

Southern Poverty Law Center



Response to Call for Input by the Special Rapporteur on Torture
Current Issues and Good Practices in Prison Management

Submitted 27 November 2023

The Southern Poverty Law Center was founded in 1971 with the purpose of ensuring that the goals of the US civil rights movement would be realized for everyone. SPLC seeks to achieve its purpose through litigation, policy advocacy, education and community organizing, and is a catalyst for racial justice in the Southern US and beyond.

SPLC extends its gratitude to the **Promise of Justice Initiative**, which provides vital litigation and policy advocacy and services on behalf of incarcerated and formerly incarcerated people in Louisiana, for its invaluable input on prison labor practices.

The Southern Poverty Law Center submits this response to the Special Rapporteur’s call for input to highlight current practices in US prisons and other places of detention in two key areas: solitary confinement and forced prison labor.

I. Solitary Confinement.

A. The widespread and torturous use of solitary confinement.

In its report to the UN Human Rights Committee ahead of the Committee’s October 2023 review of US compliance with the ICCPR, the US asserted that “there are occasions when correctional officials have no choice but to segregate inmates from the general population, typically when it is the only way to ensure the safety of inmates, staff, and the public,” but “as a matter of policy, this practice should be used rarely, applied fairly, and subjected to reasonable constraints.”ⁱ The US also noted that “[a]s of December 31, 2020, out of the 123,530 inmates in BOP custody, approximately 6.6 percent were housed in special housing units.” But the scope of solitary confinement in the US is far, far greater than 8,100 people held in federal prison facilities, and far more inhumane than the US report’s bland language suggests.

Individuals in federal prisons make up a relatively small proportion of those held in solitary confinement. A recent report by Solitary Watch and Unlock the Box Campaign documents that *at least 122,000 people* are held in solitary confinement in adult prisons and jails in the US on any given day.ⁱⁱ This figure likely substantially understates the real scale of these human rights violations, given that authorities’ self-reported figures often fail to count situations not officially designated as solitary confinement where people are held in isolation for 22 or more hours per day. The figure also does not include immigration or juvenile detention facilities, which add about 9,000 more people. As detailed in a report to the UN CERD last year, solitary confinement is disproportionately imposed on Black and Latino people, who are placed in solitary more often and for longer periods of time.ⁱⁱⁱ

Dr. Craig Haney is a psychologist with more than 40 years of experience examining the effects of solitary confinement in US prisons. He has worked inside prisons, both state and federal, across the US. In a statement provided to the UN Human Rights Committee in connection with its recent review of US compliance with the ICCPR, Dr. Haney said of the conditions he has routinely witnessed that:

Exposure to these conditions presses far beyond the outer bounds of what most humans can psychologically tolerate, serious forms of mental illness are caused or exacerbated by this exposure, including widespread depression, acute anxiety disorders, cognitive dysfunction, uncontrollable rage, paranoia and psychosis, and self-harm and suicidality (the latter of which occur in solitary confinement units at far higher rates than anywhere else in prison). It is not uncommon in these units to encounter prisoners who have smeared themselves with feces, sit catatonic in puddles of their own urine on the floors of their cells, or shriek wildly and bang their fists or their heads against the walls that contain them. In some cases, the reactions are even more tragic and bizarre, including grotesque forms of self-harm and mutilation—prisoners who have amputated parts of their own bodies or inserted tubes and other objects into their

penises—and are often met with an institutional matter-of-factness that is as disturbing as the behaviors themselves.

According to Dr. Haney’s statement, which is included with this submission, the conditions he describes are neither isolated nor extreme.

