



Social Workers Against Solitary Confinement,  
an Issues Chapter of the Social Welfare Action Alliance

## **Do We Have a Right to Torture Prisoners and Violate their Human Rights?**

What crime warrants a punishment that damages brain cells and produces memory loss, cognitive decline, and depression? Should we punish people by damaging the hippocampus of their brain, thereby inducing an out of control chronic stress response?

### **When we isolate people from humanity, we hinder their reintegration into society and their successful rehabilitation**

In prison, among those already separated from society, there is still a strong impetus to separate further those seen as problematic, from the general prison population.

Thus, we come to solitary confinement as a means of control within a population already isolated from society.

Today there are an estimated 80,000 people, mostly men, in solitary confinement in prisons, jails, youth facilities, and detention centers. [Men](#) of color are overrepresented in isolation, while whites are underrepresented. They are confined to a cell the size of a parking space for at least 22 hours a day. They are tortured by both sensory deprivation (e.g., gray or white concrete and steel cells; no access to fresh air and sunlight) and sensory overload (e.g., unremitting fluorescent lighting and constant deafening sounds). It is hard to imagine such trauma boding well for a successful return to society.

## **The United States is turning against solitary confinement as a human rights abuse**

Solitary remains a mainstay of prison management and control. This is because many policymakers, corrections officials, and members of the public still subscribe to **common misconceptions** —including solitary being used only as a last resort for the most violent offenders. In truth, solitary is used as a “first resort” for the most minor of offenses (e.g., possession of too many postage stamps), and is enforced at the discretion of correction officers without due process, using unconstitutional “confidential information” that cannot be viewed or challenged, and often is unreliable.

### **Supreme Court Justice Sonia Sotomayor’s statement on Solitary Confinement as a violation of the 8th amendment that prohibits cruel & unusual punishment**

[Justice Sotomayor](#) wrote, regarding a Colorado case, “A punishment need not leave physical scars to be cruel and unusual. As far back as 1890, this Court expressed concerns about the mental anguish caused by solitary confinement. We are no longer so unaware. Courts and corrections officials must accordingly remain alert to the clear constitutional problems raised by keeping prisoners like Apodaca, Vigil, and Lowe in ‘near-total isolation’ from the living world, in what comes perilously close to a penal tomb.”



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## It Doesn't Have To Be This Way

**United States, Colorado:** A promising effort in Colorado was conducted by Rick Raemisch, former Executive Director of the Colorado Department of Corrections. Colorado ended the use of prolonged Solitary Confinement and limits its use to **15** days at a time. They follow the principles of the United Nations Mandela Rules, which limit isolation to **15** consecutive days. Colorado uses solitary confinement only sparingly, for very serious disciplinary issues. Prisoners must be provided services for both mental health issues and reentry, both of which will help them progress while incarcerated and when they return to their communities. This approach has had good results so far.

**Germany:** Disciplinary measures are meted out judiciously and incrementally and warnings are liberally given. A prisoner may be isolated only as a last resort and for as long as necessary, for a maximum of four weeks.

**Great Britain:** Referred to as cellular confinement for attacks on other prisoners and guards. Adults may be held for 21 days and 10 days for those under 18. A rough estimate of segregated use is 500 at any given time, as compared to the United States with a total of 80,000 to 100,000 in prisons, with another 25,000 in supermax facilities (state and federal), plus **untold thousands in jails, juvenile facilities, and detention centers.**

**Spain:** Isolation cells are used as mechanisms of last resort, but are used as a constant threat and powerful weapon against prisoners to maintain discipline and obedience. Isolation in cell may not exceed 14 days and is limited to seven weekends, which may not exceed two months.

## Contemplation Points:

- 1- Are there any ethical principals in the NASW's Code of Ethics that solitary confinement violates?
- 2- Review the Universal Declaration of Human Rights  
. [https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)
- 3- Consider the human rights that *can't* be taken away from prisoners and the state cannot restrict them in any circumstances. How do we see these being violated in the US prison system?
  - the right to life (Article 2)
  - the prohibition on torture (Article 3)
  - the right to a fair [trial](#) (Article 6)
  - freedom from slavery (Article 4)
  - protection from retrospective laws (Article 7)

## Resources:

**“The Link Between Race and Solitary Confinement: Men of color are overrepresented in isolation, while whites are typically underrepresented”** by Juleyka Lantiquis- Williams December 5, 2016, The Atlantic,  
<https://www.theatlantic.com/politics/archive/2016/12/race-solitary-confinement/509456/>

**“Safe Alternatives to Solitary Confinement: A Human Dignity Approach”**  
Vera Institute of Justice 2019  
<https://www.vera.org/research/safe-alternatives-to-solitary-confinement>

**“Sotomayor Pens Stinging Rebuke of Solitary Confinement,”** by Barbara Leonard 2019, TheCourthouseNews.com  
<https://www.courthousenews.com/sotomayor-pens-stinging-rebuke-of-solitary-confinement/amp/>

**“Humanity in Prison Questions of definition and Audit”** by Andrew Coyle, 2003 International Centre for Prison Studies  
[https://www.prisonstudies.org/sites/default/files/resources/downloads/humanity\\_in\\_prison.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/humanity_in_prison.pdf)

## Call to Action!

1. Go to the [Social Workers Against Solitary Confinement \(SWASC\) website](#) and join this task-force in fighting against this torture and promoting the use of safer alternatives to solitary confinement.
2. Explore the [National Religious Campaign Against Torture's](#) work on addressing the torture of solitary confinement and check out the [State Campaigns](#) through this organization to see if your state is participating.
3. Join the [American Civil Liberties Union \(ACLU\)](#) in advocating against the use of solitary confinement in US prisons and fighting for prisoner rights in other critical areas.