**From Laura Magnani, Interim Regional Director, American Friends Service Committee based in San Francisco – August 2011.**

I’ve been asked to address the issue of torture related to security housing units. I also brought with me, for distribution, the American Friends Service Committee study: Buried Alive: Long Term Isolation in Youth and Adult Prisons which I wrote in 2008. Although I have been working on these issues since the 1970s, I was shocked when I began to gather these statistics:

The Commission on Safety and Abuse in America’s Prisons, co-chaired by John Gibbons and Nicholas Katzenbach, found that there were 80,000 prisoners in long term isolation around the country,(in 2000), a 40% increase from just five years earlier. Most experts today are putting the number at 100,000 nationwide. Our research found that California houses close to 4,000 prisoners in security housing units and close to 14,500 in some form of segregation – administrative, psychiatric, protective custody etc. You’ll find these figures broken down on page 6 of our report. These are shocking statistics, especially given the fact that the state is very hard up for money and it costs twice as much, or more, to hold people in these settings.

Over 240 of the people in isolation are women. They face particular hardships because women have special needs, and because of the extreme lack of privacy. When male correctional personnel have 24 hour access to women’s most intimate functions, it creates an extreme form of oppression, and often trauma, that is made all the more acute because of the number of women in prison with long histories of abuse at the hands of men. This may seem contradictory, in that we are talking about isolation and then at the same time we are talking about lack of privacy. But you can see what I am saying, that even in their isolation they can never escape the surveillance cameras or the slots in cell doors that give full view of women’s every move. Covering up these slots results in disciplinary measures.

**Definition of Torture**

Although officials often claim that there is no clear definition of torture, that is hardly the case. Torture is defined by the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to read: “any state-sanctioned action by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for obtaining information, punishment, intimidation, or for any reason based on discrimination.”

By this definition, security housing units fail on several counts: they cause severe pain both physical and mental; they do so often, or even primarily, with the hope of extracting information, and for the purpose of intimidation; and they are the most racially segregated part of the prison system. Though statistics are not released about the racial breakdown in these units, our estimate is that the people held there are over 90% people of color. This is because they are used largely to control what is judged, by prison officials, to be gang-related matters, although no distinction is being made between actually gang activity, and simple association, or alleged affiliation. The UN Human Rights Commission, responsible for implementation of the Covenant on Civil and Political Rights has specified that “prolonged solitary confinement” is prohibited as a form of torture.

What specifically are we talking about?: The absence of meaningful physical exercise, as well as any physical touching – for years on end, constitutes torture; The absence of daylight, and instead the constant harsh overhead light that never goes off, and deprives a person of knowing day from night; The constant noise, or in other cases deadening silence, also contribute to a sense of torture.

In addition to the units themselves violating the definition of torture – other practices associated with these units also involve torture such as violent cell extractions, three-point restraints or hog tying –and most recently a practice called “contraband watch” that puts prisoners into diapers, leaving them in their own waste for days at a time. Not only do these practices violate the international treaties, they violate our sense of human decency.

The justification is always that the prisoner may have engaged in some kind of violent behavior. However, the Convention Against Torture is very clear about such justifications:

 “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency may be invoked as a justification of torture.”

I want to end by making a couple of legislative recommendations that begin to move the state away from torture. The first is something that the legislature has passed several times already, but has always been vetoed, which is to restore the right of reporters to enter these facilities and interview prisoners – not just hand selected prisoners chosen by the prison administration. Free press is one of the most important safeguards we have against abuse.

Secondly, I would recommend implementing limits on the amount of time people can be held in isolation. Even in Abu Ghraib, where there is widespread agreement that torture was the norm, prison officials had to get special permission to keep someone in solitary for more than 30 days. Short of an actual time limit, there must be due process, with access to attorneys and an independent judge – that is not just an internal administrator – to determine if a person will be isolated beyond the limit, with a similar process occurring every few months if the sentence is prolonged.