The use of solitary confinement is excessive and particularly brutal in the Southeastern US, where today’s prison practices continue to reflect the legacies of the enslavement of Black people. According to self-reported figures from 2019, more than 18,000 people were being held in solitary confinement in Alabama, Florida, Georgia, Louisiana and Mississippi, in often deadly conditions. Dozens of people have died by suicide in Alabama’s overcrowded and understaffed solitary confinement units over the last five years.^{iv} In Georgia, where staffing shortages are also extreme, and conditions in solitary confinement units are similar to those in Alabama, the suicide rate is also appallingly high – 97 completed suicides from 2020 to 2022.^v

Conditions in solitary confinement units across the Southeast are deplorable and inhumane. In Alabama, evidence presented to the federal court during 2016, 2019 and 2021 trials showed that numerous people diagnosed with serious mental health needs were routinely placed in solitary confinement, where many died by hanging. Some had been held in solitary continuously for weeks or months, even years, or had been repeatedly cycled between solitary and suicide watch cells. Following a visit to solitary confinement units in several facilities early in the litigation, the court found the conditions “deplorable.” The court described loud, filthy, dilapidated cells with very little light “often filled with the smell of burning paper and urine . . . with what appears to be dried excrement smeared on the walls and floors.” Even the meager five hours per week out of cell required by policy was often not actually provided due to severe understaffing. The court concluded that the units engendered “an overpowering sense of abandonment and despair, with a prolonged stay crushing all hope.”^{vi}

Despite the appalling conditions and alarming number of deaths, Alabama persisted in placing people with serious mental health needs into solitary confinement, then ignoring both their mental health needs and physical safety. People with serious mental health needs, and those who have very recently experienced suicidal thoughts or actions, are routinely placed in solitary. They are deprived of mental health care and basic safety precautions such as regular security checks and are held in cells that provide easy access to methods to take their own lives. It comes as no surprise that people with unaddressed depression, hallucinations, and other mental health needs, left unattended for prolonged periods in a dark, cramped, dirty cell, will take advantage of the availability of unsafe vents, sprinkler heads, and bed posts to hang themselves. Dozens more made serious suicide attempts that did not end in death throughout this time period. This litigation is ongoing a decade after it began, and people continue to die in solitary.

Plaintiffs in a Florida case handled by SPLC, again including those with serious mental health needs, testified to very similar conditions – cramped and dirty cells infested with insects and vermin, toilets that won’t flush and result in cells filled with the smell of urine and feces, lack of natural light, and extremely meager opportunities to leave their cells. They were pepper-sprayed for conduct such as talking to themselves or standing too close to the cell door, or for no reason at all, denied basic mental health or medical care – even in emergency situations – and denied food

when guards served them so-called “air trays” as retaliation. Safety check rounds by guards were not done as required, leaving people at risk of crises going unnoticed. Ten percent of Florida’s prison population is in solitary on any given day, but 58% of suicides take place there. The lead plaintiff, a transgender woman, was held in solitary in men’s facilities for a decade. Publicly filed statements provided by these plaintiffs are included with this report as Annex A.

In his memoir, *My Time Will Come*, Ian Manuel details his experiences in Florida solitary confinement beginning when he was sentenced to serve life without parole at age 14. He would spend 18 years in a 7 x 10 foot cell with no window.^{vii} Much of that time, he was locked in his cell 24-hours a day. When allowed out of the cell for “recreation,” he was placed in a “dog cage.” Manuel was eventually released from prison in 2016.

Such conditions are not limited to adult prison facilities. SPLC challenged Florida’s practice of placing thousands of children in solitary confinement, some repeatedly and often for minor infractions, in juvenile detention facilities.^{viii} The lead plaintiff remained in solitary confinement even after a suicide attempt.

In Louisiana, some children in juvenile facilities were held in solitary 23 hours a day and shackled during their brief out-of-cell time.^{ix} In 2022, following a public report on abysmal conditions at one such facility, the Louisiana legislature passed a law limiting the use of solitary in youth facilities.^x While laudable, the law’s effectiveness remains to be seen. Moreover, some children in Louisiana were until recently confined in a former death row unit at the Louisiana State Penitentiary at Angola, a notoriously violent adult prison, where the restrictions did not apply. These children, nearly all Black boys, were routinely held in solitary confinement, at times pepper-sprayed in their cells, with inadequate educational services and little or no mental health care.^{xi} The barracks in which the children were being held lacked air conditioning, and indoor temperatures often far exceeded 100 degrees Fahrenheit. Following a September 2023 court order requiring Louisiana to remove children from Angola, which the state is appealing, advocates for the children are continuing to fight for their protection.^{xii}

