



Testimony of the Unlock the Box Campaign

Presented before the PA Senate Democratic Policy Committee Hearing
August 10, 2021

Regarding
Ending the Unethical Use of Solitary Confinement in PA

Introduction

Thank you very much to the PA Senate Democratic Policy Committee for holding this hearing on the urgent matter of ending solitary confinement in Pennsylvania and for the opportunity to testify. We join the chorus of voices calling for Pennsylvania to end solitary confinement, urge the immediate passage of PA Senate Bill 685 and PA House Bill 1037 as a major and urgent step in that direction, and offer a national perspective on the growing movement to end or restrict solitary in the northeast and across the country. Solitary confinement in Pennsylvania prisons and jails poses an urgent health, human rights, and racial justice crisis, and Pennsylvania is currently an outlier among its neighboring states with its continued widespread use of solitary confinement without significant limitation. We urge the Senate and House to immediately pass PA Senate Bill 685 and PA House Bill 1037.

The Unlock the Box Campaign is a coalition of organizations and movement leaders who partner with state and local campaigns across the United States with the common goal of ending the use of solitary confinement for all people. We pursue this goal by working simultaneously on national, state, and local levels with solitary survivors, family members, advocates, community and faith groups, legislators, and others dedicated to ending state-sponsored torture.

The Harm of Solitary Confinement

Solitary confinement is torture. It causes immense suffering and devastating mental, physical, and emotional harm. Solitary causes people to engage in self-mutilation and suicide. It causes heart disease, anxiety, depression, and psychosis. It leads people to deteriorate mentally and physically. Research shows even one or two days of solitary leads to significantly heightened risk of death by accident, suicide, violence, overdose, and other causes. Indeed, solitary has directly caused the deaths of far too many people, and it has increased violence and harm in prisons, jails, and outside communities.

Evidence shows that in fact the opposite of solitary confinement - providing people full days out-of-cell with pro-social engagement and programming - increases safety. The Resolve to Stop Violence Project in San Francisco jails, for example, involves full days of out-of-cell congregate programming, and saw violence incidents among participants in the program literally drop to zero over a one-year period studied, in addition to financial savings. Similarly, the Merle Cooper program and Clinical Alternatives

to Punitive Segregation (CAPS) program in New York use therapeutic, rehabilitative, and empowerment-based approaches, without isolation, and have seen positive outcomes on safety and people's well-being. Approaches in other countries that attempt to provide environments most similar to, and conducive to, people returning home to their outside communities, show positive results.

Despite the severe harm of solitary and the well-known benefits of alternatives that do not involve isolation, according to the Human Rights Coalition, in Pennsylvania thousands of people continue to be locked in solitary confinement each day, and people have been locked in solitary for weeks, months, years, and even decades. Black, brown, queer, trans and working communities are especially over-represented in solitary confinement. Moreover, people are often sent to solitary as retaliation by staff or for relatively minor alleged rule violations, such as disobeying an order or having contraband, which can include food or educational resources.

PA Senate Bill 685 and PA House Bill 1037

PA Senate Bill 685 and House Bill 1037 is urgent and critical legislation that would make critical strides toward reducing the use and harm of solitary confinement in Pennsylvania. In line with the United Nations Mandela Rules' prohibition on the use of solitary confinement beyond 15 consecutive days, this pending legislation would ban solitary beyond 15 consecutive days as well as prevent more than 20 days in any 60-day period. This legislation would also crucially prohibit any time in solitary in Pennsylvania prisons for certain groups of people particularly vulnerable to the harms of solitary, including people: 21 and younger; 55 and older; who are pregnant, postpartum, recently suffered a miscarriage or terminated a pregnancy; who are perceived to be LGBTI; who have mental health needs; and people living with intellectual or development disabilities. The legislation also enhances due process protections, including requiring people to have legal representation at disciplinary hearings.

National and Regional Perspective

Passing PA Senate Bill 685 and PA House Bill 1037 would help bring Pennsylvania more in line with its neighboring states and the growing trend across the country. Because of the devastating harm of solitary, as well as the lack of any safety benefit, states and localities across the United States are restricting the use of solitary across partisan lines, and multiple local and state jurisdictions are moving toward fully ending solitary. In 2021 alone, 70 pieces of legislation were filed across 32 states to end some aspect of solitary confinement in state prisons and jails.

Pennsylvania's neighbors, New York and New Jersey, have both passed legislation of a similar kind to PA Senate Bill 685 and PA House Bill 1037. In 2021, New York, with an even more expansive definition of solitary confinement involving cell confinement beyond 17 hours per day, banned solitary confinement beyond 15 consecutive days and 20 days in any 60-day period in all prisons and jails. New York also fully banned solitary for groups particularly vulnerable to the harms of solitary. Further, New York required that any alternatives to solitary involve access to at least seven hours of daily out-of-cell congregate programming and activities, and even for the up to 15 days in solitary require that people have access to at least four hours of daily out-of-cell programming. New York's law also provides for restricted criteria for what conduct can result in solitary or alternatives, access to representation at disciplinary hearings, mandatory monthly public reporting, and oversight by independent state agencies, among other provisions. Similarly, New Jersey placed a 20-day limit on solitary, banned solitary for

particularly vulnerable groups, restricted the conduct that can result in solitary, and enhanced procedural protections including representation at disciplinary hearings.

Pennsylvania should follow the lead of its neighboring states to dramatically limit the use of solitary confinement in its prisons and jails.

Conclusion

The Pennsylvania legislature has the opportunity and responsibility to address the grave human rights and racial justice crisis happening in its prisons and jails. Solitary confinement is an abhorrent practice that causes extreme suffering and harm, without any benefit. It should have been banned in Pennsylvania and across the country long ago. PA Senate Bill 685 and PA House Bill 1037 will take critical steps in the direction of ending solitary confinement and ensuring that people in Pennsylvania prisons and jails will never again be subjected to months or years of this torture.