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Solitary Confinement: A Hidden Horror

Senior Project

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Abstract

Solitary confinement is an incredibly popular prison punishment throughout the United States. Research implies that there are many issues that plague the punishment that may be reason to call for alternative methods, or even abolishment. Delving into researched articles on sentencing disparities, physical, mental, and psychological anguish, and the deterrent effect of solitary confinement, the reason for concern is clear. Contrasting theories of deterrence and general strain explain why individuals in solitary confinement often exude worsening behavior rather than improving. There is an obvious concern for the morality and ethics of solitary confinement and research suggests it may be time to start looking for alternative solutions.

Solitary Confinement: A Hidden Horror

*“I believe that very few men* *are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers... I am only the more convinced that there is a depth of terrible endurance in which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature... I denounce it, as a secret punishment which slumbering humanity is not roused up to stay.”*

*- Charles Dickens, after visiting Eastern State Penitentiary in 1842*

**Introduction**

While a widespread conceptual understanding of solitary confinement exists, it is riddled with misconceptions. Often the punishment is understood skeletally, only the superficial facts – a person alone in a small room while incarcerated. This understanding, while not untrue, minimizes the concerning issues that plague the use of solitary confinement. Research suggests that the people being punished by isolation are not always the “most dangerous” individuals as most proponents of solitary confinement would allow you to think. Instead, the discretion given to prison staff to assign punishments like solitary confinement has led to a disproportionate amount of at-risk populations serving their time in solitary confinement. If that is not point enough, the following argument is that solitary confinement is borderline tortuous. The individuals who serve their time in isolation are being punished beyond what seems moral or ethical. Lastly, to combat any argument about why solitary confinement is reasonable, the punishment has been researched and found to be ineffective at deterring misconduct by numerous field professionals. This leads to the conclusion that solitary confinement serves no beneficial purpose and needs to be abolished as a prison punishment.

**Disparities**

Despite many proponents of solitary confinement stating the necessity of it for dangerous individuals, studies show that there may be a different criterion. There is a disproportionate use of solitary confinement as punishment for marginalized groups. Further, solitary confinement is used as a punishment at a higher rate for individuals who are Black, gay, or bisexual, or suffer from mental health issues (Henry, 2022; Sakoda, 2021; Simes & Lee, 2022). This is a troubling discovery especially when prison officials are given a considerable amount of discretion when making sanctioning decisions (Butler & Steiner, 2017). This may indicate that this cruel punishment is not being used as a last resort effort but is instead being used as a vessel for sentencing biases.

Black individuals have historically been affected by sentencing biases and victim to structural racism, especially within the prison system (Sutton, 2013; Pforte, 2020). Recent studies have shown that sentencing biases in relation to solitary confinement are no exception (Henry, 2022; Sakoda, 2021). In Henry’s (2022) examination of 2016’s Survey of Prison Inmates, they found that every ethnic group was more likely to receive solitary confinement when compared to their white peers. Higher rates of solitary confinement sentencing for individuals who were men, identified as gay or bisexual, or diagnosed with mental disorders was discovered in this study. Sakoda (2021) had similar findings when analyzing the solitary sentencing disparities after the U.S. prison boom and introduction of supermax prison facilities. Analyzing data from the Kansas Department of Correction the study found that there were racial disparities not only in the number of Black individuals being put in solitary confinement, but also the amount of time they spend there (Sakoda, 2021). If individuals with similar misbehavior are being punished inconsistently based on race and ethnicity, it points toward discretionary biases and prejudice in the prison system.

Another minority group that appears disproportionately when analyzing populations in solitary confinement are sexual minorities (Henry, 2022; Meyer et al., 2017). Meyer et al.’s (2017) analysis of the 2011-2012 Bureau of Justice Statistics National Inmate Survey indicated that sexual minorities (i.e., individuals who identify as gay, lesbian, bisexual, or reported same-sex sexual experiences) experienced high rates of solitary confinement while incarcerated. When compared to heterosexual men and women, sexual minority men and women were more likely to be placed in administrative segregation while incarcerated. Many facilities choose to isolate individuals based on their sexual identities under the pretense of safety (Meyer et al., 2017). While this seems well intentioned, the use of isolation and segregation has been linked to severe psychological distress and adverse mental and physical health effects (Arrigo & Bullock, 2008; Haney, 2018, Kaba et al., 2014; Meyer et al., 2017; Reiter et al., 2020; Smith, 2006; Tayer & Antar, 2021).