Migrants held in US immigration facilities run by for-profit corporations are also subjected to solitary confinement, sometimes as a coercive measure to force them to work for little or no pay or as punishment for refusing to do so.^{xiii} Federal courts denied class certification for SPLC’s lawsuit challenging these practices at the detention center in Stewart, Georgia, but visits by SPLC and its coalition partners to facilities throughout the Southeast in 2022 confirmed that retaliatory use of solitary confinement is continuing and widespread.^{xiv} Solitary confinement has also been imposed as retaliation against those who protest harsh conditions. For example, forty-three Cameroonians who undertook a hunger strike to protest the conditions at a New Orleans detention facility were placed in solitary confinement, several without access to water, to force them to end the strike.^{xv} A man who received a removal order requiring his deportation to the Dominican Republic was instead kept in detention centers for six months. When he was denied an interpreter for a disciplinary meeting, he protested by closing his eyes and declining to participate until an interpreter was made available. In retaliation, he was placed in solitary confinement, where he remained for more than a week before being deported after SPLC’s attorneys became involved.^{xvi}

In July 2023, the Southeast Dignity Not Detention Coalition, which includes SPLC and other partners, held a nationwide Day of Action to address continuing premature and avoidable deaths of detained migrants.^{xvii} Among those who died was Ernesto Rocha-Cuadra, a 42-year-old Nicaraguan man who was repeatedly placed in solitary for long periods of time.^{xviii}

B. US failure to provide definition and criminalization of torture.

In its 2023 Concluding Observations, the Human Rights Committee reiterated its longstanding concern about the lack of comprehensive legislation criminalizing all forms of torture, including mental torture, committed within the territory of the State party. It recommended that the US enact such legislation.^{xix} The US persists in its failure to provide a definition of torture that is applicable to conduct within its territory, and to criminalize such conduct. The hodgepodge of existing statutes and caselaw that define cruel and unusual punishment and provide for prosecution of individuals who violate an incarcerated person's civil rights, to which the US often points as an excuse for this failure, are no substitute.^{xx} The Special Rapporteur on torture has previously expressly rejected such arguments, noting that such laws typically fail to fully encompass torture under international law.^{xxi}

Partly as a result of this glaring omission, people held in solitary confinement in the US cannot reliably turn to courts to protect them from continual imposition of torture and CIDT. In the mid-90s, along with laws that drove record-breaking levels of incarceration and prison overcrowding, Congress passed the Prison Litigation Reform Act^{xxii} in an express effort to curb lawsuits over violations of the rights of incarcerated people. The PLRA places draconian limits on actions a federal court can take to redress constitutional violations, first requiring that the court allow the prison system to create its own remedies, then requiring that any remedies be the narrowest and least intrusive measures possible. It severely limits the length of time such orders can remain in place. As a result, even when courts are thoroughly convinced that conditions warrant sweeping action, they cannot take it.

Even long-term solitary confinement is typically not considered to be a constitutional violation, and some courts have in recent decisions *expressly rejected* the widely accepted principle that prolonged solitary confinement of more than fifteen days is itself inhumane. For example, in a Mississippi case, a district court wrote that there is no fifteen day “benchmark for determining whether any constitutional rights have been violated” nor to establish “contemporary standards of decency.”^{xxiii} The court rejected plaintiffs’ claims despite evidence that those held in prolonged solitary confinement (some for more than two years) often did not receive even five hours per week out of cell, lights in their rat-infested cells did not work for extended periods of time, and non-functional toilets forced prisoners to relieve themselves in plastic bags tossed in through tray slots in their doors.^{xxiv} The district court’s ruling was upheld on appeal.

US states, and prison and detention center officials, enjoy broad impunity for torturing people in solitary confinement. The routine use of indefinite or long-term solitary confinement – often in wretched conditions – in US prisons, jails and detention centers, even when inflicted on children and people with serious mental health needs, has never been prosecuted as a crime. Without a definition of torture applicable within the US that includes the physical and mental suffering^{xxv} inflicted by long-term solitary confinement and the imposition of solitary confinement on children

and people with serious mental health needs – it never will be, and these widespread practices will continue unabated.

