



# SOLITARY CONFINEMENT: RESOURCE MATERIALS



## Solitary Confinement and Supermax Prisons: General

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### **Cost Issues**

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## Alternatives

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## Litigation Documents and Legal Analysis of Solitary Confinement

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  - [Expert Report of Terry Kupers, MD, MSP \(PART I\)](#) (S.D.N.Y. June 1, 2005) (mental illness in isolation)
  - [Expert Report of Terry Kupers, MD, MSP \(PART II\)](#) (S.D.N.Y. June 1, 2005) (mental illness in isolation)
  - [Expert Report of Steven J. Martin](#) (S.D.N.Y. June 1, 2005) (mental illness in isolation)
- [Declaration of Stuart Grassian](#), MD (2009) (regarding solitary confinement at Guantanamo)
- [Decrees and settlements](#) (*click on the case type of prison conditions, then look for cases by issue*)
- [Dockery v. Epps](#), Case No. 3:13-cv-326-TSL-JMR (S.D. Miss., May 30, 2013) (Complaint)
- [Expert Report of Stuart Grassian](#), MD, JD, No. 6:09-CV-012, (N.D. Tex. August 31, 2009) (juvenile isolation)
- [Expert Report of Anne M. Nelsen](#), MSW, MPA, (N.D. Tex. August 31, 2009) (juvenile isolation)
- [Edmund LaChance v. Commissioner of Correction, et al.](#): Amicus brief submitted by the ACLU National Prison Project and the ACLU of Massachusetts regarding the harms of solitary of solitary confinement and recent state level reforms in correctional practice
- [Parsons v. Ryan](#), Case No. CV-10-2070-PHX-JWS (MEA) (D. Arizona, March 6, 2012) (formerly *Gamez v. Ryan*) (Complaint)
- [Illinois v. Gay](#), Case Nos. 4-10-0369, 4-10-0370, 4-10-0371 (cons.) (App. Ill. April 1, 2011), Brief and Argument for Amici
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- [Jones' El v. Jon Litscher](#), Case No. 00-C-421-C, W.D. Wis.
  - [Declaration of Terry A. Kupers](#), M.D., M.S.P. (8-09-2001)
  - ["Judgment" and "Settlement Agreement," Jones' El v Jon Litscher](#), Case No. 00-C-421-C (W.D. Wis. 6-24-02)

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- *KC v. Townsend*, (N.D. Tex. August 31, 2009)
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- *Presley v. Epps*, No. 4:05CV148-JAD (N.D. Miss. June 22, 2005)
  - [Complaint](#)
  - [Expert Report of James Austin](#), (N.D. Miss. November 15, 2007) (classification)
  - [Supplemental Consent Decree](#), No. 4:05CV148-JAD (N.D. Miss. November 3, 2007)
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- [Report of Mental Health Issues at Los Angeles County Jail](#), Terry A. Kupers, MD, MSP (June 27, 2009)
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- [Solitary Confinement – Punishment Within the Letter of the Law, or Psychological Torture](#) (1972), R.H. Thoenig, Wisconsin Law Review, Issue 1, pp. 223-311 (*must subscribe*)
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- [The Most Restrictive Alternative: A Litigation History of Solitary Confinement in US Prisons, 1960-2006](#) (2012), Keramet A. Reiter, Studies in Law, Politics, and Society, vol. 57, pp. 71-124
- *Wilkinson v. Austin*, 545 U.S. 209 (2005) (No. 04-495), Brief of Amici Curiae Professors and Practitioners of Psychology and Psychiatry

## International Resources

### **Human Rights Analysis**

- [A Human Rights Approach to Prison Management](#) (2002), Andrew Coyle, International Centre for Prison Studies
- [Solitary Confinement: An Introduction to the Istanbul Statement on the Use and Effects of Solitary Confinement](#) (2008), Peter Scharff Smith, Torture, vol. 18, no.1.
- [Solitary Confinement – History, Practice, and Human Rights Standards](#) (2009), Peter Scharff Smith, Prison Service, vol. 181, no. 3
- [Solitary Confinement and International Human Rights: Why the U.S. Prison System Fails Global Standards](#) (2005), E. Vasiliades, Am. U. Int’l L. Rev. Vol. 21, p.71
- [Solitary Confinement and Supermax Prisons: A Human Rights and Ethical Analysis](#) (2011), Sharon Shalev, Journal of Forensic Psychology Practic, vol. 11, no. 2-3, pp. 151-183 (*must subscribe*)

