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(Item for Reflection and Research)
A CALL TO END SOLITARY CONFINEMENT

Proposal for Reflection and Research:

That the General Assembly of the Christian Church (Disciples of Christ) in the United States and Canada, meeting July 18-22, 2015 in Columbus, Ohio, accept “A Call to End Solitary Confinement” as an item for Reflection and Research during the 2015-2017 biennium. This reflection and research process would be accountable by report to the Administrative Committee, the General Board, and the 2017 General Assembly.

This process would encourage the church to engage in reflection, prayer, education, and possible action around the practice of solitary confinement of incarcerated youth and adults. Disciples’ congregations and prison and jail ministries will serve as venues where discussion, discourse and discernment can occur as we examine and explore the issue of solitary confinement.

Such a process may include:

1) The development of a Study Document for use by the entire church to discern a response to solitary confinement of our sisters and brothers who are incarcerated; and
2) The exploration of possible actions by congregations and ministries to end prolonged solitary confinement in our criminal justice system.

Background:

According to the Bureau of Justice Statistics, on any given day, roughly 80,000 incarcerated adults and youth are held in solitary confinement in the United States. However, this figure likely fails to capture the breadth of the use of prolonged solitary confinement in U.S. prisons and jails, and does not include those held in solitary confinement in immigrant detention. Given the lack of data made publicly available by state Departments of Correction and the Federal Bureau of Prisons about the use of prolonged isolation, including the total numbers of those held in Administrative Segregation and protective custody, the numbers are likely much higher. For instance, in California, the American Friends Service Committee found in 2008, on any given day, there were more than 14,600 people in solitary confinement units when totals included women and men held in Administrative Segregation and protective custody. In addition, whole institutions are locked down for months at a time, in which inmates are confined to their cells for 22 to 23 hours per day. Most recently, in North Carolina, at the Scotland Correctional Institution, nearly 800 men had been on indefinite lockdown for over eight months.

According to the British Columbia Civil Liberties Union, “Over the last five years, the number of federal prisoners in solitary confinement in Canada has increased by 6 percent.” The Ombudsman for federal offenders in Canada says, “There were 8,221 federal inmates in
segregation (solitary confinement) across Canada in 2012-2013. Many suffer mental health problems, and a third of them, according to the Ombudsman’s same statistics, are aboriginal.”  

In addition, annual reports on conditions of confinement in Canada by the Office of the Correctional Investigator note growing issues with solitary confinement across the federal prison system.  

While in isolation, individuals are locked in a cell for 22 to 24 hours a day with no meaningful human contact – an hour alone in a cage or dog run may be permitted. Prisoners face these conditions for months, years, even decades. Cells are small, often windowless and without access to natural light, typically between 48 and 80 square feet. Access to books, phone calls, visitation and programs are often severely limited. Food is pushed through a slot in the solid steel door.

Many studies have documented the detrimental psychological and physiological effects of long-term isolation. Recognized expert Dr. Stuart Grassian documented that nearly a third of the prisoners he evaluated experienced perceptual distortions, in which objects appear to change size or form. This is particularly alarming since this symptom is more commonly associated with neurological illnesses, such as brain tumors, than with primary psychiatric illness.

People of color in the United States face incarceration at profoundly disproportionate rates. A recent report from The Sentencing Project states that “African-American males are six times more likely to be incarcerated than white males and Hispanic males are 2.5 times more likely.” According to a 2011 survey sponsored by the Office of Juvenile Justice and Delinquency Prevention, “nationwide, the residential placement rate for black youth was more than 4.5 times the rate for white youth, and the rate for Hispanic youth was 1.8 times the rate for white youth.” Limited data reported on racial ethnic identity and solitary confinement suggests that solitary confinement disproportionately impacts people of color.

In Canada experts find the growing solitary confinement trend “especially worrisome because female, aboriginal and black inmates are disproportionately represented in segregation, according to the Office of the Correctional Investigator, an oversight body for the federal prison system. Many mentally ill prisoners also tend to end up in segregation cells rather than receiving treatment.”

In the United States, solitary confinement is used in public and privately contracted local, state, and federal facilities. Regardless of the facilities’ classification, the United States federal government is responsible for ensuring compliance with CAT (Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment) at all facilities in the territory. From 1996 to 2001, sociologists Daniel Mears and William Bales examined the length of time
Florida prisoners spent in isolation. Their study found a notably higher rate for supermax placement of people of color. Data from the New York State Department of Corrections and Community Supervision about its use of solitary confinement reveals that African Americans are more likely to receive SHU (special housing unit) sentences, and to receive longer SHU sentences, as compared to individuals of other racial and ethnic groups. For example, in June 2011, African Americans accounted for approximately 62% of the prisoners held at Upstate and Southport correctional facilities, where inmates with the longest SHU sentences are generally incarcerated. In contrast, approximately 49% of the general prison population is African American.

State departments of correction utilize “Security Threat Group” and gang validation processes that drive dramatically disproportionate placement of prisoners of color into supermax units, calling into question the legitimacy of these policies. Inherent racial bias in security classification is a significant driver in the disproportionate placement of prisoners of color in solitary confinement. In 2012, the American Friends Service Committee found that two supermax facilities for men in Arizona, SMU I and Browning Unit, had a disproportionate prevalence of people of color in solitary confinement most pronounced for Latino and Native American prisoners. 51% of the supermax prisoners were Latino compared with 41% of the general prison population in Arizona.

