

Lackawanna County Prison
1371 North Washington Avenue
Scranton, PA 18509

- Investigative Report -

Alternatives to Solitary Confinement

Independent Evaluator: Daniel T. Demuth

March 2025

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DISCLAIMER: This report was investigated, developed, and prepared by Daniel T. Demuth, an independent evaluator. It should be considered as an independent analysis and critique of the Lackawanna County Prison's policies and procedures related to solitary confinement and the restricted housing unit (RHU).

Special Thanks are extended to the following individuals, all of whom contributed to the content of this report: Tim Betti, Lackawanna County Prison warden; Ray Colleran, former Lackawanna County Prison warden and former superintendent of the State Correctional Institution at Waymart; inmate advocates Lizz Parsons and Maggie Craig; Lackawanna County Prison personnel – Behavioral Health Director Leah Parduski, Captain Jason Lando, Lieutenants Nicholas Dranchak and Sal Zito (former employee), and Sergeants Brian Cwalinski and Joseph Aloe, and Correctional Officer James Demuth.

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The report was prepared by adding uniform resource locators (URLs) rather than footnotes. This will allow the reader to tap on the URL (there are two options, one by title and the other by URL) to view the actual corresponding article via the internet or copy and paste the URL to the address bar of a computer for the same objective. Certain articles also contain highlighted and underlined words or phrases which will permit the reader to click on and be readdressed to the actual online article. Additionally, there are attachments to each reader's email which contain the Lackawanna County Prison inmate handbook as well as six (6) policy and procedural documents and pics (pictures) of the cells in the RHU.

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INTRODUCTION

Overview

This study contains an historical perspective of solitary confinement as used in the correctional system, especially within the Pennsylvania county prisons. It is noteworthy that the policies and procedures of the Lackawanna County Prison follow the statutory language outlined in Title 37, Chapter 95 of the Pennsylvania Code.

Information was developed through historical and case law research via the internet and interviews of a former highly experienced corrections administrator, prison personnel, and inmate advocates. The study was further developed by reviewing Lackawanna County Prison policies and procedures and Pennsylvania Code, Title 37, Chapter 95, County Correctional Institutions, as well as first hand observations of disciplinary hearings and visual surroundings of the facility's interior, especially the cells in the RHU. Three county prison wardens were contacted in order to obtain input on the subject matter. Two wardens declined to respond to a telephonic request, and one warden responded, through an intermediary, that he would not agree to an interview. It is opined and conjectured that their refusals may have been in connection with the numerous lawsuits filed throughout the country regarding the use of solitary confinement in correctional institutions.

The conclusion of this report will offer a critique and assessment of the use of solitary confinement at the Lackawanna County Prison and will further offer suggestions and possible alternatives to reduce that particular population.

SOLITARY CONFINEMENT DEFINED

It is important to clarify terminology used in the report. In universal terms, solitary confinement is also known as Administrative Segregation, Special Housing Unit, Restrictive Housing Unit (RHU) and Special Needs Unit (SNU) to name a few. A misconception is that the use of the term solitary confinement is synonymous with restrictive housing or restrictive housing unit (RHU). However, there is a significant difference.

The Merriam Webster dictionary defines "solitary confinement" as "the state of being kept alone in a prison cell away from other prisoners." It is generally utilized in the correctional system as a means to segregate violent offenders from non-violent ones and as a form of "behavior modification" for those who fail to follow the rules and regulations of the institution. Behavior modification is

defined as “the use of behavior change techniques to increase the frequency of adaptive behavior and decrease that of maladaptive behavior.”

Solitary confinement Definition & Meaning - Merriam-Webster

or

<https://www.merriam-webster.com/dictionary/solitary%20confinement>

<https://psychologydictionary.org/behavior-modification/>

or

<https://psychologydictionary.org/behavior-modification/>

“Restrictive housing refers to a housing assignment for incarcerated individuals who are either a danger to self, a danger to others, or who present an unacceptable risk to facility security. Inmates in these settings will experience buildings with enhanced security and single-occupancy cells.”

For further clarification, “Solitary confinement, on the other hand, is a specific status, within a restrictive housing setting. It refers to the confinement of incarcerated individuals in a single-occupancy cell for more than 20 hours a day without meaningful human contact, out-of-cell activities, or opportunities to access common spaces.”

News Spotlight: Solitary Confinement – A Humanity in Corrections Approach | Washington State Department of Corrections

or

<https://doc.wa.gov/news/2024/spotlight/09182024.htm#moving>

HISTORICAL PERSPECTIVE

“In the late 18th century, the Quakers, a pacifist religious group in Pennsylvania, were looking for a way to rehabilitate criminals instead of resorting to the violence of the whip or the gallows. In 1787, they began to impose sentences of solitary confinement in an experiment at the Walnut Street Jail in Philadelphia.

“There was a belief that you could put a prisoner in his solitary cell, freed from the evil influences of modern society,” said Stuart Grassian, a clinical psychiatrist who has studied the long-term impact of isolation in prison. “[A]nd they would become like a monk in a monastic cell, free to come close to God and to their own inner being, and they would naturally heal from the evils of the outside society.... It was a noble experiment that was an absolute catastrophe.

“Solitary confinement at the time was considered more humane than other practices, and it spread to institutions in the northeastern U.S., including Massachusetts, New Jersey, Maryland and New York states, as well as several countries in Europe.”

A “Noble Experiment”: How Solitary Came to America | FRONTLINE

or

<https://www.pbs.org/wgbh/frontline/article/a-noble-experiment-how-solitary-came-to-america/>

However, “in an opinion in 1890 concerning the effects of solitary confinement on inmates housed in Philadelphia (Re: Medley, 134 U.S. 160), U.S. Supreme Court Justice Samuel Freeman Miller finds, “A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.”

