



Written Statement of  
Just Detention International

Lovisa Stannow  
Executive Director

Hearing Before the Senate Judiciary Subcommittee on the  
Constitution, Civil Rights, and Human Rights

June 19, 2012  
10:00 a.m.  
Dirksen Senate Office Building Room 226

**Time to End the Overuse and Abuse of  
Solitary Confinement**

Chairman Durbin, Ranking Member Graham, and Members of the Subcommittee:

Just Detention International (JDI) is a health and human rights organization that seeks to end sexual abuse in all forms of detention. JDI was founded more than 30 years ago by survivors of prisoner rape. To this day, it remains the only organization in the U.S. dedicated to ending this type of abuse. JDI was instrumental in developing and securing passage of the Prison Rape Elimination Act (PREA) of 2003 and has since remained at the forefront of the effort to implement this landmark law – including by advocating for strong national standards to prevent and address sexual abuse in detention. The release of standards, mandated by PREA, in May 2012 by the Department of Justice represented a milestone in JDI’s work and in the overall effort to end – once and for all – the sexual abuse that plagues U.S. corrections facilities.

Sexual abuse in detention is a nationwide human rights crisis. A recent report from the Department of Justice found that almost one in ten former state prisoners was sexually abused during his/her most recent period of incarceration.<sup>1</sup> The Department of Justice estimates that well over 200,000 men, women, and children are sexually abused in U.S. prisons, jails, and juvenile detention facilities every year. Many more are assaulted in immigration detention facilities, police lock-ups, military prisons, tribal jails, and community corrections facilities. JDI receives about 2,000 unsolicited letters every year from survivors of sexual abuse in detention. Many of them report devastating assaults directly related to inappropriate or abusive solitary confinement.

Survivors of sexual abuse who are placed in solitary confinement (sometimes referred to as administrative segregation or protective custody) tend to suffer significant distress. The same is true for inmates who are placed in solitary confinement simply because they are perceived to be vulnerable to sexual victimization. Today’s hearing is a vital step in the effort to do away with the overuse and abuse of solitary confinement in U.S. corrections facilities.

### **Solitary Confinement is Punitive and Causes Harm to Sexual Abuse Survivors**

Solitary confinement is punitive by default; it results in a loss of services and programs, leaves inmates with little or no access to outside support, and cuts the them off from positive human interactions. In many corrections facilities, survivors of sexual abuse are routinely placed in solitary confinement in the aftermath of an assault, ostensibly for their own protection – and frequently against their own will. While there, they tend to suffer significant distress, including fear, anxiety, and heightened trauma.

To make matters worse, the extreme sense of isolation survivors experience in solitary confinement makes them less likely to file a formal complaint about the abuses they have endured or to cooperate with an investigation. As such, solitary confinement is directly linked to the acute lack of accountability for sexual abuse that pervades U.S. corrections facilities. The Department of Justice’s study of former state prisoners reveals that about two thirds of survivors abused by another inmate did not report the abuse. Even more alarming, nearly 95 percent of survivors abused by a staff member did not report the abuse.<sup>2</sup> Letters from survivors to JDI make clear that fear of inappropriate use of solitary confinement is a serious contributing factor to these low reporting rates.

---

<sup>1</sup> *Sexual Victimization Reported by Former State Prisoners, 2008*, DOJ’s Bureau of Justice Statistics, p. 5. Available at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/svrfsp08.pdf>.

<sup>2</sup> *Id* at Table 17.

One survivor who was abused in a Colorado facility wrote to JDI, “I was treated like the perpetrator. I was thrown in segregation. I felt so humiliated.” Many times, sexual abuse survivors are kept in solitary confinement for long periods of time. A survivor raped in a Texas facility wrote to JDI, “I am in lock-up or segregation or whatever it is called. I’m being told I will spend over 100 days here before I’m transferred. You would think that I attacked someone from the way they are treating me.” In many cases, the stark physical conditions of solitary confinement further adds to the trauma. A survivor who was abused in Pennsylvania and Florida wrote, “I did not request protective custody. It was imposed on me. I’m in a very small cell with a concrete slab for a bed.”

### **Involuntary Solitary Confinement Should be Used Only as a Last Resort**

JDI advocates for basic conditions to be met when involuntary solitary confinement is deemed the only way to protect a survivor of sexual abuse from further attacks. First, strict time limits must be placed on how long a survivor can be held in such punitive housing. The need for continued solitary confinement must be reviewed on a regular basis, and a survivor’s wishes to be moved back to general population must be taken seriously. To minimize the negative health consequences of solitary confinement, corrections officials need to provide survivors housed there with health care services, access to programs and services, and contact with a rape crisis counselor.

The Department of Justice’s PREA standards reiterate several of these basic requirements, although they do not go far enough.<sup>3</sup> The standards call on corrections officials to provide survivors with access to services and to move them to less restrictive housing as soon as possible.<sup>4</sup> The standards also mandate the provision of medical and mental health care, including contact with support services.<sup>5</sup> However, the standards do not place strong enough limits on the time a survivor may involuntarily be placed in solitary confinement. The PREA standards generally limit involuntary solitary confinement for survivors to 30 days.<sup>6</sup> Taking into account the severely harmful consequences of such housing, JDI believes a more appropriate time limit is 72 hours.

