Solitary Confinement: Perpetuation of a Carceral Society

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Dating back to as late as the 1700s, solitary confinement has been used as a tool within the prison industrial system, beginning as a form of corporal punishment and shifting into a correctional measure in the current day. In the 1900s, this form of punishment was phased out due to the inhuman nature of the tool. Once the "Tough on Crime" Era re-emerged within America, a resurgence of solitary confinement also followed suit, leading to its continued use in modern times. Although the majority of states restrict solitary confinement, there is still use of this correctional tool seen today. Solitary confinement is unjust as it causes physical and mental injury to prisoners, creates an outlet for abuse of power by staff, and provides no concrete benefits to outweigh the harm it inflicts.

The punishment of solitary confinement needs to be further established before any critical analysis can be delved into. While there is no universal definition for solitary confinement, it is generally agreed upon to be physical isolation where an inmate is confined alone in a cell for 22 to 24 hours a day, with minimal interaction with other individuals (Penal Reform International, 2013). This time period can range from a couple of days to years in some severe cases. Forms of isolation are considered to be a last resort, using the shortest amount of time possible to lessen the effects felt from the isolation and depravity. It's reported that at least 122,840 people are locked daily for around 22 hours in the United States (Casella, 2023). With the basic definition laid out and the numbers of the last year displayed, the harms of corporal punishment can be more easily explained.

During periods of solitary confinement, individuals are confined to a singular room, deprived of meaningful human interaction, unable to receive critical services such as medical care, are deprived of stimulants, and in severe cases can be denied basic needs. During extreme depravity, the body is placed under extreme levels of stress, resulting in higher blood pressure, irregular sleeping patterns due to time blindness, muscle atrophy from a lack of movement, and extreme sensory deprivation which can all contribute to the manifestation of physical ailments or the heightening of ones that are already present. A study conducted in 2020 by researchers apart from the University of California Irvine Department of Criminology sought to find the physical health ailments brought on by prolonged exposure to solitary confinement. 225 prisoners described the symptoms they had experienced while in solitary confinement (Strong et al., 2020). These symptoms were broken into three categories: symptoms due to deprivation conditions, symptoms due to limitation

of healthcare access, and chronic musculoskeletal pain brought on by deprivation and limited access. Participants experienced similar weight fluctuation and skin irritation, connecting the physical affliction to their experience in solitary confinement. They were denied nutritional food and physical activity, resulting in the fluctuation of weight specifically. Musculoskeletal pain was found to be debilitating and untreated due to a lack of medical care. Other health issues such as higher blood pressure, seizures, kidney stones, etc. were worsened due to the lack of care participants were able to receive due to the deliberate deprivation. While these health ailments are extreme due to the environment, physical health deterioration is less commonly talked about when discussing the impacts of solitary confinement, leading to the more discussed topic of the psychological ailments brought on by this prolonged solitude, effects that are further exacerbated by the physical conditions the body is forced to endure.

The severe social isolation and sensory deprivation in solitary confinement leads to psychological distress, resulting in manifestation of depression, anxiety, paranoia, hallucinations, warped perception of reality, manifestation of post-traumatic stress disorder (PTSD), and an increase in suicidal thoughts. A lack of social stimulation, deprivation of time, sensory deprivation, and a lack of physical activity leads to the brain deteriorating, impacting cognitive function and mental well-being. There are a couple ways in which the brain is affected during these periods of isolation. The hippocampus, the part of the brain responsible for learning and memory, can shrink due to the severe stress, anxiety, and PTSD the brain is constantly under during the experience (Kim et al., 2015). Because of this, memory issues can arise, along with overall cognitive decline. When the hippocampus shrinks, the cognitive decline of the brain shrinks in relation to the time taken. Because solitary confinement speeds up processes of stress, anxiety, and fear, this process is exacerbated, leading to severe symptoms despite the short time frame. The amygdala, responsible for processing emotions such as fear and anxiety, can lead panic attacks, heightened anxiety, difficulty regulating emotion, and to impulsive behavior if it is constantly stimulated (Inman et al., 2018). Along with mental ailments, stimulation of the amygdala can result in physical ailments as well like excessive sweating, increased heart rate, and rapid breathing. The social isolation and stress created by solitary confinement can disrupt serotonin, dopamine, and oxytocin levels while conditions increasing cortisol as a result of the brain trying to cope with the high levels of

