

## **Issue 15. Solitary Confinement**

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## Issue 15. Solitary Confinement

### Introduction

Within the prison system, solitary confinement is one of the most severe punishments that corrections officials can impose upon inmates. This practice—also referred to as restrictive housing, administrative segregation, and supermax incarceration—involves isolation in a single cell for 22 to 24 hours per day with increases in cell restrictions and security handling procedures (Labrecque, 2016). Correctional staff often justify the use of solitary confinement as necessary for maintaining safety, order, and control within the prison system. In contrast, its critics argue that solitary confinement is an overused correctional policy that causes serious mental health problems and increases criminal behavior. Which perspective is correct remains uncertain. As several recent reviews of the literature highlight, little is known about the use or impact of solitary confinement in the United States (Frost & Monteiro, 2016; Mears, 2016).

Despite the lack of empirical evidence, correctional administrators and policymakers must make difficult decisions regarding if and when to allow prison staff to place inmates in solitary confinement. If this setting causes psychological or behavioral harms, then its inhabitants will return to the general prison population and the community worse off than when they entered. Furthermore, to the extent that authorities rely on solitary confinement too often or leave inmates in this setting for too long, its negative impact will be even more severe. On the other hand, if solitary confinement incapacitates dangerous and disruptive inmates and further deters antisocial behavior, then reducing or eliminating its use will lead to increases in institutional violence and disorder. What is more, if solitary confinement produces no meaningful behavioral benefits, then its use represents a waste of limited resources that could be more wisely be spent on other correctional interventions, such as offender rehabilitation programs and mental health services,

that may better help authorities achieve institutional safety and order.

This chapter examines this conundrum facing the correctional field by discussing the arguments both “for” and “against” the use of solitary confinement in prison. It also explores the assumptions that undergird these conflicting perspectives and summarizes the current state of research on the use and effect of solitary confinement. Finally, it poses several discussion questions to spark debate amongst readers over the use of this correctional practice and provides a list of suggested references to learn more about this topic.

### **“For” Solitary – The Prison System Perspective**

One of the main responsibilities of prison administrators is to ensure institutional safety and order. These authorities, therefore, must seek to enact policies and practices that can curb violence and other forms of antisocial behavior in prison. During the 1970s and 1980s, there was an increase in the number of disturbances and riots across prisons throughout the United States (Useem & Kimball, 1991). One of the ways prison officials sought to regain control over these institutions and to prevent further violence and disruption from occurring was to increase the use of solitary confinement (King, 1999).

Solitary confinement represents a containment approach toward offender management, whereby corrections officials separate the inmates they deem to be dangerous or difficult to manage from those in the general prison population for up to 24 hours per day in a single cell with access to few, if any, services or privileges, including visitation and programming (Shalev, 2009). By its design, inmates in solitary confinement have fewer opportunities to harm staff and other inmates. This strategy differs from the dispersal management approach, whereby prison officials spread violent or disruptive offenders throughout the prison system in order to dilute their negative influence on inmates in the general prison population (Shalev, 2009).

In practice, prison authorities can place inmates in solitary confinement for one of four distinctive purposes (Labrecque, 2016). First, these officials can send inmates to solitary confinement as a punishment for violating the institutional rules and expectations. Correctional scholars and practitioners often refer to this type of confinement as disciplinary or punitive segregation. The length of time one spends in solitary confinement for this purpose largely depends on the nature of the misconduct itself and one's behavioral history while in prison. Individuals who engage in violent/serious offenses or possess more extensive records of institutional misbehavior are more apt to receive longer stays than those who engage in a minor/less serious rule violations or have less extensive records of institutional misbehavior. Departmental regulations often place limits on the amount of time an inmate may serve in disciplinary segregation for a single violation (e.g., cap of 30, 60, or 90 days); however, if the offender is guilty of multiple rule infractions, or if he/she accrues new violations while in solitary confinement, his/her length of stay can and often does extend.

