

# Exposing Solitary Confinement and the Psychological Harms that Follow

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## Abstract:

The United States not only has the highest rate of incarceration in the nation, but it is the one to use solitary confinement excessively. Imagine being placed in a cell that is the size of a bathroom or a closet. In that small cell, all you have is a bed, toilet, and a desk. If you are lucky, you might have a small window that brings light in. The humans that are being placed in this environment lose contact with other humans. No one is acknowledging them in the way humans crave social interaction. Solitary confinement is the practice of being kept alone in a prison cell, away from other prisoners. The only interaction you are receiving is from the correctional officers, and that is when they are just placing shackles on you or being taken outside for that one hour of the day. Two other interactions they face with humans are when they are being taken for a shower or the officers giving the inmates food through the small slot on the door. My goal is to let people know what is happening behind the prison doors on American soil. People hear about prison, and they believe a person should be there for the crime committed. Human beings went through due process to have their freedom taken away from them. Solitary confinement is just an extra punishment on top of that, which is cruel. The public must know what being isolated does to a prisoner. When placed in solitary confinement, one is isolated from the world.

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## Introduction:

We were always told, what is behind closed doors is unknown. Once a person leaves through the doors of the courtroom, they enter a different world. People get taken to prison and end up in a place called solitary confinement. Solitary confinement is also known as “the hole,” box, segregation, isolation, and seclusion. All over the United States, prisons are using this form of punishment for many reasons. Attempting to decrease the fighting among prisoners, gang affiliations, talking back to the correctional officers, breaking one of the prison’s regulations, and sometimes for absolutely no reason. Keeping the prisoners in complete isolation is taking a toll on their mental health.

Solitary confinement means isolating an inmate for about 22-24 hours a day with no human interaction. In a cell, which is about the size of a parking spot, which only holds a toilet, bed, and desk, certain inmates are settled in for many reasons. There is no sight of human life outside their small window if they even have one. The inmates are lacking social contact. They have no one to talk to, the interactions they receive are from prison guards, but this is not enough. Just the thought of locking someone up in a bathroom for a certain number of hours. The person will be pacing back and forth or found on the floor not knowing what to do. They are looking under the door, for any approaching shadows, left wondering when they will be let out. No one should ever be isolated; it is torture to the human mind. Prisons are seen as rehabilitation centers, a place where the inmate is taught to become a law-abiding citizen. Prisoners are punished for the crime they commit, but to punish a prisoner using isolation is cruel. Prisoners are already going through it by being placed in this environment, putting them in permanent lockdown accelerates the harm being done to their mental stability. While others are not severely affected, others are becoming depressed, paranoid, suicidal, and losing their senses. The

uncertainty of not knowing what reality is and questioning your presence is causing these inmates to lose their minds.

Kalief Browder was a 16-year-old, accused of stealing a backpack. The police officers arrested him with the help of the owner of the backpack, which was the only witness. Kalief was just walking home around two in the morning when he got stopped by the police. The police officers were driving the witness/owner of the backpack around, searching for the guys that stole from him.

The witness claimed Kalief, and his friend were the guys that robbed him. The officers did not do their job, a police report was not written that night. The witness and the brother took the police officers where the robbery happened and showed them there was a camera. The footage of that camera was never obtained for Kalief's case. Since there was not a police report, the city did not have a date for the 911 call. In the reports they had, the information was inconsistent. The reports were full of random dates. The date of the robbery was constantly changed from two weeks ago to the night of the 911 call.

The police officers could have obtained a search warrant to search Kalief's house and would not have found the backpack. Kalief and his friend were taken to the precinct for questioning and were told that they would go home after. The sad part is Kalief did not get to go home. The police officers kept him due to his history. The Browder family was unable to pay for his bail at the time. There is no legitimate reason Kalief was kept in prison. The only witness/backpack owner had constantly changed his story, then later left the country. The witness fled the country, meanwhile, Kalief remained at Rikers. The DA kept pushing the date for his trial since they were not ready, on vacation, and had a lot going on in the DA office. His trial was constantly adjourned, Kalief felt like the DA was playing with his life.

Kalief's story is a prime example of the system of torturing human beings before they are even tried. According to the Constitution, a person has the right to a speedy trial. Speedy trial lasted six months, meanwhile, Kalief was in jail for three years. Normally, when you get arrested you must be brought to trial within a certain number of days. New York has a law called the "Ready rule." This rule states, the DA must be ready within a certain number of days. The Bronx is known for the worst court delay. There is going to be an issue when cases get adjourned and are placed for another three months since there are no courtrooms available. Cases getting adjourned for three months do not count against the clock.

Prosecutors take advantage of this fact. Also, the DA office had knowledge of the victim leaving the country, but they were still in contact with him and were finding transportation for him. They cannot bring back a witness from another country. Kalief's case was weak, with no witnesses, no police report, nor a follow-up to the incident. He was sitting at Riker's awaiting his trial, not knowing when he would see a judge. Browder came across a lot of plea deals but rejected all of them. The system forces people to take plea deals and end up losing their freedom by becoming incarcerated.

The city wanted Kalief to plead guilty, but he refused. He was not going to plead guilty to a crime he did not commit Judge Patricia DiMango, is known as feisty and real. She had 30 to 70 felony cases a day and was one of the judges in Kalief's case. She pressed defendants into taking a plea and was exceptionally good at it, because of this she was in the Bronx court. Judge DiMango did not care about missing information and the victim. These judges do not care what is going on in the prisons.

In March 2013, the felony charges were dropped to two misdemeanors, which would cause Kalief to be released in four months. Judge Dimango insisted Kalief take the plea deals,

but Kalief said no; he believed the system knew they were wrong about this. He would rather go to trial and fight, but of course, the DA was still not ready for trial. Time passes, another trial, and no witness once again. Maintaining his innocence was his goal, and he stood by it. Anger toward the system, and the unfairness of how it works, helped him maintain his goal. Judge Dimango ended up adjourning the case till April 2013. April came, the witness/backpack owner did not show up once again. The DA should have admitted that they had no case. This judge demanded they bring in the witness or the case must be dismissed. The whole criminal justice system in New York is to blame for what happened to Kalief.

