use of solitary in the same time period covered by BJS.¹² (One state, West Virginia, did not report to the BJS and also made no data on its use of solitary publicly available.)

RESTRICTIVE HOUSING IN U.S. STATE AND FEDERAL PRISONS IN 2019, BY JURISDICTION

JURISDICTION	TOTAL PRISON POPULATION (BJS)	INDIVIDUALS IN RESTRICTIVE HOUSING (BJS and state records)	PERCENTAGE IN RESTRICTIVE HOUSING (BJS and state records)
ALABAMA	17,540	953	5.4
ALASKA	3,679	294	8
ARIZONA	43,914	2,484	5.7
ARKANSAS	14,825	2,007	13.5
CALIFORNIA	121,678	4,742	3.9
COLORADO	18,255	258	1.4
CONNECTICUT	13,283	283	2.1
DELEWARE	4,625	0	0.0
FLORIDA	84,751	10,926	12.9
GEORGIA	46,288	4,258	9.2
HAWAII	1,438	31	2.2
IDAHO	7,131	191	2.7
ILLINOIS	38,337	1,357	3.5
INDIANA	25,732	2,057	8.0
IOWA	8,488	411	4.8
KANSAS	9,631	1,010	10.5
KENTUCKY	12,635	976	7.7
LOUISIANA	17,940	1,302	7.3

JURISDICTION	TOTAL PRISON POPULATION (BJS)	INDIVIDUALS IN RESTRICTIVE HOUSING (BJS and state records)	PERCENTAGE IN RESTRICTIVE HOUSING (BJS and state records)
MAINE	1,524	31	2.0
MARYLAND	17,888	1,567	8.8
MASSACHUSETTS	7,993	269	3.4
MICHIGAN	38,370	1,629	4.2
MINNESOTA	9,221	497	5.4
MISSISSIPPI	13,441	636	4.7
MISSOURI	28,172	3,356	11.9
MONTANA	2,763	119	4.3
NEBRASKA	4,732	337	7.1
NEVADA	12,202	3,140	25.7
NEW HAMPSHIRE	2,147	110	5.1
NEW JERSEY	17,610	1,375	7.8
NEW MEXICO	6,226	409	6.6
NEW YORK	44,979	2,501	5.6
NORTH CAROLINA	32,444	1,479	4.6
NORTH DAKOTA	1,571	32	2.0
OHIO	48,127	1,980	4.1
OKLAHOMA	23,409	2,525	10.8

JURISDICTION	TOTAL PRISON POPULATION (BJS)	INDIVIDUALS IN RESTRICTIVE HOUSING (BJS and state records)	PERCENTAGE IN RESTRICTIVE HOUSING (BJS and state records)
OREGON	14,736	871	5.9
PENNSYLVANIA	45,340	2,014	4.4
RHODE ISLAND	2,663	96	3.6
SOUTH CAROLINA	17,605	912	5.2
SOUTH DAKOTA	2,499	107	4.3%
TENNESSEE	21,530	2077	9.6
TEXAS	136,836	5,492	4.0
UTAH	5,195	349	6.7
VERMONT	1,489	44	3.0
VIRGINIA	29,994	521	1.7
WASHINGTON	16,613	785	4.7
WEST VIRGINIA	5,119	N/A	N/A
WISCONSIN	22,313	918	4.1
WYOMING	2,049	39	1.9
STATE TOTALS	1,126,970	69,757	6.19
TOTAL STATE + FEDERAL PRISONS	1,286,203	80,768	6.28

Local and Federal Jails

Local jails across the country and federal pre-trial detention facilities are estimated to have locked more than 42,000 people in solitary confinement for 22 or more hours a day on a given day in mid-2019.

RESTRICTIVE HOUSING IN U.S. LOCAL AND FEDERAL JAILS IN 2019

JURISDICTION	TOTAL JAIL POPULATION (BJS)	ESTIMATED PERCENTAGE IN RESTRICTIVE HOUSING (Vera Institute of Justice)	ESTIMATED INDIVIDUALS IN RESTRICTIVE HOUSING IN JAILS
LOCAL JAILS	734,470	5.64	41,424
FEDERAL JAILS	11,490	5.64	648
TOTAL	745,960	5.64	42,072

From the results of a survey distributed to nearly all jails in the United States, the Vera Institute of Justice found that on a given day, 5.64 percent of people in jails were in solitary confinement for 22 or more hours a day at the time of the survey.¹³ According to data released by BJS in October 2021, at midyear 2019 there were 745,960 people in jails across the country, including 734,470 people in local jails and 11,490 in federal pre-trial detention.¹⁴ Taken together, these figures indicate that on a given day in mid-2019 an estimated 42,072 people were locked in solitary confinement for 22 or more hours a day, including an estimated 41,424 people in solitary in local jails and an estimated 648 people in solitary in federal pre-trial detention.