Timeline: Solitary Confinement in U.S. Prisons : NPR

or

<https://www.npr.org/2006/07/26/5579901/timeline-solitary-confinement-in-u-s-prisons>

Medley, Petitioner | 134 U.S. 160 (1890) | Justia U.S. Supreme Court Center

or

<https://supreme.justia.com/cases/federal/us/134/160/>

Eighth Amendment to the United States Constitution

The Eighth Amendment states, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

Eighth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress

or

<https://constitution.congress.gov/constitution/amendment-8/>

The U.S. Supreme Court has repeatedly found that solitary confinement is not in violation of the Eighth Amendment, meaning it is not cruel and unusual punishment. In a more recent case, *Apodaca v Raemisch*, 139 S.Ct. 5 (2015), the court denied the petitions for writs of certiorari (a court process to seek judicial

review of a decision of a lower court or government agency) whereby three inmate petitioners (Jonathan Apodaca, Joshua Vigil, and Donnie Lowe) sought damages from long-term solitary confinement and deprivation of outdoor exercise (only when it was supported by a sufficient security justification).

17-1284 Apodaca v. Raemisch (10/09/2018)

or

https://www.supremecourt.gov/opinions/18pdf/17-1284_8mjp.pdf

Independent Evaluator's Opinion

It is worth noting that, in general, although living conditions in most prisons have significantly improved throughout the years, inmates are still currently housed in isolation for hours on end and are deprived of meaningful human contact and communication, except for brief periods involving the serving of meals (usually by other inmates) and periodic involvement with correctional, medical, and mental health staff.

RESEARCH STUDIES

Independent Evaluator's Opinion

Over the many years, there have been numerous studies conducted about the effects of solitary confinement as well as alternatives. The vast majority of studies argue against solitary confinement. In an attempt to summarize, excerpts from several articles follow:

National Institute of Corrections - *Common Misconceptions*

According to an article authored in 2015 by the National Institute of Corrections (NIC):

"Segregated housing, commonly known as solitary confinement, is increasingly being recognized in the United States as a human rights issue. While the precise number of people held in segregated housing on any given day is not known with any certainty, estimates run to more than 80,000 in state and federal prisons-which is surely an undercount as these do not include people held in solitary confinement in jails, military facilities, immigration detention centers, or juvenile justice facilities. Evidence mounts that the practice produces many unwanted and harmful outcomes-for the mental and physical health of those placed in isolation, for the public safety of the communities to which most will return, and for the corrections budgets of jurisdictions that rely on it for facility safety. Yet solitary confinement remains a mainstay of prison management and control in the U.S. largely because many policymakers, corrections officials, and members of the general public still subscribe to some or all of the common misconceptions and misguided

justifications addressed in this report." The most common misconceptions are corrected while describing some of the promising alternatives that reduce the use of solitary confinement.

"The ten misconceptions are: conditions in segregated housing are stark but not inhumane; segregated housing is reserved only for the most violent; segregated housing is used only as a last resort; segregated housing is used only for brief periods of time; the harmful effects of segregated housing are overstated and not well understood; segregated housing helps keep prisons and jails safer; segregated housing deters misbehavior and violence; segregated housing is the only way to protect the vulnerable; safe alternatives to segregated housing are expensive; and incarcerated people are rarely released directly to the community from segregated housing...."

Note - When initially conducting research, the previous information was derived verbatim from the following URL:

<https://nicic.gov/resources/nic-library/all-library-items/solitary-confinement-common-misconceptions-and-emerging>

However, a recent search revealed that this same URL resulted with "Page not found." It stated, "The National Institute of Corrections is currently assessing its website and materials in accordance with recent Executive Orders and related guidance. During this review, some of NIC's webpages and publications may be temporarily unavailable. Please revisit this web page for updates." Evenso, the information is included in this report because the ten listed misconceptions are excellent subject matters for discussion. NIC is a federal government agency whose mission is "To advance public safety by shaping and enhancing correctional policies and practices through leadership, learning, and innovation."

Anthony Gangi - *The role of solitary confinement, and why it's necessary*

Anthony Gangi, a prior correctional officer and now associate correctional administrator in New Jersey, offers a simplistic approach in a very brief article authored in 2015 entitled, *The role of solitary confinement, and why it's necessary*. Some of what he addresses include "To have or have not," "How this applies to segregation," and "Cruel and unusual punishment?"

In his "Tying our hands" conclusion, he asserts... "For those who work in corrections, we need to maintain order in a world that wants to be chaotic. The means with which we can employ are severely limited. When we are attacked by those on the outside, who remain unaware of the world on the inside, we begin to see our hands being tied.

“Those in corrections try to justify their methods, but most choose not to hear what those with the proper experience have to say. Over time, correctional staff has discovered that the threat of loss has power.

“In closing, before people decide on methods to eliminate, they must first understand the perspective of which that method was derived. Then, once they get an understanding of that perspective, they can either relate to why that method is employed, or come up with an alternative that actually has value.”

The role of solitary confinement, and why it's necessary

or

<https://www.corrections1.com/treatment/articles/the-role-of-solitary-confinement-and-why-its-necessary-h9hyGSg5d2XP4LR2/>

Vera Institute - *Why Are People Sent to Solitary Confinement? The Reasons Might Surprise You.*

In March 2021, the Vera Institute outlined reasons why individuals are sent to solitary confinement.

“Restrictive housing sweeps up hundreds of thousands of people each year, many of whom are not there because they have committed an act of violence. In every system in which Vera has conducted assessments, restrictive housing was not used only in response to the most dangerous behavior, but rather as a broad catch-all to respond to a wide range of behaviors and to manage vulnerable populations.