Second, officials can place inmates in solitary confinement when there is evidence to believe that his/her presence in the general prison population poses a threat to the safety and security of the facility. Correctional scholars and practitioners often refer to this type of confinement as administrative segregation and potential reasons for placement include having a record of a grievous crime, engaging in repetitive assaultive or violent behavior, posing an escape risk, and threatening to incite an institutional disturbance/riot (Butler, Griffin, & Johnson, 2013). Inmates typically remain in administrative segregation for indeterminate lengths of time because policies mandate that correctional staff must review continued placement decisions on a regular basis (e.g., every 30 days). If the staff still believe at the time of these meetings that the inmate continues to pose a threat to institutional safety and security, then he/she will remain in solitary

confinement until his/her next review. This means that under some conditions, inmates can remain in administrative segregation for very long periods of time. In some cases, inmates may even remain in solitary confinement until the day that they are released from prison (Lovell, Johnson, & Cain, 2007).

Third, authorities can hold inmates in solitary confinement when there is evidence to believe that his/her presence in the general prison population poses a risk to their own personal safety and well-being. Correctional scholars and practitioners often refer to this type of confinement as protective custody and placement criteria include being perceived as especially vulnerable for either self-harm or a physical attack by other inmates in the general population (e.g., sex offender, member of the LGBTQ community, gang drop-out, confidential informant, former law enforcement officer). Unlike the other types of solitary confinement, however, many of the inmates in protective custody voluntarily choose to remain in this setting. Lengths of stay in solitary confinement for this purpose often vary depending on the type and extent of the risk and whether officials can locate alternative living arrangements within the prison system that provide a reasonable assurance of individual safety.

Finally, authorities can place inmates in solitary confinement as an interim housing assignment for a variety of purposes. Correctional scholars and practitioners often refer to this type of confinement as temporary segregation and reasons for placement include pending a transfer to a higher security facility, facilitating a criminal investigation, awaiting judicial proceeding, or when limited bed space necessitates the use of an otherwise empty segregation cell. Durations in solitary confinement for this purpose are generally brief, however, depending on the circumstances, officials can convert the reason for placement into a stay for a disciplinary, administrative, or protective purpose, which can extend one's length of stay.

Despite the substantive differences that exist in the purposes and placement criteria of these four classifications of solitary confinement, the living conditions and restrictions within these subtypes are strikingly similar (Kurki & Morris, 2001). Regardless of the specific type or reason for placement in this type of housing, for example, prison officials often confine inhabitants to a single-cell for 22 to 24 hours per day. These inmates must also eat, sleep, and go to the bathroom in their cells (Browne, Cambier, & Agha, 2011). Before leaving their cell for any reason, staff will typically handcuff and shackle the inmate before escorting him/her to the prearranged location. Most often, this is for the purpose of showering or recreating in isolation in a small fenced in yard area. These inmates also receive little access to educational programs and other services that are available among the inmates in the general prison population (Gendreau & Labrecque, 2018). Even the interactions with case managers and mental health counselors are minimal, with meetings often taking place through the inmates' cell door (Butler, Johnson, & Griffin, 2014).

Prison officials often justify the use of solitary confinement on the premise that it makes institutions and communities safer. According to this perspective, solitary confinement is an effective incapacitator and powerful deterrent of antisocial or unwanted behavior. This position rests on the three important assumptions. First, it assumes that prison officials reserve placement in this setting for only the inmates who pose an objective risk to safety and security—the so-called “worst of the worst”—those that engage in acts of violence and disorder, or those who are especially vulnerable to attack. Second, it assumes that inmates uniformly perceive solitary confinement as an unpleasant environment, which compels compliance with institutional rules and expectations. Finally, it assumes that solitary confinement is the most efficient and expeditious strategy available for improving safety and security.

### **“Against” Solitary – The Critic Perspective**

Juxtaposed against the prison system view is that of critics, who argue that solitary confinement is an overused and unconstitutional correctional policy that creates many harms for inmates, staff, and prison systems. From this perspective, the harsh conditions and idleness in solitary confinement represent a cruel and unusual punishment that cause inmates to become more disturbed, disruptive, and difficult to manage when they return to the general prison population and the community. This position further maintains that prison authorities disproportionately target certain types of inmates for placement in solitary confinement, such as the mentally ill and minorities, whom are especially vulnerable to suffering its adverse effects. Concerns about this type of housing are evident in media reports and critiques from human rights groups and advocates (e.g., American Civil Liberties Union, 2014; Gawande, 2009; Haney, 2018).

