

Prisoner Writing in/on Solitary Confinement: Contributions from the Journal of Prisoners on Prisons, 1988-2013

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For twenty-five years, the Journal of Prisoners on Prisons (JPP) has been a prisoner written, academically oriented and peer reviewed, non-profit journal, based on the tradition of the penal press. In a context where there is little ethnographic research on prison life, this publication brings the knowledge produced by prisoner writers together with academic arguments to enlighten public discourse about the current state of carceral institutions. This paper examines the main themes present in the works of JPP authors that address writing in and on solitary confinement, as well as how these situated accounts contribute to our understanding of how isolation is used, what segregation looks like, and its consequences. Based on these accounts, this article concludes with a brief discussion on the need to abolish “the hole” and reflects upon a few ways this objective can be achieved.

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Créé il y a vingt-cinq ans, le Journal of Prisoners on Prisons (JPP) est une revue académique sans but lucratif dont les articles sont rédigés par des prisonniers et évalués par les pairs, et qui s'inscrit dans la tradition de la presse pénale. Dans un contexte où il y a peu de recherches ethnographiques sur la vie en prison, le JPP rapproche le savoir généré par les prisonniers-auteurs et l'argumentation académique pour éclairer le débat public sur l'état actuel des établissements carcéraux. Cet article examine les principaux thèmes présents dans les écrits des auteurs qui vivent ou ont vécu l'isolement cellulaire et qui traitent de celui-ci, ainsi que la façon dont ces relations et témoignages contribuent à notre compréhension de l'usage et de la fonction de l'isolement cellulaire, ses aspects et de ses conséquences. En se fondant sur ces témoignages, l'article se termine par une brève discussion sur le besoin d'abolir le « trou » et examine quelques moyens de réaliser cet objectif.

I. Introduction

It has long been acknowledged that the experience of imprisonment is one characterized by numerous pains associated with the deprivation of liberty,³ as well as degradation and dehumanization in a milieu of asymmetrical power relations between prisoners and prison staff.⁴ At different times and in different places in the world, it has also been recognized that the sanctioned violence integral to incarceration is most damaging when prisoners are held in isolation. One early acknowledgement of the problems with solitary confinement occurred when the Select Committee of the House of Assembly of Upper Canada did not choose the Pennsylvania System as the philosophy guiding the operations of Kingston Penitentiary, which opened in 1835. This decision was based partly on observations concerning the poor psychological conditions of those held alone with little human contact at Eastern State Penitentiary in Philadelphia.⁵ As such, the committee chose the Auburn System, whereby prisoners congregate together for work and meals during the days and are kept in cells alone at night, believing it was more likely to result in the reformation of prisoners.⁶

With the Pennsylvania and Auburn regimes falling into disrepute for failing to transform “criminals” into “law-abiding” citizens, coupled with the emergence of social welfare and inclusion as important pillars of state government following the Second World War, the rehabilitative ideal gained more credence.⁷ While “solitary confinement had become a permanent feature of prison systems world-wide”, segregation was displaced as a dominant approach to punishment⁸ in countries like Canada with the rise of “campus-style” prisons, programs operating under the guise of treatment, recreational and leisure opportunities, and “correctional” professionals. However, attempts to liberalize imprisonment encountered resistance, notably from custodial staff who continued to privilege order and security as central institutional objectives.⁹ Prisoners, in turn, resisted the oppression of their captors with

³ Gresham Sykes, *The Society of Captives: A Study of Maximum Security Prison* (Princeton: Princeton University Press, 2007).

⁴ Craig Haney, Curtis Banks & Philip Zimbardo, “Interpersonal Dynamics in a Simulated Prison” (1973) 1 *Int’l J Crim and Penology* 69 at 89.

⁵ J M Beattie, *Attitudes Towards Crime and Punishment in Canada, 1830-1850: A Documentary Study* (Toronto: Centre of Criminology - University of Toronto, 1977).

⁶ *Ibid.* This model, chosen by the committee as congregate work, was viewed as an appropriate way to help prisoners develop industrious work habits and to generate more funds to help offset the costs of incarceration at Kingston Penitentiary, while also deterring law-breaking by imposing austere custodial conditions.

⁷ David Garland, *Punishment and Welfare: A History of Penal Strategies* (Brookfield (VT): Gower, 1985).

⁸ Sharon Shalev, *A Sourcebook on Solitary Confinement* (London: Mannheim Centre for Criminology - London School of Economics and Political Science, 2008) at 2.

⁹ For developments in the Canadian context see Herbert Gamberg & Anthony Thomson, *The Illusion of Prison Reform: Corrections in Canada* (New York: Peter Lang, 1984).

riots, hostage takings and the like becoming regular occurrences in the 1970s and 1980s.¹⁰ It is in this context that solitary confinement was given renewed acceptance by prison authorities who preferred buttressing their ability to control prisoners over addressing their legitimate grievances.¹¹

It is in this period of prison unrest that new and more extreme regimes of segregation emerged, including the “supermax” model in the United States where entire facilities were converted to be in permanent lockdown.¹² Leading the way was Marion Penitentiary where the approach used in control units established in the early 1970s was applied across the institution following the killings of two prison guards at the facility in October 1983.¹³ Taking shape under numerous names such as the special housing unit (SHU) and the intensive management unit,¹⁴ by 2008 there were over fifty supermax prisons in the United States alone, holding tens of thousands of prisoners.¹⁵ Not just an American phenomenon, thousands more are confined in similar facilities and solitary confinement cells across all continents of the world.¹⁶

Considering that the global prison population continues to grow, with more than ten million now incarcerated,¹⁷ it is not surprising that the use of solitary confinement has also increased.¹⁸ Despite the latter trend and pleas for more research on the topic,¹⁹ literature on isolation remains relatively scarce in contrast to the burgeoning number of studies conducted on other aspects of incarceration. The studies that have been conducted by legal scholars and social scientists focus on a number of issues including judicial oversight and due process concerning the placement and treatment of prisoners in segregation,²⁰ the basis for placing individuals in “the hole” for reasons such as exhibiting behaviour that does not conform to stereotypical

¹⁰ See e.g. Claire Culhane, *No Longer Barred from Prison* (Montreal: Black Rose Books, 1991).

¹¹ Michael Jackson, *Prisoners of Isolation: Solitary Confinement in Canada* (Toronto: University of Toronto Press, 1983).

¹² Roy D King, “The Rise and Rise of Supermax: An American Solution in Search of a Problem?” (1999) 1:2 *Pun & Soc’y* 163 at 164.

¹³ Eddie Griffin, “Breaking Men’s Minds: Behavior Control and Human Experimentation at the Federal Prison in Marion, Illinois” (1993) 4:2 *Journal of Prisoners on Prisons* 17 at 28.

¹⁴ Chase Riveland, *Supermax Prisons: Overview and General Considerations* (Washington, DC: US Department of Justice – National Corrections Institute, 1999) at 5.

¹⁵ Peter S Smith, “Solitary Confinement: An Introduction to the Istanbul Statement on the Use and Effects of Solitary Confinement” (2008) 18:1 *Torture* 56 at 59.

¹⁶ See Jeff Ross, ed, *The Globalization of Supermax Prisons* (New Brunswick (NJ): Rutgers University Press, 2013).

¹⁷ Roy Walmsley, *World Prison Population List*, 9th ed (London: International Centre for Prison Studies, 2012).

¹⁸ See e.g. Angela Browne, Alissa Cambier & Suzanne Agha, “Prisons within Prisons: The Use of Segregation in the United States” (2011) 24:1 *Federal Sentencing Reporter* 46.

¹⁹ For a recent example of such pleas see Colleen Anne Dell, Catherine J Fillmore & Jennifer M Kilty, “Looking Back 10 Years After the Arbour Inquiry: Ideology, Policy, Practice, and the Federal Female Prisoner” (2009) 89:3 *The Prison Journal* 286 at 308.

²⁰ See e.g. Michael Jackson, *Justice Behind the Walls: Human Rights in Canadian Prisons* (Vancouver: Douglas & McIntyre, 2002).

cultural and gender expectations,²¹ the psychological impacts of isolation,²² the characteristics of prisoners in solitary confinement,²³ as well as the growing number of individuals subjected to this practice with mental health issues and the need for alternatives.²⁴

Within this comparatively small literature on solitary confinement the voices of those who have experienced this cruel and increasingly normalized form of punishment have, with few exceptions,²⁵ often been ignored in academic work. This is significant because those who have the first-hand experience of having been isolated for prolonged periods of time while incarcerated have a great deal of knowledge concerning the numerous dimensions of this practice that is often left untapped by researchers. Drawing on sixty-four ethnographic accounts written by those currently or formerly incarcerated published in the *Journal of Prisoners on Prisons (JPP)* over the past quarter century, this paper sheds light on the reasons legitimating this damaging practice, the conditions and institutional processes characterizing life in isolation, and the impacts of segregation on the incarcerated.²⁶

II. Situating Prisoner Ethnography on Solitary Confinement

In recent academic debates on imprisonment, researchers have tended to agree with the observation made by Jonathan Simon,²⁷ Loïc Wacquant²⁸ and others that ethnographic research that once dominated scholarship on confinement now finds itself at the margins of social inquiry.²⁹ While it has been shown that the depths to which such scholarship has declined is

²¹ See e.g. Joane Martel, "Women in the 'Hole': The Unquestioned Practice of Segregation", in Kelly Hannah-Moffat & Margaret Shaw, eds, *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada* (Halifax: Fernwood Publishing, 2000) 128 at 135.

²² See e.g. Ivan Zinger, Cherani Wichmann & DA Andrews, "The Psychological Effects of 60 Days in Administrative Segregation" (2001) 43:1 *Can J Crim and Crim Jus* 47.

²³ See e.g. Correctional Services Canada, *Profile of Offenders in Administrative Segregation: A Review of the Literature* by Shauna Bottos in Research Brief 2008 No B-39 (Ottawa: CSC, September 2007), online: CSC Research Briefs <www.csc-scc.gc.ca/research/092/b39-eng.pdf>.

²⁴ See e.g. Erin Murray & Graham D Glancy, "The Psychiatric Aspects of Solitary Confinement" (2006) 1 *Victims and Offenders* 361.