II. Forced Prison Labor.

As part of its Concluding Observations in 2014, the Committee on the Elimination of Racial Discrimination called upon the U.S. to “take into account general recommendation 31 (2005).” CERD General Recommendation 31 provides that State parties should comply with the UN’s Standard Minimum Rules for the Treatment of Prisoners, which, in turn, provide standards for labor performed by incarcerated people. The CERD reiterated this recommendation in August 2022.^{xxvi} As discussed below, none of the rules related to prison labor are being complied with by prison systems in the U.S. Many of the abuses that began in the years following the abolition of slavery have continued, albeit in somewhat modified forms, and these abuses are especially prevalent in the South.

UN human rights mechanisms have addressed forced labor in the context of torture and cruel, inhuman and degrading treatment on a number of occasions. For example, the UN Committee Against Torture has twice expressed concerns about Chinese forced labor camps in which people suspected of drug dependence have been detained.^{xxvii} The Special Rapporteur on torture has stated that such labor camps can be “considered a form of inhuman or degrading treatment or punishment, if not mental torture.”^{xxviii} In 2023, the Committee Against Torture expressed concerns about forced labor in Luxembourg, which it found had emerged “as a new predominant form of exploitation” there in the context of trafficking.^{xxix}

The mental torture inflicted by forced labor in US carceral settings, particularly where imposed in harsh and dangerous conditions, is exacerbated by its direct descent from the history of chattel slavery. The prison systems operated by states in the southern United States represent a deeply embedded legacy of slavery and racial exploitation. In many ways, southern prisons have been built on the foundations of the plantation system. In many Southern states, including Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, and Texas, incarcerated workers continue to perform farm labor on penal plantations, some of which are on the sites of former slave plantations.^{xxx}

Louisiana, which incarcerates a larger percentage of its population than any other U.S. state, is illustrative of prison labor conditions in the United States and the harm to those forced to endure them. It is home to the Louisiana State Penitentiary—an 18,000-acre prison on the site of a former plantation, also commonly known as “Angola” or “the Farm.” All of those incarcerated at Angola are first assigned to field labor, known as the “Farm Line.” Many men will work the Farm Line for years, if not for most of their incarcerated lives. Of the entire incarcerated population at Angola, 74% are Black.^{xxxi} Writing about Angola, one author astutely observed that “[i]f in Germany today there were a prison built on top of a former concentration camp, and that prison disproportionately incarcerated Jewish people, it would rightly provoke outrage throughout the world.”^{xxxii}

The Promise of Justice (PJI) has conducted extensive research on the history of slavery and convict leasing in the South and has interviewed many currently and formerly incarcerated people who

have been subjected to forced labor at Angola and other plantation prisons in the Southeast. The “End Plantation Prisons” project draws a straight line from private white ownership of Black people they enslaved to states’ ownership of Black people they have incarcerated in its detailed report, “*Punitive by Design*,” and a documentary, “*Plantation Prisons*”, featuring the video testimonies of survivors.^{xxxiii}

Terrance Winn was born in Shreveport, Louisiana. He returned to the Shreveport community in 2020 after spending thirty years at Angola prison. He shared his experience with PJI:

I was tried as an adult at the age of 16. I went to prison. I did 30 years and several months. I was incarcerated on the plantation known as Angola. . . I came straight from the school system to the prison system, and it’s like a contrast. It’s like I was just reading about slavery in history books, now I am an actual slave in prison. Because when I went to prison, you got cotton. They’re picking cotton and stuff.

I refused to pick cotton. I never picked cotton. I always went to the dungeon. I always got a write-up. I just go to lockdown. You’re in a one-man cell, you understand, by yourself 23 hours a day. For one hour: you get out for one hour. . . Throughout the duration of my incarceration, over half of my time was on lockdown. Over half. I did a lot of time in the cells. The cells will psychologically mess you up...

Despite spending so much time in isolation, he also spent years working the fields on other crops. “When you go out into that field and you are forced to work, all you can think about is slavery. And you’ll be like, ‘man, I’m a slave, after all these years after all the things that our people have been through, we are back here in slavery,’” he explained.

Like many other incarcerated people, Winn was placed in the untenable position of choosing between two forms of torture – being subjected to forcible plantation-style slave labor or enduring the mental and psychological horrors of solitary confinement. That he and others have chosen solitary speaks volumes.