Kalief Browder was one of the many confined at Rikers Island. Kalief fought hard trying to get out of jail but could not win the fight of finally being outside and restarting his life. He was not able to overcome the effects of solitary confinement. Browder would cry himself to sleep wondering when he was going to be released. He felt like he lost his childhood, but most importantly his humanity. Kalief observed many inmates talking to themselves thinking they were crazy, but later became one of those inmates. He claimed to be hearing voices telling him terrible things about himself. The feeling of needing a way out of the box, he could not handle being in it. After ten months of confinement, Kalief was brought back to the general population but did not remain for so long because of a fight. According to Dr. Stuart Grassian who is an expert in solitary confinement, 95% of inmates who are taken out of solitary will be out of control, impulsive, and rageful (Furst et al. *Time: The Kalief Browder Story*).

While he remained in solitary, he was treated poorly and roughly moved by the correctional officers. The COs punished Kalief when he disobeyed them. Correctional officers oversee distributing food. Having this duty gave them the ability to starve the inmates. Browder said if an inmate upset a CO, they would starve. Kalief was starved many times, to the point

where he was begging for food. Imagine receiving another inmate's leftovers, can you blame him for refusing to eat? Once the temperature was rising, the roasting weather made the living conditions awful. Kalief asked the correctional officer for ice, and the officer refused to get him some. Kalief constantly got into arguments with Officer Grinnage about the phone, toilet paper, and showering. Browder asked for many things, and this officer did not give him anything. There was tension between this certain officer and Kalief. He stated that the correctional officers did not take him to the showers for two weeks. When Officer Grinnage finally took him to the shower, videos were shown of the correctional officer on top of Kalief, beating him. Other officers came, but they restrained Kalief. He had cuffs on already, but the other officers felt the need to restrain him with his legs. There is no way Kalief could fight back or do anything now because of the cuffs and the officers dared to shackle him, meanwhile, he was the one being attacked. Kalief insisted to the correctional officers, needing medical help due to thoughts of suicide, and not feeling okay. Not given the medical treatment Kalief asked for, drove him to attempt suicide. The correctional officers watched and verbally abused him as he hung himself. He was in a noose, hanging off the ground and the guards went into his cell and started battering him. Kalief then ran into the hallway, knowing there were cameras to catch the guard's actions on tape. Instead of watching over him, making sure he was alive, the officers instigated his attempt to suicide. Many inmates think about committing suicide because it is an opportunity for them to get out of solitary life. Kalief Browder attempted suicide several times while at Riker's Island. Correctional officers are handling inmates who are experiencing schizophrenia but will take their actions as the inmates are defiant. The officers at Rikers Island do not know how to handle mentally ill inmates. There is no specific training when it comes down to dealing with inmates becoming mentally impaired.



One day his charges were dropped, and there was no transition in helping him adapt to life outside Rikers. The feeling of being lost and stranded aroused. Kalief Browder may be physically free, but mentally he was still at Rikers. His family started noticing how different he had become. Browder was considered a stranger to his own family. The Browder family could not identify who the young man standing in front of them was. Kalief was experiencing paranoia and continued to talk to himself. His siblings grew concerned about his health because he was unable to adjust to life outside of prison. Kalief's sister walked into his room, while he was lining up bottles and talking to them. This one time, she caught him peeing on the floor. Kamal, one of Kalief's brothers invited friends over to welcome him home, and make him feel loved, but they pointed out how Kalief would not talk to anybody and kept himself isolated. Deion described how Kalief would come home and shut the blinds and curtains, for him to be in the dark. Kalief's mother spoke about how Kalief would come home and shush her to be quiet because he felt they could hear everything they were saying. By them, he meant the police. At one point, Kalief felt he could not trust anybody around him, and had thoughts of everyone being a police officer or working for the FBI. The feeling of being arrested again scared him. Kalief struggled to adapt to life, living with the effects of solitary, later causing him to take his life.

## Chapter 1: Origins of Solitary

The United States was not the only one using this method as punishment. England was operating the same system, but they called it a separate system. During the 1800s, two popular institutions utilized the practice of solitary confinement: Pentonville Model Prison and Eastern State Penitentiary. Pentonville prison was well known for using solitary and a high population of

prisoners. The prisoners were treated similarly when compared to today. Pentonville assured us there was no communication between the prisoners, who were isolated for about 23 hours a day. They worked, ate, and slept in their cells (Cox & Marland,2019). Also, Pentonville was known for its severe usage of separate confinement. Novelist Charles Dickens and The Times newspaper were against the practices at Pentonville because of high rates of mental distress among the prisoners (Cox & Marland,2019).

Since there were many people advocating against the system at Pentonville; in 1853 the length of solitary was decreased from eighteen to nine months. Even though there were results from all the prisoners experiencing mental distress, they continued to build more penitentiaries. The separate system created in England was later introduced to new prisons in the making. In 1855, a prison following in the same footsteps as Pentonville was created and named Liverpool Prison. This prison was the largest to use the separate system. At the time, England had a government inspector of Prisons. Inspector Voules oversaw checking over the prisons at the time. He came across a boy of the age of 12 committing suicide after being confined for three weeks. Just after the opening of Liverpool Prison, there were many incidences of mental disorders (Cox & Marland,185). When prisoners became insane, they would be sent to local lunatic asylums, which became an issue. At the lunatic asylum, the workers there could not treat mentally ill prisoners. The prisoners became too much to handle, and more asylum employees were needed.

The prisoner officers at Liverpool Prison admitted this confinement may worsen people who have experienced mental disorders and those who will not be able to mentally get through confinement. Inspector Voules, reported prisoners self-harming, suicide, and mental disorders. This inspector came across six prisoners attempting to hang themselves to be removed from

solitary confinement during his 1856 visit. The introduction of separate confinement and changes to the penal system during the 1860s and 1870s bestowed the mental illness among the prisoners.

1823 Gaol Act, allowing prisoners to be visited twice a week by medical service, while if a prisoner is in solitary, it would be daily. If the doctor came across a prisoner that seemed he was in mental distress, it would be reported. In 1855, there were rules enforcing doctors to alert the chaplain, which is the same as wardens for prisoners to require medical attention. In Liverpool Prison, this process became time-consuming and an issue.

Penitentiaries became the answer to dealing with people committing crimes in the United States. In Pennsylvania, it was used as a punishment hoping to lead to retribution. Under the influence of the Quakers, they converted to punishing people behind closed doors (Guenther,2013). At the time, Pennsylvania passed a law restricting the use of the death penalty. Their beliefs shifted them to punishment for retribution, correction, and redemption (Guenther,2013). There will not be any capital punishment, which includes harsh and physical discipline.