“If, instead, corrections officials responded to low-level infractions with due process, proportionate sanctions, and appropriate non punitive responses; if mental health treatment was the only response to symptoms of mental illness; and if people who needed protection were allowed to live in smaller, safer communities within a facility, then the number of people who experience restrictive housing would be significantly smaller.

“When departments of corrections and policymakers acknowledge that most people in restrictive housing are not there due to violent behavior, then reform efforts can focus on providing appropriate and effective alternatives for a large proportion of the restrictive housing population. Then, the much smaller number of people who are removed from the general population due to serious, violent behavior can be placed in an environment that, unlike traditional restrictive housing, is not isolating but rather provides appropriate social interaction and programming to address their needs and the underlying reasons for their behavior.”

Why Are People Sent to Solitary Confinement? The Reasons Might Surprise You.

or

<https://vera-institute.files.svdcdn.com/production/downloads/publications/why-are-people-sent-to-solitary-confinement.pdf>

Association for the Prevention of Torture (APT) - *Alternatives to solitary confinement: Introducing the International Guiding Statement*

On July 4, 2023, apt (association for the prevention of torture) authored an article on what's viewed as the international guiding statement for alternatives to solitary confinement. Key points follow:

“Solitary confinement practices continue worldwide because of a lack of alternatives.

“Experts from around the world have formulated the International Guiding Statement on Alternatives to Solitary Confinement, which provides recommendations and measures to reduce – and hopefully ultimately abolish – solitary confinement.

“The Guiding Statement includes recommendations that can be implemented as short-term, medium-term and long-term alternatives to solitary confinement. It also seeks to address the structural problems that result in a solitary confinement ‘pipeline’.

“The Guiding Statement is aimed at civil society organizations, prison authorities and legislatures.”

“The Guiding Statement is shaped by two understandings. The first is that the placement of individuals in solitary confinement is a symptom of wider systemic problems in prison settings. To tackle solitary confinement, the root causes – the solitary confinement ‘pipeline’ that results in the placement of individuals in isolation – must be addressed. This pipeline includes both the conditions within prisons – such as overcrowding, lack of suitable mental health care, a punitive approach in managing prisons – and wider structural issues, such as mass incarceration and criminalisation of underprivileged groups, insufficient mental health care in the community and the use of incarceration settings as holding sites for individuals with mental health issues. The second is that, until these structural changes are addressed, short-term measures must be implemented to ensure that individuals currently held in solitary confinement can be taken out. As stakeholders increasingly implement the recommendations of the Guiding

Statement, more tools and alternatives to solitary confinement will be available for use.”

The recommendations in the Guiding Statement are divided into five sections.

“Documentation, oversight and accountability

Understanding the way in which and the extent to which solitary confinement is carried out, as well as the individuals most likely to be targeted, is a necessary step in reducing and ultimately abolishing the practice. The Guiding Statement provides important innovations and specificity about the kind of accountability measures we still so desperately need. These include precise and individualised records on steps taken to avoid using solitary; whether the individual is from an underprivileged group; and what alternatives to solitary confinement had first been attempted. More accountable record-keeping must be coupled with improved oversight, including by judges. Despite often taking part in prolonging solitary confinement measures, judges rarely conduct on-site visits to verify the accuracy of data given by prison authorities. As such, the Guiding Statement recommends the institutionalisation and regularisation of on-site visits by judges involved in solitary confinement cases.

“Alternative short-term and medium-term measures

Around the world, prison authorities cite several justifications for using solitary confinement, including to minimise friction, to respond to violent acts, as a disciplinary sanction, to prevent self-harm, to address security concerns, and upon the request of an individual. The Guiding Statement provides recommendations on how to remove people who are currently placed in solitary confinement, how to deal differently in the situations outlined above, and on the role of physicians and prison staff within such contexts.

“For example, should an individual self-harm, the Guiding Statement recommends an immediate assessment by mental health professionals, an individualised care plan, and that de-escalation measures be put in place by prison staff. As prison authorities and national legislatures take steps to implement these recommendations, more support will be available for alternative measures; for example, establishing an independent body of mental health professionals, which will also be authorised to recommend a person's release from prison.

“Should an individual request to be placed in solitary confinement, the Guiding Statement recommends a process to understand the underlying reasons behind that request, and then find a different arrangement that addresses the individual's concerns, including their need for safety, as well as providing programming to address other concerns, including socialisation skills. Implementing this recommendation would assist in cases such as that of J.H, a woman for whom a

PHRI-appointed psychiatrist recommended a removal plan from solitary confinement that involved integrating her in a unit with other women, while also providing a cell within the unit for her use as needed. As further implementation of the Guiding Statement occurs, this woman could have an individualised care plan that includes personal meetings with therapeutic providers.

“Individualised care plans

Individuals placed in solitary confinement are often those that find the uniform, one-size-fits-all nature of incarceration settings the most challenging, as prison procedures do not address their needs. In response to their behaviour, prison officials can resort to the use of solitary confinement. The Guiding Statement recommends, however, that individuals be offered an individualised care plan, developed in collaboration with health professionals, that addresses their unique circumstances in a transparent, responsive, and compassionate way. The goal is to ultimately re-integrating the individual into less restrictive conditions of confinement. These individualised care plans are rarely resource-intensive and have a swift impact on the well-being of the individual, as well as for the individuals and institutions responsible for their care. An individualised care plan can help to ameliorate the identity-stripping nature of incarceration, as well as safeguard an individual’s mental and physical health.