Total: Federal and State Prisons and Local and Federal Jails

Across the United States, federal and state adult prisons and local and federal jails reported on a given day in 2019 locking approximately 122,840 people in solitary confinement 22 or more hours a day.

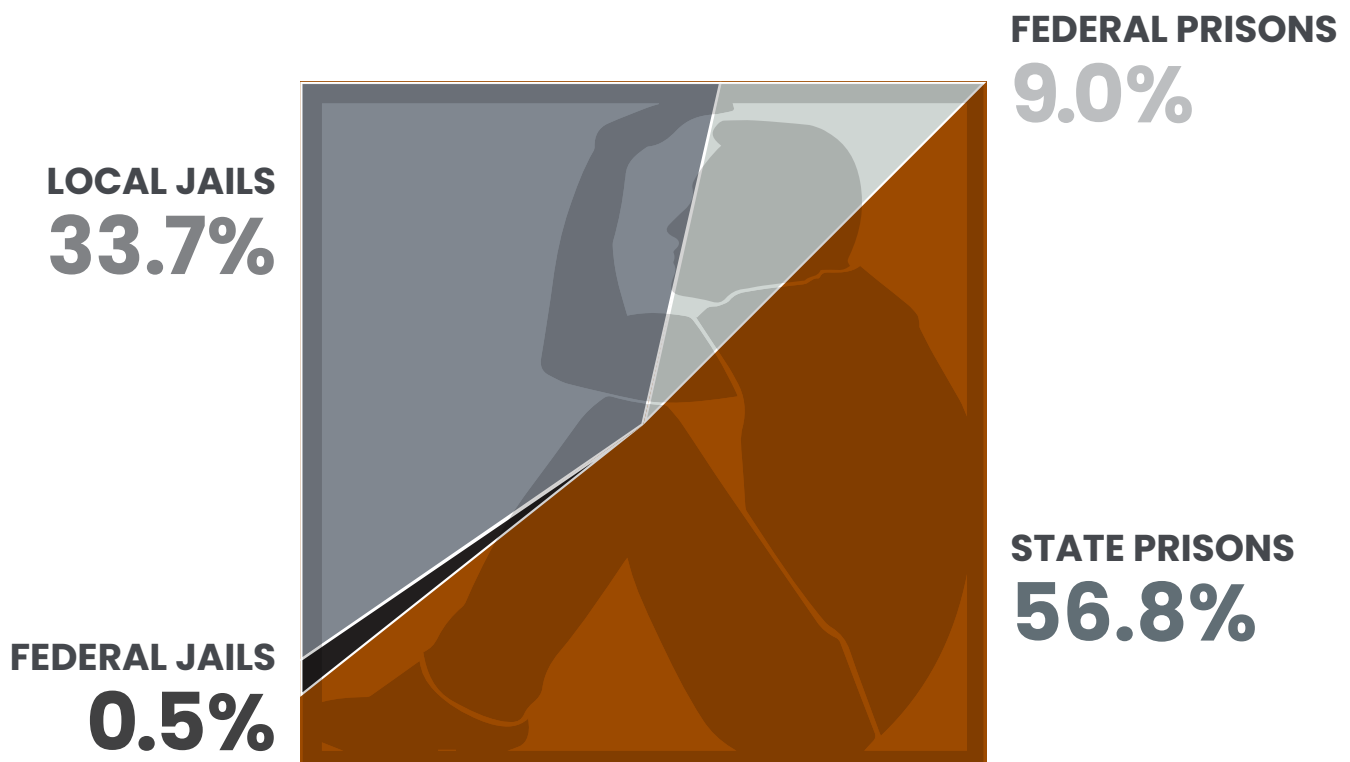
122,840
people in solitary
confinement for 22 or more
hours
a day

RESTRICTIVE HOUSING IN ALL U.S. PRISONS AND JAILS IN 2019

JURISDICTION	TOTAL PRISON AND JAIL POPULATION 2019	TOTAL IN RESTRICTIVE HOUSING	PERCENTAGE IN RESTRICTIVE HOUSING
FEDERAL PRISONS	159,223	11,011	6.92
STATE PRISONS	1,126,970	69,757	6.19
FEDERAL JAILS	11,490	648	5.64
LOCAL JAILS	734,470	41,424	5.64
TOTAL	2,032,163	122,840	6.04

Of these 122,840 individuals, the largest proportion—56.8 percent—are held in solitary confinement in state prisons, followed by 33.7 percent in local jails, 9.0 percent in federal prisons, and 0.5 percent in federal jails.

BREAKDOWN OF PEOPLE IN RESTRICTIVE HOUSING IN ALL U.S. PRISONS AND JAILS IN 2019





WHY THIS ANALYSIS PROVIDES A FULLER PICTURE OF THE NUMBER OF PEOPLE IN SOLITARY CONFINEMENT THAN PREVIOUS COUNTS

Of note, previous reported counts of the number of people in solitary confinement in the United States have been substantially lower than the number presented in this report. Several factors contribute to this discrepancy.