By far, the biggest criticism against solitary confinement is that it causes inhabitants undue psychological distress, especially when it is used for prolonged durations (e.g., 90 or more days). In addition, critics also maintain that solitary confinement increases criminal behavior by magnifying the strains associated with prison life, isolating inmates away from social networks that might promote prosocial behavior, and providing few, if any, opportunities for rehabilitation. This position also rests on the three important assumptions. First, it assumes that authorities do not restrict their use of solitary confinement to only violent and dangerous inmates, but rather that this setting also includes many nuisance inmates, or those that do not pose an objective risk to the well-order of the facility. Second, it assumes that solitary confinement is damaging with some degree to all inmates, and further that prisons and communities would be safer if authorities relied on the use of this practice less. Finally, it assumes that there are other

correctional interventions and services available that are more ethical and effective at improving institutional and community safety.

### **Use of Solitary Confinement**

According to the prison system view, authorities hold only the number of inmates in solitary confinement that are necessary for ensuring institutional safety and order. The critic position, on the other hand, maintains that prison officials rely on solitary confinement too often and for too long. Survey estimates from a nationally representative sample of inmates indicate that nearly one in every five prisoners incarcerated in the United States has spent time in solitary confinement during the last year (Beck, 2015). Research also reveals that inmates can remain in this type of setting for durations ranging from a few days to many years (Mears & Bales, 2010). Despite the prevalence of its use and the heterogeneity in inmate experience therein, it is difficult to conclude from this information whether such usage constitutes an appropriate or excessive amount of solitary confinement.

The prison perspective also suggests that authorities reserve placement into solitary confinement settings for the most serious and dangerous of inmates – the “worst of the worst.” According to this viewpoint then, the typical inmates in solitary confinement include those who are violent, dangerous, gang affiliates, chronic rule violators, and escape risks (Butler et al., 2013). In contrast, the critic position contends that many inmates are sent to solitary confinement for committing less serious rule violations, such as refusing an order (DeRoche, 2014). Critics also charge that authorities disproportionately target certain subgroups for placement based on their ascriptive characteristics, such as mental health status and race (Schlanger, 2013).

A recent quantitative synthesis of 16 empirical studies comparing the characteristics of inmates in solitary confinement settings to those in the general prison population provides mixed



support for these opposing positions (Labrecque, 2018). In alignment with the predictions of the prison system perspective, this meta-analysis finds that inmates in solitary confinement settings have more extensive criminal histories, worse records of institutional misbehavior, and greater criminogenic needs than those among the general prison population. In support of the critic position, this investigation also reveals that inmates in solitary confinement are younger and more likely to have a diagnosis for a serious mental health disorder.

Although this meta-analysis provides partial support to both perspectives, readers should interpret these findings cautiously. For instance, due to the limited depth and quantity of the available studies, this synthesis combines both administrative and disciplinary forms of solitary confinement together. This investigation did not uncover any empirical investigations using samples of inmates in protective custody. This is an important limitation because there are likely nuanced differences that exist in the predictors of placement across the various types of solitary confinement, as well as in the reasons for placement. Until more conclusive research emerges, this study appears to provide our best estimate of which types of inmates are held in solitary confinement settings.

### **Psychological Impact of Solitary Confinement**

Although the prison system perspective makes no claims about solitary confinement being a benefit to inmate mental health, it is hard to imagine that justice officials would rely on the use of this practice at its current levels while also under the belief that it causes serious psychological damage to all of its inhabitants. Rather, officials appear to operate under the impression that solitary confinement is not damaging to the majority of inmates, and in cases where staff feel this setting has the potential of being detrimental, such as in the case with a seriously mentally ill offender, the concerns for institutional safety appear to trumpet those for individual well-being.