²⁵ See e.g. Sharon Shalev, *Supermax: Controlling Risk Through Solitary Confinement* (Portland: Willan, 2009).

²⁶ Justin Piché, Bob Gaucher & Kevin Walby, "Facilitating Prisoner Ethnography: An Alternative Approach to 'Doing Prison Research Differently'" (2014) 20:4 *Qualitative Inquiry* 392.

²⁷ Jonathan Simon, "The 'Society of Captives' in the Era of Hyper-Incarceration" (2000) 4:3 *Theoretical Criminology* 285 at 288.

²⁸ Loïc Wacquant, "The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration" (2002) 3:4 *Ethnography* 371.

²⁹ See e.g. Donald Clemmer, *The Prison Community* (New York: Holt, Rhinehart and Winston, 1958, [1940]); Sykes, *supra* note 3; Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York: Anchor Books, 1961).

exaggerated³⁰ as work concerned with social dynamics³¹ and the role of gender in prison³² are largely carrying the torch, there are a number of developments in academic, “correctional”, and other fields that have posed important barriers to qualitative research involving observations and interviews behind bars.

The impediments to field work inside carceral settings are perhaps best captured by Joane Martel’s account on the policing of criminological knowledge. Martel documents how actors from a Canadian prison agency, a research funding body, and the news media respectively shaped her ability to negotiate entry into carceral settings to interview incarcerated women who had experienced segregation, to obtain funding to support her field work, and to communicate her findings inside and beyond the academy.³³ As she makes clear, the marginalization of her work was largely the result of an epistemological climate whereby qualitative research does not count, at least in the eyes of the actors noted above, as legitimate scientific knowledge. Given that a salient characteristic of solitary confinement is the dearth of contact that prisoners have with the outside world, it is to be expected that few researchers are able to incorporate the voices of prisoners subjected to it in their work.³⁴

It is these voids in punishment scholarship that the ethnographic contributions of *JPP* authors, highlighted in this article, work to address. For Justin Piché and colleagues, “[p]risoner ethnography refers to the application of ethnographic and participant observation research methods to carceral settings by those held captive within them.”³⁵ This approach, whereby “the access and immersion of the prisoner is not of their own choosing and is not part of their life they can walk away from”, repositions academics as facilitators of the ethnographic work of the incarcerated. Since the founding of the *JPP* in 1988, the role of researcher-as-facilitator has involved: “1) creating a space to publish ethnographic works written by prisoners; 2) developing relationships with prisoners and encouraging their research and writing pursuits; 3) using the peer-review process to collaborate on the development of their situated knowledge; and 4) publishing their contributions.”³⁶ Through such work, the journal contributes to knowledge on the meanings of penalty by privileging penal consciousness or “the subjectivity of those being punished”.³⁷ As noted

³⁰ See Jon Marc Taylor, “Diogenes Still Can’t Find His Honest Man” (2009) 18:1&2 *Journal of Prisoners on Prisons* 91 at 110.

³¹ See e.g. Ben Crewe, *The Prisoner Society: Power, Adaptation, and Social Life in an English Prison* (New York: Oxford University Press, 2012).

³² See e.g. Elizabeth Comack, *Out There, In Here: Masculinity, Violence and Prisoning* (Halifax: Fernwood Publishing, 2008).

³³ Joane Martel, “Policing Criminological Knowledge: The Hazards of Qualitative Research on Women in Prison” (2004) 8:2 *Theoretical Crim* 157 at 189.

³⁴ Robert J Gobotys & Julian V Roberts, “Prisoners of Isolation: Research on the Effects of Administrative Segregation” (2001) 43:1 *Can J Crim and Crim Jus* 85.

³⁵ Piché Gaucher & Walby, *supra* note 26.

³⁶ *Ibid.*

³⁷ Lori Sexton, *Under the Penal Gaze: An Empirical Examination of Penal Consciousness among Prison Inmates*

by Lori Sexton, an approach that is centred on the perspectives of prisoners provides a “fuller understanding of that which is experienced as punishment, rather than merely that which is designed or intended as punishment.”³⁸ With respect to this study on “the hole”, our focus on prison writing allows us to move beyond the so-called objective knowledge captured in official policies and reports, as well as law and legal cases.

While this way of doing research is not without its challenges and pitfalls, the journal has managed to publish twenty-three volumes and thirty-seven issues over the past twenty-five years that feature hundreds of articles authored or co-authored by current and/or former prisoners.³⁹ It is within this specific body of literature that sixty-four articles addressing solitary confinement in some way were identified.⁴⁰ The depth in which these contributions examine segregation ranges from pieces that touch upon isolation in passing⁴¹ to those where “the hole” is the central topic of inquiry.⁴² Given the origins of contemporary forms of solitary confinement and their large-scale use in the United States, most pieces included in this study focus on developments in the American context. Illustrating the global reach of this phenomenon, contributions from Canada – where the *JPP* is published – and elsewhere are also included. The balance of this chapter outlines some of the key observations made by writers in the *JPP* concerning the following questions:

- 1) Why are prisoners in solitary confinement and what kinds of regimes do they endure?
- 2) What is segregation like (i.e. conditions and institutional processes)?
- 3) What are the impacts of isolation?

While differences with respect to how “the hole” is used and experienced across the world exist owing to context specific dynamics, our focus is on the commonalities, or what Bob Gaucher refers to as the “carceral universals” of confinement and punishment, that are revealed by *JPP* authors writing in/on solitary confinement which became evident during the content analysis that centred on the questions above.⁴³

III. Getting Sent to “The Hole”

(Irvine: University of California, Irvine, 2012) at 19.

³⁸ *Ibid* at 44.

³⁹ See Piché Gaucher & Walby, *supra* note 26.

⁴⁰ Search terms used to identify relevant *JPP* articles as part of this study included segregation, solitary confinement, isolation, special handling unit, SHU and the hole.

⁴¹ See e.g. Yves Bourque, “Prison Abolition” (1988) 1:1 *Journal of Prisoners on Prisons* 23 at 38.

⁴² See e.g. Bubba-B, “Life in the SHU” (2006) 15:1 *Journal of Prisoners on Prisons* 17 at 19.

⁴³ Robert Gaucher, “Carceral Universals” (2007) 16:2 *Journal of Prisoners on Prisons* 3.

There are two broad regimes of solitary confinement that prisoners are subjected to. Disciplinary segregation is officially used as a short-term penalty when the incarcerated break prison rules and transgress the “good order” of the institution.⁴⁴ Administrative segregation, which has taken the form of control units, SHUs and large-scale supermax prisons in recent decades, is used by authorities in a stated effort to spatially separate individuals from those housed in general population because they are said to pose a risk to themselves, other prisoners, facility staff or the institution more generally.⁴⁵ Owing to its indefinite character,⁴⁶ those subjected to this form of isolation tend to be segregated for longer periods of time – “sometimes for years, even decades” – than those sent to “the hole” for disciplinary reasons who spend “a limited number of days or perhaps weeks”.⁴⁷ In this section, both regimes of solitary confinement and the reasons legitimating their use will be examined, drawing on the narratives of *JPP* contributors. There is no denying that the incarcerated are, at times, sent to disciplinary and administrative segregation cells for official reasons proscribed in penal policy and law, which is the focus of the following two sub-sections. However, when reading the accounts of prisoner ethnographers, doubts are raised about the appropriateness of these justifications and their application. Moreover, as will be shown in the third sub-section, a more complex portrait of the aims underpinning this practice is also revealed by *JPP* contributors. The application of isolation in response to acts of resistance, as a result of the arbitrariness of prison staff, and for other reasons unknown appear to be common carceral experiences.

A. Transgressing the “Good Order” of the Institution

A salient characteristic of the modern prison is the violence that takes place within its walls.⁴⁸ It is a milieu of forced associations as few prisoners or staff would choose to interact with one another elsewhere. In this structural situation people are sometimes placed in positions where they perceive a need to engage in violent acts to protect themselves and their interests. Former California prisoner Joel Medina describes the outcome of one such unwanted interaction:

My friend had an argument with a guard one day. Later on that night, they came and picked him up from the dorm. I did not see him for two months. When he returned from the hole, he told me that they took him to a room and stripped him of all of his clothes. They slapped him, peppered sprayed him and beat him with their batons.⁴⁹

⁴⁴ Martel, *supra* note 21 at 129.

⁴⁵ *Ibid.*

⁴⁶ Riveland, *supra* note 14.

⁴⁷ Smith, *supra* note 15 at 58-59.

⁴⁸ Phil Scraton & Jude McCullough, eds, *The Violence of Incarceration* (New York: Routledge, 2009).

⁴⁹ Joel Medina & Beth Caldwell, “Breaking Down the Walls to Stop the Violence: Prison Abolition through

Such aggression also exists between prisoners. For example, after having served seventeen months in disciplinary segregation for fighting, Scott Steffler describes how difficult it is to avoid violence in prison when your very existence is threatened, writing, “the penitentiary erupted with unusual violence. Back to the hole I went. This time, however, I was sentenced to about twenty months as I got busted with a knife.”⁵⁰

While *JPP* writers have described being sent to segregation for having weapons,⁵¹ or other prisoners being sent to “the hole” for drug trafficking, the possession of arguably benign forms of contraband can also result in this extra-judicial punishment.⁵² For example, Phillip Horner describes just how far institutional contraband policies can go:

Charlie is eighty-three years old. He’s a tall man with a full head of white hair. He walks with a stiff, deliberate gait. It’s partly the reserve and formality of his generation and partly arthritis with a touch of Parkinson’s. I’ve heard that the state got Charlie’s daughter to testify against him, by promising nursing home quality care for her dad where he would get the treatment he needs...

Prison rules require that everyone’s bed be made before 9:00 a.m. Failure to make your bed can result in a disciplinary write-up...

Charlie had trouble making his bed. He couldn’t bend over enough to reach the far side. His fingers were stiff in the morning. He found a younger guy on his pod willing to make his bed each morning in exchange for an ice cream bar on canteen days. On the outside, the arrangement would have been fine. In here, it’s illegal. The prison wants to discourage gambling, drug deals, and the sale of sexual favors...

