



**Testimony submitted to the Joint Committee on Public Safety and Homeland Security  
In Support of H.2504/S.1578 An Act to provide criminal justice reform protections  
to all prisoners in segregated confinement  
By Nancy Bettinger and Lucy Costa, LWVMA Criminal Justice Reform Specialists  
October 21, 2021**

The League of Women Voters of Massachusetts represents 47 local Leagues across the state, from Cape Cod to the Berkshires. We urge you to support H.2504/S.1578 and report it favorably out of committee.

If passed, this bill would curtail the excessive use of segregated (solitary) confinement in Massachusetts, and require more humane conditions when segregation is necessary. This legislation would ensure that anyone confined to any type of segregated confinement unit would be protected by the provisions already passed in the 2018 Criminal Justice Reform Act, which the Department of Corrections (DOC) has largely avoided implementing. Some of the most physically and mentally vulnerable people would be protected by this legislation from the damage caused by isolation in segregated confinement.

The League of Women Voters of Massachusetts has long advocated for humane living conditions for prisoners and a sound corrections system that provides opportunities for the rehabilitation of the offender (LWV Mass 2020). Contrary to League policy positions, conditions in solitary confinement are generally harsh and inhumane. For all but a few hours a day, people are held in very small cells, without personal belongings or access to educational and rehabilitative activities. They are typically denied all meaningful human contact and often do not receive appropriate medical and mental health care while being held in isolation. Oftentimes in our correctional system, people have been sent to solitary confinement as punishment for small infractions of prison rules or non-conforming behavior stemming from mental illness. People have been held in isolation for extended periods of time, as long as 10 years. Serving time in segregated confinement disrupts rehabilitative programming and can derail preparation for reintegration into society.

Severe psychological and physiological effects from isolation experienced in solitary confinement have long been evident and are widely recognized by health professionals and human rights experts. The National Commission on Correctional Health Care has published a position statement that includes the following (NCCHC 2016):

*"It is well established that persons with mental illness are particularly vulnerable to the harms of solitary confinement ... Even those without a prior history of mental illness may experience a deterioration in mental health, experiencing anxiety, depression, anger, diminished impulse control, paranoia, visual and auditory hallucinations, cognitive disturbances, obsessive thoughts, paranoia, hypersensitivity to stimuli, post-traumatic stress disorder, self-harm, suicide, and/or psychosis. Some of these effects may persist after release from solitary confinement. Moreover, the very nature of*



*prolonged social isolation is antithetical to the goals of rehabilitation and social integration.”*

Furthermore, the World Health Organization has identified a number of adverse physiological effects, including gastro-intestinal and genito-urinary problems, deterioration of eyesight, profound fatigue, heart palpitations, migraine headaches and diarrhea (WHO 2014).

These severe mental and physical harms have been seen as signs of torture. In a Psychology Today article co-authored by an expert on medical ethics, the authors concluded that “Solitary confinement causes such severe psychological damage that it is tantamount to torture.” In a 2011 Report, Juan Méndez, U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, stated that under some circumstances, solitary confinement for longer than 15 days “can amount to torture or cruel, inhuman or degrading treatment or punishment (UN 2011).” Regardless of how torture is defined and whether solitary confinement is designated as such, imposing a punishment with such devastating health effects is cruel and inhumane by any standard. The routine use of segregated confinement stands in opposition to the League’s efforts to promote social and economic justice and the health and safety of all Americans (LWV US 2020).

The League of Women Voters of the United States has resolved to advocate within every level of government to eradicate systemic racism, and the harm that it causes (LWV US 2020). In Massachusetts, Black people are significantly overrepresented in segregated confinement compared to white people. The Liman Center at Yale University reported that in Massachusetts in 2019, Black males represented 28.5 % of the custodial population, but 38.6 % of the restrictive housing population, while white males made up 41.5 % of the custodial population but only 33.7% of the restrictive housing population (Liman Center 2020). Consequently, Black people and their families suffer disproportionately from the devastating effects of isolation in solitary confinement.