Humiliation and cruelty are integral to the “work” on the Farm Line. Incarcerated works are made to engage in activities that are physically challenging but nonsensical, serving no real productive purpose. Alvin Reliford is also from Shreveport, Louisiana. He went to prison at the age of 17, and was held at Angola for 20 years. He is 73 years old. Although he has been out of prison for decades, the time he spent working in the fields sticks with him today, in part because he remains on parole:

Well my least favorite job was when we was on our knees picking grass with our fingers and stuff. That was my least favorite job because my finger were always ripped up from the grass—the vines and stuff. And they had cane fields.

Men’s health and well-being are at great risk when forced to perform labor on the Farm Line and elsewhere at Angola. Temperatures are often above 100 degrees Fahrenheit, little water is provided and is often dirty, and inadequate or no protective gear is provided, making

functioning under this system perversely inefficient, as well as unnecessarily painful and difficult. Mr. Reliford also shared:

The cane field you have to use the cane knife. And when you cut the cane you get blisters all on your hands and stuff. A couple guys used to tell me how to hold a knife and I learned how to do that. I learned how to make my hand hard. [They] used to tell me ‘you have to urinate in your hand to make it hard in order to hold that knife as long as you do.’

While Mr. Reliford has been home for many years, his relationship with forced labor remains raw. “Even though, you know, I made it through all that it’s like they still don’t want to let me go. I’m still on parole,” he told PJI.

The Mississippi State Penitentiary (also called Parchman Farm), where 67% of incarcerated people are Black, was modeled after slave plantations and expressly intended to operate like one.^{xxxiv} Parchman illustrates one of the most tragic ironies of the penal plantation system – more than 98% of the crops grown by incarcerated workers are sold for profits that help the state continue its system of mass incarceration.^{xxxv}

Like those at Angola, people who refuse to work, or whose work is deemed inadequate, are often harshly punished. They may be denied basic privileges such as telephone calls, visitation with family, or access to the prison commissary, or they may lose “good time” off of their sentence, effectively lengthening their time in prison. Many wind up in solitary confinement.^{xxxvi} In Louisiana, for example, failure to adequately perform required work can officially be punished with up to 30 days in solitary for a first offense and up to 180 days for a third offense, but the ACLU found that “in practice people are placed in confinement for indefinite periods of time,” violation of the Mandela Rules.

Some incarcerated people are punished even when their failure to work, or to perform up to the prison’s standards, is caused by illness or disability.^{xxxvii} Brandon Jackson served 25 ½ years in prison before being released on parole in 2022. He didn’t go into the fields because his whole life he struggled with asthma, but that did not mean he did not have other jobs or do emergency assistance, even when it put him at risk.

This one time we had to do sandbagging because the levee was threatening to, you know, break. So they come in and make you sandbag...so sometimes you have to do it because you don’t want to be locked up. Because when you are locked up in a cell, you know, you cannot go and research the things you need to research pertaining to your case. Or you might have a deadline that you have to meet the next week. You are not going to meet that deadline if you are in the cell. And the courts don’t want to hear it and the courts don’t want to hear that.^{xxxviii}

A. Incarcerated People Are Often Not Paid for Their Labor or Are Paid Very Low Wages.

The Mandela Rules provide that incarcerated workers should receive equitable pay, be able to send money home to their families, and have a portion of their wages set aside to be given to them upon

release. (Rule 103). In the US, incarcerated people work for little or nothing, often for the benefit of for-profit entities, compounding the indignity of forced labor.

Minimum wage and overtime pay laws that protect most U.S. workers don't apply to incarcerated people.^{xxxix} The U.S. Supreme Court has also held that incarcerated workers have no right to form unions to help them negotiate for better pay or conditions, with the Court reasoning that permitting union activities could “stir up trouble among incarcerated individuals.”^{xl} In many U.S. prison systems today, incarcerated people are forced or coerced to work jobs for which they are paid negligible wages – and some states pay nothing at all.^{xli} For example, more than 2100 incarcerated people work at Texas prison farms without pay, along with about 120,000 more who perform other types of work without pay.^{xlii} The states of Alabama, Arkansas, Florida, Georgia, Mississippi, and South Carolina also pay nothing to incarcerated workers for most of the jobs they do.^{xliii}