Incarcerated individuals who suffer from certain mental health diagnoses are also victims of disproportionate subjection to solitary confinement (Henry, 2022; Simes & Lee, 2022). Individuals with mental illnesses are overrepresented in the prison population and have been since the deinstitutionalization of psychiatric hospitals in the late 1970s. Due to the closure of nearly all mental health hospitals, many individuals with mental illnesses found themselves involved in the criminal justice system rather than places that could provide proper care and assistance. Simes and Lee (2022) conducted a study using administrative admissions data from Pennsylvania to identify any sentencing disparities based on mental health classification. Data showed that men with severe mental health diagnoses had a median length stay in solitary confinement that was nearly one week longer when compared to similar men without mental illnesses. When compared to women without a history of mental illness, women with severe mental health diagnoses were 48% more likely to receive solitary confinement as a punishment (Simes & Lee, 2022).

A common thread amongst each of these groups is that they are generally regarded as deviant in our society. Social labels applied to these individuals as “dangerous,” “deviant,” or “safety hazards” have influenced not only how the system responds to them as individuals but how they view and conduct themself. When prison officials are given such a considerable amount of discretion when sanctioning punishments as intense as solitary confinement, it is necessary to address how biases and labels may be influencing those decisions.

**Deterrence Theory**

One marker of determining a justified punishment is deciding if it is a proper deterrent (Lee, 2017). Deterrence theory suggests that a punishment is a proper deterrent if it prevents future commission of the punished act (Lee, 2017). This can mean a deterrent prevents a certain individual from partaking in the same misconduct they were punished for, this is called specific deterrence (Woo et al., 2020). An effective deterrent may also be one that prevents others from partaking in a specific misconduct to avoid the consequential punishment. This is referred to as general deterrence (Woo et al., 2020). Proponents of solitary confinement believe that the use of isolation is an effective deterrent, both specifically and generally. Specifically, individuals who face solitary confinement as a punishment often do not enjoy the conditions and should want to fix their behavior to not bear those conditions. Generally, incarcerated individuals do not regard the conditions of solitary confinement well and recognize the punishment as an unwanted consequence of misconduct. Applying deterrence theory, it seems that solitary confinement would be a justified punishment and effective deterrent. However, Hsin-Wen Lee (2017) proposed two conditions that must be met by an individual for a punishment to be an effective deterrent. The first condition assumes that the individuals in question are rational agents. This means that an individual can understand the consequences of their actions. If an individual is unable to comprehend that their actions will lead to an unsavory punishment, then they cannot be deterred by the threat of that punishment. The second assumption Lee (2017) proposed is that a punishment must be so undesirable as to make misconduct unprofitable. If a punishment is not recognizably worse than the gain of misconduct, then individuals may reason that their misbehavior is worth the risk of punishment. To understand whether solitary confinement effectively deters crime or misconduct, many researchers have studied recidivism rates of those punished with isolation.

Chen and Shapiro (2007) conducted a study to determine whether harsher prison conditions would decrease the likelihood of recidivism. Prior to incarceration, individuals are assigned a numerical score value that determines the amount of supervision they will need during their sentence. This value or score determines the amount of security they will need and decides what kind of facility the individual is sent to. Under the assumption of deterrence theory, a harsher living environment should mean that individuals would be less likely to recidivate. Chen and Shapiro (2007) studied individuals on the boundary of security levels, harsher living conditions. The findings did not show any notable decrease in recidivism rates post-incarceration, and may even show evidence to support higher recidivism rates for those in higher security facilities. The findings of this study would suggest that the harsh conditions of solitary confinement would not be effective at specific deterrence of an individual.