- [Torture vs Other Cruel, Inhuman, and Degrading Treatment – Is the Distinction Real or Apparent?](#) (March 2007), Metin Baoglu, Maria Livanou, Cvetana Crnobaric, Arch. Gen. Psychiatry, Vol. 64, no. 277

### **Treaties and Conventions**

- [Convention against Torture \(CAT\)](#), A/RES/39/46 (Dec. 10, 1984), U.N.
- [Convention on the Rights of the Child \(CRC\)](#), *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990) (the United States signed the CRC in 1995 but has not ratified)
- [International Covenant on Civil and Political Rights \(ICCPR\)](#), Arts. 10, 14(4), *opened for signature* Dec. 16, 1966, S. Exec. Rep. 102-23, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) (ratified by U.S. June 8, 1992)
- [The American Convention on Human Rights \(“Pact of San José, Costa Rica”\)](#), Article 19, states, “Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.” Organization of American States, American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123 (entered into force July 18, 1978), *reprinted in* Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992)

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- [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#), 21st General Report of the Council of Europe Committee for Prevention of Torture (COE-CPT) 76 (2011)
- [Expert Report by Prof. Richard J. Wilson, K.C. v. Townsend](#), No. 6:09-CV-012, (N.D. Tex. August 31, 2009) (Customary International Law Applies and Supports U.S. Law to Bar or Limit Use of Certain Disciplinary Measure Taken Against Girls at Ron Jackson State Juvenile Correctional Complex)
- [Inter-American Commission on Human Rights \(IACHR\): Annex to the Press Release Issued at the Close of the 147th Session](#) (Apr. 5, 2013), 147th Inter-American Commission on Human Rights
- [Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), Interim Rep. of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/66/268 (Aug. 5, 2011) (by Juan Mendez)
- [Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), Interim Rep. of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ¶¶ 78-85, Annex (Istanbul Statement on the Use and Effects of Solitary Confinement), U.N. Doc A/63/175 (July 28, 2008) (by Manfred Nowak)
- [The Istanbul statement on the use and effects of solitary confinement](#) (adopted 12-0-9-2007 at the International Psychological Trauma Symposium, Istanbul)
- [U.N. Committee on the Rights of the Child](#), 44th Sess., General Comment No. 10, Children’s rights in juvenile justice, U.N. Doc. CRC/C/GC/10 (2007)
- [U.N. Declaration on the Rights of the Child](#), G.A. Res. 1386 (XIV), U.N. Doc. A/4354 (Nov. 20, 1959)



- [U.N. Guidelines for the Prevention of Juvenile Delinquency \(“The Riyadh Guidelines”\)](#), G.A. Res. 45/112, Annex, 45 U.N. GAOR Supp. (No. 49A), U.N. Doc. A/45/49, at 201 (Dec. 14, 1990)
- [U.N. Rules for the Protection of Juveniles Deprived of their Liberty \(“The Beijing Rules”\)](#), G.A. Res. 45/113, Annex, 45 U.N. GAOR Supp. (No. 49A), U.N. Doc. A/45/49, ¶ 67 (Dec. 14, 1990)

### **Advocacy Documents**

- [ACLU submission on Solitary Confinement to UNHRC 16th Session](#) (February 23, 2011)
- [ACLU submission on Solitary Confinement to UNHRC 19th Session \(March 8, 2012\)](#)
- [NRCAT's request to the Special Rapporteur on Torture to investigate solitary confinement in the U.S.](#) (May 16, 2011)

## Legislation and Policy Reform

### **Federal Resources**

- [Bureau of Prisons: Improvements Needed in Bureau of Prisons’ Monitoring and Evaluation of Impact of Segregated Housing 39](#), United States Government Accountability Office, Report to Congressional Requesters (May 2013)
- [S.162](#), 113<sup>th</sup> Congress (2013). (Justice and Mental Health Collaboration Act)
- [S.744](#), 113<sup>th</sup> Cong. (2013) (enacted). (Border Security, Economic Opportunity, and Immigration Modernization Act: regarding limitations on solitary confinement in immigration detention centers)
- [Smart on Crime: Recommendations for the Administration and Congress](#) (2011)
- [Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences](#) (June 19, 2012), Hearing before the Subcommittee on the Constitution, Civil Rights, and Human Rights of the Senate Committee on the Judiciary
- [U.S. Immigration and Customs Enforcement: Review of the Use of Solitary Confinement for ICE Detainees](#) (Sep. 4, 2013), Department of Homeland Security

