

# Support S.2588!

## *End Prolonged Solitary Confinement in New Jersey*

### The FACTS about Solitary Confinement:

- Solitary confinement, also called “isolation,” “segregated housing,” “close custody,” and many other names, is the practice of locking persons in small cells for 20 or more hours per day, alone or with others, with limited or zero access to activity, movement, social interaction, or sensory stimulation.<sup>1</sup>
- Research clearly shows that such confinement and isolation inflict devastating and sometimes irreparable trauma, especially for young people and individuals with pre-existing mental illness or cognitive disabilities.<sup>2</sup>
- Prolonged prisoner isolation, in its current manifestations throughout the U.S. and in New Jersey correctional facilities, not only violates U.S. Constitutional Law,<sup>3</sup> but it also stands in clear violation of Article 1 of the U.N. Convention Against Torture (CAT) and Articles 7, 10, and 16 of the International Covenant on Civil and Political Rights.<sup>4</sup>
- The U.N. Special Rapporteur on Torture repudiated this practice and urged the U.S. to explore and adopt humane alternatives.<sup>5</sup> Religious leaders, legal scholars, and clinical organizations urge severe limitations on solitary confinement and the abolition of its use on vulnerable populations.<sup>6</sup>
- Solitary confinement negatively impacts the process of prisoner reentry and can be linked to increased recidivism rates. Criminologists suggest that this practice compromises both institutional and public safety.<sup>7</sup>
- Solitary confinement is costly and unnecessary, and many states are exploring alternatives that are both effective and cost efficient.<sup>8</sup>
- In New Jersey, prisoner isolation was developed as a tool of control against politically dissident groups in the 1980s, with the full knowledge that it inflicted psychological harm through coercion.<sup>9</sup>
- Solitary confinement is used as a central feature in a criminal justice system that disproportionately impacts low income people and people of color, and New Jersey ranks third worst in the United States in racially disproportionate sentencing.<sup>10</sup> Given the political origins of solitary confinement in New Jersey, as well as its function in the current racially skewed system, the call for eliminating this practice is a civil and human rights mandate.

### S.2588: The Isolated Confinement Restriction Act

Sponsored by Senator Ray Lesniak and Senator Peter Barnes III, S.2588 will comprehensively eliminate the long-term use of prisoner isolation in every facility operated through contract with the Department of Corrections. Specifically, it will:

- Severely reduce the length of time a person can be kept in isolation to 15 consecutive days, and no more than 20 days per 60 day period.
- Ensure access to due process, regular housing reviews, and early and timely clinical evaluations for anyone housed in isolation.
- Offer specific protections for vulnerable populations: youth, aged, those with mental illness, those with developmental disabilities, those with serious medical conditions, and pregnant women.
- Urge the Department of Corrections to join other states in developing alternatives, reducing the isolated population, conducting trainings, and documenting consistently their use of this practice.

### How to SUPPORT S.2588

1. Read the full version of the bill at <http://www.njleg.state.nj.us/bills/BillView.asp>. Circulate with this one-pager and FAQ to all who are interested in human rights and prison reform.
2. Contact your state senator ([www.njleg.state.nj.us](http://www.njleg.state.nj.us)), asking her or him to support the Isolated Confinement Restriction Act (S.2588) and thanking them if they do. This is also an exciting activity to do in a group, so organize your friends and families to participate!
3. All people of faith and moral conscience are invited to sign the Interfaith Statement Against Solitary Confinement, found via link at [www.nrnat.org/nj](http://www.nrnat.org/nj). These signatures will be delivered to legislators during the first scheduled hearing for S.2588

### Notes

<sup>1</sup> Rodriguez, S. (2012) "FAQ," [www.solitarywatch.com](http://www.solitarywatch.com).

<sup>2</sup> Hafemeister, T. & George, J. (2013) "The Ninth Circle of Hell," *Denver University Law Review*; The American Psychological Association (2012) "Petition Statement on Segregation of Prisoners with Mental Illness."

<sup>3</sup> Lobel, J. (2009) "Prolonged Solitary Confinement and the Constitution," *University of Pittsburgh School of Law*; Luban, D. & Shue, H. (2011) "Mental Torture: A Critique of Erasures in U.S. Law," *Georgetown University Law Center*.

<sup>4</sup> Assefa, N. & Kerness, B. (2009) "Inalienable Rights: Applying international human rights standards to the U.S. criminal justice system," *The American Friends Service Committee*.

<sup>5</sup> Mendez, J. E. (2011) "Torture and other cruel, inhuman or degrading treatment or punishment," *United Nations General Assembly*.

<sup>6</sup> "Worship and Faith Resources" (2014), *The National Religious Campaign Against Torture*. <http://nrnat.org/torture-in-us-prisons/nrnat-resources>; Susman, T. M. (2012) "Reassessing Solitary Confinement" Statement before the Senate Judiciary Subcommittee. *The American Bar Association*. Hafemeister & George (2013).

<sup>7</sup> Lowen, M. & Isaacs, C. (2012) "Lifetime Lockdown: How Isolation Conditions Impact Prisoner Reentry," *The American Friends Service Committee*.

<sup>8</sup> Barber, A. (2012) "Less restriction equals less violence at Maine State Prison," *Bangor Daily News*; Goode, E. (2012) "Prisons Rethink Isolation, Saving Money, Lives and Sanity," *The New York Times*.

<sup>9</sup> Kerness, B. (2013) "The Hidden History of Solitary Confinement in New Jersey's Control Units," [www.solitarywatch.com](http://www.solitarywatch.com).

<sup>10</sup> [www.sentencingproject.org](http://www.sentencingproject.org) (2014). New Jersey's ratio of black:white prison (12.4:1) demographics is over twice the national average (5.6:1).