In stark contrast, critics charge that solitary confinement causes serious damage to the psychological well-being of all of its inhabitants, and further that this detriment is much more pronounced amongst groups of especially vulnerable inmates, including the mentally ill, the young, and women. As such, critics maintain that prison authorities should rely on solitary confinement far less and preclude from placement those who are vulnerable to suffering its negative effects.

By far, the majority of research written on solitary confinement focuses on its impact on inmate mental health. This research, however, largely includes qualitative investigations that possess serious methodological limitations (e.g., Grassian, 1983; Haney, 2003). For example, these reports often include small sample sizes and involve issues of selection bias (e.g., include a non-random sample of inmates), response bias (e.g., inmates are plaintiffs in a class-action lawsuit), researcher bias (e.g., interviewer represents inmates in a class-action lawsuit, interviewer encourages the disclosure of symptoms), use of unstructured interviews (e.g., involves no use of objective assessments or standardized procedures), cross-sectional design (e.g., includes no pre- and post-testing), and inadequate or no control groups (e.g., non-offender community control group). Despite these limitations, some reviewers of this literature persist that these anecdotal reports represent unequivocal proof that solitary confinement causes a myriad of serious and lasting mental health issues (Haney, 2018). What is more, scholars and advocates often refer to this body of literature as evidence that solitary confinement is a cruel and unusual punishment in violation of the Eighth Amendment.

Although solitary confinement remains an elusive subject of quantitative research, there is a growing interest in conducting empirical evaluations on its potential psychological impact (e.g., O'Keefe, Klebe, Metzner, Dvoskin, Fellner, & Stucker, 2013; Chadick, Batastini, Levulis, &

Morgan, 2018). Two recent meta-analyses of the empirical literature report that the effect of this setting on various measures of mental health functioning appear to have a “small” to “medium” detrimental effect, rather than “large” negative effect as its critics proclaim (Morgan et al., 2016). Although quantitative investigations are both few in number and not without limitations, it seems premature from an empirical standpoint to definitively conclude that solitary confinement necessarily causes serious psychological damage to all inhabitants. Nevertheless, it remains possible that solitary confinement is psychologically damaging to everyone. It is, however, also probable that this setting is detrimental to a portion of offenders, beneficial for some, and non-impactful for others. While there is a clear and present need for more empirical research with strong methodological designs in this area, it is safe to assume that at this point in time this debate is far from settled.

### **Behavioral Impact of Solitary Confinement**

According to the prison system perspective, solitary confinement operates as a deterrent of antisocial behavior. From this view, the existence of solitary confinement in prison ensures that inmates will conform to the rules and expectations of the institution out of fear for placement into this aversive environment. In addition, due to the unpleasant experience among those held in solitary confinement and their strong desire not to return to this setting, inmates will transition into the general prison population and the community less likely to engage in criminal behavior. In contrast, the critic view argues that solitary confinement is a serious incubator for crime, whereby its inhabitants leave at a greater risk for criminal coping, especially among those who receive a prolonged placement in this setting (e.g., 90 or more days).

Prior reviews of the empirical literature on the behavioral effects of solitary confinement identify the use of three outcome types, including aggregate measures of institutional violence,

individual measures of institutional misconduct, and individual measures of post-release recidivism (Steiner & Cain, 2016; Labrecque & Smith, 2018). Aggregate-level research often involves the assessment of the impact of a policy change (e.g., locking down all known gang members or constructing a new state supermax prison) on measures of institutional violence (e.g., inmate-on-inmate or inmate-on-staff assaults). The findings from this type of evaluation are mixed, with research indicating that increases in the use of solitary confinement create benefits, detriments, and has null effects on indicators of institutional violence (Ralph & Marquart, 1991; Briggs, Sundt, & Castellano, 2003). Other investigations in this category involve the examination of the influence of the proportion of inmates held in solitary confinement within an institution on system-wide measures of violence. These studies also provide mixed support for the effectiveness of solitary confinement in increasing institutional safety (Huebner, 2003; Wooldredge & Steiner, 2015).

