



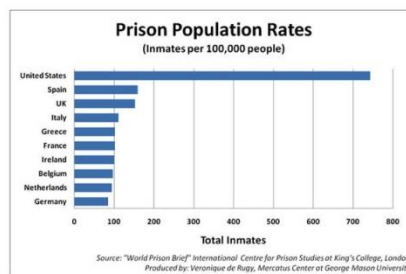
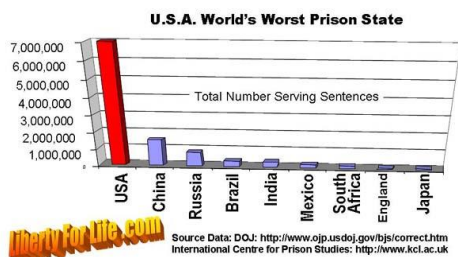
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March 3, 2015

Charles Colson Task Force on Federal Corrections

Excessive Use of Solitary in Federal Prisons—Risk and Needs Assessment

The United States is an outlier among nations in the number of people it incarcerates—both in the total number of people we lock up and as a percentage of our population:



We account for only 5% of the world's population, but we hold 25% of the world's prisoners in our jails and prisons. This is not because we are an evil people. It is because we have, for far too long, used the prison system as a place to hide our deeply-rooted social problems: poverty, the extreme (and growing) gap between rich and poor, high persistent unemployment, and structural racism. Rather than do the hard work of solving these difficult problems, we sweep them into the criminal justice system and hide them behind the opaque walls of our prisons and jails.

The nation's prisons are in crisis at every level—federal, state, and county. They are severely overcrowded (sometimes operating at twice their design capacity), underfunded, and understaffed. In these conditions, prison officials are asked to do the impossible: care for the mentally ill, care for the aged, and cure drug and alcohol addiction, all while keeping society safe from the people we lock up, and keeping prisoners and guards safe from each other. And they are asked to perform this multiplicity of tasks in decaying, ill-designed facilities, with budgets which have not come close to keeping up with the exploding growth in the prison population.

Faced with this impossible multiplicity of tasks, prison officials have made difficult choices, and in most cases have eliminated any pretense of rehabilitation. Educational programs are gone from many prisons entirely, with long waitlists for the programs that remain. Vocational training designed to prepare people for any job which they might actually obtain upon release is non-existent. Mental health treatment is woefully inadequate.

Instead of rehabilitation, prisons are now focused almost exclusively on punishment. The length of time one serves, and the privileges one is afforded in prison no longer depend on your adjustment, or your good behavior. Instead, they are based almost exclusively on the passage of time. There is literally nothing most prisoners can do to make their lives better as their placement within the federal system among maximum, medium, and minimum security prisons depends more on how long they have left to serve than on their behavior.

Solitary has become our “prison within a prison”

The results have been predictable: an increase in violence, as men lash out in frustration and anger at being held in cages—sometimes 22-24 hours a day, with nothing to do, no way to improve their situation, and increasingly without hope. However, rather than recognize this conduct for what it is—a cry for relief, a predictable human reaction to an intolerable situation, we instead react by labelling them as “bad people.” We further *increase* their punishment, and decrease their privileges—and thus further deprive them of hope. When they again predictably lash out, we repeat the process, up the ante, and build more, bigger, higher tech, higher security “supermax” prisons, where prisoners now can spend decades without ever having a normal face-to-face social interaction with another human being.

Solitary has thus become not just a literal “prison within a prison,” a place where prisoners are sent when they break the rules inside prison walls; solitary has also become metaphorically a prison within a prison. Just as prison is the dark hole where society sends its social problems in the hope they will disappear, solitary is the dark hole where the prison system sweeps away its difficult problems, hiding them in secure, isolated facilities, hoping the problems will simply disappear. But they do not disappear. Almost every prisoner in solitary has a release date, and will return to the community. But they will return as broken human beings, unable to function in the economy, too often destined to return to prison, and sometimes so disabled that they will never be able to work again.

Mass incarceration is not making us safer

This unprecedented experiment in mass incarceration on a scale never before seen in the history of the world is based on a shaky foundation. There simply is no evidence that our unprecedented prison population has made this country any safer. And to the extent mass incarceration is driven by the War on Drugs, there is ample evidence that it has not made a shred of difference in the availability of use of illegal drugs. There is, however, plenty of evidence that mass incarceration has destroyed millions of lives, rendered family bonds asunder, and destroyed the social fabric of communities.

Similarly, there is no evidence that this country's unprecedented reliance on solitary confinement has made our prisons any safer. Solitary Watch estimates that there are about 80,000 prisoners held in solitary confinement¹ every day in this country. I suspect this number is grossly understated, as Illinois alone holds about 8,000 prisoners in solitary on any given day.

Need for Evidence-Based Needs and Risk Assessments

The decisions about who goes to solitary, how long they stay in solitary, their ability to earn their way out of solitary, and the programing available to them in solitary are based on prejudice and tradition—not on evidence-based risk assessments.

¹ I am using “solitary” in the manner generally accepted in the literature: confinement in one’s cell 22-24 hours a day, with no meaningful social interactions.

Rather than assigning people to prisons based purely on the length of their sentences, and rather than sending people to solitary based on knee-jerk reactions to rule violations, we need to rethink the way we use punishment and rewards. We need to tailor solitary to the specific needs of specific individuals. We need to determine why they broke the rules—were they bored? Crying out for help? Having a crisis? Do they suffer from untreated mental illness? We need to tailor our reactions to their needs. We need to provide an environment which provides prisoners with hope, and keeps them engaged. We need to ensure that the programming provided in prisons is meaningful, and available to everyone who wishes to participate—the more progress they make, the more options they should have. Any prisoner who wants to learn how to read and obtain a high school diploma should have those programs readily available. Any prisoner who wants to improve their education should be able to do so—up to and including Masters-level study.

Mental health care (including treatment of serious mental illness, but also more basic learning—coping skills, better decision making, anger management, and other life skills) needs to be available to every prisoner. It should not be treated as a “reward” for good behavior; rather, these programs should be considered as the means for *inducing* good behavior.

Each of these improvements depends on an individualized assessment of need. We no longer need to rely on prejudice and learned behavior to impose one-size-fits-all punishments. We have the tools to do better; we must start using them.



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