Incarcerated workers who are paid typically receive only cents per hour. People incarcerated in prisons operated by the U.S. federal government are required to perform physical labor unless medically unable and are paid between 12 cents and 40 cents per hour.^{xliv} The average hourly wage paid to incarcerated workers for non-industry jobs is between 13 and 52 cents per hour.^{xlv} Incarcerated people are often required to work overtime or to be on call for emergency situations at all times without any additional compensation.^{xlvi}

Curtis Ray Davis II is 52-years-old and is the executive director of the non-profit Decarcerate Louisiana. He was born in Shreveport, Louisiana. He maintains his innocence of the crime for which he was convicted. Upon his release five years ago, he returned to Shreveport after serving around 25 years in Angola.

In 1992, I was relegated directly to the field. At that job we made \$.04 an hour, which \$.02 we could keep and \$.02 would go to the state. We picked cotton, fruit products . . . Angola prison has such fertile land that they believe that you can cut off a person's finger and grow the person back. They are selling all the staple products . . . Seven thousand people on the same acreage as Manhattan, New York, but the acreage is about producing money based on slave labor. . . Slavery has never been abolished in the United States of America. It has been codified into law through the 13th Amendment and the Louisiana Constitution.

The massive prison labor system, both through labor that is turned into cash and through labor that replaces the need to pay external workers, is what allows US mass incarceration to persist. More than 80% of incarcerated workers perform low-skilled maintenance in the facilities that imprison them, performing the work of janitors, plumbers, electricians, and auto mechanics.^{xlvii} Incarcerated people are also assigned to work-crews that clean and maintain public lands and facilities outside the prisons. About half of these public works programs are located in southern states.^{xlviii} In Florida, where about 3500 incarcerated people are assigned to road crews and community work crews, a former state official candidly admits that “there's no way we can take care of our facilities, our roads, our ditches, if we didn't have inmate labor.”^{xlix}

Outside of prison, some of these jobs would pay more than \$20 per hour, but the state prison workers who are forced to do them often earn nothing or are paid less than \$1.50 per hour.¹ In

North Carolina, for example, state law provides that contracted prison laborers are to be paid “in an amount not exceeding \$1.00 per day.”^{li} Incarcerated people can earn as little as 5 cents per hour.

In 2004, the value of the prison maintenance services performed by incarcerated people nationally was estimated at \$9 billion.^{lii} States have a vested interest in maintaining the prison population at a high level since they would have to pay fair market wages to external workers if incarcerated people were not available to do the work both inside and outside the prisons.

State-run prison industries sell goods and services to other state agencies at a fraction of what the state would otherwise pay. Every state except Alaska operates a correctional system industry, and the U.S. federal government does the same.^{liii} These workers produce everything from office supplies and furniture to agricultural products and license plates.^{liv} The value of the goods and services they provide was more than \$2 billion in 2021.^{lv}

State-owned prison industries also sell to private, for-profit companies at far lower costs than they would pay on the open market. For example, prison industries in Colorado and South Carolina sold more than \$10.5 million of milk between 2017 and 2020 to the conglomerate that markets 30% of milk produced in the U.S.^{lvi}

Incarcerated worker programs also provide labor to for-profit industries at extremely low rates.^{lvii} Private companies often employ incarcerated people through work release programs, where they frequently work in hazardous jobs like poultry processing. Although they might be paid the prevailing wage, they are only allowed to keep a minimal portion of their pay because of deductions for room and board, transportation costs, and other expenses.^{lviii}

In addition to their meager wages, incarcerated people also experience significant price gouging for goods and services such as commissary items,^{lix} medical care charges,^{lx} and exorbitant telephone fees,^{lxi} which recalls the economic exploitation of sharecroppers in the years following the abolition of chattel slavery. Combined with offender-funded criminal legal systems that impose massive fines and fees on people convicted of crimes,^{lxii} these charges cause many people who are eventually released from prison to be saddled with overwhelming debt for decades. Incarcerated workers’ wages are also not counted for purposes of social safety net programs like Social Security, Medicare, and disability and unemployment benefits, leaving the workers without protections they have rightfully earned even after their sentences end.^{lxiii}

