

REFORM NOW

A Call for Accountability in the Department of Corrections

Brief Three: Solitary Confinement

SOLITARY CONFINEMENT IS TORTURE.



An unoccupied cell in the segregation unit at Waupun Correctional Institution.

WISCONSIN DEPARTMENT OF CORRECTIONS

IT'S INEFFECTIVE, IMMORAL, DANGEROUS AND VERY EXPENSIVE.

By reforming our solitary confinement practices, the U.S. can protect human rights, improve public safety and be fiscally responsible. It is the right and smart thing to do, and the American public deserve no less.

— U.S. Sen. Dick Durbin (Illinois)

Solitary Confinement in Wisconsin: A Department of Corrections out of control

The United Nation's Special Rapporteur on Torture has declared that no prisoner should be held in solitary confinement for longer than 15 days, and that to do so constitutes torture. Decades of research have shown that solitary confinement causes serious and lasting psychological and physiological harm for those subjected to this inhumane and degrading practice. Numerous studies have also made it clear that prolonged isolation dramatically increases rates of self-harm and suicide, fails to reduce prison violence, and increases recidivism.¹

Not only is solitary confinement immoral and damaging, it's also very expensive. According to Solitary Watch,

one study estimated that, annually, "the average per-cell cost of housing an inmate in a solitary confinement prison is \$75,000, as opposed to \$25,000 for an inmate in the general population."²

Yet, on a regular basis, Wisconsin still employs this torturous, costly, ineffective practice for intervals much longer than 15 days, isolating prisoners for months, years and even decades.

¹ *The Dangerous Overuse of Solitary Confinement in the United States* (August 2014), ACLU, <https://www.aclu.org/dangerous-overuse-solitary-confinement-united-states>

² Ross, Jeffrey Ian. (2007). *Supermax Prisons*. *Society* 44:3 (March/ April): <http://www.convictcriminology.org/pdf/jiross/SupermaxPrisons.pdf>

According to a survey, from December 1, 2011 to December 1, 2012, Wisconsin placed more than 4,000 men—20 percent of the state’s entire prison population—in solitary confinement, far exceeding the national average. In December 2012, a DOC official reported that more than 600 prisoners in solitary had been there between 6 and 12 months; 79 prisoners had been there 2–5 years; and 14 prisoners had spent more than 10 years in solitary confinement.³

But the Department of Corrections claims it has no idea how often this program, which is antithetical to rehabilitation, is used. A DOC official reported, “Data by bed placement type (i.e., segregation) and time in that bed (i.e., number of days in segregation) are not currently captured in our data system for adult institutions.”⁴

While Wisconsin’s prison system remains unaccountable and lags behind, reform is happening elsewhere: “Spurred by growing budget deficits, costly litigation arising from unconstitutional treatment, and the public’s objection to inhumane conditions, several states have begun to reform their prison systems to limit the use of long-term solitary confinement.”⁵ For example, Maine, New Mexico and Colorado have made significant reductions in their use of isolation, yielding considerable cost savings without jeopardizing prison safety.⁶

Change can and must happen here. We call on Governor Walker and the Department of Corrections to end this unjust, immoral, inhumane and expensive practice of solitary confinement NOW.



Canon City, Colo., February 28, 2014. Rick Raemisch, the new director of Colorado’s Department of Corrections, sits for a photograph in an administrative segregation (solitary confinement) cell, similar to the one he stayed in, during a tour of the Colorado State Penitentiary in Canon City.

MATTHEW STAVER /LANDOV

Don’t put someone in a box for 23 hours a day and hope that things will be great when they’re dropped off in our communities.

— U.S. Sen. Jessie Ulibarri (Colorado)

A Plea to End Solitary Confinement from Reverend Kate Edwards⁷

As an ordained Buddhist chaplain, I have spent hundreds of hours volunteering inside the walls of Wisconsin prisons. I have personally heard unrelenting hours of screaming and banging coming from inside the segregation unit at the maximum security prison in Portage. I have stood inside one of the very small, windowless solitary confinement cells in the Wisconsin Secure Program Facility, formerly called the Supermax, in Boscobel, and I know men who have spent literally years in those barren cells 23–24 hours a day, 365 days of the year.

I have witnessed the correctional officers suiting up in riot gear for a violent cell extraction of a prisoner in segregation. I have seen the anguish of men who, hopeless and

3 State Departments of Corrections Segregation Survey (2013), Association of State Correctional Administrators, Research and Best Practices Committee, <http://www.asca.net/system/assets/attachments/5479/segregation%20surveyformatted1-7-12%20Sheet1.pdf?1362678378>

4 Email from Tony Streveler, DOC Executive Policy Initiatives Advisor, to Kate Edwards, Feb. 28, 2014

5 *State Reforms to Limit The Use of Solitary Confinement*, ACLU, http://www.aclu.org/files/assets/state_reforms_to_limit_the_use_of_solitary_confinement.pdf

6 *Reform comes to the supermax: New commissioner cuts population by more than half; prisoner-rights advocates help in the reform* (May 25, 2011), Lance Tapley, <http://portland.thephoenix.com/news/121171-reform-comes-to-the-supermax/>; Report on CO-DOC’s Implementation of Administrative Segregation Plan (January 19, 2012), ACLU, <https://www.aclu.org/prisoners-rights/report-co-docs-implementation-administrative-segregation-plan>

7 This is an excerpt of a piece that first appeared in *The Cap Times* on May 05, 2014: Rev. Kate Edwards: ‘Dead Man Walking’ vs. living men tortured

Story from the inside: Parents of prisoner speak out

Tom and Jan Gilbert adopted their son Aaron in 1995 when he was 6 years old. His birth mother's drug and alcohol use resulted in fetal alcohol disorder for Aaron, who has struggled with cognitive deficits his entire life.

