

**Testimony of
The Rev. Jonathan M. Barton, General Minister
Virginia Council of Churches
Before the
Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Hearing on Reassessing Solitary Confinement
June 19, 2012**

Mr. Chairman, members of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, my name is Jonathan Barton and I am the General Minister for the Virginia Council of Churches, thank you for this opportunity to submit testimony on behalf of the Council concerning the harmful use of solitary confinement in our nation's federal prisons, jails, and detention centers. I would like to express my appreciation to Senator Durbin for his leadership in convening this, the first-ever Congressional hearing on solitary confinement. We are encouraged that a growing number of states across the nation are reassessing this practice and implementing policies to limit its use. In light of the high cost of solitary confinement and its diminishing returns, we are grateful for your timely review of the federal system's use of isolation today.

The Virginia Council of Churches brings together thirty six governing bodies of eighteen different Catholic, Protestant, and Orthodox denominations within the Commonwealth of Virginia. During our sixty eight-year history we have always stood for fairness, justice and the dignity of all peoples. We stand here today in faith, grounded in our history and our values. We believe and value the inherent dignity of all human beings, the Divine image in which we have all been created.

Across our nation prisoners, inmates, and detainees are being confined in a small cells for 22-24 hours per day for weeks, months, even years. Many studies have documented the

detrimental psychological and physiological effects of long-term solitary confinement, including hallucinations, perceptual distortions, panic attacks, and suicidal ideation. As reported by the New Yorker, electroencephalogram tests since the 1960s have shown that solitary confinement causes significant slowing of brain waves after even only a week of isolation. The Commission on Safety and Abuse in America's Prisons, a national bipartisan taskforce established in 2006, noted that among the dozens of studies on the use of solitary confinement conducted since the 1970s, there was not a single study of non-voluntary solitary confinement for more than 10 days that did not document negative psychiatric results in its subjects.

The severe consequences of isolation are not surprising from a faith perspective. "And God said, 'It is not good for a man to be alone.'" Human beings are meant to live in community with others is the message of this passage from Genesis 2. Jewish, Christian and Muslim scriptures all affirm that human beings need each other physically, mentally and spiritually. The mental harm caused by solitary confinement severely damages prisoners' capacity to think critically and to consciously opt for a new way to live. Considering this severe harm, we strongly believe prolonged solitary confinement is a violation of the inherent God-given dignity in every human being.

The use of solitary confinement has increased dramatically in the last few decades. The Commission on Safety and Abuse in American's Prisons noted in their report, *Confronting Confinement*, that from 1995 to 2000, the growth rate of segregation units significantly surpassed the prison growth rate overall: 40% compared to 28%. Rather than a last resort, solitary confinement has become the cruel and usual default management and discipline tool, tarnishing the integrity of the Eighth Amendment of the Constitution.

The widespread use of solitary confinement is evident in my home state of Virginia, where we have seen a recent hunger strike by inmates at Red Onion State Prison, Virginia's supermax prison, located in Wise County, VA. As reported by the Washington Post, prisoners at Virginia's Supermax prison, Red Onion State Prison, have been kept in solitary confinement from anywhere between two weeks and seven years, with an average length of stay of 2.7 years. In addition Virginia prison officials reported that over a third of the individuals placed in solitary confinement at Red Onion State Prison are mentally ill. These individuals' illnesses are often dramatically magnified when held in solitary confinement. Ironically, the mental effects of solitary confinement can prevent the good behavior often required to move back into the general prison population.

In September 2011, members of our General Assembly led by Delegate Patrick Hope of Arlington County, had the opportunity to visit Red Onion and see conditions first hand. Del. Hope concluded, "Many of these prisoners have a very serious mental illness or become seriously mentally ill primarily to their segregation. With a trend in other States moving away from this kind of confinement, maybe it's time we took a hard look at what Virginia is doing and see if we can do it better in a safe and more humane way." We are encouraged that Governor Bob McDonnell, and Director Clarke with the Department of Corrections have both indicated they plan on making reforms in Virginia, and we look forward to working with them.

We are grateful that today, through this hearing, you are beginning to take a look at how the federal system is using solitary confinement and we hope that this process will lead you toward more effective and humane alternatives. We believe such progress at the federal level

would also send a strong message to states, like mine, where a reduction in solitary confinement is still urgently needed.

Our Scriptures admonish us “Remember those in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.” (Hebrews 13:3.) However, solitary confinement is not just a concern for people of faith, the law enforcement community or the friends and family of inmates, but rather, all Americans have a stake in limiting the use of solitary confinement.

The drastic rise in solitary confinement has cost us financially. Super-max prisons are far more expensive than standard facilities to build. Additionally, the daily cost per inmate in a solitary confinement unit significantly surpasses the costs of housing an inmate in lower security facility since solitary confinement units require individual cells and appreciably more staff.

Default reliance on prolonged solitary confinement is ineffective and destructive. The success of several states demonstrates that solitary is not the only, or best, option. Several states including Mississippi, Maine, and Colorado have reduced their use of isolation and have proven there are safe alternatives. In an interview with the National Religious Campaign Against Torture, Maine Department of Corrections Commissioner, Joseph Ponte, explained, “Over time, the more data we’re pulling is showing that what we’re doing now [through greatly reducing the use of solitary confinement] is safer than what we were doing before.” Further, we must not neglect the larger public safety impact. The negative effects of prolonged solitary confinement harm our communities. Prisoners who are freed directly from solitary confinement cells are significantly more likely to commit crimes again. Successful reentry of these citizens to our local communities requires preparation for release while they are still incarcerated.

Mr. Chairman, Members of the Subcommittee, the Virginia Council of Churches believes strongly that the United States should do everything it can to reverse our nation's harmful and expensive reliance on solitary confinement. We have a moral obligation to uphold the dignity and the mental health of those currently incarcerated. To that end, we would strongly support your leadership in sponsoring legislation that would limit the use and length of solitary confinement. We implore you to immediately take steps to end the use of prolonged solitary confinement. Your hearing today is a very important effort in doing that, and we thank you for the opportunity to contribute to it.