Somehow Charlie’s arrangement was discovered. He was called to the office and given a write-up. His punishment, five days in the hole, was suspended... On canteen day he made a point to buy an ice cream bar and publicly gave it to his benefactor... Charlie called their bluff... They called him to the office. He got another write-up. This time the punishment was 60 days loss of canteen privileges. Later that day Charlie was told to pack up his things. He was being moved to the infirmary, not as punishment, they said, but to evaluate whether he could continue to live in the general population.⁵³

Although solitary confinement was not used in the case above, the alternative was arguably punitive and unnecessary given the circumstances.

There are a range of other institutional rules that when not followed have

the Lens of Trauma Healing” (2011) 20:2 *Journal of Prisoners on Prisons* 119 at 124.

⁵⁰ Scott B Steffler, “Oregon’s Anti-education ‘Corrections’ Policy: A Surprise?” (2008) 17:1 *Journal of Prisoners on Prisons* 30 at 31.

⁵¹ See e.g. Bourque, *supra* note 41.

⁵² See e.g. John H Morris III, “It’s a Form of Warfare: A Description of Pelican Bay State Prison” (1990/1991) 3:1&2 *Journal of Prisoners on Prisons* 70 at 77.

⁵³ Phillip S Horner, “The Dilemma” (2006) 14:2 *Journal of Prisoners on Prisons* 27 at 28.

resulted in prisoners being sent to solitary confinement. Among them are “[p]ublic displays of affection” between prisoners,⁵⁴ refusing to be searched by prison staff of the opposite sex,⁵⁵ and not cleaning cells.⁵⁶ In keeping with their operation as “total institutions” – where all activities take place in one location, under one authority, and according to a strict schedule and regimen that applies to all its inhabitants⁵⁷ – Ian Miller provides a stark example of how any deviation from established routines can result in segregation called *chubatsu* (punishment) in Japanese prisons:

My Australian friend just got transferred to our factory after 10 days of *chubatsu*. He told me what happened to him: he had only four days left to work in his factory before he was to be paroled and sent home. After lunch, everybody is supposed to sit quietly with their eyes closed until the guards order you back to work. The guards in that factory are really strict, and they check everyone [at night in their cells] to make sure their eyes are closed. He was daydreaming about going home and he forgot to close his eyes. One of the guards started screaming at him and when an immediate apology was not forthcoming, the guard accused him of having a “defiant attitude”. This resulted not only in 10 days punishment [in *chubatsu*] but now his parole has been revoked as well, and he’ll have to stay another four and a half months to complete his sentence.⁵⁸

Just as the sentence handed down by the courts rarely constitutes the only punishment the criminalized experience for related acts, as is illustrated in the example above and discussed further in this paper, the ramifications of segregation often extend well beyond the time prisoners spend in isolation.

B. POSING A RISK TO INSTITUTIONAL SECURITY

Aside from matters of violence between prisoners, contraband, and failing to conform to the desired prison order that are responded to using disciplinary segregation, there are a number of issues that arise inside that are officially met with prolonged isolation on administrative grounds. As noted previously, this form of solitary confinement is usually legitimated on the grounds of prisoner and staff protection.

Among prisoners housed in administrative segregation in the name of institutional security are those believed to have gang affiliations. Fay Dowker and Glenn Good note the implications of this label, citing Lawrence Karlton, a former Chief Judge of the United States District Court for the Eastern District

⁵⁴ Bernadette F Olson & Julie C Kunselman, “Acceptable Casualties” (2007) 16:2 *Journal of Prisoners on Prisoners* 59 at 69.

⁵⁵ Bourque, *supra* note 41.

⁵⁶ Peter Brock, Book Review of *A Few Small Candles: War Resisters of World War II Tell Their Stories* by Lara Gara & Lena Mae Gara (2001) 11 *Journal of Prisoners on Prisons* 81 at 83.

⁵⁷ Goffman, *supra* note 29.

⁵⁸ Ian B Miller, “Japanese Justice (Excerpts From a Prison Journal)” (1998) 9:1 *Journal of Prisoners on Prisons* 25 at 34.

of California:

[... Judge Karlton] made it clear that prisoners are sent to the SHU for reasons that have nothing to do with discipline. He noted that the plaintiff, who was challenging the prison's forbidding him to practice his Native American Religion, was in the SHU for being 'an associate' of a prison gang, the Mexican Mafia, and that 'given [he] is in the SHU by virtue of his status rather than punishment for a particular act, there is no apparent way for him to work his way out'.⁵⁹

A number of other cases have been brought to courts after prisoners have had their grievances denied. The outcomes of these cases also demonstrate the arbitrariness and the circular reasoning legitimating segregation. For example, in *McArthur v Regina Correctional Centre*, prison officials claimed that the prisoner was transferred to administrative segregation because authorities said his conduct towards prison guards and other prisoners was violent.⁶⁰ Once in court, he was denied an application to challenge this order as deference was given by the court to the administrative decisionmaker.

For some involved in politically motivated resistance, which will be discussed further in the following section, their sojourn into this carceral abyss can also be protracted. One alarming example is the long-term confinement of Hugo Pinell. He became an activist in prison who attempted to escape San Quentin State Prison with George Jackson and others in a deadly uprising, which subsequently led to a series of related convictions and his placement in the SHU at Pelican Bay State Prison.⁶¹ In an interview on the Prison Focus radio show on 15 June 2006, his attorney Gordon Kaupp noted:

Yogi Pinell has been in the security housing unit for 33 years, solitary confinement, and every year, once or twice a year, there is a confidential memo that is put into his file that he does not see, that his attorney does not see, that there is no way to challenge, that says that he is in a gang and that he has been in a gang, and that's why he's in a security housing unit. So, there's this backdoor way that prison has used to keep him in the SHU and they keep saying he's in a gang. But, if you're in the SHU how can you maintain a gang affiliation for 33 years? It's impossible for that to be the case and it's also impossible to challenge, because, like I said, it's a confidential memo that his attorney can't see, that he can't see.⁶²

While escapes on their own seem to result in less time in segregation, as explained in a September 27th, 1992 interview with Safiya Bukhari – a former member of the Black Panther Party and Black Liberation Army – the consequences for attempting to free oneself of the chains of imprisonment can lead to lengthy stints in solitary confinement that are difficult to extricate

⁵⁹ Fay Dowker & Glenn Good, "The Proliferation of Control Unit Prisons in the United States" (1993) 4:2 *Journal of Prisoners on Prisons* 95 at 101.

⁶⁰ *McArthur v Regina Correctional Centre* (1990), 83 Sask R 128, 1990 CarswellSask 226 (WL Can).

⁶¹ George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (New York: Coward-McCann, 1970).

⁶² Hugo Pinell & Kiilu Nyasha, "Interview with Hugo Pinell" (2006/2007) 15:2/16:1 *Journal of Prisoners on Prisons* 186 at 190.

oneself from:

I spent three years and seven months in maximum security segregation – that was the longest time anyone ever did for escape; before that the maximum for escape was six months... I had to go to court to come out of it and the court ordered me out of it at the end of the three years and seven months. They had to phase me out.⁶³

Although there is some respite for some who enter administrative segregation, prisoners who have killed or are suspected of killing prison guards usually do not get any relief. For example, Khalfani Malik Khaldun explains his situation in the biographical statement accompanying his article on isolation:

Brother Khalfani Malik Khaldun (#874304) (aka Leonard McQuay) was born and raised in Gary, Indiana. As a teenager he became involved with local gangs, and during his senior year in high school was involved in a shootout. At the age of 17, he was sentenced to 25 years. Over the next seven years he completed a GED, tutored, and generally established himself in the prison culture. He was preparing for release (1997) and a future when he was charged with the stabbing death of a prison guard, January 31, 1995. This charge was not proceeded with until his release on parole, July 27, 2000, when he was “gated”. An “all white jury” convicted him and he was sentenced to 60 years. He has spent the last seven years in the SHU, where he has continued to struggle to expose the oppressive conditions of the control unit.⁶⁴

It also needs to be remarked that there are a number of individuals who have been or continue to be held in isolation outside the boundaries of the penal system in the name of preserving the integrity of citizenship and/or protecting national security. Among them is Mohamed Harkat, who has been detained inside and outside prison walls for over a decade under what is known as a security certificate.⁶⁵ He describes his experience in segregation in the following excerpt:

I was arrested in the period right after September 11. At that time, governments felt they could arrest anyone who they thought was suspicious. The Canadian government felt pressure and wanted to show that they were ‘doing something’ about terrorism... I was arrested on Human Rights Day and spent about a year in solitary confinement.⁶⁶

As of the date of this writing Mohamed Harkat continues to be under carceral control without ever being charged, tried or convicted. Other prisoners, including Khalfani Malik Khaldun and Hugo Pinell, still endure

⁶³ Safiya Bukhari, “A Woman’s Journey in the BPP and BLA: Safiya Bukhari, 1950-2003” (2006/2007) 15:2/16:1 *Journal of Prisoners on Prisons* 124 at 132.

⁶⁴ Khalfani Malik Khaldun, “The Psychology of Invisibility: Experimentation in Low Intensity Warfare” (2007) 16:2 *Journal of Prisoners on Prisons* 23 at 27 [emphasis in the original].

⁶⁵ See Mike Larsen & Justin Piché, “Exceptional State, Pragmatic Bureaucracy, and Indefinite Detention: The Case of the Kingston Immigration Holding Centre” (2009) 24:2 *Can J Law and Society* 203 at 229.