The first known penitentiary was the Walnut Street Jail in Philadelphia which opened in 1790. The Eastern Penitentiary opened in 1829. Back then the cells were built from solid blocks. Like today, in these cells, they have a bed, workstation, and a toilet. The prisoners were taken for just one hour of recreation. Everything a prisoner did was done on their own. If a prisoner were taken out of their cell, they would always have a hood over them. The face of the prisoner was never seen while being transported throughout the penitentiary. This was a way on how Eastern made sure there was no communication between the prisoners. Much like in today's prison's, the doors to these cells have a food hatch for the prisoner to receive their food.

During the 1800s, people believed that if a person is isolate and were given a bible, they would be able to repent and regret their bad actions. Solitude is the answer, people must be left alone with their thoughts with no human interaction, Quakers and their influences thought like this. Penitentiary, what prisons were previously called. The word that you hear most when saying it is, “penitent.” Meaning the feeling of regret after doing an act of wrongdoing. Penitentiaries turned into Supermax, which is high intense security over the prisoners. Supermax prisons were built to keep the worst prisoners away from others and ensure that there would be no violence going on among the prisoners.

California and Arizona had the highest development of supermax prisons. These high-security prisons were built to separate hundreds of inmates. The good thing about keeping inmates in these types of cells is that there was no dispute. The only way inmates attempted to communicate with other inmates was by yelling. The perspective of isolation is being viewed as a benefit to the prison officers while negative outcomes from the prisoners were being neglected. Craig Haney, psychologist, discussed how the prisoners were not sure of their existence anymore. Greg Miranda, an inmate at Arizona State Prison talked about how he felt solitary become dark. Miranda prayed and would call out to God wondering if his presence was with him. Many of these inmates attempted to find ways to distract themselves from the conditions of solitary.

In 1989, California opened the first high-security prison which was called Pelican Bay (Cloud, David H., et al., 2015). Pelican Bay is also known as segregated housing units; SHU which holds 1,267 inmates (Kurtis,2000). The prisoners at Pelican Bay took the California Department of Justice to court. In the SHU unit, prisoners claimed to be beaten by the guards and neglected medical and psychiatric care. Joel Gonzales, former inmate from Pelican Bay describes

not knowing what is right or wrong. An inmate is unsure of their actions and how could they not be? Humans find their identity through interacting with others.

The Supermax prisons are controlled by high security technology and the reason being is to keep the worst of the worst separated for the safety of the inmates and the correctional officers. According to Bill Kurtis, isolation is used as a punishment. Prisoners talk about how they are going crazy, not knowing if they will make out alive or not. There is no human interaction for these inmates stuck in these empty rooms made up of concrete. Prisoners complained about how it is like to be isolated for about 23 hours a day and are only let out for an hour of daily exercise. They considered the use of isolation cruel and unusual.

Craig Haney, a psychologist who is knowledgeable in the conditions of extensive experience in Prison was sent to Pelican Bay. In "Solitary Confinement." Produced by A&E Television Networks (2000). The producers use former inmate Joel Gonzales's experience in the "SHU" and the aftermath. Mr. Gonzalez was one of the inmates that were kept at Pelican Bay. Gonzales described how it felt to be stuck in a room all by yourself with only your thoughts, wondering if he would make it another day. Bill Kurtis states isolation in the Segregated Housing Unit was affecting mentally ill inmates. Former Judge Thelton Henderson's had statement on how the Pelican Bay SHU went overboard with the ability of a human being able to tolerate psychologically.

The United States has their very own supermax, ADX in Florence, Colorado. This administrative maximum facility purposes it to keep all their inmates isolated. Cells made from cement and the inmates are locked up for about twenty-two hours a day. ADX is considered a black site on American soil (Rovner,2018). Prisons are built out of sight out of mind. People do not care to see what is happening inside these prisons. People think if you commit a crime, you

must do the time. It is not surprising to hear that no one is allowed in this prison and the inmates barely receive any visitation. The BOP has denied the U.N. Special Rapporteur of Torture from entering and reporting on the prison (ROvner,2018). International Law states a human confined more than 15 days is considered torture. Well, everyone confined at ADX, is a living human rights violation.

Over time, the usage of solitary changed; the creation of Super-max prisons increased. Prison double doors that confine the inmates are powered through a computerized screen. Correctional officers on high towers are not needed due to microwave sensors and electric fences (Bill Kurtis,2000). Nevertheless, there were still general prisons, with cells just for the use of solitary. These inmates are receiving time in jail due to a judge's order. When they are in prison, they are given an additional punishment; time in the hole for whatever reason it may be. Correctional officers are taking the power of how inmates are housed and fed. There should be some time of due process before going into solitary. At Rikers Island, there is a ticket system. An inmate may receive a ticket which leads them to being isolated. That ticket may say the reason and the length of solitary. The sad part about this process is, tickets are allowed to be stacked, which continues adding more time to being confined. As tickets pile up, the inmate continues to suffer in the cruel conditions of isolation.

A correctional officer or a warden should not have the power to judge a human that has already gone through due process to be in the prison that they are already in. These people lost their freedom and their civil rights, it is not just to take away their humanity on top of that. Many people are losing their loved ones, under the noses of these correctional officers. COs treat the inmates like animals and disregard their rights as human beings. The past couple of years, correctional officers have been placing their hands on inmates, with proof of videos. For

example, Kalief Browder being beaten by the CO's caught on video, twice. There have been many reports of violence and high rates of suicide at Riker's Island. They are using excessive force against the inmates, that may end up in death. The system is very corrupt, by trying to hide away these deaths. These events occur every day that a place like Riker's remains open.

There is an argument presented behind using the practice of solitary confinement to decrease violence in prisons. Separate the violent inmates from others, but sadly they are not separating; the COs are throwing everyone in the hole. Violence will never stop if there are still corrupt correctional officers verbally and physically abusing the inmates. Due to being in isolation for extended periods of time, inmates grow angry. The first people they see are the CO's. Since the inmates are treated like animals, they will react however they want to react in that moment. While receiving abuse from the COs' there is issues with the rest of the inmates as well. At times, the COs will let inmates fight each other, or have the general population combine against one inmate. The correctional officers tend to stand by and just watch as the inmates fight each other.