Notably, prisons often deduct up to 80% of wages to pay for court fines and fees, taxes, restitution, child support, and even “room and board.”^{lxiv} In Florida, a state-created “Prison Industries Trust Fund” deducts funds from incarcerated people’s wages for the construction or renovation of correctional facilities and correctional work programs.^{lxv}

B. Incarcerated Workers Face Grave Threats to Their Health and Safety.

Federal worker safety standards do not apply to the vast majority of incarcerated workers^{lxvi}, and many states, such as Texas, expressly exclude incarcerated workers from receiving compensation for work-related injuries.^{lxvii} The only protection afforded to prison workers under the US

constitution is rendered all but meaningless by the evidentiary standard an injured worker would be required to meet in court. In addition to establishing unsafe conditions, the incarcerated person would have to prove that prison officials knew that those conditions posed a substantial risk of serious injury but did nothing to protect the worker from harm.^{lxviii}

Yet much of the work required of incarcerated people is quite arduous and dangerous.^{lxix} For example, the ACLU's recent report found that nearly one-third of counties in the state of Georgia use unpaid incarcerated workers as firefighters and emergency medical responders. In some counties, they are the sole source of fire and emergency response workers.^{lxx} In Georgia and North Carolina, at least 24 workers were injured in poultry plant accidents between 2015 and 2018. The ACLU found numerous instances in which incarcerated workers were maimed or killed using dangerous machinery, falling from trees, or fighting fires.^{lxxi} Furthermore, farm laborers are often required to work in extreme heat without adequate access to water. In Louisiana, one former prison worker recalled that if a worker collapsed from the heat and was deemed to be "faking," he might be sent to solitary confinement or simply left unconscious in the field.^{lxxii}

Prison workers are often tasked with dangerous work without being provided proper training or safety equipment. An SPLC investigation found that incarcerated people in at least eight states are sent to work at poultry plants in hazardous conditions.^{lxxiii} One such worker in Alabama was killed while operating a machine that caught his arm and pulled him inside. Workers at the plant apparently did not know how to turn the machine off.^{lxxiv}

C. Black Incarcerated Workers Face Discrimination That Worsens The Suffering Inflicted by Forced Labor.

The Mandela Rules provide that work assigned to incarcerated persons should help to prepare them for life and employment after release from prison (Rules 98 and 99). Incarcerated workers typically are not permitted to choose the type of work they perform, and work assignments are often made in a discriminatory manner. A 2016 study found Black men were much more likely than white men to be assigned to maintenance and facility service work, which are usually paid either the lowest wages or not paid at all, including agricultural field labor and low-level maintenance work.^{lxxv} Conversely, Black men were less likely to be assigned to prison industry jobs that earn higher wages and offer more valuable skills and experience.^{lxxvi} Race was also a significant factor in job assignments for incarcerated women.^{lxxvii} One formerly incarcerated woman in Louisiana reported that she had been assigned to farm labor in the fields while white women worked indoors in the dining hall or in housekeeping.^{lxxviii}

III. Conclusion.

Torture – especially, but not exclusively, through the imposition of solitary confinement and forced labor – remains widespread and routine in prisons across the United States, which is by far the most carceral nation worldwide.

ⁱ Fifth periodic report submitted by the United States of America, CCPR/C/USA/5, 11 November 2021, at para. 63.

