In The Hole - Is Solitary Confinement Justifiable Anymore?

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Hollywood uses “the hole” as a plot device, breaking down characters in small, dirty, dark cells. And while in the real world the practice is ideally reserved for the most disruptive or violent prisoners, solitary is for punishment—not reform.

The 8th amendment of the constitution prohibits cruel and unusual punishment, yet the United States Supreme Court has yet to make a decision on whether solitary confinement be classified as cruel and unusual punishment despite congressional hearings on the subject in 2012.

As a safety device for correctional officers and the greater prison population, solitary confinement offers instant gratification for correctional officers. But is it ethical for inmates to be subjected to complete social isolation for years at a time? Is it even ethical to punish inmates that likely need special attention and support that remains inaccessible to them in “the hole”?

The practice of solitary confinement in the US began as an experiment in Eastern State Penitentiary in Philadelphia in 1890. Locked in a small concrete room with only a bible, there were no ceilings so inmates could look up to God when praying and repent their sins. Rather than find inner peace and strengthened faith, inmates became stir-crazy, attempting and succeeding in killing themselves. Most of those that made it out were incapable of reintegrating into society. The practice of full sentence solitary ended in the early 1900s. San Francisco’s Alcatraz Federal Penitentiary, opened in 1934 by the federal government, adopted a similar system of prolonged isolation for misbehaved inmates with “the hole”—a bare concrete cell in total darkness with only a hole in the floor to be used as a bathroom. “The hole” exemplified solitary’s intent to severely punish the unruly.

While buildings and sanitation improved, the philosophy of social deprivation has remained mostly stagnant. In the 1980s the privatization of correctional facilities and reformed legislation—notably Reagan’s declaration of a war on drugs in 1982— caused a boom in maximum-security prisons to manage the increased prison population. Solitary confinement became popular to manage inmates not suitable for the overcrowded general inmate population.

What are the costs of solitary confinement? Nearly 80,000 inmates are held in “restrictive housing” (alternative terminology for solitary confinement) at any given moment and 25,000 in maximum-security facilities. Inmates in restrictive housing can spend up to 23 hours a day locked in a bathroom-sized room, often without windows, for decades at a time, costing taxpayers over $60,000 a year in states like California, New York, Massachusetts, and Illinois. This is two to three times more than their general population equivalents. But does the price tag justify the use of solitary?

According to a report by the Vera Institute of Justice, the state of California spent $7.9 billion on their 33 correctional facilities. The California maximum-security Pelican Bay State Prison spent well over that average, with $70,000 to $77,000 spent per inmate in segregated housing against $58,324 per inmate not in segregated housing. On top of the additional cost of $12,000 more per inmate per year, the California Office of the Inspector General released a report citing the cost for staff at $14,600 more than their equivalents in the general population. In total, solitary confinement costs California taxpayers over $175 million a year, making it as much a humanitarian issue as an economic concern.

Donn Rowe, President of the New York State Correctional Officers & Police Benevolent Association, Inc., explained the need for inmate segregation. Solitary is the means correctional facilities utilize to ensure a safe and productive environment for staff and inmates, not a reformative device.

“Violent disruption not only threatens the safety of others, but it prevents orderly inmates from taking part in the educational and other programs aimed at helping them transition back to society,” Rowe wrote. “Restoring order to the dorm environment allows others to continue the rehabilitative process without distraction or threat of assault.”

The line between management and abuse of power is blurred, but the two camps of thought can agree the lack of infrastructural capabilities to control overcrowding have lead to an increase in solitary confinement usage. In September 2012, the U.S. Government Accountability Office (GAO) released a report an overcapacity of 36 to 38 percent, with high security federal prisons 55 percent above capacity. The report also projects system-wide crowding to exceed 45 percent in 2018. While over half of incarcerations in the US are for non-violent crimes, in states such as Texas there exist waitlists for inmates to be placed in restrictive units.

In May 2013, the GAO released a follow-up report analyzing the functionality of solitary confinement practices by the US Bureau of Prisons (BOP).  The report states that without assessing the long-term impacts of isolative practices, the BOP won’t be able to determine the efficacy of segregated housing in protecting inmates, staff, and society at-large.   Regardless of the lack of evidence supporting the effectiveness of solitary confinement, the total inmate population in segregated housing units increased nearly 17 percent.

Lisa Guenther, an associate professor at Vanderbilt University and author of “Social Death and Its Afterlives: A Critical Phenomenology of Solitary Confinement”, advocates for the rehabilitation of prisoners rather than their deprivation.

“If we truly want our prisons to rehabilitate and transform criminal offenders, then we must put them in a situation where they have a chance and an obligation to explain themselves to others, to repair damaged networks of mutual support, and to lend their own unique perspective to creating meaning in the world,” Guenther wrote in The New York Times.

If the original intentions of solitary confinement were to allow reformation through religion, then the philosophical ideals behind solitary confinement have been lost to adaptive rationalizations of solitary confinement’s function.

While less than 25 percent of the prison population is in a social isolation unit, nearly half of prison suicides occur in solitary. Of the roughly 2 million US prisoners, at any given moment over 500,000 thousand suffer from severe mental illnesses. The prison system, in an attempt to protect the majority, might be killing the minority.

Regarding the mental effects of social isolation as punishment, Dr. Stuart Grassian, an expert on solitary confinement, found in his research that “aversive conditioning—the use of punishment as a means of changing negative behavior - is inherently ethically questionable and creates an inherent risk of harm. ” So far, the evidence shows an increase of – sometimes the start - of emotional instability and mental illness.

Many studies found that 22 to 45 percent of inmates in supermax prisons suffer from severe mental illness and develop hypersensitivity, hallucinations and perceptual distortions, and paranoia. .

Grassian stated inmates “tended to rationalize away their symptoms, avoid talking about them, or deny or distort their existence all in an apparent effort to minimize the significance of their reactions to isolation.”

In 2007, an independent study of the Washington State prison population showed that 69 percent of inmates released directly from solitary confinement back into society wound up back in jail within 3 years. 46 percent of inmates released from the general population found themselves incarcerated again during that same time span. Across most correctional facilities, only the sufferers of the most severe mental illness are transferred to dedicated institutions and programs.

“Could you and I live in this environment and not break any rule ever?” Susan Jones, warden for maximum-security Colorado State Penitentiary, posited to National Geographic in 2010. “You know, maybe the answer is no. But we do hold them accountable. We confront them. There are consequences for every rule that we find has been broken.”

Protecting her staff, other inmates, and society as a whole is Jones’ obligation. But if the prison or legal system fails to offer her viable alternatives, and an overwhelmed staff is at-risk, Jones is simply protecting the majority at the cost of a marginalized population.

The Mississippi Department of Corrections has led social isolation reform: An experimental attempt at abandoning the practice of solitary yielded positive results. In 2007, Mississippi State Penitentiary released nearly half of inmates into the general prison population. In 3 months, “serious incidents” of violence decreased 70 percent. The solitary unit shutdown saved the state $8 million a year, reported the National Alliance of Mental Illness in September 2012. States like Colorado, Massachusetts, and Illinois are following suit.

Understandably, public safety is the primary objective for any correctional facility, but solitary confinement exacerbates the instability of these select, often highly volatile and unstable inmates. And while the practice of solitary confinement might be flawed in its execution, the lack of alternatives, slow rate of reform, and risk of violent inmates aid rationalizations for solitary confinement in the short term. The sheer cost, abusive conditions, and the scientific studies give little reason for solitary confinement to stay the way it is.