The Fourteenth amendment states no state shall deprive a person of life, liberty, or property without due process of law. Inmates are being deprived of their life and their basic human needs. From the mid-1960s forwarding twenty years, solitary confinement was the answer to increased violence and chaos in federal and state prisons (Reinert,2018). Violence and chaos stem from the negative effects from being confined for so long. The correctional officers do not notice that their inmates may be experiencing mental breakdowns. The COs took into their hands of furthering the use of solitary. For example, the COs at Riker's during Kalief Browder's incarceration kept adding more time to the prisoner's length in "The Bing." Nothing was being done for these inmates, suffering in solitary. Stacked tickets piles just meant more

prisoners were being isolated for extended periods of time. The conditions behind solitary confinement prove they are unusual and worth noting. The problem that arises is many courts have different meanings and views on what is unusual and significant to note (Reinert,2018). The Supreme Court has yet to recognize the question posed, meaning lower courts have the final say in the matter.

## Chapter 2: Effects of Solitary: Physical, Psychological & Social

Solitary confinement can affect human beings in many ways, the idea of breaking someone apart physically, psychologically, and socially. The experience of being isolated can be described as buried alive (Guenther,2013). Way before in England, they came across people going mad being sent to asylums. The quakers thought that being locked up with your own thoughts would result in repentance; they were wrong. The quakers believed a person in solitude would alter their behavior, they were right; just not in the way they thought. If it was learned back then that this type of punishment led to death and people going mad in the early eighteenth and nineteenth century, then why is it still occurring till this day?

The physical conditions of solitary confinement can be described as horrid and inhumane. The people with their freedom need to know how it is like to lose it plus to be given an extra sentence from inside for whatever reason may be. The physical effects arise from the psychological effects. What is going on inside our head, all that brain activity is going to lead to actions or distress of the body and mind, which can be considered a physical injury.



Something I tend to hear a lot is, “It is all about the mindset” and if a human is mentally capable to be placed in solitary, they will adjust. The discussion is always about if humans are mentally strong or not, but why is the conversation regarding if the person is or not? It has been shown that isolation deprives you of what your human body is asking for. Human touch/contact, light, food, and water. Prisoners are not given all of these or one or two. What I do believe is that whatever is going through your head will affect you eventually, and that is what is happening with these inmates. The inmates at Pelican Bay were able to stay in the conditions for a lengthy period time but still ended up receiving effects of solitary confinement.

“As of 2011, almost one hundred of the prisoners at Pelican Bay SHU had been held in solitary confinement for over two decades, and almost five hundred had been confined for more than ten years.” (“Law & Neuroscience: The Case of Solitary Confinement”) - Lobel, Jules, and Huda Akil.

The mental harm symptoms they encountered are depression, paranoia, and loss of concentration and memory (Lobel & Akil, 2018). The plaintiffs in the case were interviewed by psychological experts. The findings concluded in showing of prisoners suffering from assorted levels of psychological pain, including paranoia, lack of concentration, chronic depression, confused thought processes, hallucinations, irrational anger, emotional flatness, violent fantasies, and oversensitivity to stimuli (Lobel & Akil, 2018). Isolation is a way of getting into a person’s head and thinking about everything to forget about where they physically are.

One of our previous presidents did touch upon the subject of solitary confinement. During Barack Obama’s presidency, he announced a ban on solitary confinement for juveniles in prisons (Berman,2016). The death of Kalief Browder was used as an example of why young adults should not be placed in solitary. People who have been in solitary for a long time came out with illnesses like depression and anxiety. The juveniles being placed in solitary confinement is

dangerous because their brains are still developing. There was a national survey conducted by the Justice Department in juvenile facilities and found that in 2004 half the population of people confined committed suicide (Berman, 2016). More than half of that percentage was in solitary confinement. There are many reasons why prisoners are placed in segregation, but to remove a prisoner from the prison population and take away any time of human interaction is altering their lives for the worst.

Kalief Browder was 16 years old when he was arrested under an accusation. Browder, unable to make bail, was sent to Rikers Island without a trial. He was in prison for three years of his life, two of those years were spent in solitary confinement. At a youthful age, he was placed in solitary confinement and that ended up taking a toll on his life. Browder was mistreated by other prisoners and correctional officers, which made the living conditions worse. Browder was not okay and being denied medical services led him to become depressed. He attempted to commit suicide several times in his cell. Being in solitary changed Kalief Browder as a person, his mental health was affected. When he was released from Rikers, his family noticed how different he was. Browder became paranoid and constantly worried about his health.

People decide to take their lives when they can take longer the effects of solitary whether that be while you are in there or released. There have been signs of PTSD where people may mentally feel like they are still incarcerated.

*Six By Ten Stories from Solitary*, written by Taylor Pendergrass, and Mateo Hoke provides thirteen narratives by people who were previously in solitary confinement or had a loved one that was confined. The pain being inflicted on these prisoners is being built up behind bars and set free to the public. This can cause a prisoner to commit a crime at a fast rate. Others

do not make it out alive but loved ones are sharing the awareness of the inhumane conditions in these prisons. The humans that were locked up in solitary confinement are the ones supporting the humans that are there right now. In one narrative, she knew how hard it was to get a job after being released from prison, and because of this she produced a way to help others with similar issues. Reading about these narratives helped get the inside information on the conditions of solitary.

Tonja Fenton,44, NY was arrested for not returning deposit money given to her by the subtenant. She had spent the money on repairing the pipes in the house and when she informed the subtenant, they filed a complaint against her. This complaint led to her arrest on New Year's Eve. Tonya's first experience of being incarcerated was at Rikers. From Riker's, she was transferred to two other prisons located in New York; Bedford and Albion. In Bedford, she was kept in the medical unit because she refused to accept medical treatment. She was placed in the SHU at Albion due to violating the prison's policies. When Tonya was released, she had no knowledge of how to interact with people due to being confined for so long. People usually say words hurt more than anything. Words stay in your head when they have hurt you and that is how she compares solitary. The effects of solitary are something that remains in your head, the memories, and the feelings.