⁶⁶ Mike Larsen, Sophie Harkat & Mohamed Harkat, “Justice in Tiers: Security Certificate Detention in Canada” (2008) 17:2 *Journal of Prisoners on Prisons* 31 at 34.

and resist within their own “cauldron of solitude”.⁶⁷

C. POLITICAL/POLICIZED PRISONERS AND THE ARBITRARY PRISON

A number of authors who contribute to the literature on solitary confinement take the stated rationales for this practice for granted, believing the claims of state officials that “[a]side from protective custody (frequently involving sex offenders or informers, despised by their fellows)” segregation is “typically imposed on people who have broken the rules of the institution or who are suspected by the administration of planning to do so in the future.”⁶⁸ A study conducted by Peter Suedfeld and colleagues is one example where scholars dismiss other possible uses of this repressive tool out of hand.⁶⁹ However, the number of accounts from those subjected to this practice suggests otherwise and reveals a much larger inventory of purposes that this “prison within a prison” serves.⁷⁰

Among the unofficial functions of segregation discussed by *JPP* contributors is its use to keep prisoners “silent and silenced”, often for their political beliefs and activities.⁷¹ Few would be surprised to learn that in countries where overt state repression occurs, including Iran, authorities frequently use solitary confinement to suppress those who dare oppose their torturous regimes.⁷² However, observations made by the likes of Susan Rosenberg, who argues that prisoners are often sent to “isolation/control units because we are political” and describes the American penal system as having been “subverted into the main counter-insurgency mechanism of the state to ‘bury us alive’”, would likely shock many.⁷³ In the words of Ralph Aron, a former warden of the Marion Control Unit, this suppression aims “to control revolutionary attitudes in the prison system and in the society at large.”⁷⁴

In keeping with the former point made by the warden, Khalfani Malik

⁶⁷ Eugene Dey, “Cauldron of Solitude” (2011) 20:2 *Journal of Prisoners on Prisons* 35 at 46.

⁶⁸ Peter Suedfeld et al, “Reactions and Attributes of Prisoners in Solitary Confinement” (1982) 9:3 *Criminal Justice and Behavior* 303 at 306.

⁶⁹ *Ibid* at 340.

⁷⁰ Gregory J McMaster, “Hole Time” (1999) 10:1&2 *Journal of Prisoners on Prisons* 87.

⁷¹ Jean Casella & James Ridgeway, *On Bradley Manning, Solitary Confinement, and Selective Outrage, Solitary Watch* (2 January 2011) online: <solitarywatch.com/2011/01/02/on-bradley-manning-solitary-confinement-and-selective-outrage/> cited in Debra Parkes & Meaghan Daniel, “Political Protest, Mass Arrest and Mass Detention: Fundamental Problems and (Un)common Criminals” (2011) 20:2 *Journal of Prisoners on Prisons* 155 at 167.

⁷² See e.g. Mino Homily, “Reflections of an Iranian Political Prisoner” (2010) 19:2 *Journal of Prisoners on Prisons* 69 at 71; Marina Nemat, “Political Imprisonment in Tehran” (2011) 20:1 *Journal of Prisoners on Prisons* 17 at 19.

⁷³ Susan Rosenberg, “Female Political Prisoners and Anti-Imperialist Struggles” (1990) 2:2 *Journal of Prisoners on Prisons* 52 [emphasis added]; see also Sara Falconer, Karen Emily Suurtamm & Jaan Laaman, “Reflections on 4strugglemag and the Importance of Media Projects with Prisoners” (2010) 19:1 *Journal of Prisoners on Prisons* 118 at 119.

⁷⁴ Griffin, *supra* note 13 at 25.

Khaldun notes that “prisoncrats have a history of targeting certain prisoners they dislike” and use solitary confinement as a way “to disconnect them from their influence over other prisoners.”⁷⁵ The defense of prisoners’ human rights,⁷⁶ the use of hunger strikes as a protest tactic,⁷⁷ and the mere suspicion of “agitating for a work strike”⁷⁸ are among the grounds, both factual and alleged, that have resulted in prisoners serving time in isolation.

Those who attempt to engage in writing as resistance and illuminate what transpires inside also face the constant threat of segregation.⁷⁹ A case in point is *Prison Legal News (PLN)* founder Paul Wright who was “thrown in the hole” for activities associated with the production of the publication while incarcerated.⁸⁰ This example is of particular significance given that the *PLN* was created to inform the incarcerated and their allies of jurisprudence and other developments that may assist their efforts to defend the rights of prisoners. *PLN* helps fight various forms of state repression, including solitary confinement, in the American context and elsewhere.⁸¹ Gregory McMaster, a Canadian prisoner, has also paid this heavy price, and describes the stakes involved and the lengths a person will go to in order to exercise their freedom of expression:

Placing a writer in segregation is probably the most efficient form of censorship employed by corrections. Not only are we separated from our writing tools but also from our fellow prisoners whose situations are often the subject matter and catalyst of our written material. Most segregation units remain in the dark ages with draconian security measures. Ink pens are deemed a security risk and we are instead issued half a pencil and three sheets of writing paper twice a week. Any additional paper is considered to be a fire hazard. The pencils are worn down so small that they can no longer be held. Pencil sharpeners are contraband and the writer is dependent upon the guard to sharpen the pencil. Of course the writer has to wait until the guard makes his next hourly round to get the whittled down stump of a pencil back; assuming the guard brings it back at all. Long ago and far away this writer experienced several years in solitary confinement. I had become so frustrated, enraged and twisted in this horrendous environment that I actually resorted to scratching out letters in my own blood.⁸²

The marks left in writing are not the only form of inscription prison staff

⁷⁵ Khaldun, *supra* note 64 at 26.

⁷⁶ See Robert Gaucher, “Organizing Inside: Prison Justice Day (August 10th) – A Non-Violent Response to Penal Repression” (1990/1991) 3:1&2 *Journal of Prisoners on Prisons* 93 at 110; Dowker & Good, *supra* note 59 at 97.

⁷⁷ See e.g. Robert Gaucher, ed, “Prisoners’ Struggles” (1991) 3:1 & 2 *Journal of Prisoners on Prisons* at 61.

⁷⁸ Ronald Del Raine, “USP Marion’s Version of Orwell’s 1984 and Beyond” (1993) 4:2 *Journal of Prisoners on Prisons* 29 at 33.

⁷⁹ Robert Gaucher, ed, *Writing as Resistance: The Journal of Prisoners on Prisons Anthology, 1988-2002* (Toronto: Canadian Scholars’ Press, 2002).

⁸⁰ Seth Ferranti, “Fighting Prison Censorship: An Interview with Paul Wright” (2008) 17:1 *Journal of Prisoners on Prisons* 112 at 113.

⁸¹ See Paul Wright, “FAQs” *Prison Legal News*, online: <www.prisonlegalnews.org>.

⁸² Gregory J McMaster, “Maximum Ink” (1999) 10:1&2 *Journal of Prisoners on Prisons* 46 at 49.

and administrators are concerned about which result in individuals being sent to solitary confinement. Numerous *JPP* contributors have documented how “[i]f we try to self-harm, then off to segregation we go.”⁸³ While inflicting pain on oneself can signal “[o]bvious signs of psychological afflictions”, the prism of security through which prison officials often see the world transforms mental health into another issue for prisoners to manage alone, surrounded by concrete and in darkness or bright artificial lights.⁸⁴ Meredith P. Huey and Thomas L. McNulty reinforce this point, noting that “research documents” show “that suicides occur most often among inmates confined in isolation or single cells.”⁸⁵ They also note that suicidal tendencies are frequently interpreted as a form of manipulation or recalcitrance by prison staff, which is followed by a disciplinary action and “[i]ronically, this punishment typically entails administrative segregation in isolation cells – precisely where suicides are most likely to occur.”⁸⁶ Prisoners who suffer from health problems and complain about complications and medical attention (not) received with regards to conditions such as diabetes⁸⁷ and “infectious diseases (e.g. HIV, AIDS, Hepatitis C)” also suffer similar fates.⁸⁸

As the examples noted above reveal, solitary confinement cells are malleable spaces, serving multiple (un)official functions. To illustrate this point further, SB describes an unexpected encounter in a segregation range that was occasionally used by her captors at the Quinte Detention Centre as an overflow unit:

It seemed that a bus load of men had come in that day and they needed the women’s maximum security range, so we (about six of us) were shipped. We were never given a chance to prove ourselves in the minimum security area, even for a probationary period, but instead we’re caged in the transit area.⁸⁹

Indeed, the justifications employed by prison officials for condemning others to time in segregation are never ending, just as the experience seems to be:

Take a journey with me. A walk on the dark side. Traverse the dungeons that blacken

⁸³ Sharon Acoose, “My Healing Journey” (2011) 20:1 *Journal of Prisoners on Prisons* 47 at 53; see also Gayle Horii, “Notes: Suicides at P4W” (1994) 5:2 *Journal of Prisoners on Prisons* 54 at 57; Dawnya Ferdinandsen, “One Prison, One Death, One Mass-Coverup” (2001) 11 *Journal of Prisoners on Prisons* 68; “Petey”, “Reflections on My First “Free” Prisoners’ Justice Day” (2011) 20:1 *Journal of Prisoners on Prisons* 98 at 101.

⁸⁴ Eugene Dey, “Correctional Asylums of the 21st Century” (2008) 17:2 *Journal of Prisoners on Prisons* 28.

⁸⁵ Meredith P Huey & Thomas L. McNulty, “Institutional Conditions and Prison Suicide: Conditional Effects of Deprivation and Overcrowding” (2005) 85:4 *The Prison Journal* 490 at 493.

⁸⁶ *Ibid.*

⁸⁷ Susan Nagelsen & Charles Huckelbury, “Abrogation of the Therapeutic Model in Prison Health Care and the Implications for Public Safety” (2008) 17:2 *Journal of Prisoners on Prisons* 16 at 18.

⁸⁸ Victoria Simpson Beck, Stephen C Richards & Preston Elrod, “Prison Visits: On the Outside Looking In” (2008) 17:1 *Journal of Prisoners on Prisons* 90 at 93.

⁸⁹ SB, “Quinte Detention Centre” (1994) 5:2 *Journal of Prisoners on Prisons* 35 at 36.

men's hearts and wreaks havoc on their souls. Control Units, Segregation, Isolation, The Differ, Special Handling Units, Disassociation, and The Back End. Different States, different joints, different names. Call it what you will, fancy correctionalist titles or back home regional slang, the bottom line is you are going to *The Hole*.

It makes no difference what institutional infraction you allegedly violated. It does not matter if you are innocent or that everything is a simple misunderstanding. A floor office has made the call and the Goon Squad cometh. You are handcuffed behind your back, and a gorilla firmly clamps onto each arm. Investigative questions are not asked, explanations are not given, and your associates stare bewildered as you are crudely shuffled off to the hole. Incarcerated life as you have known it just changed dramatically; your first peak at the belly of the beast.⁹⁰

It is the experience of being in solitary confinement as described by prisoners themselves to which we now turn our attention.