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- ii [Calculating Torture: Analysis of Federal, State and Local Data Showing More than 122,000 People in Solitary Confinement in U.S. Prisons and Jails](#), Solitary Watch and the Unlock the Box Campaign (May 2023) at 8.
- iii [Report of the Southern Prisons Coalition](#), submitted for the 107th Session of the Committee on the Elimination of Racial Discrimination, 14 July 2022.
- iv [Braggs v. Dunn](#), 562 F. Supp. 3d 1178 (M.D. Ala. 2021).
- v [Georgia prisons see unprecedented number of suicides](#), Atlanta Journal-Constitution, 1 March 2023.
- vi [Braggs v. Dunn](#), 257 F. Supp. 3d 1171 (M.D. Ala. 2018)
- vii [In Author Ian Manuel's "My Time Will Come," A Look At Life In Solitary Confinement](#), WBUR, 19 July 2021.
- viii [Judge Rules Florida Lawsuit Can Have all Children In Solitary Confinement As Plaintiffs](#), Southern Poverty Law Center, 27 October 2021.
- ix [Only Young Once: The Urgent Need for Reform of Louisiana's Youth Justice System](#), Southern Poverty Law Center (2023), at 15.
- x Louisiana [R.S. 15:905](#) (2022).
- xi [Louisiana juveniles are suffering dangerous heat and isolation in an old death row facility built for adults, a lawsuit says. Experts say the harm could be irreversible](#), CNN, 20 July 2023.
- xii [Southern Poverty Law Center, Louisiana Advocates Seek Better Path After Youths Removed From Angola Prison](#), 27 October 2023.
- xiii [Wilhen Hill Barrientos v. CoreCivic, Inc.](#), Southern Poverty Law Center.
- xiv [SPLC, ACLU of Louisiana and Immigrants' Rights Organizations Visit More than 3000 People Detained In ICE Custody In Effort To End Prolonged Detention](#), Southern Poverty Law Center, 11 January 2023.
- xv [Asylum Seekers from Cameroon Launch Hunger Strike in ICE Detention](#), Perilous Chronicle, 3 March 2020.
- xvi Information provided by an SPLC immigration attorney.
- xvii [Nationwide Actions to Decry Deaths In Immigration Cages, Demand Justice](#), Southern Poverty Law Center, 19 July 2023.
- xviii [Immigrant who died in Louisiana ICE detention center had filed at least 29 grievances](#), Louisiana Illuminator, 13 July 2023.
- xix UN Human Rights Committee, Concluding Observations on the fifth periodic report of the United States of America, CCPR/C/USA/CO/5, 3 November 2023, paras 42-43.
- xx State Party Report at paras. 59-61.
- xxi [Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#), Alice Jill Edwards, A/HRC/52/30, 13 March 2023, at para. 39.
- xxii 42 United States Code Sec. 1997(e) (1996).
- xxiii [Dockery v. Hall](#), 443 F. Supp. 3d 726 (S.D. Miss. 2019).
- xxiv [Dockery v. Epps](#), Southern Poverty Law Center.
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Statement on Solitary Confinement in the United States

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I am a professor of Psychology at the University of California, Santa Cruz, who has been studying the psychological effects of imprisonment in general, and solitary confinement in particular, for more than four decades. Because of my role as an expert witness in numerous legal cases challenging the constitutionality of prison conditions, I speak from the unique perspective of someone who has been given unprecedented, court-ordered access to solitary confinement units in more than half the state jurisdictions and many federal facilities throughout the United States, where I have interviewed thousands of persons confined in them.

I can tell you from direct experience that normative conditions of solitary confinement in the United States range from truly terrible to shockingly bad. Prisoners in these units are typically housed on average upwards of 22 hours a day, often in filthy cells that are the size of small bathrooms or car parking spaces, are denied access to meaningful social contact and human touch, lack access to meaningful programming, activities, and positive environmental stimulation. In varying ways and degrees, everyone subjected to these deprivations suffers physically and mentally.

Exposure to these conditions presses far beyond the outer bounds of what most humans can psychologically tolerate, serious forms of mental illness are caused or exacerbated by this exposure, including widespread depression, acute anxiety disorders, cognitive dysfunction, uncontrollable rage, paranoia and psychosis, and self-harm and suicidality (the latter of which occur in solitary confinement units at far higher rates than anywhere else in prison). It is not uncommon in these units to encounter prisoners who have smeared themselves with feces, sit catatonic in puddles of their own urine on the floors of their cells, or shriek wildly and bang their fists or their heads against the walls that contain them. In some cases, the reactions are even more tragic and bizarre, including grotesque forms of self-harm and mutilation—prisoners who have amputated parts of their own bodies or inserted tubes and other objects into their penises—and are often met with an institutional matter-of-factness that is as disturbing as the behaviors themselves.

These are not isolated or extreme experiences. There are an estimated 100,000 persons who are currently suffering and being harmed in these draconian, dismal, and dehumanizing places in the USA. Yet the nation lacks any overarching system that mandates monitoring and oversight to protect the persons housed in these dismal, dehumanizing, and damaging places. The application of international principles of dignity and human rights is desperately needed to address these profound injustices.