



**Testimony of the Social Action Commission
of the African Methodist Episcopal Church**

**Before the United States Senate Judiciary Subcommittee on the Constitution,
Civil Rights and Human Rights**

Hearing on

**Reassessing Solitary Confinement II: The Human Rights, Fiscal and Public
Safety Consequences**

February 25, 2014

Thank you Chairman Durbin, Ranking Member Cruz and members of the Subcommittee for the opportunity to submit testimony on behalf of the Social Action Commission of the African Methodist Episcopal Church in regards to the human rights issues surrounding solitary confinement.

The African Methodist Episcopal Church is one of the largest independent black institutions in the world. Our constituents are in over 6000 congregations, in thirty-nine countries on five continents. The African Methodist Episcopal Church has a dynamic and groundbreaking history rooted in the United States. It is unique in that the A.M.E. Church is the first major religious denomination in the Western World that had its origin over sociological and theological beliefs and differences. It rejected the negative theological interpretations which rendered persons of African descent second class citizens. Our Church has stood at the center of equality and justice for all people, especially the most vulnerable, from the foundations of this nation to the present day. Our commitment is to a ministry of liberation, civil rights and human dignity.

In response to issues regarding incarceration, The Social Action Commission has undertaken an initiative called the *Covenant Project to Eradicate Mass Incarceration*. The project addresses incarceration issues through: local ministries to prisoners and families, local and national mobilization campaigns and far-reaching strategies which educate, equip and train clergy and lay. In addition, we seek to participate in legislative and administrative forums to educate and advocate for more humane and just policies and authentic rehabilitation in the prisons, and adequate monitoring of the prison system.

It is from this context that the Social Action Commission of the African Methodist Episcopal Church raises its voice against the grave human injustice of solitary confinement. We are anxious to preserve the humanity, dignity, health and sanity of the incarcerated. We are concerned that

isolation is being used as a means of first resort rather than last. We are troubled by the lack of accountability beyond the prison walls in which administrative segregation is practiced. We are dedicated to give resistant voice to solitary confinement's use against vulnerable populations which have little or no recourse. Therefore, the Social Action Commission of the African Methodist Episcopal Church stands in solidarity with all the proponents of the abolition and reformation of its practice.

Solitary confinement has been deemed by survivors, psychologists, scholars, and much of the civilized world, as torture and an abuse of human rights. Solitary Watch reports that the U.S. houses at least 80,000 prisoners in isolation on any given day. The United States stands as the world leader in the use of solitary confinement.ⁱ Prisoners spend hours, days, months and sometimes years in 8x10 concrete cells, with little human contact and recreational access.

Solitary confinement's proponents argue it is used to segregate the most violent extreme inmates who pose harm and disruption to the general prison population. However, isolation techniques are most often used to manage nonviolent individuals. Mississippi's Department of Corrections for example found that 80 percent of the state's segregated prisoners did not fit their own profile standards for violent behavior. Isolation has too often been used to punish minor offenses, coerce cooperation during interrogations, and inflict indefinite disciplinary measures.ⁱⁱ Furthermore, research suggests the widespread use of solitary confinement leads to higher rates of recidivism and does little to protect prisoners or society.

In addition, we are greatly concerned with the lack of data collection, transparency and oversight of this practice in our nation's prisons. Solitary confinement measures have little to no oversight beyond the prison in which it is being practiced.

Survivors have documented cases of psychosis, suicidal thoughts, hallucinations, desires for self-mutilation, severe anxiety, depression, and insomnia. It is imperative that we as a nation stand against any practice that can be deemed as cruel and unusual punishment.

While we stand resolute against the arbitrary use of this "touch-less torture" for every human being, we are particularly concerned with the isolation and segregation of the mentally ill, at risk youth, sexually assaulted women, and prisoners of color. As a religious institution dedicated to standing with and giving voice to the least of these, we urge lawmakers to impose restrictions and oversight to protect the vulnerable.

We stand and give voice to the mentally ill who are often punished for behaviors that require treatment and not punishment. A 2003 report from Human Rights Watch found that one-third to one-half of prisoners in solitary confinement suffered from mental illness. The unwillingness of many prison facilities to diagnose mental illness and distinguish it from disciplinary problems, exacerbates emotional trauma and leads to a vicious cycle of isolation abuse.

