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Solitary Confinement as Protective Custody

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Solitary Confinement as Protective Custody

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The American criminal justice system has a total population of 2.3 million prisoners, which is more than any other country of the world. The 1980s and 1990s were decades that saw an exponential increase in prison populations, resulting in the enormous total incarcerated population that is seen today. The problem is that modern carceral institutions were not built to house this many inmates, and this large, constant influx of prisoners has produced many issues with the institution of incarceration itself.

One of these issues is solitary confinement. Solitary confinement can be defined as the physical isolation of individuals who are confined to their cells for 22 to 24 hours a day and allowed only minimal meaningful interaction with others. This paper will focus on the use of solitary confinement as protective custody.

Solitary confinement as protective custody is the confinement of an individual by the state to prevent them from harm from themselves or others. More often than not, protective custody is used for incarcerated persons who have an enhanced vulnerability due to mental health issues. Prisons struggle with handling vulnerable populations, so they are put into solitary confinement, where they are met with isolation and all of its harmful, damaging effects. These inmates are not in solitary as a form of punishment. However, that is the function that solitary has when the protocols for how to deal with the different kinds of people in solitary do not differ. These inmates end up suffering, rather than being protected, because of a lack of resources available to them.

This paper explores the adverse effects that extended solitary confinement has on mental health. It will also address the alternative models to solitary confinement that exist in a few other states to see how those were implemented and how effective they are at achieving their goals. Lastly, this paper will include a policy proposal about improving solitary: making it less about isolation and more about social services. The proposal focuses on how to best serve those who are placed into solitary for protective custody and will include more productive ways of rehabilitating inmates without damaging their mental health as well as possibly making their reentry into society easier and smoother.