First and most significant, for documentation on the use of solitary confinement in prisons, other recent reports—specifically, the series released by the Liman Center at Yale Law School in collaboration with the Correctional Leaders Association (CLA)—have provided only the number of people who had been held in prolonged solitary confinement beyond 15 continuous days, rather than the total number of people in solitary confinement.¹⁵ For a fuller picture of the use of solitary confinement—and because any length of time in solitary can be harmful and counterproductive to goals of safety—it is imperative to also report on the total number of people in solitary confinement for any length of time. Both measures—the number of people in solitary confinement and the number of people in prolonged solitary confinement beyond 15 continuous days—are useful and important separate data points for understanding the use of solitary.

Second, for documentation on the use of solitary confinement in prisons, the reports by CLA and Liman have used private surveys for collecting the data, whereas this report uses data collected by the U.S. Bureau of Justice Statistics (BJS). The data are self-reported in both instances, and thus continue to have limitations. However, the governmental BJS data collection, which was

part of BJS’s periodic Census of State and Federal Correctional Facilities, while again self-reported, had a higher response rate, with only a few states not providing data. The present report also separately identified and uses publicly reported data by two states.

Third, other reports—including those produced by BJS—have focused on the use of solitary confinement in federal and state prisons separately from its use in local and federal jails, while this report provides an estimate of the total number of people in all these facilities combined.

Of note, the BJS snapshot data, and in turn the present report, has not collected or reported on certain crucial information related to the use of solitary confinement that the CLA and Liman surveys and the Vera Institute surveys have collected and reported on. These include racial disparities in the infliction of solitary confinement, disproportionate imposition of solitary confinement on people with mental health needs, and breakdowns in the use of solitary confinement along other demographic characteristics such as gender or age.

The present report gives a fuller picture of the total number of people in solitary—a number that greatly exceeds those of other counts. Nevertheless, because of a lack of available data, it still has considerable limitations and thus significantly undercounts the number of people in solitary across the United States, as discussed in the following section.

SOLITARY CONFINEMENT HAS EVEN HIGHER PREVALENCE AND IMPACTS EVEN MORE PEOPLE THAN THESE NUMBERS INDICATE

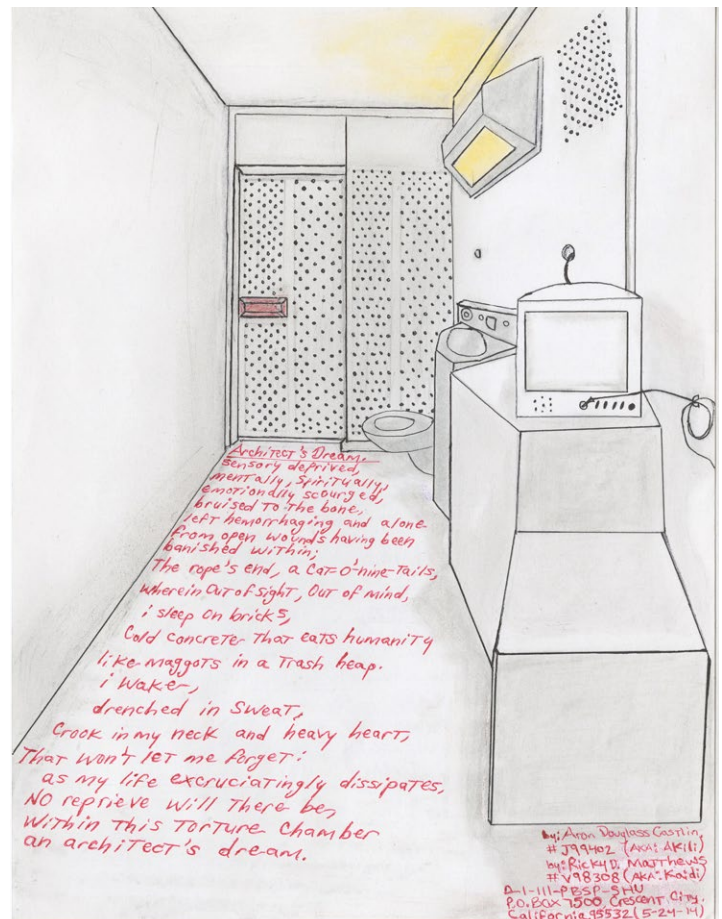
This report has documented that more than 122,000 people in adult prisons and jails are in solitary confinement on a given day for 22 or more hours a day. In fact, the number of people subjected to solitary confinement across the United States is far greater.