Another type of research in this area involves the evaluation of how one's experience in solitary confinement influences their subsequent engagement in acts of institutional misconduct while still in custody (e.g., violent, nonviolent, and drug rule violations). The findings from this literature suggest that short-term disciplinary segregation has little influence one's institutional behavior once returned to the general inmate population (Labrecque, 2015; Morris, 2016). Finally, research also compares the post-release recidivism outcomes between those who experience and do not experience solitary confinement during their incarceration. The findings from these works indicate that spending 90 or more days in solitary confinement while incarcerated has little effect on one's re-offending behaviors (Butler, Steiner, Makarios, & Travis, 2017; Lovell et al., 2007; Mears & Bales, 2009).

This review of the quantitative literature highlights that there is limited evidence to support

the notion that solitary confinement is an effective deterrent of criminal behavior. In addition, there also exists little empirical support for the idea that solitary confinement settings are criminogenic. This literature, rather, tends to suggest that solitary confinement has little influence on prison violence, institutional misconduct, or post-release recidivism (Labrecque & Smith, 2018). Readers, of course, should interpret these findings cautiously as the jurisdictions in which these studies took place may not necessarily generalize to all prisons or prison systems. For example, agencies willing to conduct research on their use of solitary confinement and publicly share this information may qualitatively differ from those organizations unwilling to do so. In addition, this literature base provides little information about the solitary confinement environment itself (e.g., its conditions and preclusions) or one's experience therein (e.g., accounts of how staff treat inmates), which likely play an important role on the behavioral impact of this setting.

It is possible that more than one of these perspectives is correct. For instance, some inmates may experience an improvement in behavior as a result of a stay in solitary confinement, others may suffer an increase in criminal behavior, and others still may be unaffected by the experience. It is also possible that solitary confinement simultaneously produces both behavioral benefits and harms. For example, this containment approach might reduce overall prison violence by incapacitating violent and dangerous inmates away from other inmates and staff, but at the same time it may also increase the criminal propensity of those individuals isolated in this setting. Clearly, there is a need for more research to explore these possibilities before more definitive conclusions can be drawn.

### **Alternatives to Solitary Confinement**

According to the prison system perspective, solitary confinement not only deters criminal

behavior, but it is also an efficient means of maintaining institutional safety and security. Proponents of this perspective argue that reducing or eliminating the use of this practice would have an adverse effect on institutional order because it would be seen by inmates as a sign of authoritative weakness. From this view, such a change would create a situation whereby inmates would be free to violate institutional rules with no fear of serious consequence. In contrast, the critic view contests that there are other more humane and cost-effective correctional interventions available that would better help prison authorities maintain control of institutions and improve offender outcomes.

Although there is currently little evaluative research that examines how changing the conditions in solitary confinement settings influence institutional order and individual behavior outcomes, several jurisdictions across the United States have begun to preemptively modify its use of this correctional policy (United States Department of Justice, 2016). For example, some states now impose stricter limits on the length of time an inmate can remain in solitary confinement, and further prohibit its use on certain offender subgroups, such as juveniles and the seriously mentally ill. In addition, some states also allow inmates to spend more time out of their cell and to have greater access to mental health services and other treatment programs within the solitary confinement unit.

There is an extensive body of evidence that suggests the effectiveness of correctional interventions vary based on specific characteristics of the program (Bonta & Andrews, 2017). In summary, this research indicates that interventions achieve greater reductions in criminal behavior when they serve higher-risk offenders (i.e., *risk principle*), target criminogenic needs (i.e., *need principle*; e.g., antisocial attitudes, values, beliefs), and use cognitive-behavioral interventions in a manner that is responsive to the offenders' individual learning style,

motivations, abilities, and strengths (i.e., *responsivity principle*). Collectively, scholars refer to these fundamental concepts as the principles of effective intervention, or the risk-need-responsivity (RNR) model, and this work has come to define “what works” in correctional treatment (Smith, 2013).

