

**Testimony of Nathaniel Lee before the House of Representatives  
Judiciary Committee on Solitary Confinement**

**Date:** Monday, August 2, 2010

**Summary of key terms:** Restrictive Housing Unit, administrative custody, disciplinary custody, Department of Corrections, hearing examiners, psychological deterioration

Those confined in Pennsylvania prisons who are charged with violating prison rules of conduct or believed to be a danger to themselves or others are sometimes isolated from others in the prison population and placed in the Restrictive Housing Unit (RHU) where they are separated from the prison population, removed to an isolated location in the prison and confined in a cell for twenty-three hours a day and given one hour of yard. In the RHU, known to prisoners and staff as “the hole”, those confined there are denied contact with others in the population, denied

all privileges and given and permitted a fifteen minute shower every other day except Saturday's and Sundays.

Isolation in the RHU for those who are a danger to themselves or others would receive little controversy. However, it is the use of isolation for those who fit neither of these requirements, which is of concern to us here. When properly utilized, isolation can prevent violence and reduce the likelihood of mass disturbances.

*Yet, as is far too often the case in Pennsylvania prisons, isolation is used arbitrarily and often when there is no threat of violence or mass disturbances involved. "The hole" is far too often employed for minor infractions such as being late for an appointment or returning to a cell or being in the possession of contraband which could be something as small as having too many items in the cell.*

When used for these minor reasons, isolation can have the deleterious effect of contributing to the resentment against authority so many prisoners come to adapt. The act of using major force for minor

infractions creates bitterness and hostility against those being punished and this, it can be argued, may help prevent the likelihood of rehabilitation.

*It is also the treatment of those isolated which should be considered. Those who are mistreated by the law are less likely to adhere to the same law they felt unjustly persecuted by.* Even prisoners tend to accept punishment justly applied and equal to the offense. However, disproportionate punishment given unjustly fuels resentment against those who determine the punishment, disillusionment with the very law used to justify the punishment and resentment against the system, government, body or society in whose name the punishment was authorized.

Human contact and decent living conditions are essential for the psychological and physical well-being of human beings. Isolation deprives inmates of both of these in several ways including, but by no means limited to the following:



1. It relies upon sensory deprivation

2. It deprives those affected of much needed contact and stabilizing human interaction

3. It creates an environment which dehumanize those compelled to live within it

4. It fosters resentment and hostility against established law and society when utilized arbitrarily and without justification

5. It has been known to provoke sadistic treatment of inmates by the correctional officers who assigned to such units.

Having been formerly incarcerated in several State Correctional facilities, I have personally observed the changes in the attitudes and behaviors of correctional officers assigned to duty in the RHU. Even those who were gregarious, open and friendly in the prisons population sometimes became cold, aloof and indifferent to those confined in the RHU. One theory suggests that the very environment itself provokes such attitudinal changes which may indicate that the austere conditions

of isolated confinement may have not only a deleterious affect on the prisoners confined there but also on the staff who work there as well.

Entering the RHU, prisoners are placed in a holding cell, surrounded by correctional officers and strip searched. They are asked to expose private parts and submit to what most would consider a humiliating process, one which can only be described as a degradation ritual.

From this point, he/she is given a jumpsuit and will be handcuffed (and sometimes shackled as well) every time they leave or return to their cells. Within the cell is a cot, an open toilet, a sink, and sometimes a desk. All furnishings are secured to the wall or the floor to prevent being moved. It is in this cell, little more than a steel and concrete cage, that inmates will be restricted to twenty three hours a day. There will be no interactions with other prisoners and even outside visits from family are done behind a glass which prevents all physical contact.

Those confined in the Restrictive Housing Unit are also permitted one hour outdoors every other day. Prisoners who choose to go outside

are strip searched, handcuffed and escorted by guards to large cages identical to those used for animals. There they have enough room to walk in small circles and little more. These cages are known as “dog cages” by prisoners and staff alike because of their similarity to those found in dog pounds.

