

The Unethical use of Solitary Confinement in Prisons

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According to (Casella, 2023),” In 2019 on any given day 80,758 people were in some form of solitary confinement (also known as “restrictive housing”) in federal and state prisons, making up 6.28 percent of the total prison population” (Para. 6). Now that doesn’t seem like a lot when you consider 6.28 percent but when you look at the number of people that consists of it is an eye opener. What is solitary confinement? Solitary confinement in a nutshell is a part of the prison that is isolated away from the other inmates and oftentimes is dark with no outside exposure, often these inmates will have no educational or rehabilitative programs (NCCHS,2023).Over the past decade or so we have seen a rise in the number of people in solitary confinement, and with this, we have also seen a rise in the potential ethical and just plain safety issues. Now this brings us to the importance of addressing these ethical issues such as disproportionate use of solitary confinement, the violation of human rights, and the potential psychological and physical detriments.

First the issue with disproportionate use of solitary confinement. The matter of the fact is that all cultural backgrounds such as Caucasian, African Americans, and Hispanic people all people all experience solitary confinement differently. In a sense the same issue exists with solitary confinement as it does in the general criminal justice system, where people can be profiled by their race, sexual orientation, and whether they have disabilities. According to (James & Vanko, 2021), “In a 2019 national survey of state prison systems, Black, Latinx, and Native American/Alaskan Native men were overrepresented in solitary confinement.” For example, 40.5 percent of the male population in prison are African American, while 43.4% of solitary-confined men are African American (James & Vanko, 2021). When you look at that information something seems off about it. How can black men only make up 40.5% of the prison population but they make up 43% of the solitary confinement population? Now, are a vast majority of those

who are in solitary confinement there for the right reason or is it justified? People can't necessarily say, but they are most likely to answer yes, but the issue is the people that are there for the wrong reasons based on things such as profiling and just being a minority and not having a sense of power and authority, creates inequality in the system and creates more of an ethical issue that needs to be addressed. So, how can we address this issue? It will have to start from the bottom and work its way up the chain. Just like any change made in the criminal justice system these changes do not go into effect over night, but with time and we change the way we train our officers and our correctional officers that are stationed at the prisons could lead us to our long-term goal which is ultimately change for the better in the system.

The next ethical issue or dilemma that is embedded with solitary confinement is the fact that being in solitary confinement can be in violation of human rights based on the Constitution and other factors. The main concern or right that is in question here is the 8th amendment of the constitution. The eight amendment which is defined in the United States Constitution specifically states that, "excessive bail is not required or excessive fines imposed, no cruel or unusual punishment. The key part of that definition that needs to be examined is that last piece that states the premise of no harsh and cruel punishment. While the interpretation of what constitutes cruel and unusual punishment can evolve over time, many argue that prolonged or indefinite solitary confinement raises serious constitutional concerns. One of the main arguments is the fact that prolonged solitary confinement can become unethical and then forth ultimately violates the 8th amendment. Frederica Coppola from the Journal of Law and Biosciences argues that ultimately solitary confinement in itself is not cruel or unusual punishment, but when it is prolonged and it violates a person of their basic human needs, and when there is an infliction of pain on individuals for no legitimate reason. After looking into research on the violation of the 8th amendment there is a lot of grey area here. There have been multiple Supreme Court cases that

have highlighted and looked into this issue but ultimately the Supreme Court of the United States has had the same decision every time, that solitary confinement does not violate the amendment. This raises rise for debate because in most of the cases that have been reviewed on this issue the defense attorney all were arguing the same thing, that it was the prolonged confinement and talking about their clients' personal experiences of not being treated fairly and being deprived of basic human rights. In the end, though these defense attorneys have valid arguments and there is a case to be made that solitary confinement does in fact violate the 8th Amendment when it is used inadequately and inhumanly.

The third and final issue that needs to be addressed in solitary confinement is the potential psychological and physical damage that it can create for people. The United States as know by common knowledge is currently going through a nationwide mental health crisis which is a serious issue in itself much less so for people in solitary confinement. Jeffery Mckee from the prison journalism projects speaks specifically on the mental health risks in solitary confinement. He specifically states, " Shockingly, while only 6% to 8% of the total prison population has been confined to the hole, about half of the prison suicides are suffered by those in solitary confinement (McKee, 2022). When examing those statisics we can see that there is an issue that needs to be addressed. If only 6 to 8 percent of people in prisons are being sent to solitary confinement and that 6 to 8 percent accounts for half of the total prison suicide rate, that is just mind-blowing and shocking to the common person. Mckee also gives a little insight into a interview he did with a former solitary confinement inmate, Where he talks about his time confined in solitary, where his first stint lasted 30 days for an infraction that consisted of not completing a cell assignment which is a very minor assignment. This inmate then goes on to talk about how there was a fluorescent light that he could hear 24 hours a day and never turned off,

he then goes on to talk about how he hears monsters in his head from the solitary and the isolation caused him to lose his mind (McKee, 2022). This just goes to show you how important it is to maintain mental health and how important it is to everyday life, so in the end, it is concluded that solitary confinement has many long-lasting effects on mental and physical health.

The opposition would argue that solitary confinement serves its purpose and is totally ethical in a sense that its used to punish inmates who have committed violent acts in prison and deserve to be punished. Kant would agree with the supporters of solitary confinement in the idea that Kant believes in punishment and the fallacy of an “eye for an eye” “tooth for a tooth”. Meaning that if you did the crime and made the decision to do it then that person deserves to be punished to the fullest extent of the law. Andreea Matei from Urban Institutes states that the ultimate goal of solitary confinement is to punish those who have done wrong in prison and uphold the law (Matei, 2022). Which inherently so that is the ultimate goal of solitary confinement a lot of times as we have discussed above can be taken advantage of and be a disproportionate punishment.

So is solitary confinement ethical? In a sense that if it is used properly within the system I would lean towards yes, it is, but when we get into the issues that are embedded within that raises the question of whether or not we can say that it is ethical. Based on the research and stories told, in these specific instances like the cell violation, that was not an ethically correct use of punishment. In the end, something needs to be done about the issue of ethics in solitary confinement, it has to start from the bottom and work its way up, and hopefully one day we will see it used for only its projected purpose and see a huge increase in trust in the system and trust that they are there to help and not hurt.

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