According to this paradigm, one way to improve institutional and community outcomes is to better align the prison system use of solitary confinement with these principles (Smith, 2016). For example, authorities could provide inmates in solitary confinement settings with more incentive-based treatment programming that targets their specific criminogenic needs (Meyers, Infante, & Wright, 2018). Officials might also proactively target high-risk inmates with services and interventions before they engage in behavior that sends them to solitary confinement in the first place (Labrecque & Smith, 2017). To the extent that prison officials can implement such interventions in accordance with the RNR framework, these changes hold great promise for reducing criminal behavior. The challenge, however, is to ensure that correctional authorities deliver these services with fidelity. Research shows that while prison programs adhering to this model can reduce institutional misconduct, those failing to do so may actually increase such misbehavior (Gendreau & Keyes, 2001).

## **Discussion**

Solitary confinement has become an inmate management tool that corrections officials increasingly rely upon for the orderly operation of prisons and prison systems. The use of this practice, however, remains highly controversial. Critics argue, for example, that authorities use solitary confinement too often and for too long, and further that this setting causes many serious negative outcomes, including psychological damage and criminal coping. The tenets of the prison system and critic perspectives rest on three opposing assumptions about how officials use

solitary confinement, what impact this setting has on inmates, and whether other interventions exist that could produce better results. This review of the literature on the use and effect of solitary confinement provides mixed support for the underlying assumptions of these two competing theoretical perspectives.

First, research on the use of solitary confinement finds that both objective risk factors as the prison system perspective predicts (e.g., criminal history, institutional behavior) and ascriptive characteristics as the critic perspective predicts (e.g., age, mental health status) correlate with inmate placement decisions (Labrecque, 2018). Second, there is evidence to suggest that solitary confinement has an adverse psychological impact; however, quantitative studies with stronger methodological designs reveal a much less severe negative effect than the critic position maintains (Morgan et al., 2016). In addition, the literature on the behavioral impact of solitary confinement appears inconclusive, with research that indicates benefits, detriments, and null effects. The evaluations with stronger research designs indicate no sizably meaningful impact of solitary confinement on various measures of criminal behavior (e.g., prison violence, institutional misconduct, post-release recidivism), which fails to support either position (Labrecque & Smith, 2018). Finally, while there is theoretical rationale for anticipating that solitary confinement policy changes that align with the principles of effective intervention may help authorities better achieve institutional safety and order (Smith, 2016), it is too early to determine what effect specific transformative strategies have on these outcomes.

In conclusion, while there exists a clear need for more research on the use and effect of solitary confinement in prison, correctional administrators must make policy decisions about the use of this practice here and now. In the absence of strong empirical support either for or against the use of solitary confinement, these officials face a difficult predicament in choosing because



incorrect decisions could have dire consequences. For example, if solitary confinement targets the wrong people (e.g., low-risk, non-violent offenders) and further causes psychological or behavioral harms, then inmates may return to the general prison population and the community at a greater risk for engaging in criminal behavior. Furthermore, if authorities rely on the use of this practice too often or for too long, then its negative impact could be even more severe. On the other hand, if solitary confinement incapacitates violent and dangerous inmates and further deters antisocial behavior, then reducing or eliminating its use might lead to increases in institutional and community crime.

It is also quite possible that solitary confinement has no meaningful effect on inmate behavior, and even if it does lead to improvements, it may do so at a serious cost (e.g., reduce opportunities for treatment and social interaction, cause psychological damage, impose a negative label). There may also be other correctional services and interventions available that are more effective and less controversial than solitary confinement for policymakers to consider. Nevertheless, in choosing a correctional policy of the future, authorities should give careful thought to all of these possibilities. 0

**Discussion Questions**

- Which perspective on the use and effect of solitary confinement do you believe holds the most merit: the prison system or critic view?
- Should prison authorities be able to place inmates in solitary confinement? If so, under what conditions or circumstances should such usage be allowed and not allowed?
- Do you think that inmates universally perceive placement in solitary confinement as undesirable? Why or why not?
- Do you believe that solitary confinement is an effective deterrent of criminal behavior? Why or why not?
- If you were in charge of a prison, what are some potential strategies for reducing the use of solitary confinement that you might consider implementing?

### Recommended Research

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