In 2012, the American Psychiatric Association adopted a policy opposing the “prolonged” segregation of prisoners with serious mental illness, which it defined as longer than 3 to 4 weeks. Nevertheless, people in mental health crisis are held in what is essentially solitary confinement for “mental health watch” without appropriate treatment or counseling, often for prolonged periods. In a November 2020 report, the U.S. Department of Justice (DOJ) castigated DOC for this practice, asserting that it “violates the constitutional rights of prisoners in mental health crisis” and “places them at substantial risk of serious harm.”

Faced with mounting criticism, DOC engaged a consulting firm, Falcon, Inc., to review the Commonwealth’s restrictive housing systems. Falcon submitted a report with recommendations in March of 2021 (Falcon 2021). Subsequently, on June 29, DOC announced the intention to end restrictive housing (DOC 2021), which is defined as being held in a cell for more than 22 hours a day. However, there was no promise to eliminate other categories of segregated housing that



have been established or may be created in the future, nor has there been a commitment to a firm time line for the planned reforms.

We believe there is a pressing need for legislation to end the routine use of isolation as a means of maintaining discipline in our correctional facilities. We urge you to report this bill favorably out of committee.

Thank you for your consideration.



## References

DOC 2021. *DOC Announces Initial Steps Toward elimination of Restrictive Housing*. Massachusetts Department of Correction Press Release. June 29, 2021.

<https://www.mass.gov/news/doc-announces-initial-steps-toward-elimination-of-restrictive-housing>

Falcon 2021. *Elevating the System: Exploring Alternatives to Restrictive Housing*.

<https://www.mass.gov/doc/falcon-report/download>

Katznelson, Gail and J. Wesley Boyd. *2018 Solitary Confinement: Torture, Pure and Simple*. Psychology Today. January 15, 2018.

<https://www.psychologytoday.com/us/blog/almost-addicted/201801/solitary-confinement-torture-pure-and-simple>

LWV Mass 2020. *Where We Stand*. League of Women Voters of Massachusetts. Updated June 2020.

[https://my.lwv.org/sites/default/files/where\\_we\\_stand\\_lwv\\_chicago\\_2019.pdf](https://my.lwv.org/sites/default/files/where_we_stand_lwv_chicago_2019.pdf)

LWV US 2020. *Impact on Issues 2020-2022 A Guide to Public Policy Positions*. League of Women Voters of the United States.

<https://www.lwv.org/sites/default/files/2020-12/LWV-impact-2020.pdf>

Liman Center 2020. *Time-In-Cell 2019: A Snapshot of Restrictive Housing based on a Nationwide Survey of U.S. Prison Systems*. The Correctional Leaders Association & The Arthur Liman Center for Public Interest Law at Yale Law School. September 2020.

[https://law.yale.edu/sites/default/files/area/center/liman/document/time-in-cell\\_2019.pdf](https://law.yale.edu/sites/default/files/area/center/liman/document/time-in-cell_2019.pdf)

NCCHC. 2016. *Position Statement, Solitary Confinement (Isolation)*. National Commission on Correctional Health Care. 1145 W. Diversey Pkwy, Chicago, Illinois 60614. <https://www.ncchc.org/filebin/Positions/Solitary-Confinement-Isolation.pdf>

UN 2011. Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment. United Nations General Assembly. August 5, 2011.

[https://immigrantjustice.org/sites/default/files/2011\\_08%2520United%2520Nations%2520Report%2520on%2520Solitary%2520Confinement.pdf](https://immigrantjustice.org/sites/default/files/2011_08%2520United%2520Nations%2520Report%2520on%2520Solitary%2520Confinement.pdf)

U.S. DOJ. 2020. *Investigation of the Massachusetts Department of Corrections*. United States Department of Justice Civil Rights Division. United States Attorney's Office, District of Massachusetts. November 17, 2020.

<https://www.justice.gov/opa/press-release/file/1338071/download>

WHO 2014. *Prisons and Health*. Edited by: Stefan Enggist, Lars Miller, Gauden Galea and Caroline Udesen. Chapter 5, Sharon Shalev.

[https://intranet.euro.who.int/\\_data/assets/pdf\\_file/0005/249188/Prisons-and-Health.pdf](https://intranet.euro.who.int/_data/assets/pdf_file/0005/249188/Prisons-and-Health.pdf)