Solitary Confinement: Problems and Alternatives

Extended penal isolation is a form of torture that should be eliminated. Providing reviews and performance criteria for release exemplifies the emptiness of using a procedural solution to resolve a substantive problem.

Inmates, of course, must be separated, and some must be insulated, from each other. Limited terms of more intensive confinement (along with loss of amenities) is a reasonable disciplinary sanction.

What is torture is the extended (30 days or more) social isolation of inmates in a barren, tiny cell with no congregate activity, denial of visits, telephone privileges, radio and television restrictions, program unavailability— and more.

The most dangerous inmate may be safely confined in a humane setting.

To date, reform has taken place through the federal courts and on behalf of those in categories deemed vulnerable: juveniles and the mentally ill. No court has yet rated extended isolation as Cruel and Unusual Punishment, but individual U.S. Supreme Court Justices have expressed such a view in different forums.

Fred Cohen

Fred Cohen, LL.B, LL.M, Yale Law School, has been a full professor at a number of leading law schools. He is one of the founders of the UA Albany School of Criminal Justice and developed the law component, including juvenile justice, of its Ph.D. program. He is now Professor Emeritus. Mr. Cohen served as a court-appointed Monitor for mental health services in Ohio in Dunn v. Voinovich and for medical and dental care services in Ohio in Fussell v. Wilkinson. He was the court-appointed Independent Fact Finder in S.H. v. Stickrath. He now oversees inmate racial and ethnic integration in the Arizona Department of Corrections.

He is the legal advisor to a national Jesuit social justice organization that works to bring human rights policies and practices to private prison operators.

He is author of Practical Guide to Correctional Mental Health Care and the Law, (2011); the leading text in the area. He is also the author of a number of case books, treatises and articles on law and deviance in general. Mr. Cohen is the Executive Editor of Correctional Mental Health Report and Correctional Law Reporter.

Professor Cohen is the legal affairs contributor to CorrectCare, the house publication of the National Commission on Correctional Health Care (NCCHC).

He served as a Reporter to the American Bar Association, Juvenile Justice Standards Project, served on the ABA Task Force revising Correctional Standards, and gave expert testimony before the ABA, Justice Kennedy Committee, and the Commission on Safety and Abuse in America’s Prisons. He is also on the ABA’s Subcommittee dealing with Alternative Means for Providing Correctional Oversight.

Thursday, October 20, 7:00 pm

Husted Hall, Room 106A

UAlbany Downtown Campus, 135 Western Avenue

This event is free and open to the public.