Maryam H. Uloho,61, LA was a recent graduate in property management and real estate. She had a business in real estate investment till the police raided her office for not assisting in a raid. In 2001, Maryam was arrested and sent to Jefferson Parish Jail with no knowledge of what was to come next. Uloho was not treated right by the inmates or guards. Looking for peace, she changed her religion to Islam, not knowing she had become a #1 target. Maryam came across trouble because of her religion, wearing a hijab made her a threat to the prison. The assistant

warden found no reason to place her in the hole, the reason was her religion and “preventing” her from polluting the jail with Islam. She became mentally strong because to her, only her body was confined. Being placed in solitary and the tank made her lose hope and felt like she no longer had a purpose. She concluded, prisons program you to feel and have these thoughts. Reading the Quran gave her comfort in a time of distress.

Brian Nelson, 53, IL was first placed in solitary because of his smallness; he was compared to other inmates. The correctional officers felt it was to keep him safe, but Brian took it differently. Nelson came to Statesville, an adult prison and was shocked to see the number of drugs and guns were there. Fights broke out, leading inmates to be placed in “controlled seg.” According to Nelson, “controlled seg” meant the prison controls everything about you. There was nothing in that cell Brian could call his but a bar of soap and toothpaste. While he was in prison, Administration forgot about him and another inmate in segregation. He had spent two months in segregation due to no paperwork being done. Brian was constantly being moved from prisons because he was placed in a program called “The Circuit.” There are no rules nor background information on the circuit. Brian would go through many prisons, but one thing that did not change was him being kept alone.

Vernesia Gordon, 25, AK mother of three had a fiancé who was sent to jail regarding a warrant in California. His name was Davon, and he was diagnosed with bipolar schizophrenia at an early age. Davon would experience episodes and sometimes it would get bad to the point where the police had to be called. Davon’s father had called the police office in Anchorage, AK advising them his son had a warrant out for his arrest in California, which led to his arrest. While incarcerated, Davon was not given his medication. Vernesia did place a request to put his medication in, but he still did not receive it. Her fiancé was self-harming by punching the walls

and breaking his hands. Davon was later placed in solitary confinement because of threatening a correctional officer. He claimed of becoming a hawk and being Lucifer, which is Vernesia realizing the person she loves is losing his mind. Vernesia presume Davon was not receiving his medication and must be having an episode.

April came and Davon was not released due to the Prison misplacing the paperwork sent from the courts. Vernesia went down to the prison to inquire for information but was told to wait due to the full capacity of visitors. Unable to stay, she left and was later notified by Davon's brother of Davon's passing. Davon's death came from fourteen bleeding ulcers caused from bleeding internally. Vernesia says he was in a hyper-maniac state, which included high blood pressure. When she saw her fiancé's body, she saw bruises and marks all over his body; signs of him being dragged. There were a couple of people who reached out to Vernesia, letting her know he was screaming and in pain.

The following stories being told by these people who made it out alive or by their loved ones are crucial to read. Reading about people's experience is proof that this is occurring behind the prison walls. Solitary confinement has mental and physical impacts that have lasting effects which are being brought out to the public. The humans that have never stepped into a prison, do not know the feelings that come from seeing your loved one on the other side of plexiglass. They do not know how much that one inmate, just need physical touch before they lose their reason to be.

There have been studies examining the prisoners who have been placed in long-term solitary confinement. In the Washington State Department of Corrections, interviewers used the BPRS assessment on 106 inmates which also included interviews in 2017. BPRS assessment is an instrument to evaluate the psychological impacts of incarceration (Reiter, Keramet, et al.,

2017-2018). The interviewers/researchers collected data regarding their medical and disciplinary, which includes information on serious mental illness. The following year they performed a follow-up, but the number of inmates decreased to 80. The BPRS has been frequently used for research in prisons. The psychological effects of being in prison are revealed by questions being asked in this assessment. For instance, Reiter and a group of researchers would ask 96 questions to analyze their participants. The questions were about their previous and current daily life, and how they are being treated from a mental and physical perspective.

The Washington State Department of Corrections is attempting to reform the use of intensive management units. The inmates' mental health has gotten worse, and they have a feeling of social isolation. Their findings also showed the inmates feeling that the prison has taken over their identities. The research took place in 2017-2018 at the Washington State Dept. of Corrections. There were 13 researchers and they interviewed 106 inmates in 2017 and did a following up interview the following year, but the number decreased to 80. The assessment's self-report evaluated the inmates through interviews that lasted up to three hours. The results of the BPRS were transferred and turned into statistics by IBM in Armonk, NY (Reiter, Keramet, et al., 2017-2018). The combination of qualitative interview data and quantitative measures of psychological and psychiatric outcomes proved the findings are consistent with other research being done, there are indications of psychiatric distress in the Washington State Department (Reiter, Keramet, et al., 2017-2018). There are descriptions of the grave emotional toll of being in Intensive Management Unit (IMU), feelings of isolation, sensory deprivation, loss of identity, hypersensitivity to noise and smell. The inmates claimed the lack of mirrors aided in losing their identity. Administrative data confirmed that the participants had high rates of documented mental health problems, including rates of SMI (serious mental illness) and self-harming behavior

administrative data confirmed that the participants had high rates of documented mental health problems, including rates of SMI and self-harming behavior (Reiter, Keramet, et al., 2017-2018).

Laura Rovner is a law professor who discusses what happens to the inmates behind bars, specifically in solitary confinement on her Tedtalk. Rovner describes the physical features and brings attention to what is going on in the prisons. She lets the audience know that the United States criticizes other countries for the use of torture, meanwhile we are torturing people here in this country. She further discusses ADX, the only federal supermax prison. No one is allowed in ADX, which seems suspicious. It is like they do not want us to know what is going on behind their walls. Rovner discussed being isolated, and the effects she is seen herself. The inmates' eyes were deteriorating and losing their voice due to their vocal cords being idle ("What Happens to People in Solitary Confinement." *TED*, Dec. 2018). She came across one of her clients who would look under the door to see if they could see anyone walking by. Inmates feel like they do not exist while they are locked up in solitary confinement. To feel like they exist, they bang their heads on the wall or door. A prisoner badmouths a correction officer just to get a reaction out of them but then would be punished by getting shackled or beaten. They were smearing feces on their face and on the walls. They would harm themselves just to feel a connection of still being alive in this world. Many others attempted suicide, while others succeeded. Laura Rovner, like many other lawyers, was unaware of what was going on in the prison systems till she visited one.