In some supermax units these percentages were especially high. Excluding the death row population from the Browning Unit population (decided judicially and not by the discretion of the ADC), the Latino population jumped to over 59%. In stark contrast, the white male prisoner population in supermax facilities constituted only 25%, and in the general prison population, it was 39%.

Because youth are still developing mentally and physically, traumatic experiences like solitary confinement can exacerbate, or create for the first time, short and long-term mental health problems and severely heighten risk of suicide. Though several states have issued an outright ban on the punitive solitary confinement of youth, including Alaska, Connecticut, Maine, Oklahoma and West Virginia, the placement of youth in solitary confinement is not subject to a prohibition in most states and the federal system, and the practice persists widely. Federal and state legislation to address the practice has been introduced in recent years, indicating widespread national concern to see this practice brought to an end.

There are realistic and reasonable alternatives to prolonged solitary confinement. Shifting from a punitive approach to one that prioritizes restorative and rehabilitative ends is critical to ending the widespread use of solitary confinement in U.S. prisons, jails and detention centers. A matrix of punishment without access to meaningful social interaction, job training, and education must be replaced by opportunity for access to such necessary resources for human flourishing. Alternative strategies for staff training in violence reduction, pro-social behavior, and alternative responses rooted in de-escalation techniques are being adopted by some departments of correction accompanied by reductions in isolation, use of force, and incidence of violence. Rather than placement in solitary confinement, the creation of alternative...
treatments and community settings for incarcerated people with mental illness are also critical.\textsuperscript{24}

The demonstrated success of ending the use of prolonged solitary confinement is evident among several states that have proven there are safe, humane alternatives.\textsuperscript{25} Mississippi experienced a decline in violence within its prisons after it drastically reduced its use of solitary confinement by 85% in one supermax unit; Mississippi eventually closed the facility altogether.\textsuperscript{26} Maine and Colorado have made significant reductions in the use of solitary confinement without jeopardizing prison safety.\textsuperscript{27} Former Maine Department of Corrections Commissioner Joseph Ponte explained in a 2011 interview about Maine, “Over time, the more data we’re pulling is showing that what we’re doing now [through greatly reducing the use of solitary confinement] is safer than what we were doing before.”\textsuperscript{28}

In the United States, the continued widespread practice of holding prisoners, disproportionately people of color,\textsuperscript{29} in prolonged solitary confinement in U.S. prisons constitutes torture, in violation of CAT; article 1 prohibits policies and practices that “constitute cruel, inhuman or degrading punishment.” Article 2 states that “no exceptional circumstances whatsoever” may be used to justify the use of torture. Article 4 requires that each State Party “ensure that all acts of torture are offenses under its criminal law” and be “punishable by appropriate penalties which take into account their grave nature,” yet the prevalent use of torture persists in United States prisons with impunity. In May 2006, the UN Committee Against Torture instructed the United States to “review the regimen imposed on detainees in supermaximum prisons, in particular, the practice of prolonged isolation.”

In May 2013, a U.S. Government Accountability Office report, “Improvements Needed in Bureau of Prisons’ Monitoring and Evaluation of Impact of Segregated Housing,” found that the United States Federal Bureau of Prisons “has not assessed the impact of segregated housing on institutional safety or the impacts of long-term segregation on inmates,” despite a 17% increase in its use of solitary confinement between 2008 and 2013. The Federal Bureau of Prisons confines about 7% of its 217,000 inmates in segregated housing units for about 23 hours a day.\textsuperscript{30} According to the Bureau of Justice Statistics, on any given day, roughly 80,000 incarcerated adults and youth are held in solitary confinement in the United States.\textsuperscript{31} This figure likely fails to capture the breadth of the use of prolonged solitary confinement in U.S. prisons and jails, and does not include those held in solitary confinement in immigrant detention. In Canada, it is reported that one out of every four prisoners in the federal prison system has spent some time in solitary confinement. At any given time, there are as many as 1800 people in solitary confinement in federal or provincial prisons.\textsuperscript{32}

\textbf{For these reasons}, we call the Administrative Committee to explore ways for the church to (1) engage in a study about the effects of prolonged solitary confinement upon individuals; (2) explore alternative restorative justice practices which seek rehabilitative outcomes instead of the widespread, punitive use of solitary confinement in U.S. and Canadian prisons, jails and detention centers; (3) educate the church on ways to bring awareness of this human rights concern and avenues for relief in their communities, and (4) explore avenues whereby the
Disciples of Christ join its sister faith-based partners in calling for an end to the widespread use of prolonged solitary confinement in the United States and Canada.

New Life in Christ Christian Church (Disciples of Christ)  
Mission Behind Bars and Beyond  
Sugarbush Christian Church DOC, Guelph, Ontario, Canada  
National Benevolent Association

The General Board recommends that the General Assembly ACCEPT GA-1525 as an Item for Reflection and Research for the 2015-2017 biennium.
BIBLIOGRAPHY


8. Id. at 1.


10. Schlanger 2013, supra note 1, at 241.

11. Schlanger 2013, supra note 1, at 245.

21. Id. at 15-16.
22. Id. at 15-16.
29. Schlanger 2013, supra note 1, at 241.