“Staff training

Interaction with staff is a critical factor for the well-being of incarcerated individuals. The approach and decisions taken by staff are key factors in determining whether individuals are placed in solitary confinement. Lack of appropriate training and tools too often results in the use of punitive approaches and the misinterpretation of individual behaviour, such as terming self-harm as ‘attention seeking’. Training and support for prison staff should include teaching de-escalation techniques and early intervention mechanisms, secondary trauma care for the prison staff themselves, and providing a broader understanding of the impact of solitary confinement on the individuals for whom they are responsible. The Guiding Statement includes recommendations on what should be included in training for prison staff, how it should be evaluated, and who should deliver that training and supervision.

“Stopping the solitary confinement 'pipeline’

The Appendix to the Guiding Statement includes steps to address the wider systemic problems that result in the placement of individuals in solitary confinement. This section provides the comprehensive, holistic view that is a necessary accompaniment to the short-term and medium-term measures. It includes recommendations for reducing the prison population, as overcrowding results in increased friction and stress between individuals. These circumstances then lead to behaviour that prison authorities address by placing individuals in

solitary confinement. The Guiding Statement also includes recommendations on providing mental health in the community, so that individuals with mental health issues are less likely to be incarcerated in the first place, but can instead receive the support they need in community settings. This section also addresses the disproportionate criminalisation of underprivileged groups who are also disproportionately placed in solitary confinement when incarcerated. Suggestions to address this include the provision of reports on persons from underprivileged groups in pre-sentencing and bail hearings, including experiences of CIDT by such individuals, as well as the establishment of a state-appointed independent committee that would inquire into the factors that lead to the overrepresentation of underprivileged groups in prisons, the coercive measures used against them, and steps to address these inequalities.

“The Guiding Statement aims to be a consensus statement that prison authorities, legislatures and civil society organisations, and can support and work towards implementing. While some of the recommendations can be executed immediately, others will require a concerted effort to ensure local and international implementation. We hope it will be a useful roadmap as we work towards the reduction and eventual abolition of solitary confinement.”

Alternatives to solitary confinement: Introducing the International Guiding Statement | APT

or

<https://www.apr.ch/news/alternatives-solitary-confinement-introducing-international-guiding-statement>

LEGISLATION AND IMPLEMENTATION RESULTS

New York Civil Liberties Union (NYCLU) and The Humane Alternatives to Long-Term Solitary Confinement (HALT) Act

The Humane Alternatives to Long-Term Solitary Confinement Act (HALT) was passed by the New York State legislature and became effective on March 31, 2022.

The New York Civil Liberties Union (NYCLU) critiqued it by stating that, “International human rights and health organizations have roundly denounced the use of prolonged solitary confinement as a form of torture. The World Health Organization, United Nations, and other international bodies have recognized

solitary confinement as greatly harmful and potentially fatal. In 2016, the National Commission on Correctional Health Care issued guidance to correctional health officials explaining that a period of confinement beyond 15 consecutive days is ‘inhumane, degrading treatment, and harmful to an individual’s health.’”

They list the following groups as particularly vulnerable to the effects of solitary confinement: “young people aged 21 and younger and adults aged 55 or older; pregnant women and women in postpartum recovery; and individuals with disabilities and chronic mental illnesses.

“It is the contention of the NYCLU that ‘The HALT Solitary Confinement Act’ would do the following:

- Prohibit long-term solitary/segregated confinement by limiting the time spent in confinement to not more than 15 consecutive days, or 20 days total in any 60-day period;
- Ban solitary confinement of special/vulnerable populations:
 - 21 years or younger;
 - 55 years or older;
 - anyone with a physical, mental, or medical disability;
 - anyone pregnant; or in the first 8 weeks of post-partum recovery period or anyone who is a new mother or caring for a child while in a jail or prison;
- Require 6 hours of out-of-cell programming plus one hour of out-of-cell recreation per day;
- Create alternatives to isolated confinement and applying limitations for alternatives by requiring larger jails to provide Residential Rehabilitation Units (RRUs) – rehabilitative units with access to support, services, and programs for behavioral needs, as well as 6 hours out-of-cell programming plus one hour of out-of-cell recreation and 60-day reviews for release determinations;
- Allow reinstatement of credit toward early release for successful completion of RRUs for consideration for early release from jail/prison;
- Require necessary training for staff; and
- Require public reporting of who is in isolation, RRUs, and for how long.

“The HALT Solitary Confinement Act advances the ultimate goal of bringing an end to abusive solitary confinement practices. To enact anything less than such significant reform is to continue to ignore the principles and protections of the U.S. Constitution’s Eighth and Fourteenth Amendments.”

The Humane Alternatives to Long-Term ("HALT") Solitary Confinement Act -
NYCLU

or

<https://www.nyclu.org/resources/policy/legislations/humane-alternatives-long-term-halt-solitary-confinement-act>

The National Religious Campaign Against Torture (NRCAT)

In 2023, the NRCAT wrote about the New York State HALT Act. Highlights follow:

“When a crisis arises inside a prison or jail, an intervention is needed. When that intervention requires separation, NRCAT advocates for humane alternatives to solitary confinement which include short-term separation that is accompanied by strict time limits for time-in-cell, rehabilitative and therapeutic programs, mental health and substance abuse treatment, individual and group therapy, and support by trained staff to address the underlying needs and causes of the behavior.

“The New York State HALT Solitary Confinement Law offers a powerful example of the potential for alternatives. Passed in 2021, the law came into full effect in 2022. As a result, “keeplock,” one of the forms of solitary confinement where people were locked in their cells for up to 24 hours a day, has ended. NY has seen a more than **80% reduction in the use of SHU, from roughly 1,800 people in February 2022** just prior to implementation **to roughly 300 people as of September 2023**, with a limit of 15 days in solitary for all people. An all-solitary supermax prison, Southport C.F., with a long history of torture and brutality, has been shuttered. People who have spent years or decades in solitary confinement, have been moved into alternative units, the general population, and the community, without incident. Alternative forms of separation from the general population now involve incarcerated people having access to at least 7 hours of daily out-of-cell group programming and activities.