Now in his mid-20s, Aaron is serving a 5-year sentence for being party to a crime. Tom and Jan faithfully visit him every two weeks. Twice during his sentence, Aaron has been stripped cold turkey of his medications and consequently violated prison rules, resulting in repeated stays in solitary confinement.

In March 2014, Aaron landed in solitary again. When Jan and Tom visited him in May, they found his body marked from admitted self-harm. At a June visit, Aaron refused to leave the cell that he occupies 23 hours a day, every day. The Gilberts' attempts to visit and write to their son subsequently in June and July were met with refusal by the DOC. They finally learned Aaron was



Aaron Gilbert's high school graduation photo.
TOM AND JAN GILBERT

moved to a facility operated jointly by the DOC and the Department of Health, where he is supposed to receive good psychiatric care.

When the Gilberts finally got to see Aaron in August, they were shocked to find him delusional, paranoid and sickly thin, with curly and matted hair, speaking in gibberish and dressed in a padded suicide sack.

"He looked and acted like a wild man," Tom said. "As we reflect on his terrible condition, we are baffled by the fact that, when he was losing his grip on reality, the DOC kept him in solitary confinement and cut him off from contact with us and with any sense of reality."

"Aaron has significant cognitive defects, but when he entered the state prison system, he was a sane person. Inadequate care and torture in solitary confinement have pushed him over the psychotic edge."

overwhelmed with despair in a segregation unit, have now been given yet another year in solitary because they've attempted suicide. What kind of world is this where self-harm and mental illness are considered to be brutally punishable offenses?

Perhaps you feel that some criminals have committed crimes so heinous that years of solitary confinement in a windowless cell are justified. Perhaps you also feel that some inmates are so dangerous that there is no other way to keep the staff and other inmates safe.

I ask you to think again.

In January of this year, Rick Raemisch, a former Dane County sheriff and the former head of our Wisconsin Department of Corrections, spent a night in a solitary prison cell in Colorado, where he is now the head of their DOC. He wrote about that experience in an op-ed in the New York Times, and he testified before a U.S. Senate subcom-

mittee reassessing the use of solitary. Raemisch's conclusion was that solitary confinement is "overused, misused, and abused." In his testimony, he stated, "By placing a difficult offender in isolation, you have not solved the problem — only delayed or more likely exacerbated it, not only for the prison, but ultimately for the public. Our job in corrections is to protect the community, not to release people who are worse than they were when they came in."

Simply consider the fact that over 95 percent of Wisconsin's prisoners will one day be released to live among us. Sometimes they are even released directly from some version of solitary. Torturing these people is not reasonable or sane as a correctional policy, and it is not reasonable, safe, or moral as a public policy. It is way past time for Wisconsin to step into the forefront of the movement that will ultimately eliminate solitary confinement from our prisons nationwide.

ACTIONS REQUIRED TO REFORM NOW

Governor Walker must demand and oversee the following:

- ➔ The U.S. Department of Justice must conduct an immediate investigation of abuses in the segregation unit in Waupun¹ and all other Wisconsin prisons. All correctional officers must be immediately rotated out of segregation units, if they have worked in segregation longer than three months.
- ➔ The Department of Corrections must stop retaliating against inmates, their families, their advocates or staff for bringing forward evidence of abuses in solitary confinement. An independent complaint review system must be implemented immediately.
- ➔ The Department of Corrections must restrict the use of solitary confinement to 15 days or less, and then only for safety reasons. A clear and defined policy must be immediately established for transitioning all existing prisoners out of all forms of prolonged solitary confinement.
- ➔ The Department of Corrections must eliminate the use of solitary confinement for all mentally ill inmates and must establish model mental health units in all prisons, as were mandated by the courts at Taycheedah Correctional Institution.
- ➔ The Department of Corrections must stop the use of solitary confinement for anyone under the age of 18, regardless of whether they are considered to be juveniles or have been waived into an adult status.
- ➔ The Department of Corrections must immediately establish a public database to share the exact number of prisoners held in solitary confinement every day, their mental health status, their age and racial-ethnic identity, the length of time that each prisoner has been held and the projected end of their stay in solitary.

¹ *Waupun prison guards accused of abusing dozens of inmates*, first in a series (July 20, 2014), Bill Lueders, Wisconsin Center for Investigative Journalism, <http://wisconsinwatch.org/2014/07/waupun-prison-guards-accused-of-abusing-dozens-of-inmates>

Partners in Calling for Action

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Wisconsin Council of Churches

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This publication is 3rd in a series of briefs illuminating WISDOM’s Reform Now activities. On the heels of the successful and continuing 11 x 15 Campaign for Justice, WISDOM reveals Reform Now to expose failures, share stories, offer solutions and call for accountability at the DOC. WISDOM will unveil a comprehensive report on the DOC at the end of 2014.



WISDOM, the Wisconsin affiliate of the Gamaliel Foundation, is a statewide network, including 12 congregation-based community organizations that work to live out their values regarding social justice in the world: MICAH Milwaukee County, RIC Racine County, CUSH Kenosha County, SOPHIA Waukesha County, JOSHUA Green Bay area, ESTHER Fox Valley, JONAH Eau Claire and Chippewa Valley, JOB Beloit and Janesville, AMOS La Crosse area, NAOMI Wausau and North Central Wisconsin, MOSES Madison and RUTH Manitowoc County. Visit WISDOM’s website at <http://prayforjusticeinwi.org>.