Luigi et al. (2020) using a sample of 194,078 incarcerated individuals, sought to identify a relationship between serving time in solitary confinement and future recidivism. In their meta-analysis, they included 12 articles on recidivism rates for individuals who served their time in solitary confinement. Most of these studies included North American, non-Caucasian men. There was a statistical increase in recidivism rates of individuals punished by solitary confinement. These findings suggest that exposure to the conditions of solitary confinement increases both crime and anti-social behavior (Luigi et al., 2020). The findings are not consistent with the deterrence theory of punishment as it applies to solitary confinement.

Briggs et al. (2003) explored the relationship between super maximum security prison conditions and violence. This included violence between incarcerated individuals and their peers as well as incarcerated individuals and the prison staff. The living conditions within these supermax prisons are like the conditions of solitary confinement; they are held in a small cell for 23 hours a day with limited, if any, social interactions with peers or staff. After contacting 24 states with supermax prisons for data on institutional violence, only four provided enough information for further analysis. Analysis of institutional violence in these facilities showed no positive relationship between supermax living conditions and lower peer violence amongst incarcerated individuals. The study found nonconclusive support for a positive relationship between supermax living conditions and staff safety. Analyzing the data provided for violence between incarcerated individuals and staff showed no effect in one facility, a negative effect in another, and a positive effect in the other (Briggs et al., 2003).

Mears and Bales (2009) also studied the effects of supermax living conditions and recidivism rates. One of the hypotheses that they set out to test was consistent with deterrence theory and suggests that supermax confinement should reduce recidivism rates. The data used for the analysis was supplied by the Florida Department of Corrections, which was ideal as it not only has a large prison population, but also a large supermax population. They used propensity score matching to create two study groups of incarcerated individuals who would be as identical as possible; one group held is supermax conditions and the other in general population. When analyzing the study groups before propensity score matching, the supermax group showed significantly higher rates of all types of recidivism (violent, property, and drug) - 58.8% for the supermax group and 46.6% for the general population group After propensity score matching their findings still showed that the supermax group was statistically more likely to violently recidivate (Mears & Bales, 2009). The findings of this study show no significant specific deterrent effects from supermax confinement.

Each of the previous studies displayed evidence that was not consistent with deterrence theory and would suggest that solitary confinement and isolation is not effective at reducing subsequent misconduct. Most of these studies found that solitary confinement was not only an ineffective deterrent but may increase recidivism rates. This pattern of increased recidivism and subsequent misconduct has led many researchers to apply an alternative theory to the conversation of how solitary confinement affects inmates – General Strain Theory.

**General Strain Theory**

General Strain Theory was formally proposed by Robert Agnew (1992) as a revised version of Robert K. Merton's (1938) classic Strain Theory. The fundamental basis of Strain Theory suggests that certain stressors in an individual's life or environment can cause negative emotions that lead to misconduct (Agnew, 1992; Merton, 1938). While Merton (1938) only focused on one category of strain, Agnew (1992) broadened the idea of strain with the introduction of three main categories. The first category of General Strain Theory remains largely the same as the originally proposed versions of Strain Theory. This category defines strain as “the failure to achieve positively valued goals” (Agnew, 1992, p. 51). The definition of “failure” was broadened in Agnew’s (1992) reworked General Strain Theory to include the strain of anticipated failure as well as legitimate failure. The second category of strain defined in General Strain Theory examines strain as the removal or fear of removal of positive stimuli. The third category examines strain as the enaction or anticipated enaction of negative stimuli. Following the theoretical framework of General Strain Theory, it can be assumed that facing any of these categories of strain can cause an individual to cope through misconduct. Applying this theory to solitary confinement and prison conditions may open a dialogue as to why the conditions of the punishment seem to have exacerbated effects on misbehavior.