stress it is under. This increase can lead to symptoms of depression or mood swings due to neurotransmitter levels being severely impacted. All of these changes within the brain can result in the development of issues such as syndrome, hypersensitivity, hallucinations, cognitive difficulties, isolation intrusive or suicidal thoughts, self-harm behavior, and more, often showing within the first few days or weeks. In 2019, a study was conducted to analyze psychological distress in inmates who had gone through solitary confinement. The study, Psychological Distress in Solitary Confinement: Symptoms, Severity, and Prevalence in the United States (2017-2018), found four main findings: half of the participants "had at least 1 clinically significant symptom within the BPRS anxiety-depression factor," participants had high rates of documented mental health issues, discovery of a broader range of symptoms of psychological distress such as hypersensitivity and a loss of personal identity, and that symptoms of psychological stress persisted even after release within incarcerated individuals (Reiter et al., 2020). These data trends led to the conclusion that the current study of solitary confinement is ineffective and does not fully capture the extent of the issue when compared against data from non-incarcerated individuals. The biggest takeaway that is relevant is the increase in mental health symptoms, the trend of self-harming behavior, and the difficulty to reintegrate into society after release. A 2019 study conducted in North Carolina found "individuals who spent any time in restrictive housing were 24% more likely to die in the first year after release" (Brinkley-Rubinstein et al., 2019). Within the first two weeks after release, individuals were found to be more likely to become reincarcerated or pass away due to opioid overdose and were more likely to die from suicide or homicide within the first year after release. This reveals that individuals who go through solitary confinement, also referred to as restrictive housing, have shortened life spans due to the prolonged exposure inflicting mental and physical ailments onto the individual, severely worsening mental well-being and overall quality of life for the individual, while showcasing the difficulties they have to reintegrate into normal, everyday life after such a traumatic event

One of the mental afflictions caused by solitary confinement is cognitive deterioration, which can include the worsening of memory caused by the hippocampus being placed under too much stress. This deterioration is best exemplified in the Reykjavik Confessions, an unsolved case that took place in Reykjavik, Iceland. In 1974, 18-year-old Gudmundur Einarsson and 32- year-old Geirfinnur Einarsson had both gone missing in towns separate from Reykjavik

(Cox, 2014). At the time, police began to dig deeper into the cases due to the lack of disappearances in the area and the closeness in the disappearance of the two men who, despite having the same last name, were entirely unrelated. Two individuals stood out to the investigation team: Saevar Ciesielski, a known petty criminal in the area, and Erla Bolladottir, Saevar's girlfriend. Erla had confessed to the crime in custody, stating she remembered the night Gudmundur had gone missing despite it occurring long before her interrogation. She had stated that the night Gudmundur had gone missing, she had overheard Saevar and his friends the police immediately zoned in on. The head whispering, a detail that investigator had gotten close to Erla's face and stated "We are going to help you recall everything. You will not be able to leave here until you tell us what happened to Gudmundur Einarsson" (Cox, 2014). After this statement, Erla was confined to solitary confinement, left only to question her own memory and testimony. Lengthy interviews, officers who were 'nice' and 'helpful' to help her remember, and being deprived of her child who was left alone at home were the brutalities Erla had to endure. After a 10 hour long interview, police had produced a statement that Erla signed stating Saevar and three of his friends had wrapped the body of Gudmundur in a sheet. When Saevar was presented with this statement, he stated he may know information about the case, implicating his close friends Kristjan Vidar Vidarsson, Tryggvi Runar Leifsson, and Albert Klahn Skaftason, all of whom faced lengthy periods in solitary confinement and the eventual production of their own statements, with Albert dealing with the isolation the worst. Each man admitted to either killing Gudmundur or disposing of his body, solving the first disappearance for the police. The next problem was the second disappearance of Geirfinnur. Erla was deemed to be the best way to get information from Saevar, leading to her prolonged period of time in solitary confinement. For a second time, the police stated "We have a reason to believe you have experienced something traumatic concerning Geirfinnur's disappearance - we are going to help you remember" to Erla (Cox, 2014). Erla, believing that cooperation could get her out of custody, glady helped again despite her getting no freedom she was hoping for. It took a year and a half for police to decide on the case of Geirfinnur, with Kristjan and Saevar both admitting to killing him along with the help of a mysterious 'foreign man.' This led to them detaining Gudjon Skarphedinsson, a 32year-old teacher. Karl Schutz, a cop brought into the case, told Gudjon "You should confess because you will feel better afterwards - tell us the truth and you will feel better forever." At the end, Schutz had convinced all six people,

Gudjon and Erla included, that they were guilty of murdering Geirfinnur. During this period, the two bodies were never found despite investigators taking them out at least 60 times to look for the remains of the two men. With six written confessions and hazy memories, all six were sentenced for the murders of Geirfinnur and Gudmundur, with Saevar receiving life in prison and the others receiving sentences ranging from three to twelve years. The time spent in solitary confinement was never ending for the group. Erla spent over 242 days, Gudjon was kept for around 425 days, Tryggvi was locked for 655 days in solitary confinement, and Saevar spent a total of 1,533 days in police custody.

