Ending Legalized Torture in America’s Legal System and Challenging the Carceral State

Solitary confinement is one of the most egregious manifestations of the punishment paradigm that pervades the entire criminal legal system and leads to a culture where abuse and torture are rationalized, systemic and pervasive. Mass incarceration depends on solitary confinement to “efficiently” manage the bloated carceral state because political leaders and system managers can’t see past the punishment paradigm to a model of rehabilitation, restorative justice, and addressing the root causes of criminalization and mass incarceration. Ultimately, ending solitary confinement challenges the criminal legal systems to reduce prison populations and contributes to the larger mass incarceration movement.

The brutality, discrimination and extreme punishment in America’s places of incarceration are best exemplified by the pervasive use of solitary confinement – a practice that affects approximately 80,000 – 100,000 people are in solitary every day – about 4.5% of incarcerated people across the US, and disproportionately affecting people of color. Solitary confinement is the practice of placing a person in a cell for 22 to 24 hours a day with little human contact. The amount of time a person spends in solitary confinement in the US can last for weeks, months, years, or even decades. Many subjected to the profound sensory deprivation and social isolation of solitary confinement develop depression, disorientation, and hallucinations. People experiencing solitary resort to self-harm at over three times the rate as the general incarcerated population.¹

An International Consensus Against the Use of Solitary Confinement

Solitary confinement is internationally recognized as torture. The UN Mandela Rules prohibit isolation in excess of 15 days, and for any length of time for youth and those with mental disabilities. The Inter-American Commission on Human Rights, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment also condemn the practice. The US lags woefully behind countries like Denmark and Sweden, where rehabilitation is the focus, not punishment.

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found that solitary confinement conditions can amount to “inhuman and degrading treatment.” Solitary confinement is an egregious manifestation of the punishment paradigm that governs the US correctional systems. Some states have recently moved to reduce solitary confinement. This is no accident, spurred by multi-pronged advocacy by advocates and survivors of solitary confinement. The result is greater public outcry against the harms of long-term solitary confinement and a growing wave of reforms to drastically reduce and end its use. Emerging successes in the effort to abolish solitary include states as diverse as New Jersey, Colorado, North Dakota, and Maine.

Making the Case for Ending Solitary Confinement

A facilitated conversation with panelists will address the state of solitary confinement, the central role played by survivors of solitary and prison hunger strikers, the media and various advocacy strategies. They will share plans on how the fight to abolish solitary confinement is a vital part of the fight against the punishment paradigm and mass incarceration.

¹ https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3953781/