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- [Model Act: Improving Public Safety, Protecting Vulnerable Populations & Ensuring Due Process in Imposing Long-term Isolated Confinement](#) (2011), ACLU National Prison Project
- **California**
  - [Juveniles: solitary confinement, Senate Bill 61](#) (passed Assembly Public Safety Committee as amended and re-referred to Committee on Appropriations, June 25, 13)
- **Colorado**
  - [Concerning Appropriate Use of Restrictive Confinement, Senate Bill 176](#) (proposed and passed, 2011)

- **Florida**
  - [Youth in Solitary Confinement, Senate Bill 812/House Bill 959](#) (2013)
- **Illinois**
  - [Tamms Correctional Center Closing-Fact Sheet](#) (2012), Illinois Department of Corrections, The State of Illinois (p. 142 of 698)
- **Maine**
  - [Building a Successful Statewide Legislative Campaign to Limit the Use of Solitary Confinement: Lessons from Maine in 2010](#), NRCAT(2010)
  - Resolve, Directing the Department of Corrections To Coordinate Review of Due Process Procedures and To Ensure Transparency in Policies Regarding the Placement of Special Management Prisoners, [Legislative Document 1611](#) (introduced 2009, amended and report passed 2010)
- **Massachusetts**
  - [An Act relative to the appropriate use of solitary confinement, Senate Bill 1133](#) (2013)
- **Montana**
  - [Generally prohibiting the use of solitary confinement for juveniles, House Bill 536](#) (2013)
- **Nevada**
  - [An Act relating to the administration of justice, Senate Bill 107](#) (amended and passed 2013)
- **New Hampshire**
  - [Relative to Solitary Confinement, House Bill 480](#) (due out of committee, Nov. 22, 2013)
- **New Mexico**
  - Requesting the New Mexico Sentencing Commission to Convene a Working Group to Gather Information Regarding the Use of Solitary Confinement, [Senate Memorial 40](#) (amended, passed 2011)
- **New York**
  - [N.Y. COR. LAW § 137 : NY Code - Section 137: Program of treatment, control, discipline at correctional facilities](#), effective July 1, 2011
  - An Act to amend the correction law and the mental hygiene law, in relation to confinement conditions and treatment of convicted persons with serious mental illness, [Senate Bill S06422/Assembly Bill A09342](#) (SHU Exclusion Law, introduced 2007, passed 2008)
- **Texas**
  - [Senate Bill 1003](#) (amended and passed 2013); [House Bill 1266](#) (sent to calendars 2013)
  - [Relating to the collection of data regarding the placement of a child in disciplinary seclusion in a juvenile facility, SB 1517](#) (placed on general state calendar May 21, 2013 (H), last day of 83rd Regular Session was May 27, 2013)
  - Relating to the reporting of certain information regarding inmates and the use of administrative segregation by the Texas Department of Criminal Justice, [SB 1802/HB 686](#) (left pending in committee, last day of 83rd Regular Session was May 27, 2013)

- [Relating to the use of administrative segregation or seclusion in county jails, SB 1357](#) (in committee, last day of 83rd Regular Session was May 27, 2013)