IV. BEING IN SOLITARY CONFINEMENT

Having focused on the (un)official reasons that see prisoners placed in segregation and the types of regimes they are subjected to, this section highlights some of the “carceral universals”⁹¹ specific to how the mostly forced sojourns into seclusion are experienced.⁹² In particular, we focus on the institutional processes and conditions of confinement that are common to the prisoners whose works we analyzed.

A. INSTITUTIONAL PROCESSES

Whether in response to a riot, as discussed by Bernadette Olson and Julie Kunselman, or matters considerably smaller in scope, state authorities often “are sending people to the hole first and asking questions later.”⁹³ On this point, many prisoners describe how decisions about their segregation are legitimated through hearings with “few safeguards of due process”⁹⁴ where one can face “a nameless accuser, reciting a nameless charge, before a nameless authority, condemning him to endless imprisonment.”⁹⁵

From the beginning, those confined in segregation encounter a series of arbitrary, invasive and violent processes. Eddie Griffin⁹⁶ and Bill Dunne⁹⁷ liken

⁹⁰ McMaster, *supra* note 70 at 87.

⁹¹ Gaucher, *supra* note 43.

⁹² As noted by Beck and colleagues some choose to go to segregation, including aging male prisoners who “request time in the hole as sanctuary, a break from the action on the tiers, hoping for a little peace and quiet”, see Beck, Richards & Elrod, *supra* note 88.

⁹³ Olson & Kunselman, *supra* note 54 at 68.

⁹⁴ Dowker & Good, *supra* note 59 at 97.

⁹⁵ Del Raine, *supra* note 78 at 41.

⁹⁶ Griffin, *supra* note 13.

⁹⁷ Bill Dunne, “Dungeon Marion: An Instrument of Oppression” (1993) 4:2 Journal of Prisoners on Prisons

their confinement at Marion to being test subjects in a “laboratory” pursuing docility and compliance. Gregory McMaster, who has experienced isolation in Canadian federal penitentiaries, relates, noting, “[b]ehaviour modification is the scheduled agenda. Everything becomes a test to break your spirit, to bend your will. The longer you resist, the longer the enemy tries.”⁹⁸

A first common experience in isolation is being subjected to frequent strip searches. Below are two accounts of what this process is like for those being prepared for their entry into “the hole”:

After being taken to the punitive dissociation area for some of the longest and most painful minutes in my life, I was forced by three employees to undergo a nude search in the presence of the female guard who had me condemned. I refused! They threatened violence. I was screaming in my soul, holding back tears of fear and shame while they were pressing me to disrobe. I yelled that they didn’t have the right to do that; that it was illegal! They told me they would ‘rip the clothes off my back’. I became almost hysterical. Finally, she moved from the doorway. I took my clothes off. They made me turn around, bend over, spread the cheeks of my ass, shake my hair, take my partial plate out, and with a grin on his face, the officer in charge told me to get dressed.⁹⁹

You are taken to the shakedown cell and strip searched. Goon squad and segregation guards surround you at close proximity. Orders are barked: ‘Show me your hands. Arms over your head. Run your fingers through your hair, then pull your ears forward. Open your mouth and move your tongue. Let’s have a look under those lips. Lift your sac. Turn around, show me the bottom of your feet and wiggle your toes. Bend over and spread’em.’ All this is done while the guards joke about how fat you are, what a small cock you have and how pink your asshole is. Dehumanization and degradation are the name of the game.¹⁰⁰

These searches continue throughout one’s time in solitary confinement.¹⁰¹ Victor Hassine describes these instances as “an intrusion into his sense of dignity and freedom” which “is deeply resented”.¹⁰²

As one moves their way from the sights, smells and sounds of general population to segregation, they encounter “the stench of human misery and despair” where little, other than one’s own movement and “every footstep of the escorting squad members”, appears to be going on.¹⁰³ “Constant surveillance and controlled movement”¹⁰⁴ is the new normal, which is captured in Eddie Griffin’s description of what he encountered at Marion:

51 at 94.

⁹⁸ McMaster, *supra* note 70 at 92.

⁹⁹ Bourque, *supra* note 41 at 27.

¹⁰⁰ McMaster, *supra* note 70 at 87-88.

¹⁰¹ See e.g. Morris, *supra* note 52.

¹⁰² Victor Hassine, “Prison Politics and Change” (1997) 8:1&2 *Journal of Prisoners on Prisons* 31 at 35.

¹⁰³ McMaster, *supra* note 70 at 87.

¹⁰⁴ Rosenberg, *supra* note 73 at 50.

... the prison is minced into small sections and subsections, divided by a system of electronic and mechanical grills further reinforced by a number of strategically locked steel doors. Conceivably the population can be sectioned off quickly in times of uprising. But even for the sake of security, the prison is laced with too many doors. Every few feet a prisoner is confronted by one. So he must await permission to enter or exit at almost every stop. A man becomes peeved. But this is augmented by the constant clanging that bombards his brain so many times a day until his nervous system becomes knotted. The persistent reverberation tends to resurrect and reinforce the same sensation, the same bleak feeling that originally introduced the individual into the Marion environment. It is no coincidence. The system is designed with conscious intent...

In prisoners' words, it is 'part of the program' – part of the systematic process of reinforcing the unconditional fact of a prisoner's existence: that he has no control over the regulation and orientation of his own being. In behavioral psychology, this condition is called 'learned helplessness' – a derivative of Skinnerian operant conditioning (commonly called 'learning techniques'). In essence, a prisoner is taught to be helpless, dependent of his overseer. He is taught to accept without question the overseer's power to control him.

... the omnipotent is also omnipresent. Nothing escapes Marion's elaborate network of 'eyes'. Between television monitors, prisoner spies, collaborators, and prison officials, every crevice of the prison is overlaid by a constant watch.¹⁰⁵

The lack of control that one has over one's own life in solitary confinement is further reinforced through practices that effectively cut-off prisoners from their contacts inside and outside prison walls. Segregation is not simply about physically isolating prisoners, but also isolating them socially by limiting their contacts with others.¹⁰⁶ Khalfani Malik Khaldun describes some of the techniques used by "prisoncrats" to this end that help to sever ties to those who "assist us in resisting such forms of abuse":

The state has and will continue to do things in an attempt to destroy the solid emotional support systems prisoners may have. They will slander one's name, start vicious rumours, encourage reactionary prisoners to work with the officials against one, destroy incoming and outgoing mail, and a host of other repressive measures to create paranoia and feelings of abandonment.¹⁰⁷

In regards to correspondence with those outside prison walls, those who have experienced this form of incarceration describe how delays¹⁰⁸ and censorship¹⁰⁹ impact their ability to stay connected with their loved ones and other contacts. The confines of prison facilities are often remote, such as Pelican Bay State

¹⁰⁵ Griffin, *supra* note 13 at 18-19.

¹⁰⁶ Martel, *supra* note 21.

¹⁰⁷ Khaldun, *supra* note 64 at 23.

¹⁰⁸ See e.g. Miller, *supra* note 58.

¹⁰⁹ See e.g. Bubba-B, *supra* note 42.

Prison “near the Oregon border” which houses prisoners who are mostly from the “southern section of California, like Los Angeles and San Diego.”¹¹⁰

Where visits are possible, the kinds of protocols and conditions shaping these interactions are arguably also in place to intensify the dissociation prisoners already experience in segregation.¹¹¹ In a stated effort to maintain personal and institutional security, scenes reminiscent of *Silence of the Lambs*,¹¹² whereby visitors are separated from prisoners by plexiglass, are reproduced in countless prisons across the world.¹¹³ These “no contact visits”¹¹⁴ profoundly limit the humanity that can be expressed in these relationships, which are already subject to considerable constraint.¹¹⁵ In the case of Hugo Pinell, his “mother who has been visiting him... has not been able to hug her son in 30 years.”¹¹⁶ Phones that do not function properly, long waiting periods, uncomfortable temperatures within the visiting facilities,¹¹⁷ the monitoring and cancellation of scheduled visits on a whim by “correctional” officials, are but some of the other impediments that strain these rare face-to-face encounters.¹¹⁸ Strict controls can apply to phone calls as well.¹¹⁹

The impacts of the practices noted above on the interactions of affected prisoners can thus be severe. Gregory McMaster observed, “[a]ll private/confidential contact with the outside world is severed. Your communications become superficial and suppressed from Big Brother’s paranoia.”¹²⁰

These pains of imprisonment also extend to others, causing “great damage on families, children, and supporters.”¹²¹ As some prisoners lose their connections to the outside, their world is transformed:

Banishment to isolation is like flaking off the end of the earth. You become an inanimate object and are treated like garbage rotting at the dump. I spent five months on the fourth tier by myself, never seeing other prisoners... Guards strictly enforce the silent treatment... The months pile up and you begin to lose touch with reality. All you know is the hole.¹²²

With little to no contact with others, the interactions that those confined

¹¹⁰ Morris, *supra* note 52 at 78.

¹¹¹ In some contexts, visits are strictly prohibited. For instance, Mino Homily, who was subjected to “[d]ifferent sorts of physical and mental tortures”, was among prisoners in Iran that “were deprived from visiting our families” and “kept in solitary for long periods” see Homily, *supra* note 72 at 71.

¹¹² Renée Acoby, “On Segregation” (2011) 20:1 *Journal of Prisoners on Prisons* 89 at 91.

¹¹³ Morris, *supra* note 52 at 76.

¹¹⁴ *Ibid.*

¹¹⁵ See Swathi Sekhar, “Reflecting on Summit Detention: Connecting Carceral Spaces, Moving Forward” (2011) 20:2 *Journal of Prisoners on Prisons* 144 at 148.

¹¹⁶ Pinell & Nyasha, *supra* note 62 at 200.

¹¹⁷ Larsen, Harkat & Harkat, *supra* note 66 at 36.

¹¹⁸ McMaster, *supra* note 70 at 90.

¹¹⁹ Rosenberg, *supra* note 73.

¹²⁰ McMaster, *supra* note 70 at 90.

¹²¹ Khalidun, *supra* note 64 at 24.