With confessions written and sentences handed out, the case of Gudmundur and Geirfinnur should be solved. However, no bodies of the men were found and the statements produced were done while the suspects were experiencing extreme social isolation, sleep deprivation, and drug administration. Gudjon, who had kept a diary during his captivity, had stated that the words written down were not his. In the beginning of the journal in November, he had stated to have 'known nothing,' but by December he wrote "I can't remember anything and I'm losing my mind." If Gudjon did not remember, what was the purpose of confessing? Throughout the case, investigators repeatedly stated that there is no limit to how long they can put an individual in solitary confinement, stating they will help the suspects remember. In the case of Erla, she had written multiple statements under the guise that she will be let go from the isolation. During the beginning of the case, most individuals stated they knew nothing of the people or events, but by the end they were signing statements police had helped them to remember. While being a clear display of coercion, this production of statements, a timeline, motives, and false memories is a clear display of the mental impact prolonged solitary confinement can have on an individual, with the entire group of people becoming convinced they had murdered two people they barely remember. The case best exemplifies memory distrust syndrome, where an individual has severe distrust of their own memory due to outside factors, with it being coercion and solitary confinement in the case of the Reykjavik Confessions. Isolation, intense police interrogation, and emotional intensity all worked to trigger the syndrome in all suspects, who all became doubtful of their own accounts. Because of their extreme psychological distress, Saevar, Erla, Kristjan, Albert, Tryggvi, and Gudjon all became compliant in the punishment of themselves as they no longer believed the memory they held was reality. This warped perception exemplifies the extreme dangers of long term solitary

confinement as it can completely alter the procession and fairness the justice system is said to uphold through its continued use.

Solitary confinement existing within the prison structure allows for the correctional tool to be used as a form of exerting authority over others. The act of sentencing an individual to solitary confinement can be done for three reasons: to serve as a disciplinary measure, to maintain order, and to coerce inmates into compliance. If an inmate were to start a fight, caught having contraband, or talking back to a guard. The rules for applying solitary are loose. In 2015. President Barack Obama announced the 'overuse' of solitary confinement in U.S. prisons and established "guiding principles," meaning that these statements were not legislation and, therefore, had no severe consequence if not followed. These five principles stated that individuals should be placed in the least restrictive setting necessary, to have clear reasoning for the use of confinement, have a plan to return the inmate to less restrictive housing as soon possible, receive regular review of restrictive housing use, and have as correctional staff be regularly trained in the use of restrictive housing (FACT) SHEET: Department of Justice Review of Solitary Confinement, 2016). While these principles were said to be adopted, there was no move to fully integrate these principles into concrete legislation. The most recent proposal is H.R. 176 titled the Restricting the Use of Solitary Confinement Act, which had been introduced but not proceeded further. Similarly to the last "guiding principle," the wording of this bill is extremely loose, not restricting the use of the correctional tool as punishment. It included the right for inmates to receive medical and mental evaluations before containment, the restriction of use for non-disciplinary reasons, the need for reasonable cause for confinement, etc (Watson Coleman, 2021). However, because there are no clear guidelines for what constitutes 'reasonable cause' and a 'disciplinary reason,' this leaves room for correctional staff to abuse this former corporal punishment. One such instance of this abuse of power through solitary confinement is seen in the culture to protect fellow guards and officers. "At Sing Sing Correctional Facility, officers fractured a man's eye socket. In both cases, corrections employees charged the men with assault and sent them to solitary" (Neff et al., 2023). This shows one instance where restrictive housing was used as a means to conceal a crime committed by a guard. Other such acts can include falsifying reports, covering up for fellow officers, and using solitary confinement to restrict the inmate's access to the proper tools and resources to file a complaint. Because of these coverups and the lack of accountability, actions such as this and the

culture of abusing power is perpetuated within the criminal justice system. There are few resources provided for inmates to seek justice for these actions, lack of solid evidence due to faulty reporting, and little restrictions placed upon specified use of solitary confinement, this work culture will continue to be perpetuated until solitary confinement is further defined or removed as a correctional tool and punishment entirely.