“Access to sunlight, nature, and meaningful human contact are basic human needs that should not be denied to anyone, without exception. The Norwegian Correctional System offers an alternative vision implemented by a number of state corrections systems in the U.S. including North Dakota, where solitary

confinement was cut nearly in half by emphasizing the time, resources, and services that nurture human relationships which are considered essential to reducing the risk of conflict, disruption, and violence. NRCAT advocates for principles promoted by the Norwegian Correctional System (Labutta, 2016): “During incarceration people should gradually advance toward greater freedoms in their living circumstances, responsibilities, and environments as they progress from admission to reentry into society.”

“While individuals must be held accountable for their actions, accountability needs to be grounded in an understanding of the root causes of behavior and how punitive policies may have contributed to such behavior. NRCAT advocates for a transformation in our society’s approach to justice, aiming to replace solitary confinement with meaningful opportunities for individuals to grasp the profound consequences of their actions, initiate the process of making amends to their victims, and embark on a journey towards personal growth and positive change. This transformation necessitates a comprehensive examination of the root causes of harmful behavior, such as addressing underlying issues like substance abuse, trauma, or mental health challenges. Rather than exacerbating these problems through the isolation of prolonged solitary confinement, NRCAT advocates fostering an environment of healing and rehabilitation which will ultimately lead to a more just and compassionate society.”

If not solitary, what does NRCAT advocate for instead? - National Religious Campaign Against Torture

or

<https://www.nrcat.org/torture-in-us-prisons/learn-more-/the-issues/alternatives-to-solitary-confinement>

February 2022

https://doccs.ny.gov/system/files/documents/2022/02/doccs-fact-sheet-february-2022_1.pdf

September 2023

<https://doccs.ny.gov/system/files/documents/2023/09/halt-monthly-report-september-1-2023.pdf>

long history

<https://static1.squarespace.com/static/5b2c07e2a9e02851fb387477/t/5c4f5bd8562fa7fb256b550d/1548704749745/2017+Solitary+at+Southport.pdf>

Norwegian Correctional System

<https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-021-00155-5/tables/1>

Strike by New York State Corrections Officers

As an aside, on February 25, 2025, New York State corrections officers were on strike for their eighth day. One of the reasons cited was due to the implementation of “the HALT Act, which reduces the use of solitary confinement for prisoners who are prone to violence.”

[NYS correction officers strike on day 8 as mediation talks begin | News 4 Buffalo](#)
or
<https://www.wivb.com/news/crime/nys-correction-officers-strike-on-day-8-as-mediation-talks-begin/>

Washington State Department of Corrections - News Spotlight: Solitary Confinement – A Humanity in Corrections Approach

The Washington State Department of Corrections has shown progress in addressing the issue of solitary confinement. In a related article by the department dated September 18, 2024, it states:

“Within Washington prisons, we have been hard at work on these reforms for years. The [Solitary Confinement Transformation Project \(SCTP\)\(pdf\)](#) launched last year, and we now focus on prevention of violence, improved conditions of confinement, and preparing incarcerated individuals for reentry into general population. Our [Washington Way programs](#), inspired by our partnership with Amend at UCSF, is training staff to safely intervene before and after individuals are placed in a restrictive housing setting or solitary confinement. These teams are focused on reducing isolation and safely transitioning individuals to lower security housing. We know we have more work to do, and we are committed to continuous improvement on this critical issue. This year, we have requested 2.9 million dollars to once again ask the Legislature for support of these important reforms and look forward to using this funding to continue improving conditions and reducing reliance on solitary confinement, as we continue to build a more humane correctional system.”

News Spotlight: Solitary Confinement – A Humanity in Corrections Approach |
Washington State Department of Corrections

Solitary Confinement Transformation Project (SCTP)(pdf) -
<https://doc.wa.gov/docs/publications/100-PL019.pdf>

Washington Way Programs -
[https://www.seattletimes.com/seattle-news/wa-prisons-sent-100-staffers-to-norway
-the-goal-a-humane-system/](https://www.seattletimes.com/seattle-news/wa-prisons-sent-100-staffers-to-norway-the-goal-a-humane-system/)

RECENT LAWSUIT FILED IN PENNSYLVANIA

A federal class action suit was filed on March 4, 2024, in the Eastern District of Pennsylvania (**Hammond-v.-DOC-030424-Complaint**) by Attorneys for the Abolitionist Law Center, Pennsylvania Institutional Law Project, and firm Dechert LLP “to prohibit the state of Pennsylvania from using indefinite solitary confinement or placing anyone with mental illness in isolation units.” The suit also asked the court “to order the Pennsylvania Department of Corrections (DOC) to provide due process protections for people who will be or are already in solitary confinement and to award damages to those with mental illness who have been placed in solitary confinement, as well as those who have been subjected to long-term solitary confinement.”

Groups Sue to Stop Indefinite Solitary Confinement in Pennsylvania
or
<https://theappeal.org/pennsylvania-solitary-confinement-lawsuit/>

The Pennsylvania Institutional Law Project reported, “In May 2024, the original, all-encompassing case was split into three separate cases, each with different focal points. An amended complaint was filed in Hammond v. PA DOC updating that case to focus on solitary confinement of people with mental health conditions. Henderson v. Harry was filed to focus on prolonged solitary confinement of three years or more. And Walker v. Harry was filed to focus on due process challenges to those in solitary on the Restricted Release List or the Intensive Management Unit.”