Human beings are being exposed to complete isolation because it improves the behavior of vicious and violent inmates. Being in isolation is causing new mental illnesses to arise. The inability to adjust to your environment will become difficult and the inmate may, later, suffer from PTSD. The symptom categories included mood, psychotic, and aggressivity/hostility (Luigi, Mimosa et al., 2020). There are many studies being used to prove that being in solitary

confinement intensifies your mood symptoms, mental experiences, antagonism, and self-harm behavior. Solitary increases chaos in general prison and high rates of recidivism or rule-breaking in communities.

In this systematic review, information is gathered from other following studies to discuss the exposure to solitary confinement. The task is to combine all the work that has been done on the effects of Solitary confinement on mental health and death (Luigi, Mimosa et al., 2020). Further studies are required to show that exposure to solitary confinement can increase risk of post-release death. (“Shedding Light on "the Hole": A Systematic Review and Meta ... - PubMed”). It was not shocking when I read how inmates will still commit suicide even if they are highly monitored. These inmates need more than correctional officers walking around, they need to see doctors.

There was a theory behind solitary confinement, which led to the first couple of silent prisons. The people who first introduced solitary confinement believe that being put in a quiet and secluded area will persuade inmates to think about what they did, feel some type of regret, and find a way to change to move forward. Today, this type of punishment is utilized to remove the dangerous inmates from the rest of the population in the prisons. It reduces the violence going on between inmates and correctional officers. After legal, medical, correctional authorities made some observations, it was said that the goal of solitary confinement failed.

In *Public Health and Solitary Confinement in the United States*, the authors bring about the observations from Charles Dickens and Alexis de Tocqueville, when they visited a penitentiary in Pennsylvania. The use of solitary does not rehabilitate, it kills a person instead. The lack of light, poor air quality, and lack of human contact is what an inmate is deprived of. Prisoners are prone to be angrier, therefore the acts of violence may arouse while others are



around. Studies have proven that prisoners who are released fresh from solitary confinement are quicker to reoffend than prisoners who are kept in the general population (Cloud et al., 2015). This is extremely dangerous to our public communities, but it is common. Prisoners must be given rehabilitation programs on how to readjust to life of no longer being incarcerated before being released.

Prison suicide significantly increased in Super maximum- and maximum-security prisons because of overcrowding and violence. The deprivation models used foreshadowed prison suicides to go up. The deprivation model holds that prison suicide is a product of the restrictive prison environment (Dye,2010). Not being able to adjust to the environment, a prisoner may feel violence, aggression, and anxiety. The prisoners that were vulnerable towards suicide did not communicate with the outside because of the thought of it being complicated to do for someone who is isolated.

It can lead to “social death,” leaving persons subjected to the practice not only emotionally scarred and harmed, but also unable to function effectively in social contexts moving forward (Reinert,2018). The past two years we have been hit by the COVID-19 pandemic. Because the virus was highly infectious and leading to many deaths worldwide, the answer was to isolate. There were people complaining and refusing to isolate themselves. People had no clue how it was to be alone, till the pandemic struck. The long-lasting effects from COVID-19 predicted there to be high rates of people self-harming or suicide (John, Ann, et al.,2020). Some risk factors noted are depression, post-traumatic stress disorder, hopelessness, feelings of entrapment, loneliness, and burdensomeness. These can be seen as the effects that inmates are feeling in isolation but behind bars. People know the feeling of being isolated, and not being able to handle it. What is missing is the information about the inmates that are

suffering the same way. Another thought is how people are acting in public due to being alone for so long. People have lost the connection with human beings. It is like being introduced to human life all over again. Human beings must readjust themselves on how to socialize with others. Lisa Guenther discusses social death and how it is an effect from a person being excluded from society the point where they do not deem themselves to be real.

## Chapter 3: Legal Challenges to Solitary Confinement

Researching the conditions that people have been facing, angered me to the point in figuring out if there have been any legal challenges to the practice of solitary. There are human beings suffering every day, having their humanity ripped to shreds. As we have heard, these human beings are being mistreated by correctional officers and inmates. They go to trial and are sent to prison for a certain number of days, next thing you know, you are hearing about their death. How many deaths in prison is it going to take for one judge to recognize the conditions are cruel and unusual? Prison is filled with violence, corruption, and anger.

Neurolaw, using the study of the brain Neuroscience is being used in court cases to prove a criminal is not at fault for his actions or receive a lesser penalty because of mental disorder defense (Lobel & Akil, 2018). The judges receive a better understanding of the mental harm happening in the prisons. According to Lobel and Akil, the use of neuroscience has been proven to be unsuccessful in courts but continues to be utilized for several reasons. For example, MRIs and pet scans are used to show the defendant's brain and how it has been affected. Having an insight into these images assists by showing how the defendant is unable to make rational choices and how their brain has been physically harmed. Another mechanism that is utilized is

Neuroimaging. This helps prove that ongoing pain affects how the brain is supposed to function. Suffering emotionally, like having anxiety and depression can distort the brain's job to work properly. Mental illness is not taken seriously by the laws nor culture.

There are four resources needed in human life, food, sleep, exercise, and human interaction (Lobel and Akil, 2018). Human interaction was added last due to court challenges, which helped prove the human brain's necessity for socializing with others. Neuroscientist Matthew Lieberman's report states the brain has a neural system, which records types of physical pain connecting to threats of survival, lack of food or shelter. Liberman's research is on social isolation. In research, he notes that in a socially deprived state, humans experience social pain. For instance, social isolation triggers the neural system like physical pain. Also, the hippocampus is shrinking due to the failure of neuroplasticity. The process of your brain adapting to its environment is called neuroplasticity (Lobel and Akil, 2018). The hippocampus shrinks when it comes across severe stress. Isolation is aggravating and altering the human brain. Being in a deprived environment is social death.

Since it is unknown what happens behind the walls of prisons, there was no legislation passed to control the usage of solitary confinement. There is no due process when someone is put in isolation for an extended period. Getting placed in solitary confinement may seem like a sentence at first but there are no procedures nor discussions for how long you must maintain in isolation. International law states that keeping a prisoner in extreme isolation for more than 15 days (about 2 weeks) can be described as unusual, cruel, and inhumane treatment, which is prohibited nationally. The law of the United States contemplates those human beings can be held in solitary confinement without being protected with certain procedures. Reinert says long-term confinement should trigger due process protections. The inmates are not aware of why they are

being placed in solitary. Having procedural due process would allow others to have a say in why the inmates should not be placed in solitary. This would give time to gather evidence to prove the need to place them in a confined cell.

