



**Testimony of Laura Markle Downton, Director of U.S. Prisons Policy and Program,
National Religious Campaign Against Torture,
Before the Maryland Senate
SB 861 (Sen. Gladden) - Corrections Isolated Confinement Study
March 4, 2014**

NRCAT Position: Support

Thank you for this opportunity to testify on behalf of the National Religious Campaign Against Torture (NRCAT), a coalition of more than 300 religious organizations committed to ending torture and cruel, inhuman, and degrading treatment in U.S. prisons, jails and detention centers. NRCAT member organizations include denominations and faith groups, national religious organizations, regional religious organizations, and congregations. Our various faith traditions hold in common a belief in the dignity and worth of each human person, and a conviction that the use of segregation in U.S. prisons and jails violates basic religious values of community, restorative justice, and healing. We are pleased to join with Interfaith Action for Human Rights, a mid-Atlantic partner of NRCAT, in support for SB 861, which would require an independent third party to conduct a review of correctional facilities in Maryland regarding the use of isolated confinement.

Many studies have documented the detrimental psychological and physiological effects of segregation.¹ In a 2011 report, the United Nations Special Rapporteur on Torture, Juan Mendez, stated that segregation in excess of 15 days “should be subject to an absolute prohibition”² due to psychological effects caused by isolation which become irreversible after 15 days. Mendez also called for an absolute prohibition against the use of segregation for youth and individuals with mental illness. Nationally recognized expert Dr. Stuart Grassian was one of the pioneers in researching the harmful psychological effects of solitary confinement in super-max prisons in the early 1980s.³ Grassian has documented that nearly a third of the prisoners he evaluated experienced perceptual distortions, in which objects appear to change size or form.⁴ This is particularly alarming,

¹ See e.g., Stuart Grassian & Nancy Friedman, *Effects of Sensory Deprivation in Psychiatric Seclusion and Solitary Confinement*, 8 INT’L J.L. & PSYCHIATRY 49 (1986); Craig Haney & Mona Lynch, *Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement*, 23 NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 477-570 (1997); Craig Haney, *Mental Health Issues in Long-Term Solitary and “Supermax” Confinement*, 49 CRIME & DELINQ. 124 (2003).

² The Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman, and degrading treatment or punishment, *Interim Report*, ¶ 15, delivered to the General Assembly, U.N. Doc. A/66/268 (Aug. 5, 2011).

³ See e.g., Stuart Grassian, *Psychopathological Effects of Solitary Confinement*, 140 AM. J. PSYCHIATRY 1450 (1983).

⁴ Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 JOURNAL OF LAW AND POLICY 325, at 335 (2006), <http://law.wustl.edu/journal/22/p325grassian.pdf>.

he noted, since this symptom is more commonly associated with neurological illnesses, such as brain tumors, than with primary psychiatric illness.⁵ Dr. Craig Haney, social psychologist and Professor of Psychology at the University of California, Santa Cruz, has found extraordinarily high rates of symptoms of psychological trauma among prisoners held in long-term segregation in his systematic analysis of prisoners held in super-max prison.⁶ More than four out of five of those evaluated suffered from feelings of anxiety and nervousness, headaches, troubled sleep, and lethargy or chronic tiredness, and over half complained of nightmares, heart palpitations, and fear of impending nervous breakdowns.⁷ Nearly half suffered from hallucinations and perceptual distortions, and a quarter of them experienced suicidal ideation.⁸ According to Haney, approximately half of all prison suicides occur in solitary confinement units. In 2012, the American Psychiatric Association issued a position statement asserting that “prolonged segregation of adult inmates with serious mental illness, with rare exceptions, should be avoided due to the potential harm to such inmates.” Further, it stated that inmates with serious mental illness “who are a high suicide risk or demonstrating active psychotic symptoms should not be placed in segregation housing.” The APA defined segregation to include conditions of confinement in which incarcerated persons are locked in their cell for 23 or more hours per day, for institutional safety reasons (administrative segregation), disciplinary reasons (disciplinary segregation), or personal safety (protective custody), including one or two inmates in a cell.⁹

Following segregation studies, a number of states including Maine, New Mexico, and Colorado have made significant reductions in their use of isolation, yielding significant cost savings without jeopardizing prison safety.¹⁰ As a result of a study in Maine, rigorously supported by the religious community, the segregation population has been reduced by more than 70 percent, leading to a significant reduction in incidence of violence. Dismissing the discredited Colorado study on segregation, the Colorado Department of Corrections closed its super-max unit at the Centennial Correctional Facility, resulting in savings of \$4.5 million in the first year alone.¹¹ The Executive Director of the Colorado Department of Corrections, Rick Raemisch, recently spent over 20 hours in Administrative Segregation and recounted his experience at a Congressional Hearing on Solitary Confinement last week, asserting the urgent need for reform, including the elimination of the use of solitary confinement for mentally ill inmates.¹² In

⁵ *Id.* at 338.

⁶ Haney, *supra* note 8.

⁷ *Id.* at 133.

⁸ *Id.* at 134.

⁹ Position Statement on Segregation of Prisoners with Mental Illness, American Psychiatric Association, 2012, http://www.psychiatry.org/File%20Library/Learn/Archives/ps2012_PrisonerSegregation.pdf.

¹⁰ Lance Tapley, *Reform Comes to the Supermax*, PORTLAND PHOENIX, May 25, 2011, <http://portland.the phoenix.com/news/121171-reform-comes-to-the-supermax/>; COLORADO DEPARTMENT OF CORRECTIONS, REPORT ON THE IMPLEMENTATION OF ADMINISTRATIVE SEGREGATION PLAN 1-2 (2012), available at <https://www.aclu.org/prisoners-rights/report-co-docs-implementation-administrative-segregation-plan>.

¹¹ Kristen Wyatt, *Colorado Closing Canon City Prison*, The Gazette, March 19, 2011, <http://www.gazette.com/articles/colorado-135471-denver-prison.html>.

¹² Rick Raemisch, *My Night in Solitary*, The New York Times, February 20, 2014, <http://www.nytimes.com/2014/02/21/opinion/my-night-in-solitary.html>.

Texas, a segregation study bill was passed in 2013. By closing its super-max unit,¹³ Mississippi has reportedly saved more than \$5 million and experienced a decline in violence within its prisons.¹⁴ Bills to reduce or eliminate the use of segregation have been introduced in states including California, New York, Florida, Massachusetts, and Montana.

The National Religious Campaign Against Torture believes strongly that Maryland must bring an end to its use of long-term segregation, and prohibit the use of segregation for vulnerable populations including youth and individuals with mental illness, in order to come into compliance with Constitutional and international human rights standards. Maryland must focus scarce resources on rehabilitative alternatives and mental health treatment. Your hearing today is a very important step in that effort, and we thank you for the opportunity to contribute.

¹³ Erica Goode, *Prisons Rethink Isolation: Saving Money, Lives and Sanity*, NEW YORK TIMES, March 10, 2012, <http://www.nytimes.com/2012/03/11/us/rethinking-solitary-confinement.html>.

¹⁴ Terry A. Kupers, et al., *Beyond Supermax Administrative Segregation: Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs*, 36 CRIM. JUST. & BEHAV. 1037, 1041 (2009); John Buntin, *Exodus: How America's Reddest State – And Its Most Notorious Prison – Became a Model of Corrections Reform*, 23 GOVERNING 20, 27 (2010).