## Standards and Resolutions

- **American Academy of Child and Adolescent Psychiatry:** [Statement Against Youth in Solitary](#) (Apr. 2012)
- **American Bar Association:** [ABA Criminal Justice Standards on the Treatment of Prisoners](#), approved by the ABA House of Delegates (Feb. 2010)
- **American Bar Association:** [Youth in the Criminal Justice System: Guidelines for Policymakers and Practitioners](#) (2001)
- **American Correctional Association:** [Standards for Adult Correctional Institutions](#), (4th ed., Jan. 2003) (*must purchase*)
- **American Psychiatric Association:** [APA Position Statement on Segregation of Prisoners with Mental Illness](#) (2012)
- **American Public Health Association:** [Addressing Solitary Confinement as a Public Health Issue](#) (2013, Full Policy Statement Available in Early 2014)
- **Architects/Designers/Planners for Social Responsibility:** [Human Rights and Professional Ethics—Ending Design for Torture and Killing](#) (Campaign to have the American Institute of Architects ban the building of Supermax Prisons)
- [Commissioner's Resolution on Prolonged Solitary Confinement in US Prisons](#) (2012), 220th General Assembly of the Presbyterian Church (USA)
- [Improvements Needed in Bureau of Prisons' Monitoring and Evaluation of Impact of Segregated Housing](#) (May 2013), United States Government Accountability Office
- **Juvenile Detention Alternatives Initiative:** [JDAI Standards: Isolation and Voluntary Time Outs, Detention Facility Self-Assessment: A Practical Guide to Juvenile Detention Reform](#) (AECF, 2006)
- **National Alliance on Mental Illness:** [NAMI Policy Statement Against the Use of Solitary Confinement on Individuals with Mental Illness](#)
- **National Commission on Correctional Health:** [Psychiatric Services in Jails and Prisons](#) (2d Ed., 2000) (*must purchase*)
- **National Commission on Correctional Health:** [Standards for mental health services in correctional facilities](#) (2008) (*must purchase*)
- **National Communication Association:** [Resolution Regarding Extended Solitary Confinement and Torture](#), adopted by the Legislative Assembly (Nov. 2010)
- **National Religious Campaign Against Torture:** [Statement on Ending Prolonged Solitary Confinement in all 50 States](#)
- **Mental Health America:** [Position Statement 24: Seclusion and Restraints](#) (Nov. 2010)
- [Regulating Segregation: The Contribution of the ABA Criminal Justice Standards on the Treatment of Prisoners](#) (2010), Margo Schlanger, American Criminal Law Review, vol. 47, no. 4, pp. 1421-1440
- **New York State Bar Association:** [Resolution on Solitary Confinement and Report to the House of Delegates](#) (Jan. 25, 2013)

- **New York State Council of Churches:** [Resolution Opposing the Use of Prolonged Solitary Confinement in the Correctional Facilities of New York State and New York City](#) (Sept. 2012)
- **Rabbinical Assembly:** [Resolution on Prison Conditions and Prisoner Isolation](#) (May 2012)
- [Resource Document on the Use of Restraint and Seclusion in Correctional Mental Health Care](#) (2007), Metzner et al., J Am Acad Psychiatry Law, vol. 35, no. 4, pp. 417-25
- **Substance Abuse and Mental Health Services Administration:** [SAMHSA National Action Plan on Seclusion and Restraint](#) (2008)

## Advocacy Organizations

- ACLU Stop Solitary Campaign, <https://www.aclu.org/we-can-stop-solitary>
- AFSC Stopmax Campaign, <http://www.afsc.org/category/topic/stopmax-campaign>
- Architects/Designers/Planners for Social Responsibility Campaign to Prohibit the Design of “Supermax” Prisons, [http://www.adpsr.org/home/ethics\\_reform](http://www.adpsr.org/home/ethics_reform)
- Human Rights Coalition, [www.HRcoalition.org](http://www.HRcoalition.org)
- National Religious Campaign Against Torture (NRCAT), [www.nrcat.org](http://www.nrcat.org)
- Solitary Confinement, [www.SolitaryConfinement.org](http://www.SolitaryConfinement.org)
- Solitary Watch, [www.SolitaryWatch.com](http://www.SolitaryWatch.com)
- Supermaxed, [www.Supermaxed.com](http://www.Supermaxed.com)
- Vera Institute of Justice, Segregation Reduction Project, <http://www.vera.org/project/segregation-reduction-project>

## Videos and Films

- [Cruel and Inhuman](#) (2009) (5 mins.)
- [Enduring Solitary Confinement: See what it's like to be locked away in solitary confinement](#) (04/09/2010), ABC News
- [Explorer: Solitary Confinement](#) (2010), National Geographic
- [Herman's House](#) (2013), PBS
- [In the Land of the Free](#) (2010) (documentary film re the “Angola 3” in Louisiana)
- [Out of Sight, Out of Mind: The Story of Sam Mandez](#) (2013), ACLU of Colorado.
- [Solitary confinement abuse in U.S. prisons](#) (2010), YouTube
- [Solitary Confinement: A Question of Morals](#), National Religious Campaign Against Torture
- [Solitary Confinement: Torture in Your Backyard](#) (2012), National Religious Campaign Against Torture
- [Survivors](#) (2009), NPR
- [Testimony of Anthony Graves from Senate Hearing](#) (June 2012) (Survivor of solitary confinement before he was exonerated and released from Texas death row)
- [The Death of Timothy Souders](#) (July 22, 2007) [12 mins], 60 Minutes

- [The Gray Box: An Investigative Look at Solitary Confinement](#) (2012) [16 mins.]
- [The Worst of the Worst](#) (May 2012), Yale Law School, Visual Law Project