The ethics of why solitary confinement should be used is hard to define, which gives leeway to a stronger question: why is solitary confinement still in use in a modern day society that has no real need for it? The main concepts are that the correctional tool can be used to isolate dangerous individuals within prison to maintain order and safety, to protect vulnerable inmates who may be subjected to assault by other prisoners, and to maintain general order in prisons by deterring problematic behavior. The first reasoning has little concrete evidence to back this up. Main uses of solitary confinement are for maintaining order and correctional punishment, neither of which concern themselves with protecting the other inmates, but rather the guard's authority. Solitary confinement should also be used in small increments, meaning holding an inmate within it to protect the others would be unethical for the individual in holding. The next instance is to protect vulnerable inmates which, similarly to the dangerous inmates, is not done nor would it make sense in context. These vulnerable populations, consisting of mentally ill individuals and minority groups, being placed within solitary confinement would only exacerbate their issues, as solitary confinement and solitary housing are separate entities. A simple solution to avoid this could be the creation of specific cell blocks to populations rather than immediately resorting to an further protect these extreme solution of protection through isolation. By taking this use of solitary confinement, staff is able to better portray the act as an act of good when used, providing a 'reasoning' for the action. The last reasoning, maintaining order, justifies that solitary confinement has been used to serve as a correctional tool to deter negative behavior such as assault and disrespect of guards. However, this one purpose is not able to negate all the harms that the punishment inflicts. In the closing remarks of Solitary confinement: Lived Experiences and ethical implications by David Polizzi, Polizzi states that "The conditions by which solitary confinement is "strategically" employed must be viewed as an intentional act of rationalized retribution. As such, it implies an intentional desire to construct a system of punishment that elicits an intense degree of psychological harm" (Polizzi, 2017). The foundation of solitary confinement

derived from corporal punishment, eventually shifting into a correctional tool. This tool was founded on the basis of the pain of the individual, which makes its use, purpose, and the effects of the tool extremely clear. Due to the physical and mental Ailments brought on by confinement and the perpetuation of abuse of power within the Prison Industrial Complex, the negative consequences of the tool seem to be too severe to ever argue for the benefits of it, which appear to be very few in actuality. While most countries utilize some form of restrictive housing, the U.S. is regarded to be one of the top countries that consistently use the punishment. Reaction to the overuse of solitary confinement within the U.S. prompted a United Nations (UN) human rights expert to state that "There seems to be a State-sanctioned policy aimed at purposefully inflicting severe pain or suffering, physical or mental, which may well amount to torture" and that "This deliberate infliction of severe mental pain or suffering may well amount to psychological torture" (Melzer, 2020). The action of solitary confinement is deemed to be a violation of human rights according to the International Covenant on Civil and Political Rights. With there being a debate over whether the action is a human rights violation, justification for the action should not be found if it is so close to being deemed as utterly inhumane. Stepping aside from the humanitarian aspect, there is a huge cost taken on by utilizing the isolation method. The average cost for a prisoner stuck in solitary is estimated to be around \$75,000, a cost that is triple the amount it typically costs to incarcerate an individual (Reiter, 2018). With an estimation of around 41,000 to 48,000 individuals having experienced solitary confinement in 2021, meaning that this cost is nothing to scoff at (Resnik et al., 2022). Instead, the cost is estimated to be \$410.1 million spent annually in the state of California only. These resources can instead be allocated to more pressing issues, such as the upkeep of prison facilities, improving living standards within correctional institutions, increasing funding for hiring correctional guards and medical staff, and increasing training for correctional staff. This allocation could lessen the burden placed on these sectors of the correctional infrastructure, which can in turn lead to more benefits such as the lowering of mental health conditions in prisons, decreasing recidivism among former inmates, and lessening the mental burden placed on correctional staff. All of these negative points gained through the implementation of this correctional tool should lead to the justified conclusion that solitary confinement as a correctional measure needs to be abolished. The mental and physical turmoil inflicted onto prisoners, the use of the tool to target minority groups, and the sheer cost of the use of solitary all weigh down the

proposed, but not justified, pros that the tool can be used to bring. Rather, the tool is instead a weapon to further punish those already experiencing their retribution, being relegated to a tool of power and control rather than one of safety and learning that the tool is paraded around as. There are alternatives that can be used instead of solitary confinement such as the implementation of mandatory rehabilitative courses for inmates acting out of line, group therapy, and the temporary removal from inmates without the deprivation of light, food, water, and complete human contact. The biggest barrier for implementing these measures is a common denominator: money. By cutting funding to solitary confinement and funneling it back into mental health reform within prisons, the need for solitary confinement and restrictive housing can be eliminated, helping to end the era of corporal punishments as a form of behavioral reform.

Use of solitary confinement has seen a sharp increase in recent years due to the initiative of the government to crack down on crime. Serving as a behavioral tool, correctional tool, and deterrence, having solitary confinement take such a rooted spot within the American criminal justice sphere displays a carceral society, one where behavior is regulated through punishment and incarceration. The action of using solitary confinement as a correctional tool is highly contested in the criminal justice sphere. While there are proposed arguments as to why the punishment should be used, there are a number of negative outcomes that take away from this argument, laying out the foundation for why perpetuation of this action is harmful to both the individual and the society it thrives in. Currently, solitary confinement contributes to the worsening of inmate physical and mental health, while perpetuating correctional staff power abuse. Removal of this correctional measure can allow for safer treatment of inmates, easier reintegration into society post-prison release, decrease in inmate frustration, and create a more humane justice system by removing a punishment guised as a tool that provides little to no benefit in the society that perpetuates it.

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