### **Solitary Confinement is Not Appropriate Housing for Vulnerable Inmates**

Like survivors of sexual abuse in detention, inmates who are deemed vulnerable to sexual abuse are frequently placed in solitary confinement. JDI considers such punitive housing assignments inappropriate. Keeping inmates safe is one of the most basic responsibilities of corrections officials. They must be able to ensure the safety of all inmates without resorting to involuntary solitary confinement. Inmates who are most commonly isolated include lesbian, gay, bisexual, transgender, intersex, and/or gender non-conforming inmates and those who are perceived as such regardless of their identity. Too often, inmates with disabilities, young or old inmates, and other inmates targeted for violence are similarly warehoused in solitary confinement.

In some cases, corrections professionals believe that solitary confinement is in the best interest of vulnerable inmates. In other cases, however, officials rely on such housing as a quick fix – moving the “problem prisoners” out of general population. This strategy does not take into consideration the

---

<sup>3</sup> The Prison Rape Elimination Act Standards available at [www.ojp.usdoj.gov/programs/pdfs/prea\\_final\\_rule.pdf](http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf) (last viewed on June 11, 2012).

<sup>4</sup> *Id.* As an example, see the relevant adult jail and prison standard at 115.43.

<sup>5</sup> *Id.* at 115.53, 115.83, and 115.83.

<sup>6</sup> *Id.* at 115.68 (referencing 115.43).

serious distress caused by solitary confinement. Indeed, through such housing decisions staff choose to harm inmates rather than doing their jobs properly. In so doing, they allow unsafe conditions to remain unaddressed, ultimately making the facility more dangerous for everyone, inmates and staff alike.

JDI believes that every effort must be made to create institutions in which involuntary solitary confinement is used only as a last resort. To achieve this goal, the policies and culture of corrections facilities must prioritize creating safe, dignified housing for everyone – including sexual abuse survivors and those who are vulnerable to sexual abuse. When solitary confinement is used as a last resort, it must be used in compliance with the strict limitations outlined above.

### **Solitary Confinement as Retaliation Against “Snitching” or Expression of Homophobia**

Many survivors of sexual abuse in detention and other vulnerable inmates are subjected to involuntary solitary confinement as a *de facto* punishment. JDI regularly hears from prisoner rape survivors who, after filing a sexual abuse report are placed in solitary confinement for “causing trouble.” One survivor wrote, “I have been tasered and raped for the past three years by prison staff. And brutally attacked and confined to segregation for reporting it.”

Likewise, many corrections officials use solitary confinement to express contempt toward certain inmate populations. This is particularly true for inmates who are lesbian, gay, bisexual, transgender, intersex, and/or gender non-conforming and inmates whose criminal or medical history is particularly disfavored (such as inmates convicted of child sexual abuse). An inmate in Oklahoma wrote to JDI that “at this maximum security prison they have a policy that if you are homosexual and have HIV they automatically put you in long-term administrative segregation. That policy is so discriminatory.”

JDI believes that abusive use of solitary confinement must be taken as seriously as any other form of harm inflicted on an inmate. The perpetrators of such abuse must be held accountable and prosecuted to the fullest extent of the law. Significant pressure should be put on the Department of Justice, state attorneys general, and local district attorneys to investigate and prosecute abusive use of solitary confinement in facilities under their jurisdictions.

### **Solitary Confinement is a Drain on Resources**

Inappropriate or abusive use of solitary confinement drains vital funds that could be used much more effectively. In a 2009 report, the California Inspector General estimated that the annual costs per inmate in administrative segregation averaged at least \$14,600 more than the annual costs per inmate in general population.<sup>7</sup> The California Inspector General concluded that the overuse of solitary confinement cost the California Department of Corrections and Rehabilitation nearly \$11 million every year.<sup>8</sup>

---

<sup>7</sup> California Office Of The Inspector General, Management of the California Department of Corrections and Rehabilitation’s Administrative Segregation Population (2009), available at <http://www.oig.ca.gov/media/reports/BOA/reviews/Management%20of%20the%20California%20Department%20of%20Corrections%20and%20Rehabilitation's%20Administrative%20Segregation%20Unit%20Population.pdf> (last visited June 11, 2012).

<sup>8</sup> *Ibid*

Corrections administrators often cite cost as one reason why facilities are not made as safe as possible. However, the significant funds spent every year on inappropriate and abusive use of solitary confinement could be used to establish and implement basic policies and procedures aimed at preventing sexual abuse and other forms of violence. Such reinvestment of resources would lead to safer, better run corrections facilities. It would also prevent the negative health consequences among inmates who are placed inappropriately in solitary confinement. JDI believes that corrections administrators should begin shifting expenditures in this direction as soon as possible.

With strong leadership, effective policies, and sound practices, prisons, jails, and other confinement facilities can provide all inmates with safe housing that is far less restrictive and far less expensive than solitary confinement. Doing so would fundamentally transform corrections culture, to the benefit of everyone – inmates, staff, and ultimately the communities to which almost all prisoners eventually return.

/end/