We stand and give voice to our nation's incarcerated youth. In a letter to the ACLU the US Department of Justice stated that, "*The isolation of children is dangerous and inconsistent with best practices and that excessive isolation can constitute cruel and unusual punishment.*"ⁱⁱⁱ Solitary confinement of youth can cause serious developmental harm and long term mental health problems especially for children with disabilities or histories of trauma and abuse.^{iv} Transparency and systematic data collection on the use of solitary confinement in juvenile detention facilities is rare. Therefore, the extent to which at risk youth are being further traumatized by social isolation is not fully known nor is its practice accountable to anyone.

We stand and give voice to sexually assaulted incarcerated women. It has been documented that prison facilities across the nation routinely put women who make allegations of sexual assault in solitary confinement pending their investigations. Women who report sexual abuse are often placed in segregation as a means of retaliation against whistle blowing. Incarcerated women report that some prison systems have created new rules for entry to solitary confinement to discourage reports of staff sexual assault.^v

We stand and give voice to those disproportionately affected by the War on Drugs. Margo Schlanger, Professor of Law at the University of Michigan Law School, stated that there is remarkably little systematic information available about who is held in segregated confinement but the scant quantitative data that exists, suggests that in many states the harsh conditions of solitary confinement are probably disproportionately affecting prisoners of color.^{vi} The 2013 Human Rights Watch World Report notes that, "practices contrary to human rights principles, such as the death penalty, juvenile life-without-parole sentences, and solitary confinement are common and often marked by racial disparities."^{vii} We are not suggesting racism plays the primary role in the overrepresentation of African Americans in solitary confinement, but we are concerned that the overrepresentation of people of color in federal and state prisons, due to the War on Drugs, makes them particularly susceptible to this grave human rights violation.

Fyodor Dostoevsky famously wrote that, "The degree of civilization in a society can be judged by entering its prisons." As long as solitary confinement is unregulated and left to the discretion of fallible individuals, abuses will continue and America's most vulnerable will continue to suffer at the hands of injustice.

In 1890, the United States Supreme Court acknowledged the cruel irreversible effects of solitary confinement. Yet, with little exception, there are no laws in the United States prohibiting the practice.^{viii} The Social Action Commission of the African Methodist Episcopal Church urges the Department of Justice to appoint a task force to investigate solitary confinement's use in prisons across the nation and make public its findings. We also urge the Bureau of Prisons to appoint independent auditing and over site bodies to discourage abuse. Lastly, we call on federal lawmakers to deem solitary confinement as cruel and unusual punishment and adopt laws that discourage its use.

We commend this body for giving attention to this critical human rights issue and extending us the opportunity to give voice for whom we are critically concerned.

Respectfully submitted,

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ⁱJusticefellowship.org. "Solitary Confinement: Isolation & Administrative Segregation | Justice Fellowship." 2014. <http://www.justicefellowship.org/solitary-confinement> (accessed 23 Feb 2014).

ⁱⁱSmithsonian. "The Science of Solitary Confinement." 2014. <http://www.smithsonianmag.com/science-nature/science-solitary-confinement-180949793/> (accessed 23 Feb 2014).

ⁱⁱⁱ Letter from Robert L. Listenbee, Administrator, US Department of Justice, to Jesselyn McCurdy, Senior Legislative Counsel, American Civil Liberties Union 1 (Jul. 5, 2013), available at https://www.aclu.org/sites/default/files/assets/doj_ojjdp_response_on_jj_solitary.pdf.

^{iv}American Civil Liberties Union. "ALONE & AFRAID: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities." New York: ACLU, 2013.

^vSolitary Watch. "Women in Solitary Confinement: Sent to Solitary for Reporting Sexual Assault - Solitary Watch." 2013. <http://solitarywatch.com/2013/12/12/women-solitary-confinement-sent-solitary-reporting-sexual-assault/> (accessed 24 Feb 2014).

^{vi}Solitary Watch. "Prison Segregation and Racial Disparities - Solitary Watch." 2013. <http://solitarywatch.com/2013/11/02/prison-segregation-racial-disparities/> (accessed 24 Feb 2014).

^{vii}Hrw.org. "World Report 2013: United States." 2014. <http://www.hrw.org/world-report/2013/country-chapters/united-states> (accessed 24 Feb 2014).

^{viii} Solitary Watch. "Fact Sheet: Solitary Confinement and the Law." Washington D.C.: Solitary Watch, 2011.