

## **STATEMENT**

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**U.S. Senate Judiciary Committee hearing on Solitary Confinement**

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### Introduction

Thank you for the opportunity to submit a statement on the issue of solitary confinement. I applaud the committee for holding a hearing and focusing national attention on this crucial issue. I am submitting this statement on behalf of myself and my family. We have been directly affected by solitary confinement as my brother, James Stewart, committed suicide while in solitary confinement as a teenager in 2008.

### James' Story

The bluest eyes, fair skin, hair the color of sunlight, James Stewart was my baby brother...Here is his story.....Born in 1991, he was the gentle kind boy with the energy of the road runner. As far back as I can remember James loved football, the first year he was allowed to play football my dad signed him up for the PAL (police athletic league) football. For James this talent came naturally, and before long, he ate, breathed, and slept football. His days were busy from morning till night waking up first thing in the morning for his 30 minute commute to school. Then commute back home and prepare for football practice, then off to bed to do it all over again. He always had games on Saturday and spent a lot of time preparing for them. On Sundays James and my dad would go work together painting. James has always been a hard worker and strived to get out of our old neighborhood, and felt the combination of his athletic skills and education, that surely he'd create a great future for himself.

James was the youngest having four older sisters, he was a tough kid yet still had a sensitive side. He was a joyful kid and never went looking for a fight. He prided himself on being able to be everyone's friend. James loved his family, in fact, his family was very important to him. James had one nephew and four nieces, he was a wonderful uncle. The one factor of James's character that has always stood out to me is his heart... There is one particular memory that I have always held dear because it showed at a young age, how much heart James had. I remember it was James's second year in football and our team was playing a team well-known for the size of its kids. It wasn't until I saw the actual size of these kids when I got worried. I could see that the boys on our team were worried as well. Needless to say James's team was losing pretty bad, many of the boys on his team had been hurt and were crying, most of them refused to

go back in to the game. James was getting tackled left and right, his nose was bleeding, he had a cut on his arm, and he was even crying, but he refused to let the coach take him out of the game. James said that he knew they were going to lose, but he didn't want to let the team down as he had been playing the running back position. At the end of the game bleeding, wore-out, and crying, he raised his head up and said we tried our hardest. That year James was the only child on his team to receive an award for being a strong leader, and never giving up.

The day the earth cracked Monday August 11, 2008, two days prior to James starting school. He had attended a back to school party that was thrown by one of his friends. James was a star football player, a handsome young man, and felt he had the world at his finger tips until that one faithful day. James had been consuming a lot of alcohol throughout the night. He finally decided to call it a night and stayed the night at the kid's house who was throwing the party, however, he had at some point in the morning decided to get in his car and leave. It was an extremely bad decision, as he knew he was still highly intoxicated. As he headed east bound on Colfax Nathan Woods was headed west bound, until James collided into Nathan woods vehicle. James hit Nathan head-on going way over the speed limit still intoxicated.

James made a horrible awful decision that lead to paying the ultimate price, although it was Nathan woods that had to pay to ultimate price for James's terrible decision, as Nathan Woods lost his life in that accident. James was horrified by what he had done, and still had trouble comprehending and dealing with the fact that he took an innocent man's life. He knew what he did was horrible and he was ready to do his time and pay for what he did.

James had never been to jail before and our family was unsure how he'd cope with being in the Gilliam. To our surprise he had been doing well, he was able to interact with his peers, and they also held regular group counseling sessions. James said though, he didn't always speak about the accident, he said just talking and listening to other kids speak about their struggles and triumphs was extremely uplifting and inspiring. He was making progress in the Gilliam and had decided while he was in there that he needed to go and tell his story to other kids his age. He wanted to show kids how quickly a bad decision can not only change their lives, but it can also have devastating effects on those who are involved. . This was something James was very passionate about, he said he knew that he could make a difference, and he felt that kids would listen to him. He began to look into it at the Gilliam, although, shortly after that, the DA decided to charge James as an adult. Immediately they removed him from the Gilliam and placed him in the county jail for adults.

Since he was still a minor he had to be held in protective custody. Do you know that protective custody for James was at 23 hours of lock down every day? James remained alone in a cell for the first few weeks at the county jail. I remember during one of our visits at the county James had told me that he had been doing real good and was feeling much better, they had put him in with a cellmate. His cellmate was a juvenile as well incarcerated for a similar crime. James had said that it helped him out tremendously to have a support system in that place. He said that even if he and his new cellmate did not get along, that any company was better than having to be alone. He felt that in the county, no one really cared, and compared it to being in hell.