First of all, in addition to adult prisons and jails, immigration detention centers and youth facilities frequently use solitary confinement. Although existing data do not provide a snapshot of the number of people in solitary confinement on a given day in either of the second two types of facilities, there are some data on the frequent infliction of solitary confinement. According to the Office of the Inspector General for the U.S. Department of Homeland Security, immigration detention facilities across the country imposed 44,456 solitary confinement placements from FY2015 to FY2019, or an average of 8,891 solitary confinement placements a year.¹⁶ Similarly, youth facilities across the country continue to lock children and other young people in solitary confinement.¹⁷

In addition, all the data relied upon above from the BJS and the Vera Institute are self-reported from correctional systems, include only those uses of solitary confinement where a person is locked in a cell for 22 or more hours a day, and rely on those correctional systems to define what constitutes being in a cell for that amount of time. As such, the data would not include other forms of solitary confinement (what should be considered solitary by another name), where individuals are still locked in a cell up to 21½ hours a day.¹⁸ The data would also not include situations where a corrections system provides so-called out-of-cell time that still involves a person being locked alone in a recreation pen or other isolated space. These data also likely do not capture other informal lock-ins or facility-wide or housing area lockdowns.

Finally, these data include only the number of people in solitary at a snapshot in time. Far more people are subjected to solitary confinement over the course of a month, a year, or an entire incarceration sentence than would be reflected in a snapshot of the number of people in solitary on one day.¹⁹ Of note, the use of solitary of course adversely affects not only people in such confinement but also harms the well-being of their loved ones and worsens community safety.²⁰

On the other hand, after a sharp spike in the unofficial (and primarily unreported) use of solitary in the early months of COVID-19, there may also have been incremental reductions in the overall use of solitary confinement across the country since the 2019 data were collected. Implementation of some of the more significant legislative changes, such as those in New Jersey, New York, and Connecticut, would not have begun soon enough to be reflected in the 2019 data used in this report. For example, New York State enacted the Humane Alternatives to Long Term Solitary Confinement (HALT) law on March 31, 2021, and the law went into effect on March 31, 2022. As a result of the law's initial implementation, there has been a dramatic reduction in the use of reported solitary confinement, from nearly 1,800 people in February 2022 to approximately 400 people on December 1, 2022, although the state prison department has been shown to be violating many components of the law.²¹



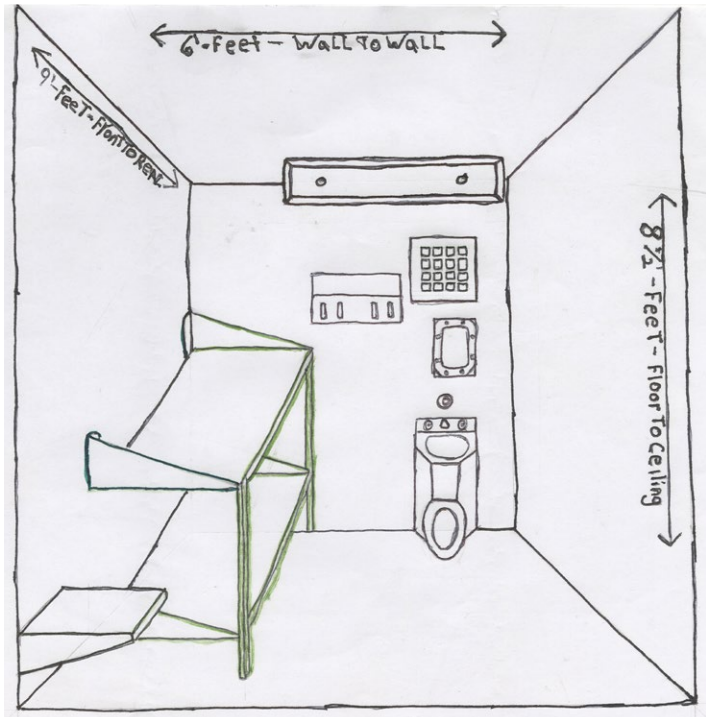
Drawing and text of solitary confinement cell at Pelican Bay State Prison, California, by Aron D. Castlin and Ricky D. Matthews.

PRISONS AND JAILS CONTINUE TO LOCK PEOPLE IN SOLITARY FOR DAYS, WEEKS, MONTHS, YEARS, AND DECADES

Any length of time in solitary confinement, measured in days or even hours, can cause severely damaging impacts. Yet correctional facilities continue to lock people in solitary for weeks, months, years, and even decades.