PA DOC SOLITARY CONFINEMENT CASES (Hammond | Henderson | Walker)
— Pennsylvania Institutional Law Project
or
[https://pilp.org/legal-docket/2024/3/5/hammond-v-pennsylvania-department-of-co
rrections](https://pilp.org/legal-docket/2024/3/5/hammond-v-pennsylvania-department-of-corrections)

On January 8, 2025, Hammond-v.-DOC-030424-Complaint was transferred from the Eastern District of Pennsylvania to the Middle District of Pennsylvania under 1:2025CV00048 and assigned to the Honorable Daryl F. Bloom at Harrisburg. The case is pending.

<https://dockets.justia.com/docket/pennsylvania/pamdce/1:2025cv00048/145131>

37 PA CODE 95, COUNTY CORRECTIONAL INSTITUTIONS

37 Pa. Code Chapter 95. County Correctional Institutions

<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/037/chapter95/chap95toc.html&d>

In implementing policies and procedures of solitary confinement in the RHU, the Lackawanna County Prison and 64 other Pennsylvania county prisons are governed by the statutory language of Pennsylvania Code, Title 37, Chapter 95, County Correctional Institutions. There are two Pennsylvania counties, Forest and Sullivan, that do not have a prison and utilize facilities in neighboring counties.

Each inmate that enters the prison is furnished with a tablet computer, which offers telephone and internet access for a fee and contains a free accessible Inmate Handbook. The handbook, available in English and Spanish, is a comprehensive manual comprising 37 pages detailing everything from admission procedures, disciplinary actions, grievance procedures, inmate rights, privileges, mental health services, religious services, work release, etc... For inmates who are illiterate, a video is available which incorporates information from the handbook. Though there is no requirement for an inmate to sign-off confirming that the handbook was reviewed, there is an electronic signature sign-off upon receipt of the tablet computer. If an inmate speaks a language other than English or Spanish, which is rare, the prison has LanguageLine Solutions available, which according to its website, provides on-demand interpretation and document translation services for over 240+ languages.

LACKAWANNA COUNTY PRISON

Solitary Confinement and RHU Policies and Procedures

Inmates may voluntarily request and be granted approval to be placed in solitary confinement for various reasons and periods of time. The primary reason involves safety, or the perception of safety, and is an alternative to being placed in “general population” (those in the majority who are not segregated from others). However, most inmates in solitary confinement are there for violations of the prisons’ rules and regulations. The Lackawanna County Prison follows a policy and procedural manual, which is not readily available to inmates or the general public. Pertinent parts of the manual are included under a section entitled, **Inmate Rules, Rights and Discipline**. The section is then divided under chapters, which oftentimes include a subject. The notable chapters encompass Discipline Procedures (03.02); Discipline Procedures, Appeals Process (03.02.01); Administrative Segregation and Special Housing Inmates (03.04.01); Disciplinary Detention (03.04.02). There are also related sections entitled Inmate Services and Programs - Recreation - R.H.U., Assessment and S.N.U. (06.04.02) and finally a section named Medical Services-Sick Call-Segregated Housing Units (09.03.02).

Discipline Procedures (03.02) explain the policy by which disciplinary procedures are implemented. It defines the duties of the Disciplinary Board, types and seriousness of infractions (Class I, II and III), responsibilities of staff, and maximum penalties associated with the class of violation. The warden’s approval is required when a disciplinary action results in more than 45 days of disciplinary confinement. A Class I violation, considered severe, may result with 14 to 21 days in solitary confinement. There are 34 major offenses cited in this section. Class II violations, considered less severe, can result with 7 to 14 days in solitary confinement. There are 27 minor offenses cited in this section. A Class III violation may result in up to 24 hours in the inmate’s cell, a written reprimand, an extra work assignment, or up to three days suspension from an institutional job. There are 10 offenses cited in this section. The specific types of violations are outlined in the email attachments.

Discipline Procedures, Appeal Process (03.02.01) permits the inmate to file an appeal to the disposition of the violation(s) within five (5) days of the date the inmate receives a written copy of the disciplinary board’s findings. The appeal shall be heard at the Classification Committee’s next scheduled meeting, which is weekly, and the inmate shall be notified of the committee’s finding that same day. If the inmate is not satisfied, the inmate can appeal to the Warden, whose decision is final.

Administrative Segregation and Special Handling Inmates (03.04.01). This section defines an administrative segregation inmate as one who has been deemed to require separation from inmates in general population due to a threat or a perceived threat to the inmate's personal safety. All inmates placed into Administrative Segregation shall be reviewed at least once per month.

A Special Handling inmate requires additional security measures and are identified by staff, circumstances or by information received from other authorities. All inmates placed into Special Handling will be reviewed at least twice per month. These offenders are placed in different housing blocks depending on the type of designation.

Disciplinary Detention (03.04.02) involves the housing of inmates in the Prison Disciplinary Detention Units - "T" Block (Males) or "P" Block (Females). These inmates are separated from general housing in order to maintain safety and security within the prison.

Inmate Services and Programs - Recreation - R.H.U., Assessment and S.N.U. (06.04.02). This section explains that inmates shall be offered access to an outdoor/indoor recreational area. Recreation areas are separate from general housing inmates. Inmates in R.H.U. shall receive exercise as follows: minimum of one (1) hour a day, five (5) days a week, outside the cell, in the outdoor caged yard provided. For Assessment and S.N.U. (Special Needs Unit); inmates receive two (2) hours a day, five (5) days a week in the un-caged yards, unless security or safety considerations dictate otherwise. Security staff shall provide supervision for inmates' recreational activities. Males, females, and juveniles shall be segregated. Inmates may be segregated further based on age, vulnerability, and other appropriate security criteria. This section further explains that the recreation officer must follow 14 mandates and the housing unit officer must follow 11 mandates during this recreational period. It states that Disciplinary Custody inmates and Special Handling inmates that cell together shall exercise together in the caged yard provided. Single celled R.H.U. inmates are allowed one in a yard at any given time.