Neuroscience, the study of the human brain and nervous system, is used in several court cases regarding long-term solitary confinement. The United States Supreme court stated that to prove the eighth amendment is being violated, a prisoner must show the lack of basic human needs like food, sleep, and exercise. Social interaction was successfully added to the list of human needs by court challenges. Neuroscience can prove that humans need to socially interact with other human beings. Humans cannot be isolated from the public. Not interacting with humans is enough to damage your brain. Isolation means it is just you and your thoughts compressed in a small room, and that is extremely dangerous. Sadly, this is not enough since in court physical pain must be shown. To prove you had this mental pain, proof of physical injury is needed.

The humans incarcerated at Pelican Bay sued the California prison system. Judge Thelton Henderson ruled inmates were being denied their constitutional rights by not receiving medical services as requested and being assaulted by the guards. When it came to the fundamental issue, if the inmates were kept in pro-longed solitary confinement is considered a violation of the constitution. Judge Henderson witnessed prisoners pacing back and forth and stated these conditions were intense but did not rule against the practice. Mental pain was acknowledged by Henderson, but it did not rise to the level of constitutional violation. Mental injury must be severe to the judges to be considered against the eighth amendment. This poses an issue of physical and mental pain. Plaintiffs must show some type of physical injury to claim eighth

amendment violation. This also does not take into consideration that all circuits have their own views on physical and mental harm.

In *Porter v. Clarke*, people on death row are being placed into solitary confinement. The case was brought by three incarcerated people from Virginia Death Row. Before the following case, federal courts held that being in solitary for a lengthy period violates the due process clause of the fourteenth amendment. In the following case, the treatment in solitary did not constitute a violation of the eighth amendment. Treatment consisted of not having physical contact with their visitors, and spending time alone before being sentenced to death. The conditions of Virginia's death row created substantial risk for the future (Marshall,2020). Inmates were psychologically degenerated before their execution. On May 3, 2019, the Fourth Circuit became the first federal court of appeals to hold that the unsettled solitary confinement of people on death row violates the Eighth Amendment (Marshall,2020.) This can be seen as a victory for solitary confinement, but the downhill part is other circuits will not likely adopt its holding.

The Supreme Court not yet having a response to solitary confinement leaves space for other courts to respond however they feel about the usage of extreme isolation. Meaning there are no limitations on how long confinement can last according to constitutional law. In *Davis v. Ayala*, Justice Kennedy shines a light on solitary confinement, noting most states have abolished the use of punishment due to people becoming insane and high rates of suicide (Reinert, 2018). The eighth amendment has not been successfully used to regulate solitary confinement, there has been no jurisprudence that triggers violations. A brief period of confinement which may consist of thirty to a hundred days, does not require procedures before placement in the United States (Reinert,2018).

The eighth amendment states that Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. The part we are focused on is cruel and unusual punishment. These prisoners are spending seven days a week, 23 hours a day locked up in an 8x10 cement cell for prolonged periods. With everything happening in isolation, I cannot seem to grapple with how humans are still sitting in these conditions. Correctional officers constantly use excessive force against the prisoners. The COs know this will cause harm to them; it is their intent to cause pain. Most of the CO's are not trained to deal with prisoners with arising mental illnesses. Prisoners held in general population or while being transported will end up in an act of violence and correctional officers stand by and do nothing.

Under three conditions, the eighth amendment may be used. Measuring public sentences by the standard of decency if it is utilized excessively. Does not accept the conditions of solitary as depriving people's basic human needs and condemns administrative for inflicting pain to prisoners without a penological reason. Prisoners that challenge the conditions of confinement due to lacking basic needs are unsuccessful (reinert,2018). The courts' view shelter, water, and hygiene as necessities.

The harmful psychological effects of isolation can become permanent after 15 days (about 2 weeks) according to the UN Special Rapporteur in August 2011. According to International Law, there are three ways solitary is used. Criminal punishment or violation of prison rules, aid in coercing people to confess, and pro-longed solitary confinement. The special Rapporteur stated this punishment should be the last resort for punishments. In 1997, the United Nations Committee Against Torture (CAT) advised solitary confinement to be no longer used or used for an extended period. CAT has stated super maximum prisons may constitute to be cruel

and unusual. The practice of solitary confinement is a violation of the eighth amendment because it causes pain without a penological reason.

The parents of a young man who was known to have developed mental illness before incarceration took his life after being in solitary. The parents sued the prison and claimed the condition of where their son was placed is a violation on eighth amendment grounds. The prison was aware of his illnesses, neglected that information and kept him confined. The young man did report to medical services when they came to his cell, which lasted two minutes. Brandon would be let out for recreation time, which meant second cage but outside. This case was dismissed by the U.S. District Court for the Western District of Pennsylvania (Harvard Law Review: Vol. 131, Issue 5, 2018). On the other hand, Chief Judge Smith from the Third Circuit stated it was a legal error to ignore the first complaint from Brandon's parents. His family wanted accountability for Bradon's death. The official at the prison knew about Brandon's mental illnesses and knew from experience that people placed in solitary are resulting with self-harming, comp templating suicide, and not feeling worthy of being alive. According to Palakovic v. Wetzal, the Third Circuit held that the parents of a seriously mentally ill young man who was repeatedly placed in solitary confinement sufficiently stated multiple types of Eighth Amendment "cruel and unusual punishment" claims (Harvard Law Review: Vol. 131, Issue 5, 2018). When a person with previous mental health history ends up in solitary, they are neglected and thrown into seclusion just because of how they are acting due to their illness.

Denver Law review starts with two quotes and one of them is by Angela Davis. "Prisons do not disappear social problems, they disappear human beings." Attempting to find out what is going on in this supermax has been complicated. The BOP has denied the U.N. Special

Rapporteur of Torture from entering and reporting on the prison. ADX is considered a black site on American soil. Prisons are built out of sight and out of mind. People do not care to see what is happening inside these prisons. People think if you commit a crime, you must make the time for it.