According to the CLA and the Liman Center, a snapshot in 2019 found that between 55,000 and 62,500 people had been in prolonged solitary confinement for an average of 22 or more hours a day for at least 15 continuous days.²² Similarly, a snapshot in 2021 showed that between 41,000 and 48,000 people had been in prolonged solitary confinement for an average of 22 or more hours a day for at least 15 continuous days.²³ Nearly a quarter of those individuals had been in solitary confinement for years, including nearly 4 percent who had been in solitary confinement for more than a decade.²⁴

In addition, the Vera Institute of Justice found that 58 percent of people in solitary in jails across the country had spent more than 15 days in solitary—even though the average total length of stay in jails generally is 26 days.²⁵



Drawing of solitary confinement cell at Louisiana State Penitentiary, Angola, by Kenny Zulu Whitmore.



CONCLUSION AND RECOMMENDATIONS

Widespread recognition that solitary confinement causes devastating harm and worsens safety for everyone, together with a nationwide movement of campaigns led by people who lived through solitary confinement and loved ones of people in solitary, have generated an increasing number of substantial policy changes restricting the use of solitary confinement and moving toward ending the practice.²⁶

Activists across the country have been urging policy makers at the federal, state, and local levels to build on the changes that have been made and take dramatic steps to end solitary confinement. During their campaigns, President Joe Biden and Vice President Kamala Harris both committed to ending solitary confinement.²⁷ New polling data reveal widespread bipartisan support for ending solitary confinement.²⁸ Legislation pending in states across the country seeks to ban solitary for different categories of people and place a limit of 15 days on solitary for everyone. There are also growing efforts to ban solitary entirely, including a bill currently pending with veto-proof supermajority support in New York City that would ban solitary confinement, other than for a maximum of four hours for emergency de-escalation, and require all people in the city's jails to have access to at least 14 hours of group out-of-cell time.²⁹

With solitary confinement still so prevalent and impacting hundreds of thousands of people across the country each year, bold action would be required to stop this torturous practice. Based on best policy components from enacted and pending legislation across the country, the Unlock the Box Campaign has called for local, state, and federal policy makers to:

- end solitary confinement for all people, other than for periods of minutes or hours for emergency de-escalation, and close prisons, jails, and other sites of detention dedicated to solitary confinement;
- implement alternatives that are the opposite of solitary and provide proven forms of separation involving full days of out-of-cell group program-based interventions;
- provide firm time limits on alternatives and on any form of restrictive housing;
- prohibit any involuntary lock-in for people who are most vulnerable to isolation;
- restrict the justifications for solitary or alternatives to the most egregious, acute acts that pose an imminent risk of physical harm;
- provide due process protections before any separation, including access to independent decision makers and representation; and
- ensure meaningful oversight, accountability, and enforcement, including through a private cause of action, public data reporting, media access, and independent oversight.³⁰

In light of the continued limitations on data discussed in this report, Solitary Watch and Unlock the Box are also calling for improved data collection and transparent public reporting on the use of solitary confinement and alternatives to solitary. Data points should include, at a minimum, how many people are in solitary and in alternative units or programs; how many people are being held in their cells for different periods of time, including more than 10 hours, 16 hours, and 22 hours a day; lengths of stay in solitary and alternatives; reasons for placement; number of separate admissions of a person during the reporting period; number of disciplinary charges issued to participants in alternative programs and sanctions imposed; demographics, including race, age, gender, and LGBTQI+ identification; mental health and medical status; special needs; pregnancy status; and finally, incidents of self-harm, suicide attempts and suicides, and deaths and causes of deaths.

This report documents that the incidence of solitary confinement in this country is far greater than anyone has previously reported. It is now more urgent than ever that local, state, and federal jurisdictions across the United States end this massive system of government torture that causes devastating harm; leads to death; increases the risks of violence in places of detention and outside communities; and is disproportionately inflicted on Black people, Latino/a/x people, Native people, and other people of color. Ending solitary confinement would stop torture, save lives, and improve safety—not only for 122,000 people, but for everyone.

NOTES

¹See, e.g., Lauren Brinkley-Rubinstein et al., “Association of Restrictive Housing During Incarceration with Mortality After Release,” *JAMA Network Open* 2, no. 10 (October 4, 2019): e1912516, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350>; HALT Solitary Campaign, *The Walls Are Closing In on Me: Suicide and Self-Harm in New York State’s Solitary Confinement Units, 2015–2019*, May 2020, http://nycaic.org/wp-content/uploads/2020/05/The-Walls-Are-Closing-In-On-Me_For-Distribution.pdf.

²See, e.g., U.S. Department of Justice, *Report and Recommendations Concerning the Use of Restrictive Housing: Final Report*, January 2016, 68, <https://www.justice.gov/archives/dag/file/815551/download>; Correctional Leaders Association and Arthur Liman Center for Public Interest Law at Yale Law School, *Time-In-Cell: A 2021 Snapshot of Restrictive Housing Based on a Nationwide Survey of U.S. Prison Systems*, August 2022, <https://law.yale.edu/centers-workshops/arthur-liman-center-public-interest-law/liiman-center-publications/time-cell-2021>; Freedom for Immigrants, Black LGBTQIA+ Migrant Project, Black Alliance for Just Immigration, and UndocuBlack Network, *Uncovering the Truth: Violence and Abuse Against Black Migrants in Immigration Detention*, October 2022, <https://www.freedomforimmigrants.org/report-uncovering-the-truth>; New York State Department of Corrections and Community Supervision, *HALT Semi-annual Report, May–October 2022*, October 2022, <https://doccs.ny.gov/system/files/documents/2022/10/halt-semi-annual-report-2022-may-october.pdf>.