¹²² McMaster, *supra* note 70 at 91-92.

to “the hole” have with human beings is often limited to their exchanges with prison staff. Many of these relationships involve abuse, with both sides engaging in dehumanizing behaviour that has long been observed in prisons.¹²³ Prison writers, including Reginald Sinclair Lewis, report that guards utter “hateful racist remarks, slanderous gossip” and play “cruel and petty psychological games”.¹²⁴ Bill Dunne adds, “[m]anipulative harassment is carried right into the cells with endless petty rules, regulations, and requirements. These may be made up on the spot and are unevenly and selectively enforced. No one can even know, let alone comply with, all of them.”¹²⁵

“[T]reated like children, spoken to as if we were disobedient mongrels”, Shep rationalizes his emotive response to the treatment he endures, stating, “[i]t is a fact of life that people are apt to respond in a manner similar to that with which they are treated... When I am spoken to in a childish degrading manner, I get angry.”¹²⁶

The abuse, however, is not solely psychological. In these largely unaccountable worlds unto themselves, confrontations can and do turn physical. At the time of writing, Bill Dunne recalled one hundred and ten documented instances he was aware of at Marion that went “beyond the routine pushes, shoves, slaps, jerking around by handcuffs, and prodding with clubs”,¹²⁷ including the following incident:

On November 4, White was taken from his Control Unit cell to the hospital where he was beaten with clubs and forced down when he refused to consent to a rectal search. While held down, a person unknown forced a finger repeatedly into his rectum. He was then subjected to numerous X-rays against his will. After that he was thrown into a strip cell with no water and no heat, clad only in his underwear and still handcuffed behind his back. He was supposedly to be ‘dry celled’ until he had a bowel movement, but was kept there for three days after he did so, four days altogether, handcuffed behind his back all the while. No contraband was found. All this was justified on the alleged rumour that there might be a piece of hacksaw blade somewhere in the Control Unit.¹²⁸

Fay Dowker and Glenn Good note other types of physical altercations that characterize life in supermax environments:

SHU prisoners report the use of ‘hog-tying’ (the intertwining of handcuffs and ankle-cuffs on a prisoner), ‘cock-fights’, in which guards double-cell enemies or otherwise allow them to attack each other, and force cell moves using Taser stun-guns, 38 mm guns, and batons.¹²⁹

¹²³ See e.g. Sykes, *supra* note 3.

¹²⁴ Reginald S Lewis, “Broken Wing” (2007) 16:2 *Journal of Prisoners on Prisons* 8.

¹²⁵ Dunne, *supra* note 97 at 71.

¹²⁶ Shep, “Sanctioned Degradation” (1995) 6:1 *Journal of Prisoners on Prisons* 41 at 44.

¹²⁷ Dunne, *supra* note 97 at 68.

¹²⁸ *Ibid* at 65.

¹²⁹ Dowker & Good, *supra* note 59 at 97.

These abuses are not limited to the confines of American segregation spaces. For instance, in the Canadian context, Gregory McMaster notes:

Beatings, being chained to bars, four-point restraints, forced injections, chemical irritant abuse, and being denied medical attention are all on the menu.¹³⁰

Violence and brutality come in all shapes and sizes. I listened helplessly while a close friend was severely beaten by guards in the cell directly below mine. My buddy suffered a fractured skull, broken nose, four broken ribs and a punctured/collapsed lung.¹³¹

Women also endure mistreatment, with numerous prisoner ethnographers documenting “sexual intimidation and constant harassment” by prison staff who are often male.¹³² One extreme example is recounted by Marina Nemat, a former political prisoner in Iran now living in Canada:

He told me that I was a prisoner with no rights and that he wanted me to marry him, and that if I didn't comply, he would arrest my parents and my boyfriend... So under the name of marriage, Ali raped me over and over again. I was still a prisoner and I was still in solitary confinement most of the time, spending most of my days alone and my nights in the cell with him. I hated him.¹³³

Other abuses of this kind, however, are routine, whether in the form of strip searches, which in any other context would be defined as sexual assaults¹³⁴ or harassment similar to that experienced by a contemporary of Dawnya Ferdinandsen:

A captain continuously informed Carol Ann, at eighteen years of age, that he would personally see to it that she did three to five years in her cell for her escape attempt. This taunting caused her to go back on suicide watch, where several male officers allegedly asked her to expose herself to them or they would ensure that she did years in the hole.¹³⁵

In response to all this suffering prisoners generally react in two manners. First, they may resist their oppressors in numerous ways that will be discussed at length later in this paper. Second, they may internalize the messages being communicated to them through these abuses. On this point Hugo Pinell argues, “that’s one of their tactics – that if they tell you something for long enough you’ll end up believing it... they’ve accused a lot of people of being gang-affiliated, and they started to believe it. They just walk around and

¹³⁰ McMaster, *supra* note 70 at 93.

¹³¹ *Ibid* at 65.

¹³² Rosenberg, *supra* note 73 at 50.

¹³³ Nemat, *supra* note 72.

¹³⁴ See Kim Pate, “When strip searches are sexual assault” *The Hill Times* (October 2011) online: <www.hilltimes.com/opinion-piece/2011/10/17/when-strip-searches-are-sexual-assaults/28458>.

¹³⁵ Ferdinandsen, *supra* note 83 at 69.

they're like, yeah, I'm this big shot and this and that..."¹³⁶

If the goal of these institutions is "corrections", Peter Collins, who has been incarcerated in Canadian federal penitentiaries for over three decades, warns of the dire consequences that can arise as a result of the physical and psychological trauma inflicted on prisoners, writing, "[o]ne of the lessons I learnt was that CSC [Correctional Service of Canada] wanted to perpetuate the aura of danger, both through insinuation and the actual applied label – teach people what is expected and they often oblige."¹³⁷

When prisoners oblige in this way the presentation of such incidents, as well as the abuses that occurred before and after them, it "validates the prison system and invalidates prisoners as defective."¹³⁸ As these hegemonic ideas remain dominant, so too do the illegitimate processes that are endemic to segregation.

B. CONDITIONS OF CONFINEMENT

Given the amount of emphasis placed by *JPP* contributors on the violence in solitary confinement one might get the impression that segregation spaces are burgeoning with activity. However, these prisoner ethnographers also place considerable emphasis on the lack of happenings in their midst. The picture painted is one characterized by deprivations where the resulting boredom deepens the unpleasantness of the prison experience.

In isolation cells that are sometimes "barely twice as wide as a coffin",¹³⁹ one can experience "extreme cold conditioning in the winter, and lack of ventilation in the summer."¹⁴⁰ It is also, as Martel remarked in her study involving interviews with incarcerated women in Canada, an environment where time seems to be suspended.¹⁴¹ Gregory McMaster concurs, noting, "[w]atches are contraband, and there are no wall clocks. You soon learn to tell time by meals, count, industry whistle, and lights out [...] A minimum of 23 hours per day is spent locked in the cell."¹⁴²

Stripped of many of the meager possessions one accumulates while incarcerated, one finds themselves alone in pitch black and/or artificially lit cells, described by Hugo Pinell as living in a place "like a large tomb".¹⁴³ It is a setting where there is often a "total lack of stimuli" that acts as "a malignant

¹³⁶ Pinell & Nyasha, *supra* note 62 at 196.

¹³⁷ Peter Collins, "Education in Prison or the Applied Art of "Correctional" Deconstructive Learning" (2008) 17:1 *Journal of Prisoners on Prisons* 71 at 78.

¹³⁸ *Ibid* at 73.

¹³⁹ Anonymous, "Dear Sanity" (2009) 18:1&2 *Journal of Prisoners on Prisons* 71.

¹⁴⁰ Griffin, *supra* note 13 at 27.

¹⁴¹ Joane Martel, "To Be, One Has To Be Somewhere" (2006) 46:4 *British Journal of Criminology* 587 at 612.

¹⁴² McMaster, *supra* note 70 at 90.

¹⁴³ Pinell and Nyasha, *supra* note 62 at 200.

cancer that slowly eats away at you.”¹⁴⁴ Some of the concrete boxes contribute to the denial of sensory experiences that allow for the ongoing formation of the self by depriving prisoners of any kind of mirror.¹⁴⁵ In cases where individuals are sent to segregation for self-harming, one may only have “a baby doll” to wear¹⁴⁶ in “a small hollow place with nothing more than a bed, three walls and bars and a door”, as well as “a sink and a toilet”.¹⁴⁷ One may also have a “table/desk/seat arrangement” to spend some of their time.¹⁴⁸ While some of these deprivation chambers are larger and equipped with two bunks, they “quickly shrink” when inhabited by two prisoners.¹⁴⁹

In keeping with the monotonous and austere character of institutions, “meals can be a test of your resolve” as “[t]he food is often undercooked, always cold, and the portions small. Your so-called brothers in the kitchen have forgotten all about you. Out of sight, out of mind. Prison food was never anything to write home about, but a trip to the chow hall is like a four star restaurant compared to this.”¹⁵⁰ Even in cases where meals are “outstanding in taste and warmth” John Morris III notes that, “the menu is unaltered and soon becomes predictable”,¹⁵¹ thus contributing to the monotony of isolation.

These poor conditions extend to recreation time, which is limited to one or two hours per day, a few times per week, either indoors along tiers¹⁵² with other segregated prisoners “stretching their legs and working out the kinks”¹⁵³ or outdoors alone in cages with “no exercise equipment”.¹⁵⁴ Warehoused under such conditions, day-to-day life is tedious at best; with little to pass the time, “[y]ou read, write, exercise. Masturbation becomes a favourite pastime. There is not much else to do locked in an empty cell all day. The toilet becomes a stair master and roman chair for situps.”¹⁵⁵

Access to the occasional shower is another way for prisoners to temporarily escape the confines of their segregation cells. The personal hygiene of prisoners, however, appears to be low among institutional priorities, as “[m]ould and fungus add an interesting colour scheme” where they bathe. With showers being infrequent, on some days the only option available to prisoners who wish to clean themselves is by taking “bird baths” using “the usual sink/toilet combination”.¹⁵⁶ In sum, being in solitary confinement reduces human beings

¹⁴⁴ McMaster, *supra* note 70 at 92.

¹⁴⁵ Morris, *supra* note 52 at 78.

¹⁴⁶ Acoose, *supra* note 83 at 53.

¹⁴⁷ *Ibid* at 52.

¹⁴⁸ Morris, *supra* note 52 at 79.