Medical Services - Sick Call - Segregated Housing Units (09.03.02) addresses a sick call service for those inmates that are housed in Segregated/Restricted Housing Units. This service allows for inmates to receive medical treatment equal to that of other inmates in general housing.

RHU Description

The RHU contains cells in Delta and Bravo sections that differ slightly depending on the location (i.e., center or corner). Delta section, T-block is the designated area for males while Bravo section, P-block is for females. The general size of a cell is 7' wide by 10'6" long with a ceiling height of 8'. A cell door has either one or two windows, each 5" wide by 40" high. A cell also has an outside window measuring 7" wide by 40" high. As of February 2025, the prison housed about 800 inmates with 23 male and 4 female inmates held in their respective RHU. Though the majority of inmates in solitary confinement are single celled, there are periodically instances of two in a cell.

RHU inmates are granted at least one hour, sometimes as much as two hours, of recreational time outside their cell, five days a week (Monday through Friday). When weather permits, the time is spent in outside caged areas in the prison yard. Inmates shower a minimum of twice or thrice weekly in the RHU area, excluding weekends. If the upper tier showers Monday, Wednesday, and Friday, the following week they will shower Tuesdays and Thursdays. Same for the lower tier.

Inmates in the RHU are not permitted a tablet computer, which are available to general population inmates. A tablet computer offers the Inmate Handbook, digital mail, games, law research, movies, and telephone services with video. A tablet computer is free to indigent inmates, though limited to the Inmate Handbook, digital mail, several games, and law research. Otherwise, there is a fee associated for those who are not indigent. Because RHU inmates do not have access to tablet computers, their mail is photocopied and then distributed to them. Even legal mail, which is opened in front of the inmate, is photocopied and furnished to the inmate while the hard original is destroyed.

There are no televisions in any of the individual RHU cells nor in the RHU area. RHU inmates are provided with three meals daily, and the meals are delivered via block workers (inmates with jobs). The block worker places a meal through the cell door wicket. Here an RHU inmate has the opportunity to talk briefly with the block worker and also periodically speaks with correctional officers throughout the day. Inmates who are in nearby cells can also communicate with each other by shouting.

Generally, an inmate in the restrictive housing unit can communicate with correctional officers, block workers, and medical, religious, and mental health staff. Religious visitors are generally seen in the interview rooms. A monthly visit lasting 30 minutes is a benefit given to RHU inmates and those in general

population. It is noteworthy that the prison does not afford contact visits to any inmates.

As an aside, there are two videos (the first is a trailer for 56 seconds and the second is a 360 degree view of a cell that lasts 2 minutes and 50 seconds) offered at [6x9: A virtual experience of solitary confinement | Technology | The Guardian](https://www.theguardian.com/world/ng-interactive/2016/apr/27/6x9-a-virtual-experience-of-solitary-confinement#gvr-intro) which provides a virtual understanding of what it might be to live in solitary confinement.

<https://www.theguardian.com/world/ng-interactive/2016/apr/27/6x9-a-virtual-experience-of-solitary-confinement#gvr-intro>

CONCLUSION

Without dispute, solitary confinement is a complicated matter. It has been used by many cultures for centuries. Studies indicate that the longer an individual spends in this type of confinement, the more negative physical and mental effects it can have on that individual. If the purposes are for punishment and deterrence, punishment is surely accomplished, though many have argued that it is cruel. However, actual proof of deterrence is lacking. It does allow for correctional institutions to separate inmates and, therefore, provide safety to and for them as well as prison staff.

Though it appears that solitary confinement will be utilized in the corrections system for the foreseeable future, there may be areas where the number of inmates subject to this status could be reduced. Should additional funding become available in Lackawanna County to increase staff and programming for inmate behavioral needs, some alternatives cited in the previously mentioned international guiding statement and “Halt Act” may provide a path towards this reduction. Pragmatically speaking, federal and state governments have a much more realistic means of providing funding and, therefore, behavioral programming than a county. In summation, reducing solitary confinement comes down to budget, hiring of sufficient competent personnel, proper training, and implementing beneficial programming.

DISCUSSION

It has been over a decade since this independent evaluator entered the Lackawanna County Prison as a federal probation officer. Once inside the RHU, the stark reality of solitary confinement became immediately apparent when an inmate was observed through his cell window pacing back and forth. Even after these many centuries of progress, there does not appear to be a pragmatic solution. There are,

however, practical alternatives that can be applied which may at least decrease the number of inmates in solitary confinement. Studies from states such as New York, North Dakota, and Washington (as previously cited) imply that solitary confinement numbers are reduced by implementing three interrelated types of reforms: alternative housing, rehabilitative programming that instills prosocial behaviors, and limiting the reasons for placement in solitary confinement. No matter what the method, budget considerations always seem to be a critical component. Either way, alternatives should continue to be sought.

Realizing that county budgets have limitations, the following ideas are presented to stimulate discussion:

“Good Time Credit”

Warden Timothy Betti has considered implementing a form of “good time credit,” wherein inmates can reduce their time in solitary confinement by demonstrating positive behavior and not committing any further violations while in solitary confinement.