Every other day prisoners are permitted a shower for fifteen minutes. They are led to the shower in handcuffs and return in handcuffs and locked in the shower until correctional officer's return to escort them back to their cells.

Most damaging, however, is the absence of activity and perpetual silence which marks such isolation. Prisoners are often given nothing to read, possess nothing to occupy their minds for long periods of time. Naturally there is no television, no radio, and no contact with the outside world. One day is much like the other and time cease to exist under such conditions.

the norm by inmates subjected to such confinement therefore reducing the possibility of rehabilitation and subsequent successful reentry to society after their release from prison.

Unnecessarily harsh treatment or neglect by guards can add to the problem significantly. The culture of the RHU dictates that inmates be treated without sympathy and shown little or no respect. Whether one is confined there for a relatively minor infraction of the rules such as smoking a cigarette in a non-smoking area or for assaulting another prisoner or member of the prison staff, they are typically treated with a degree of contempt.

Simply exchanging dirty linen for even dirtier linen than the ones they were exchanged for, receiving meals on trays in which the ingredients are thrown together in a mush as if intended for animals, personal affects handled as if those to whom they belong aren't worthy of civil treatment.

Despite regulations which specifically detail the time required for inmates confined to the RHU to receive personal toiletries and cleaning supplies, inmates are sometimes forced to go long periods of time without soap, shower shoes or deodorant.

It is understandable therefore how a climate such as this can produce unnecessary frustration, resentment and eventually rebellion in those subjected to it.

There are two types of isolation confinement: (1) Administrative Custody (AC status) or (2) disciplinary custody (DC status). Under administrative custody, those confined there have not been charged with wrongdoing. They are there for either their own protection, awaiting transfer or because they are under investigation for suspected yet unproven violations of prison rules or policies. In either case, they are not yet found guilty of violations.

Under disciplinary custody, inmates have been charged with violations of prison rules, given a hearing before a hearing examiner and



found guilty of the infractions for which they are charged. It bears repeating here that oftentimes, prisoners are punished with isolation in the RHU for very trivial infractions.

*Regardless of whether prisoners are under administrative custody, having committed no violations, or whether they are isolated for misconduct, the treatment and conditions are virtually the same.*

### **Suggested changes for possible consideration**

If the Restrictive Housing Unit is to be used in a manner that is more in keeping with the Department of Corrections professed goal of rehabilitating inmates within a safe and secure environment while ensuring that the ends of justice are met, then changes in the current use of isolating prisoners should be made immediately.

Presently, the RHU is used arbitrarily, promotes hostility in prisoners because of the unjust way in which punishment is distributed and carried out and may cause unnecessary damage to the emotional and

psychological well-being of both those confined in them as well as the staff stationed in them for extended periods of time.

*His Suggestions*

I suggest that the following changes be implemented immediately:

1. Solitary confinement be used only when an inmate poses an imminent threat to him/herself or others
2. That conditions of confinement be no harsher than is necessary to maintain order
3. That a code of professional conduct be developed and implemented governing the fair and humane treatment of prisoners confined in isolation and that this code be available to all prisoners entering the RHU
4. That alternatives to isolation confinement be created in order to avoid using the RHU for minor infractions which could otherwise be addressed
5. That all persons confined in the RHU be permitted suitable reading material to reduce the possibility of psychological

deterioration, especially for those confined there for extended periods of time

6. That strict limits be placed on the time in which prisoners can be confined to the RHU, especially when no acts of violence or disruption of the orderly operations of the institution are in question.

Unless the Department of Corrections address the present way in which prisoners are treated while in their custody, they are unlikely to ever live up to their name and “*correct*” those held in their care. No one will develop respect for the law when governed by those who abuse the laws they wish to instill respect for. Ninety-five percent of prisoners will be released. Fair treatment in humane conditions will help ensure their safe return to society and aid in their successful reentry.

However, long term abuse and unnecessarily harsh treatment might do little more than to create embittered people who are released to our society filled with resentment and hostility.