³Kayla James and Elena Vanko, *The Impacts of Solitary Confinement* (New York: Vera Institute of Justice, April 2021), <https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf>. See, e.g., Stuart Grassian, “Psychiatric Effects of Solitary Confinement,” *Washington University Journal of Law & Policy* 22 (January 2006): 325–383, https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1362&context=law_journal_law_policy/.

⁴Christopher Wildeman and Lars H. Andersen, “Solitary Confinement Placement and Post-release Mortality Risk Among Formerly Incarcerated Individuals: A Population-Based Study,” *Lancet Public Health* 5, no. 2 (February 2020): e107–e113, <https://www.sciencedirect.com/science/article/pii/S2468266719302713>.

⁵Lew Blank, “A Bipartisan Majority of Voters Support Strongly Restricting Solitary Confinement, Including Placing a Four-Hour Limit on the Practice,” *Data for Progress*, November 16, 2022, <https://www.dataforprogress.org/blog/2022/11/16/a-bipartisan-majority-of-voters-support-strongly-restricting-solitary-confinement-including-placing-a-four-hour-limit-on-the-practice>; Unlock the Box Campaign, *Banning Torture: Legislative Trends and Policy Solutions for Restricting and Ending Solitary Confinement Throughout the United States*, January 2023, <https://unlocktheboxcampaign.org/wp-content/uploads/2023/01/UTB-BanningTorture-TrendReport-January2023.pdf>.

⁶United States Bureau of Justice Statistics, *Census of State and Federal Adult Correctional Facilities, 2019* (ICPSR38325), National Archive of Criminal Justice Data, August 2022, <https://doi.org/10.3886/ICPSR38325.v2>; Laura M. Maruschak and Emily D. Buehler, *Census of State and Federal Adult Correctional Facilities, 2019: Statistical Tables* (NCJ 301366), U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, November 2021, <https://bjs.ojp.gov/content/pub/pdf/csfac19st.pdf>; Zhen Zeng and Todd D. Minton, *Census of Jails, 2005–2019: Statistical Tables* (NCJ 255406) U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, October 2021, <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cj0519st.pdf>; California Department of Corrections and Rehabilitation, *Offender Data Points: Offender Demographics for the 24-Month Period Ending June 2019*, prepared by the Office of Research, Division of Internal Oversight and Research, June 2019, 8, https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/06/201906_DataPoints.pdf; Virginia Department of Corrections, *The Reduction of Restrictive Housing in the Virginia Department of Corrections: FY2019 Report*, October 2019, 2, <https://vadoc.virginia.gov/media/1452/vadoc-research-restrictive-housing-report-2019.pdf>. As discussed further on in this report, the estimates of the number of people in solitary confinement in jails rely on research and analysis conducted by the Vera Institute of Justice. See Chase Montagnet, Jennifer Peirce, and David Pitts, *Mapping U.S. Jails’ Use of Restrictive Housing: Trends, Disparities, and Other Forms of Lockdown* (New York: Vera Institute of Justice, April 2021), <https://www.vera.org/downloads/publications/mapping-us-jails-use-of-restrictive-housing.pdf>.

⁷Office of Inspector General, Department of Homeland Security, *ICE Needs to Improve Its Oversight of Segregation Use in Detention Facilities* (OIG-22-01), October 2021, 10, <https://www.oig.dhs.gov/sites/default/files/assets/2021-10/OIG-22-01-Oct21.pdf>. Stop Solitary for Kids, *Not in Isolation: How to Reduce Room Confinement While Increasing Safety in Youth Facilities*, June 2019, <https://stopsolitaryforkids.org/wp-content/uploads/2019/06/Not-In-Isolation-Final.pdf>.

⁸See, e.g., Ed Pilkington, “Nearly 50,000 People Held in Solitary Confinement in U.S., Report Says,” *Guardian*, August 24, 2022, <https://www.theguardian.com/us-news/2022/aug/24/us-solitary-confinement-prisons>.

⁹Both the Bureau of Justice Statistics and the Vera Institute of Justice used a definition of restrictive housing that required confinement in a cell for 22 hours or more per day. The data for the two states whose independently reported data was relied upon for this report—California and Virginia—did not specify the number of hours of cell confinement.