The law prohibits torture sometimes but is it possible to prove these inmates are being tortured when the only proof is the victim itself? Plaintiffs must show they are being deprived of their human needs, to prove there is a violation of the 8th amendment. Most courts have ruled solitary confinement to be constitutional. Laura Rovner and student attorneys from the University of Denver's Civil Rights Clinic take cases that are violating the constitutional rights of the incarcerated at ADX. Tommy Silverstein is an 8th amendment violation case regarding his place in solitary confinement for thirty years. When Mr. Silverstein arrived at ADX, he had already experienced twenty-one years of non-human contact confinement. The case for Silverstein regarding his 8<sup>th</sup> amendment rights, were not being violated. The Bureau of Prisons provided Mr. Silverstein with life's necessities which were food, clothing, shelter, sanitation, medical care, and mental health care (Rovner,2018).

Inmates around the world are suffering severe pain without public knowledge. John Stinneford talks about the meaning of the cruel and unusual punishment clause. How does one prove this clause? Does the effect of the punishment have to be seen as not righteous or does the punisher's intent have to be considered cruel? Stinneford states in the past, cruel can be used to describe if the punisher's intent was cruel and not the effects. Prisoners do not have the medical utilities to take care of themselves. Their liberty was taken away. Therefore, the correctional officers oversee the prisoner's and their well-being. If the COs did not fulfill this duty, it can be seen as a violation of the eighth amendment. There is another loophole to prove this claim is true



though, the violation must be unnecessary and wanton infliction of pain (Stinneford, 2017). For a punishment to be considered “wanton,” the intent and the effects of the punishment must be done in a cruel manner. Stinneford stated that SCOTUS has left the interpretation of the word “cruel” up to legislation like an “open vessel.”

## Chapter 4: How can we fix the situation? How is it being fixed now?

To do something about an injustice, one must educate oneself and others to the topic. The only people talking about solitary are families, loved ones, victims of the imprisoned. There have been many people who have lost their lives under the conditions of solitary confinement. There are many ways to educate people on the topic, authoring a paper like this one, music, and art. When words fail, actions speak. Most people who suffer from the conditions of solitary confinement do not talk about it.

There are many ways to communicate with others when words are not enough. Humans get a better understanding through visual or audio. Chris Wilsom, artist, advocate, author, and entrepreneur. At a youthful age, Wilson was incarcerated and spent 117 days consecutively in solitary confinement (Voices from Solitary,2022). Today, Chris is advocating for Solitary reform through his artwork. He describes the meaning behind every color, to paint a picture for his audience:

*“Each color on the canvas captures the emotions I uncovered during that period of self-reflection. The blues, both light and dark, reveal my deep desire to see the ocean and sky again. Yellow represents the happiness I found in my*

*memories of the past and the thoughts of the warm sunlight I believed I would one day feel again as a free man. I maintained that hope despite being sentenced to life in prison. The black and red depict the rage and rebellion I too frequently grappled with as a Black man in America—one who was made to feel like an animal locked away in a cage. I used pink in the work because I believe the color best represents my unwavering commitment to protecting others from the horror I endured by advocating to put an end to solitary confinement. White interacts violently with the other colors on the canvas as a representation of White supremacy and the ways in which it continues to wreak havoc upon and destroy the Black community” (Voices from Solitary,2022).*

There is an exhibit dedicated to the strength Kalief Browder maintained and the pain he underwent while being in solitary confinement, proving his innocence. In Brooklyn, artist Coby Kennedy created an 8x10 sculpture to mirror the size of the cell at Riker’s Island. The artist stated people must see and experience what Kalief went through (Felicano & Fond,2021). People advocating may not be able to change the mindsets of others but to educate them is still the best way. Kennedy hopes to further the spread of information on the HALT campaign.

The New York State Senate passes the “HALT” act, which stands for Humane Alternatives to Long-Term Solitary Confinement. This act was sponsored by Senator Julia Salazar. The use of solitary would be only for 15 days (about 2 weeks) for all incarcerated people. The goal is to generate new and safe ways to rehabilitate the population behind bars. This bill outlines humane conditions to be used in solitary confinement. Also, this bill includes building Rehabilitation Units and increases the protection of due process. The bill says that the

prisoners will be protected by speaking to their counsel and not being put in solitary confinement before their hearing. Too many lives are being taken and destroyed because of solitary confinement.

This press release includes the intakes of solitary from the NY senate. All the senators are discussing how horrible and cruel being put in solitary confinement is. The bill will limit the use of solitary and find healthier alternatives for the prison population. The fight to convert to healthier solutions, for the inmates to return to the public healthily. Inmates being released, especially from solitary confinement, are being re-arrested or committing suicide because of the effects of being confined for a prolonged period. This source helps me convince more people to think of healthier ways to regulate solitary confinement.

In New York, many lives were lost because of the effects of solitary confinement, just like Kalief Browder. Sadly, the loss of these lives is what brought attention to reforming the prison system, specifically solitary. In March 2021, the New York Senate passed legislation S.2836, titled as HALT Solitary Confinement Act. The purpose of this bill is to create a more humane environment while being incarcerated. International law was taken into reference, a person isolated for more than fifteen days is torture.

The Humane Alternatives to Long-Term Solitary Confinement Act is a guideline on how to reform the prison system in the state of New York. To limit the usage of solitary confinement, no prisoner shall be placed in confinement for more than 15 days. The creation of residential rehabilitation units will support the idea of finding alternatives to recondition the inmates when they have been released from confinement. The inmates who have been placed in isolation for the 15 days limit will be given time out of their cell and placed in rehabilitative programs. It will be forbidden to place a person in solitary if they are under the age of 21, above the age of 55,

have a disability, and women that are pregnant or have given birth in the recent eight weeks. While being in solitary confinement, inmates will not be denied their basic needs, services, or treatments (Heppner, 2021). The staff at the prisons will receive training before and after entering segregated confinement units. Monthly reports will be done to keep a record of how many inmates are being kept in solitary confinement. Lastly, add protection of due process so that no person shall be placed in solitary without a disciplinary hearing and permit them to speak to their lawyer. The objective of this legislation is to ameliorate the inmates, without harm being done to them.

Solitary confinement is a punishment, and others see it as a haven, being kept away from the general population of inmates. Some inmates feel relieved when they are placed in segregation until they start hearing the banging and yelling. Inmates cannot handle the consistent yelling and the silence in their cells. The lack of human interaction is exacerbating the inmate's mental health. People who are being released from prison are returning to society, expected to go back to how they used to be. The mistreatment of inmates will cause danger in the communities. If it does not cost us the danger in the community, then it will cost us a life. We must know what is going on in the prison system because it affects our community.

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