¹⁴⁹ *Ibid*.

¹⁵⁰ McMaster, *supra* note 70 at 90.

¹⁵¹ Morris, *supra* note 52 at 78.

¹⁵² Dunne, *supra* note 97 at 79.

¹⁵³ McMaster, *supra* note 70 at 90.

¹⁵⁴ Morris, *supra* note 52 at 75.

¹⁵⁵ McMaster, *supra* note 70 at 93.

¹⁵⁶ Morris, *supra* note 52 at 78.

to a brutalizing, degrading, dehumanizing, lonely and meager existence.

V. LEGACIES OF SEGREGATION

How the institutional processes and conditions of confinement described above – which have been experienced as,¹⁵⁷ or as part of a broader program of, torture – are to influence a positive transformation among those in solitary confinement is a mystery.¹⁵⁸ As will be shown in the following section, segregation is not only harmful during the period where one is subjected to it. The practice also has impacts that permanently scar individuals, reproduce the very behaviours authorities claim they want to repress, and sometimes contribute to deaths in custody.

A. HARMS OF ISOLATION

Based on the accounts presented above, it is clear that segregation is “designed to cause mental, physical and emotional stress.”¹⁵⁹ Studies have shown that while in isolation, “many acknowledged generalized hyper-responsivity to external stimuli, perceptual distortions and hallucinations, affective disturbances, difficulty with thinking, memory and concentration difficulties, disturbances of thought content, and problems with impulse control.”¹⁶⁰ These long-term effects not only impact individual prisoners, but also those outside prisons as noted by CSC researchers who stated, “there is some evidence suggesting that segregation may affect individuals’ well-being, their security re-classification status, program participation, discretionary release decisions, and conditional release outcomes.”¹⁶¹

Kept in spaces of confinement where “such basic needs as those for security and control of one’s life [go] unmet”, Bill Dunne reinforces CSC’s acknowledgement concerning how the harms of isolation are not simply experienced in the moments of their infliction:

... such invasions can break into a prisoner’s consciousness with a stab of anger and resentment that can linger a long time after removal of the stimulus while disrupting constructive thought and action. These invasions are damaging. They can elicit a reaction that can only be self-destructive or they can force the prisoner to internalize the anger, frustration, and resentment for which there is no ameliorating release.¹⁶²

However, as Shep remarks, “[e]very time I hold it in, it gets more difficult

¹⁵⁷ See e.g. Dey, *supra* note 84.

¹⁵⁸ See e.g. Homily, *supra* note 72.

¹⁵⁹ Morris, *supra* note 52 at 77.

¹⁶⁰ Murray & Glancy, *supra* note 24 at 362.

¹⁶¹ Bottos, *supra* note 23 at 17.

¹⁶² Dunne, *supra* note 97 at 77.

to contain the building rage.”¹⁶³ As will be discussed in more detail further in the paper, the internalization of these emotions can breed hate that often translates into violence directed at guards, even the “few decent” ones who eventually “get with the program” under “constant staff peer pressure and irrational prisoners screaming in their faces and throwing cups of urine”.¹⁶⁴ They too become “psychologically scarred for life. You do not work in the hole and come out unscathed.”¹⁶⁵

The fear and precariousness that comes with living such a vulnerable existence also breeds paranoia amongst prisoners. Eddie Griffin writes:

It is impossible for him [the prisoner] to retain his sense of being, his human worth, and dignity having been reduced in the eyesight of humanity to the level of an amoeba and placed under a microscope. He can not understand why he feels the strange sensation of being watched; why it seems that ‘eyes’ follow him around everywhere. He fears his sanity is in jeopardy, that paranoia is taking hold of him. It shows in his face, the wide-eyed apprehensive stares, and spastic body movements.¹⁶⁶

This too can breed violence.¹⁶⁷ As “[f]eelings become indistinct, emotions unpredictable” in a monotonous environment that “makes thoughts hard to separate and capsule”,¹⁶⁸ Khalfani Malik Khaldun rhetorically asks readers, “[d]o you understand that isolation can breed insanity?”¹⁶⁹ In a study incorporating the words of those in solitary confinement on the psychological effects of the practice, a prisoner cited by Michael Jackson highlights this phenomenon: “You start hating a lot, that’s the only way I kept it away from me, you know, going buggy.”¹⁷⁰ Eugene Dey adds that “[f]or those with pre-existing conditions, seclusion exacerbates mental disorders.”¹⁷¹ In circumstances where “[t]here is nothing but despair, loneliness and hatred”,¹⁷² one is left with few options: adaptation and resistance or escape. Below, we review what each of these paths can entail, drawing again on the accounts of *JPP* writers.

B. ADAPTATION AND RESISTANCE

As with incarceration in general population, prisoners in solitary

¹⁶³ Shep, *supra* note 126 at 3.

¹⁶⁴ McMaster, *supra* note 70 at 92.

¹⁶⁵ *Ibid.*

¹⁶⁶ Griffin, *supra* note 13 at 22.

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid* at 27.

¹⁶⁹ Khaldun, *supra* note 64 at 24.

¹⁷⁰ Michael Jackson, “The Psychological Effects of Administrative Segregation” (2001) 41:3 *Can J Crim and Crim Jus* 109 at 112.

¹⁷¹ Dey, *supra* note 67 at 37.

¹⁷² McMaster, *supra* note 70 at 96.

confinement adopt an array of strategies to cope with the harms they experience on a daily basis.¹⁷³ Some prisoners become “marionized” – being accustomed to supermax living – to a degree that they adapt by developing a dependence on their captors, which Eddie Griffin likens to “learned helplessness”.¹⁷⁴ Bubba-B also remarks how this dependence can extend to segregation cells themselves:

I’ve counted every brick of these walls in the cell, and it seems that every time that I count them one is missing, or maybe the walls are closing in on me. Whatever the case, this cage has become my friend, enemy, my love, my fear, and my shelter, as well as home to my demons. It plays tricks with my mind. A contradiction? It’s much more than that now.

When I’m taken from my cell for anything, shower, sick call, law library, I long to return. Despite all the negative things the cell is, I also see it as my protector. Explain that! But it shields me, not from the shit and the piss throwers, but from something that I can’t explain, yet I feel protected from everything else. Crazy, huh?¹⁷⁵

Whereas some prisoners may resign themselves, at times, to the new routines constraining their lives, others “refuse to allow being caged like an animal to break our spirits” and engage in various forms of resistance.¹⁷⁶ One way prisoners fight back is by resorting to violence against their oppressors by assaulting,¹⁷⁷ holding hostage,¹⁷⁸ and sometimes even killing prison staff.¹⁷⁹ As noted by Gregory McMaster, riots also break out in segregation ranges on occasion:

Whether you call him the Mayor or the Boss of the Floods, when a charismatic leader gives the word, most of the segregation unit rocks. Plugged and overflowing toilets create massive amounts of water, which rolls off the upper tiers and thunders to the floor below. Niagara Falls never looked or sounded better. Toilets or sinks are ripped from the walls and broken water pipes spew like open fire hydrants. Fires are lit and everything is burned; sheets, mattresses, pillows. Burning sailboats made from milk cartons cruise by your cell. Hobby craft with a twist. Stainless steel toilets become battering rams, and you wear yourself out chipping away at your steel and concrete cage.¹⁸⁰

While such acts of violence may offer a temporary outlet for the frustrations one experiences in isolation, these efforts are arguably futile in terms of improving the lot of prisoners who engage in them. The repression that

¹⁷³ See e.g. Sykes, *supra* note 3.

¹⁷⁴ Griffin, *supra* note 13 at 19.

¹⁷⁵ Bubba-B, *supra* note 42 at 18.

¹⁷⁶ Dey, *supra* note 84 at 29.

¹⁷⁷ Dunne, *supra* note 97 at 58.

¹⁷⁸ Dowker & Good, *supra* note 59 at 99.

¹⁷⁹ Del Raine, *supra* note 78 at 42.

¹⁸⁰ McMaster, *supra* note 70 at 94.

follows in the form of abuse from guards also comes with additional sanctions prolonging and/or deepening the pains encountered in “the hole”. Moreover, given the absence of their perspective in the dominant discourses that emerge from such events, which highly emphasize the dangerousness of prisoners involved in the incidents in question, the efforts of prisoners inadvertently legitimate claims concerning the need for such facilities. Where violence is not seen as a productive strategy, prisoners transform their own bodies into sites of resistance, engaging in hunger strikes that are occasionally supported on the outside,¹⁸¹ resulting in “progressive publicity”¹⁸² and a few concessions made by authorities.¹⁸³

Another important example of resistance first emerging within prison walls that has garnered significant support on the outside in response to deaths in segregation and in support of prisoners’ rights more generally is Prison Justice Day (PJD). First held on 10 August 1975, PJD “took the form of a hunger strike and day of mourning”.¹⁸⁴ Decades later, “PJD has become an internationally-recognized day of solidarity and action, both inside and outside the prison.”¹⁸⁵ Other initiatives highlighted within the pages of the *JPP* include the activities of the Black August Organizing Committee (BAOC), whose mandate includes “[w]orking to shut down the sensory deprivation torture chambers known publicly as Security Housing Units or SHU programs.”¹⁸⁶ The BAOCC continues to operate today working in solidarity with hunger strikers at Pelican Bay over the course of the summer months in 2013 “[i]n their ongoing plea for justice and humane treatment.”¹⁸⁷

As noted earlier, prisoners in segregation suffer a range of abuses and are subjected to cruel conditions of confinement. On occasion, their treatment has led prisoners and their supporters to take legal action against authorities.¹⁸⁸ In cases that have made their way to the courts there have been occasional victories. For instance, Susan Rosenberg describes how a High Security Unit for women in Kentucky run by the Federal Bureau of Prisons was closed following a court ruling by Judge Barrington Parker, who remarked:

It is one thing to place persons under greater security because they have escape histories and pose special greater risks to our correctional institutions. But

¹⁸¹ See Gaucher, *supra* note 76; Lisa Guenther, “Political Action at the End of the World: Hannah Arendt and the California Prison Hunger Strikes” (2015) 4:1 *Can J Hum Rts* 33.

¹⁸² Brock, *supra* note 56 at 83.

¹⁸³ McMaster, *supra* note 70 at 95.