¹⁰The given day for each facility was that day on which the facility reported. According to BJS, jurisdictions “were asked to report data with a reference date of June 30, 2019” and “data collection spanned 9 months, from summer 2019 to spring 2020.” See Maruschak and Buehler, *Census of State and Federal Adult Correctional Facilities: Statistical Tables, 2019*.

¹¹U.S. Bureau of Justice Statistics, *Census of State and Federal Adult Correctional Facilities, 2019*. Of note, Delaware reported that it had no individuals in solitary confinement; however, hundreds of incarcerated people from Delaware were (and continue to be) housed in Pennsylvania prisons, including some in long-term restrictive housing. See Chris Barrish, “Delaware Confirms Move of Hundreds of Inmates to Pennsylvania,” *WHYY*, November 7, 2018, <https://whyy.org/articles/delaware-confirms-move-of-hundreds-of-inmates-to-pennsylvania/>; Josh Vaughn, “State Prison Inmates Mount Hunger Strike, Calling For End To Solitary Confinement,” *Pennsylvania Capitol-Star*, July 2, 2021, <https://levittownnow.com/2021/07/02/state-prison-inmates-mount-hunger-strike-calling-for-end-to-solitary-confinement/>.

¹²California Department of Corrections and Rehabilitation, *Offender Data Points*, 2019, 8, https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/06/201906_DataPoints.pdf; Virginia Department of Corrections, *The Reduction of Restrictive Housing in the Virginia Department of Corrections 2019*, 2.

¹³ Montagnet, Peirce, and Pitts, *Mapping U.S. Jails' Use of Restrictive Housing*. The Vera study, conducted in 2019–2020, is based on survey responses submitted by 270 jurisdictions, which is 8.6 percent of the 3,146 jurisdictions contacted.

¹⁴ Zeng and Minton, *Census of Jails, 2005–2019*.

¹⁵ Correctional Leaders Association and Arthur Liman Center for Public Interest Law at Yale Law School, *Time-In-Cell* reports released in 2022, 2020, 2018, and 2016, found at <https://law.yale.edu/centers-workshops/arthur-liman-center-public-interest-law/liman-center-publications/time-cell-2021>.

¹⁶ Office of Inspector General, Department of Homeland Security, *ICE Needs to Improve Its Oversight*.

¹⁷ See Stop Solitary for Kids, “State Developments” on homepage, <https://stopsolitaryforkids.org/>.

¹⁸ A number of jurisdictions have claimed to end solitary while continuing solitary by another name. See Stephanie Wykstra, “Solitary by Another Name,” *The Progressive*, October 7, 2021, <https://progressive.org/magazine/solitary-by-another-name-wykstra/>; Ned Oliver, “Virginia Prison Officials Say They Eliminated Solitary Confinement; [Incarcerated People] Say They Just Gave It a New Name; ‘It’s All Very Hannibal Lecter-ish,’” *Virginia Mercury*, January 14, 2019, <https://www.virginiamercury.com/2019/01/14/virginia-prison-officials-say-they-eliminated-solitary-confinement-inmates-say-they-just-gave-it-a-new-name-its-all-very-hannibal-lecter-ish/>; ACLU of Virginia, “Virginia Department of Correction Elimination of ‘Restrictive Housing’ Is a Smokescreen,” July 22, 2021, <https://acluva.org/en/press-releases/virginia-department-corrections-elimination-restrictive-housing-smoke-screen/>; David Brand, “‘Solitary by Another Name’: NY Lawmakers Slam City’s New Isolation Plan,” *Queens Daily Eagle*, April 28, 2021, <https://queenseagle.com/all/solitary-by-another-name-ny-lawmakers-slam-citys-new-isolation-plan/>; Katie Rose Quandt, “Massachusetts Department of Correction Gives a Lesson in How to Get Around Solitary Confinement Reforms,” *Solitary Watch*, November 20, 2019, <https://solitarywatch.org/2019/11/20/massachusetts-department-of-correction-gives-a-lesson-in-how-to-get-around-solitary-confinement-reforms/>. In addition, Delaware reported to the BJS in 2019 that it had no one in restrictive housing, despite continuing to hold individuals in their cells for up to 20.5 hours a day. See ACLU of Delaware, “Solitary Confinement Ended as We Know It in Delaware,” February 20, 2017, <https://www.aclu-de.org/en/press-releases/solitary-confinement-ended-we-know-it-delaware>.

¹⁹ As an example of how a snapshot in time does not capture the broader impact of the use of solitary confinement, a 2019 study of New York state prisons found that while a few thousand people were in solitary confinement on any given day, the state’s prisons imposed more than 38,000 sentences of solitary confinement in a single year. See New York Civil Liberties Union, *Trapped Inside: The Past, Present, and Future of Solitary Confinement in New York*, October 2019, 9, https://www.nyclu.org/sites/default/files/field_documents/201910_nyclu_solitary_web.pdf.