“Increase in Resources and Trained Competent Professionals”

Behavioral Health Director Leah Parduski contends that solitary confinement is not utilized at the Lackawanna County Prison since inmates in the restrictive housing unit experience human contact, which includes sight and sound, periodically throughout the day. She asserts that an inmate in the RHU is not “alone in a dark cell for 23 out of 24 hours,” primarily because of the “concern that an otherwise healthy person’s wellness can be negatively affected by solitary confinement.” According to Leah Parduski, the prison’s mental health unit does “the best we can with what’s available. All persons in restrictive housing are routinely assessed by both medical staff and a behavioral health team to identify needs, provide intervention and support, and ensure the safety of all persons in our care. Staff maximize the potential of our current situation by optimizing available resources, but additionally trained professionals are needed.” It is Leah Parduski’s opinion that the number of inmates sent to restrictive housing could be reduced if there was an increase in resources, especially by hiring “competent professionals” who are trained by “competent licensed professionals.” She avers that should funding become available, there is a “wealth of diverse clinicians” in our geographical area who can make a positive difference.

“Revisions to Disciplinary Hearings”

Disciplinary hearings, as noted earlier, usually involve a lieutenant and sergeant. After conducting the hearing, which generally takes place at the inmate’s cell, a verdict is rendered by the lieutenant, who is viewed as a type of judge. The inmate receives a typed copy of the disposition usually that same day. It is suggested that the hearings take place in a different locale (i.e., office) to afford privacy to the

inmate, who may not feel safe relating information in an open setting. Realizing that this would require time management, it is understood that this may not always be realistic depending on staffing needs. It is further suggested that a neutral third party (e.g., mental health staff, inmate advocate) participate in the hearings, when possible, rather than two lone correctional officers. This may give the perception of fairness. The neutral third party's opinion regarding the disposition should also be considered. However, the final disposition, decided by the lieutenant, should be rendered as if there was agreement among the parties since the lieutenant's primary focus would be on security and deterrence. The sergeant and neutral third party's roles in the hearing should be to offer their thoughts on the matter and to be a sounding board for the lieutenant. At no time should the neutral third party communicate his or her private thoughts to the inmate relative to the disposition of the case.

“Contact Visitation”

“Contact visit means a visit to a prisoner where there is no physical barrier between the prisoner and the visitor but physical contact between them is limited, and supervised by a prison officer.”

contact visit Definition | Law Insider

or

<https://www.lawinsider.com/dictionary/contact-visit>

A contact visit is a premium privilege to most inmates so it can also be leveraged as a means of conformity to policy and procedures. As such, violations and solitary confinement placements may be reduced. Unfortunately this type of visit can be fraught with security risks. Staffing needs would also have to be considered.

“Review of Major (Class I) and Minor (Class II) Infractions”

Pursuant to 03.02, Discipline Procedures, Section IV - Procedure, “the Deputy Warden shall: ... 3. review policy on an annual basis and supply documentation of the review.”

Though the infractions appear consistent with the classification levels, a review with documentation of findings should be consistently supplied on an annual basis. It is urged that the deputy warden, in accordance with policy, examine the infractions with a view towards possibly downgrading some classifications of the infractions thereby reducing the amount of time an inmate would spend in solitary confinement.

“Understanding Disciplinary Procedures”

Though all inmates are furnished with a tablet computer which contains a free accessible Inmate Handbook, no one is required to read the handbook. In fact, some inmates do not have the capacity to read and comprehend it. For the sake of transparency and to foster an understanding of disciplinary procedures, it is suggested that class settings be made available to inmates for the purpose of reviewing the section in the handbook entitled, Conduct and Discipline (pages 24-30). Rather than expend staff for the classroom, volunteers can be trained to conduct the class. If an inmate can gain a clearer understanding of the types of infractions and their related dispositions, incidents of their maladaptive behavior may decrease.

“Think Tank and Data”

During one of my tours of the prison, it was learned from Lieutenant Nicholas Dranchak that he is involved in compiling prison data in order to identify trends. He primarily focuses on contraband, drugs, weapons, and security threat groups. The lieutenant provided some impressive and informative data examples, which were illustrated in the form of graphs and narratives. He is receptive to expanding his database to include issues related to solitary confinement and the RHU. Based on his willingness and experience, it is proposed that a type of “think tank,” which would ideally include both correctional and mental health personnel and possibly volunteers and inmates, be formed to explore behavioral aspects of inmates who are placed in solitary confinement. The ultimate goal would be to identify those behavioral characteristics and triggers of inmates prior to and when they are acting out. Once identified, an intervention program may be fashioned which hopefully would preemptively alter the negative behavior of the inmate. Lieutenant Dranchak is a liaison with the Pennsylvania Department of Corrections (DOC) and is confident that the DOC could provide beneficial related training should a “think tank” be implemented.

“Computer Tablet”

Coming from a purely humane standpoint and though it may be contrary to the philosophy of solitary confinement, it is proposed that some inmates be given limited access to a tablet computer unless, of course, the violation relates to the tablet. It is proposed that limited access may decrease the punishment aspect and possibly lay the groundwork for some to enhance their learning.

“Budget”

As always, an increase in the budget to hire “competent licensed professionals” to adequately address the mental health of hundreds of inmates is critical. This issue would have to be explored and presented to the county commissioners. Currently the prison is budgeted for eight counselors for about 800 inmates.

“Bail and Lackawanna County”

According to 2016-2017 data, Lackawanna County had the third highest of 67 Pennsylvania counties for cash bail versus release on recognizance (ROR). Though this subject may not be directly related to the issue at hand, it is important to point out that there may be more efficient ways to address bail and lessen the likelihood of incarceration, thereby reducing the number of inmates in solitary confinement.

Bail Trends in Pennsylvania 2016–2017

or

<https://www.brokenrulespa.org/bail-trends#:~:text=According%20to%202016%2D2017%20data,Beaver%2C%20Northampton%2C%20and%20Lawrence>