After James got to the county jail they started administering anti-depressants to him. It is a proven fact that anti-depressants can have a side effect that causes an increased thought of suicide especially in those under 18 years of age. So they began giving anti-depressants to an already suicidal kid. The county jail is not and cannot handle the needs and supervision that juveniles require. James had not yet fully formed and become independent he did not have the strength nor the knowledge to overcome 23 hours a day in lock down.

One day James and his cellmate had some type of verbal altercation. The guard decided as a form of punishment he would put James in the hole. James had begged not to move him reassured the guard that he and his cellmate were ok there were no problems, but the guard had his mind made up and told James to get his stuff, that they were going to move him to the "hole" better known as solitary confinement. He pleaded over and over again with the guard telling him "please don't put me by myself, I can't be by myself right now", but the guard didn't care he removed James and put him in the hole anyway.

Almost immediately James showed signs, he screamed out for help in the most obvious way...He began to beat his head on the wall and punch the wall repeatedly; his mind could not stand another solitude moment by himself. Please tell me why they didn't restrain him??? Aren't these professional trained to see the warning signs?? He was dead within an hour of being put in solitary confinement. And believe me it gets worse!!! James was due in court the next day for a preliminary hearing, we all showed up for court expecting to see him there, although, we never saw him James had committed suicide the day after the day they put him in solitary confinement. James body went on to University hospital where they attempted to resuscitate him, finally when no one showed up to identify his body, they then shipped his body off to Denver health where he remained for the night.

Through all of this no one called to let us know what was going on. The county jail failed to follow procedure on so many levels. The County Jail failed to show that they are capable of handling or dealing with juveniles. So the kid with all the heart in the

world crippled under the thought of having to think about the terrible thing he'd done, and knew he didn't even want to be there alone with his own mind. One of the paradoxes of solitary confinement is that, as starved as a person become for companionship, the experience typically leaves them unfit as an individual.

Craig Haney, a psychology professor at the University of California at Santa Cruz, received rare permission to study a hundred randomly selected inmates at California's Pelican Bay supermax, and noted a number of phenomena. First, after months or years of complete isolation, many prisoners "begin to lose the ability to initiate behavior of any kind—to organize their own lives around activity and purpose," he writes. "Chronic apathy, lethargy, depression, and despair often result. . . . In extreme cases, prisoners may literally stop behaving," becoming essentially catatonic.

James had always loved to be around his family, he was rarely without one of us. He said that was one thing that got to him in the countless hours in that cell, how much he really missed all of us. He was allowed no contact visits once he got to the county jail, which was the first place that me and my sisters were allowed to visit him. I think back and ponder what an enormous effect it would have had on James to just be able to give him a hug and for him to have that simple outlet. And while he knew he did something terribly bad he felt that locking him up by himself 23 hour a day was torture. Solitary confinement is an awful thing for anyone especially for immature mind. One of America's most prominent leaders John McCain will agree with this. John McCain stated that he had been severely beaten frequently and the social isolation was just as bad as the beatings.

Our systems weren't always like this though. The wide-scale use of isolation is, almost exclusively, a phenomenon of the past twenty years. In 1890, the United States Supreme Court came close to declaring the punishment to be unconstitutional. A considerable number of the prisoners felt, after even a short confinement, in a small cell it was next to impossible to arouse them, and others became violently insane; others, however still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.

With little concern or demurral, we have consigned hundreds and thousands of our kids to conditions that horrified our highest court a century ago. I do however understand the reason why this bill was passed initially, I remember the summer of 1993, it was violent, however times have changed, this bill is simply asking that a judge asses the juvenile as an individual and base his decision on several factors. I know if James would have went before the judge the judge could have looked at him individually and he would have been able to assess the risk factors of my brother. There is no doubt in my mind that the judge would have kept him at the juvenile facility, and he would still be here

today doing his public service work just like he wanted to do. I hope that everyone can see that while solitary confinement may be necessary under some circumstances, it is defiantly not necessary for juveniles, and I hope that you can see that solitary confinement is nothing less than torture.

This presents us with an awkward question: If prolonged isolation is—as research and experience have confirmed for decades—so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own kids to it than any other country in history has.

Recommendations:

I urge the committee to update the Prison Rape Elimination Act (PREA) and the Juvenile Justice & Delinquency Prevention Act (JJDP) to ban the placement of youth in adult jails and adult prisons, and restore federal juvenile justice resources for states and localities to incentivize their use of best practices and evidence-based approaches that rely on the least restrictive setting for youth in conflict with the law.

Thank you again for holding today's hearing and focusing on such a critically important issue.