¹⁸⁴ Gaucher, *supra* note 76 at 98.

¹⁸⁵ Mike Larsen & Justin Piché, “Editors’ Introduction – Plus ça change...” (2009) 18:1&2 *Journal of Prisoners on Prisons* 10 at 21.

¹⁸⁶ Black August Organizing Committee [BAOC], “On-going Organizing” (2006/2007) 15:2/16:1 *Journal of Prisoners on Prisons* at 245.

¹⁸⁷ Shaka At-thinnin, “Support the Pelican Bay Hunger Strike” *San Francisco BayView – National Black Newspaper* (July 2013), online: <sfbayview.com/2013/support-the-pelican-bay-hunger-strike/>.

¹⁸⁸ See e.g. Pelican Bay Information Project, “Untitled” (1993) 5:1 *Journal of Prisoners on Prisons* at 55.

consigning anyone to a high security unit for past political associations they will never shed unless forced to renounce them is a dangerous mission for this country's prison system to continue.¹⁸⁹

However, with the US Court of Appeals reversal of this decision,¹⁹⁰ coupled with the many cases where prisoners – testifying to the brutalities they have endured – were deemed to not be “credible witnesses”, the practice of solitary confinement has been able to continue with the complicity of the judiciary.¹⁹¹

That many prisoners survive their encounters with isolation, finding ways to adapt and resist this form of state violence, is an indication of the resilience and ingenuity possessed by human beings. However, the pervasive “psychological warfare” some prisoners experience renders them “unable to adjust and readjust psychologically and develop adequate defense mechanisms.”¹⁹² It is in these circumstances that people look to escape by any means available.

C. WHEN PRISONS KILL

Over the years, *JPP* contributors have testified to the many horrors of solitary confinement. Notable among them are incidents involving self-harm and death. The following observations of jarring “suicidal gestures” that are all too “common occurrences” offer a window into the lengths some prisoners go to escape the realities of their isolated existences:¹⁹³

I have seen light bulbs eaten and balloons of Drano swallowed. Spraying blood from cut wrists becomes routine. Self-mutilation turns into an art form. One man wrapped his entire body in toilet paper and torched himself. The nylon jumpsuit melted into his flesh. He did not die; he just looks like he did.¹⁹⁴

I decided to hang myself, and began to rip up a sheet, tie it in knots, wrap it around my neck, tie it to the bar in my closet and proceeded to sit to the floor. I could feel my breath leaving, my neck was sore and I was seeing stars. I could feel my eyes popping and I was gurgling to catch my breath. I closed my eyes and waited for death to come. I was happy I was finally going to be at peace. The next thing that happened was that I hit the floor with a great crash. The bar was not strong enough for my weight and it snapped in half. I just sat there crying and laughing all at the same time because I didn't even know how to kill myself.¹⁹⁵

Where some fail in escaping the desperate situations they find themselves

¹⁸⁹ Rosenberg, *supra* note 73 at 51.

¹⁹⁰ *Baraldini v Thornburgh*, 884 F (2d) 615 (DC Cir 1989) cited in Rosenberg, *supra* note 73 at 51.

¹⁹¹ Dowker & Good, *supra* note 59 at 107.

¹⁹² Griffin, *supra* note 13 at 23.

¹⁹³ McMaster, *supra* note 70 at 92.

¹⁹⁴ *Ibid* at 92-93.

¹⁹⁵ Acoose, *supra* note 83 at 53.

in, others succeed.¹⁹⁶ For those held in segregation cells with bars or with small windows that look into the corridors, the procession of guards and dead prisoners can be quite disturbing, as noted by Michael Rothwell in his account of the suicide of “Ben” at San Quentin State Prison:

The whispers started as they always of when there’s a suicide. “What a weak punk,” and variations thereof, were voiced by a few. It happens every time, without fail. It’s like the guys who say it are trying to convince themselves it could never happen to them. As if they’re better than that. But you can always hear the fear in their voices, no matter how hard they try to cover it up. Every time. As if badmouthing the dead would prevent anyone, who’s in that dark frame of mind, from “doing” themselves...

A few minutes later the old screws sauntered down the tier with their gruesome cargo, carrying the stretcher head first on either side with the younger cop helping balance the rear of it. It was like they were taking a leisurely walk in the park. No hurry getting his dead body out of there at all and I wondered if they did this on purpose...

For the first time in my life I fully understood the term “death mask.” The handmade noose around his neck consisted of sloppily braided strips of sheet, and his head bent at an impossible angle in relation to his shoulders.

Evidently, he had been hanging for a while because rigor mortis had set in. He must have changed his mind about his final life decision that night because both hands were at his neck, as though he tried to undo the fix he found himself in while the last vestige of his consciousness ebbed into eternity. His attempts to ease what must have been the ever tightening grip on his throat had obviously failed, but had caused his fingers to get trapped between the makeshift rope and his neck. Both elbows stuck out rigidly locked in place and told the story of the losing battle that played out during the last moments of his life. His eyes were half open, and mouth curled back in a horrible grimace... the “death mask.”¹⁹⁷

In facilities where security is said to be job number one, it is surprising that the scenes similar to the one described above could produce themselves without prison staff intervening. However, as was revealed in the widely publicized death of teenager Ashley Smith in “a bleak segregation cell” monitored by guards who stood outside her cell door as she breathed her last breath in Grand Valley Institution located in Kitchener, Ontario, such occurrences are more frequent than one would think.¹⁹⁸

The experience of being a bystander to deaths in custody is also noted in cases where needed medical assistance was not provided. The following

¹⁹⁶ See e.g. Robert Bryden, “Remembering Prison Justice Day” (1990/1991) 3:1&2 *Journal of Prisoners on Prisons* 89.

¹⁹⁷ Michael Rothwell, “Check Out Day” (2010) 19:1 *Journal of Prisoners on Prisons* at 14-15.

¹⁹⁸ Peter Collins, “The Continuing Horror Story of Spiegelgrund: Mental Health, Compassion, Awareness and Incarceration” (2008) 17:2 *Journal of Prisoners on Prisons* 6 at 9; see also “Petey”, *supra* note 83 at 101.

two examples illustrate how vulnerable prisoners are to having their lives end while in isolation:

The manager of the Control Unit was informed by two guards, and even a prisoner, that he was sick, that he was acting very strange: the manager said he was faking. A day or so later he was found dead – standing on air.¹⁹⁹

As a prisoner who had survived numerous attempts to ‘break’ him by using physical and psychological violence, [Bobby] Lander’s death from a heart attack in Millhaven’s SHU (resulting from lack of medical attention) came to epitomize the focus of PJD... a coroner’s inquest into the death of another prisoner recommended the installation of an emergency call alarm system in the SHU. Such a system could have saved Bobby Lander’s life. His death and subsequent PJD agitation forced CPS [Canadian Penitentiary Service, now CSC] to install such a system.²⁰⁰

Both of these incidents represent examples of state neglect and uncounscionable inaction. Unfortunately, as highlighted in the accounts presented throughout this paper, even if one manages to come out of the experience alive, “what comes out is not quite ‘right’.”²⁰¹ Bearing this in mind, we will conclude by discussing the need to eliminate this draconian practice going forward.

VI. CONCLUSION

Historically, solitary confinement has been legitimated as being necessary to manage “the worst of the worst”.²⁰² Supporters of isolation have also argued that while segregation should be a measure of last resort it remains a humane practice, having never been shown to cause profound or longlasting negative impacts on individuals any different from the effects of imprisonment generally.²⁰³

Excerpts presented here from the accounts of *JPP* contributors over the last two decades and a half challenge these dominant representations of isolation. Common to all the prisoner ethnographers who have written on this topic is the observation that whether and how one enters and/or leaves “the hole” is arbitrary. The combination of institutional processes and conditions one is subjected to have led many who have experienced it, including those who have been tortured during interrogations, to describe solitary confinement as being a form of torture itself, involving both the infliction of physical and

¹⁹⁹ Del Raine, *supra* note 78 at 41.

²⁰⁰ Gaucher, *supra* note 76 at 101.

²⁰¹ Morris, *supra* note 52 at 79.

²⁰² Dowker & Good, *supra* note 59 at 106.

²⁰³ See e.g. Paul Gendreau & James Bonta, “Solitary Confinement Is Not Cruel and Unusual Punishment: People Sometimes Are!” (1984) 26:4 Can J Crim and Crim Jus 467 at 471.

psychological pain by their oppressors. The scars, literal and figurative, are profound. As we contemplate the future of this barbaric practice, those who continue to defend this unjustifiable violence need to be reminded that “cruel lockups, isolation, the injustices and harassment deliberately inflicted on prisoners unable to fight back, make non-violent inmates violent, and those already dangerous more dangerous.”²⁰⁴ Given that most prisoners legally escape the spaces where they are confined eventually, the abolition of segregation ought to be viewed as a priority.

Unfortunately, the road to abolishing isolation is fraught with numerous barriers, not the least of which is the continued ratcheting-up of (in)security measures inside existing facilities,²⁰⁵ along with the construction of new supermax units and prisons across the world.²⁰⁶ Thus, in order to change the trajectory, a moratorium on the growth of segregation cells and their use must first occur. While many strategies continue to be pursued towards this end, including legal action, a discursive climate where it becomes impossible to advocate for this form of incarceration needs to be fostered. The prisoners cited in this article have done their part by documenting and disseminating their experiences with the hope that they can help to “‘de-SHU’ prisoners”.²⁰⁷ What will you do to end the isolation?

²⁰⁴ Parliament, Standing Committee on Justice and Legal Affairs, *Report of the Sub-Committee on the Penitentiary System in Canada (1976-77)* at paras 78-80 (Chair: Mark MacGuigan), cited in Collins, *supra* note 137 at 84.

²⁰⁵ For a discussion concerning the phenomenon in penitentiaries for federally sentenced women see Kim Pate, “A Canadian Journey into Abolition” in *Critical Resistance- Abolition Now! Ten Years of Strategy and Struggle Against the Prison Industrial Complex* (Oakland: AK Press, 2008) 77 at 85.

²⁰⁶ For a discussion concerning this trend in the United States see Smith, *supra* note 15.

²⁰⁷ Bubba-B, *supra* note 42 at 19.