²⁰ See, e.g., Akeem Browder and Melania Brown, “We Lost Our Siblings to Solitary Confinement. This Torture Must End Now,” *Lohud*. (USA TODAY Network), July 2, 2021, <https://www.lohud.com/story/opinion/2021/07/02/ny-solitary-confinement-must-end/7833664002/>; Lauren Brinkley-Rubinstein et al., “Association of Restrictive Housing During Incarceration with Mortality After Release,” *JAMA Network Open* 2, no. 10 (October 4, 2019): e1912516, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350>.

²¹ Although it was seldom reflected in official numbers, Solitary Watch and Unlock the Box reported a spike in unofficial use of solitary confinement through massive lockdowns in the early months of the COVID-19 pandemic. See Unlock the Box and Solitary Watch, *Solitary Confinement is Never the Answer*, June 2020, <https://unlocktheboxcampaign.org/wp-content/uploads/2021/02/UTB-Covid-19-June2020Report.pdf>. On incremental reductions since 2019, see New York State Department of Corrections and Community Supervision, *HALT Monthly Report November 2022*, December 2022, <https://doccs.ny.gov/system/files/documents/2022/12/halt-monthly-report-november-2022.pdf>; New York State Department of Corrections and Community Supervision, *HALT Semi-annual Report*. See also series of articles on HALT Implementation, *New York Focus*, September–December 2022, <https://www.nysfocus.com/halt-implementation/>.

²² Correctional Leaders Association and Liman Center, *Time-In-Cell*, 2019.

²³ Correctional Leaders Association and Liman Center, *Time-In-Cell*, 2021.

²⁴ Correctional Leaders Association and Liman Center, *Time-In-Cell*, 2021. Of note, although the *Time-In-Cell* reports are often cited as providing data on the total number of people in solitary confinement on a given day, in fact they document the number of people who have been in prolonged solitary confinement for 15 continuous days or more (for an average of 22 hours or more a day).

²⁵ Montagnet, Peirce, and Pitts, *Mapping U.S. Jails' Use of Restrictive Housing*.

²⁶ Unlock the Box Campaign, *Banning Torture*.

²⁷ “The Biden Plan for Strengthening America’s Commitment to Justice,” <https://joebiden.com/justice/#>; “Kamala’s Plan to Transform the Criminal Justice System and Re-envision Public Safety in America,” *Medium*, September 9, 2019, <https://kamalaharris.medium.com/kamalas-plan-to-transform-the-criminal-justice-system-and-re-envision-public-safety-in-america-f83a3d739bae>. The President and Vice President have yet to fulfill their promise, and solitary confinement in federal prisons has increased 29 percent since December 2015. See Erik Ortiz, “DOJ Report Outlines Steps to Limit Solitary Confinement in Prisons, As Its Use Only Increases Under Biden,” *NBC News*, February 1, 2023, <https://www.nbcnews.com/politics/justice-department/doj-report-outlines-steps-limit-solitary-confinement-prisons-use-only-rcna68384>.

²⁸ Blank, “Voters Support Restricting Solitary.”

²⁹ Banning Solitary Confinement in City Jails, Int 0549–2022, New York City Council, introduced June 16, 2022, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5698267&GUID=6F47F49A-06A3-444C-BBB7-3CBFF899DD84>.

³⁰ Unlock the Box Campaign, *Banning Torture*.



solitarywatch.org

Solitary Watch works to uncover the truth about solitary confinement and other harsh prison conditions in the United States with high-quality investigative journalism, accurate information, and authentic storytelling from both sides of prison walls. As a nonprofit watchdog organization, Solitary Watch's mission is to generate public debate and inform policy change on an underreported humanitarian crisis by promoting awareness, creating accountability, and shifting narratives.

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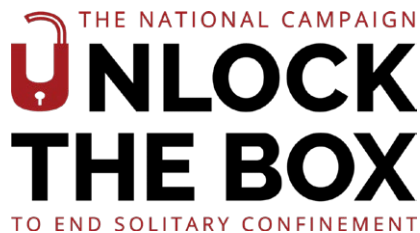
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Cover drawing of solitary confinement cell at Northern Correctional Institution, Connecticut, by Carnell Hunnicutt, Sr., used by permission of the artist. All cell drawings in this report appeared in the 2014 exhibition "Sentenced: Architecture and Human Rights," organized by Architects/ Designers/ Planners for Social Responsibility (ADPSR) at the UC Berkeley College of Environmental Design.

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The Unlock the Box Campaign is a coalition of organizations and movement leaders who partner with state and local campaigns across the United States with the common goal of ending the use of solitary confinement for all people. Unlock the Box pursues this goal by working simultaneously on national, state, and local levels with solitary survivors, family members, advocates, community and faith groups, legislators, healthcare and corrections experts, and others dedicated to ending state-sponsored torture.

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