Blevins et al. (2010) discussed how prison conditions can lead to individuals not achieving or fearing they will not achieve their positively valued goals. These positively valued goals may include privileges such as housing assignments, early release, and visitation. Each of these privileges are notably revoked through the conditions of solitary confinement (Shalev, 2011). Removing individuals from the general population and disallowing them to build relationships with their peers and staff that would let them achieve their goals can result in feelings of anger and frustration (Blevins et al., 2010). The second category of strain involves the removal of positive stimuli. Looking at this broadly, the concept of incarceration itself is the removal of the positive stimuli of a daily average life. More specifically, the conditions of solitary confinement remove just about any positive stimuli that can exist during incarceration. This turns a strain inducing environment into an even more powerful one. The third category of strain is the presentation of “noxious stimuli” (Blevins et al., 2010, p. 152). Noxious, or negative, stimuli can be examined through the living conditions of a prison environment. The conditions of solitary confinement are notably worse; 23 hours of isolation in a smaller than average room without any significant social interaction. Research suggests that individuals with poor coping mechanisms will continue to use them when faced with strain (Blevins et al., 2010). This implies that individuals who are punished for their deviant coping will more than likely cope with their negative environment through deviant coping.

Morris (2012) conducted a longitudinal study collecting data on incarcerated individuals' misconduct in six-month intervals over a three-year span in a large southern state. The intention of the study was to determine if environmental strain affected the recurrence of violent misconduct. They used General Strain Theory to examine how one of the most straining environments, prison, affects incarcerated individuals. The findings suggest there is, in fact, a positive relationship between the environmental strain of prison and violent misconduct. The findings also indicated that an individual assigned to a unit with more environmental strain would be more likely to display more pronounced misconduct (Morris, 2012).

Other studies researched how the post-release recidivism rates of individuals who served their time in solitary were affected by the punishment. Listwan et al. (2013) conducted a study with 1,613 previously incarcerated individuals in Ohio to examine how certain strains affect recidivism. The individuals who participated in this study were recently released from prison and sent to nearby halfway houses, The measurements of this study were collected in two ways – through personal interviews where individuals could report firsthand experiences of the prison experience, and through official records from the prison, halfway house, and parole officers Three central types of strain were analyzed: negative relationship with peers (victimization), negative relationship with prison staff, and negative prison environment. The findings of this study suggest that each of these strains has a statistically significant positive relationship with recidivism rates. The results of this study find no support for the claim that harsher living conditions or punishment would be a stronger deterrent against future misconduct and recidivism (Listwan et al., 2013).

The application of General Strain Theory to the concept of misconduct amongst incarcerated individuals shows much more promising support than the Deterrence approach. Studies indicate that harsher conditions seem to exacerbate the likelihood of misconduct rather than minimize it (Blevins et al., 2010; Listwan et al., 2013; Morris, 2012). Looking at solitary confinement with the knowledge of these theories, it makes sense that individuals who are punished with the deprivation of social interaction and below average living environments are more likely to lash out rather than be deterred. It can be argued that the harsh conditions of solitary confinement are causing more misconduct and harm within the prison environment than they are preventing it.

**Damaging Effects**

Research and studies conducted on solitary confinement consistently shows that it is responsible for intensely adverse effects on an individual physically, emotionally, and psychologically. These detrimental effects can include but are not limited to severe psychological distress that can lead to self-injurious behavior, suicidal ideation or attempts, anxiety, and depression (Arrigo & Bullock, 2008; Haney, 2018, Kaba et al., 2014; Reiter et al., 2020; Smith, 2006; Tayer & Antar, 2021). Studies continue to examine and highlight how solitary environments not only cause unhealthy and borderline inhumane distress to individuals.

Arrigo and Bullock (2008) examine how the use of supermaximum security units may be psychologically damaging to the individuals who complete their sentences in them. They found that individuals in segregated housing were more likely to be physically and verbally abused by staff. They are also likely to suffer emotional devastation from the conditions of segregated housing units. They assert that individuals with pre-existing mental illness should not be subject conditions (Arrigo & Bullock, 2008). The negative effects of the intense conditions of solitary confinement are not only observable as after-effects, but also in the behavior of individuals while in solitary.

Kaba et al. (2014) analyzed all the New York City jail admissions from January 1, 2010, until October 31, 2012, and documented all acts of self-harm that occurred during this time. Self-harm was defined as an intentional act made by an individual that could cause potential physical harm. A potentially fatal self-harm was defined as an act that possessed a high likelihood of killing the individual or causing severe disability. The data for the method, severity. and the outcome of each act of self-harm committed was collected from the Correctional Health Service database. They found that significant predictors of self-harm in the jail environment included serious mental illness, aged 18 or younger or being placed in solitary confinement. Potentially fatal self-harm was most prevalent amongst individuals with severe mental illness and individuals placed in solitary confinement (Kaba et al., 2014). It is important to note that these circumstances are not mutually exclusive and can occur in tandem with each other, and often do. The highest odds ratio when observing instances of potentially fatal self-harm was seen from individuals with severe mental illness that were placed in solitary confinement both 18+ and below the age of 18. Ultimately, it was found that individuals placed in solitary confinement were 6.9 times more likely to commit acts of self-harm while in jail when compared to those not in solitary confinement (Kaba et al., 2014). The findings in this study exemplify how the conditions of solitary confinement are not only damaging in the long-term but also detrimentally affect individuals as they are actively experiencing the conditions of solitary confinement.

**Alternative Solutions**

Solitary confinement has numerous deficiencies as a punishment and has been proven to be flawed in many aspects. However, it is not reasonable to believe that incarcerated individuals will not need to be corrected for their misconduct while serving their sentence. Alternative solutions, such as less severe loss of privileges or mental health services, have proven to be more effective at deterring misbehavior than solitary confinement is. (Fettig, 2020; Labrecque et al., 2021).​ Some have suggested a compromise of reformation to improve the future of incarcerated people in solitary confinement; others assert that the punishment needs to be abolished.

Augustine et al. (2021) sought to find a way to reform the solitary confinement system so that the individuals subjected to solitary confinement are less likely to suffer from mental and physical harm. The three methods of reformation included screening windows, where individuals were allowed to sit in a blue room while watching a nature video; suicide watch cells, where individuals who reported suicidal ideations or harmed themselves would be taken to an observation room to ensure their own safety; and the implementation of “wellness checks”, where individuals would be checked on through their cells to make sure they are healthy -physically and mentally. They found that each of these reforms had issues that made them ineffective. The blue room was more of a hassle than a benefit to everyone involved. The suicide watch cells made individuals feel even more ostracized and embarrassed. The wellness checks were done loudly, publicly, and without care (Augustine et al., 2021).. These findings show that solitary confinement is fundamentally flawed and needs alternative solutions not reformations.

Others have proposed alternative programs such as the one Labrecque et al. (2021) evaluated in their study. The study was conducted in an Oregon prison that introduced a restrictive housing step-down reentry program. This program was perceived as more fair and less harmful by prison staff and incarcerated individuals alike. The study was halted in 2020 due to COVID-19, so a long-term analysis on behavioral changes was unable to be documented in this article. The study, however, still presents hopeful data that an alternative methods or reformation to the system of solitary confinement is a valid avenue of change.

Human rights attorney, Amy Fettig (2020) emphasizes a call to action in her article stating that “creating a tipping point against solitary confinement that once and for all banishes the practice as a barbarism of the past unfit for a civilized society is not an easy task by any means” (p. 334). But it is a necessary task as the use of solitary confinement continues to violate the human rights of incarcerated individuals.

**Conclusion**

Solitary confinement remains rampant in U.S. prisons despite researched evidence that shows the punishment is biased, ineffective at deterrence, and ethically questionable. Hopefully bringing issues like this to the public forefront will make people reconsider how they feel about the necessity of this punishment. The abolishment or at least alternative methods for solitary confinement are integral to maintaining humanity in the prison environment. It is not constitutional for the lifelong well-being of a person to lie in the discretionary decision of one prison official.

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