

“It’s immoral. It’s unethical. It’s torture”

# US uses solitary confinement as weapon against detained immigrants

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A report released last month by the International Consortium of Investigative Journalists (ICIJ) documents the widespread use of solitary confinement by US Immigration and Customs Enforcement (ICE) against detained immigrants. The report shows that, far from being a tactic of last resort to protect detainees in especially violent situations, ICE detention facilities use solitary confinement to terrorize, discipline and punish workers and young people caught up in the Trump administration’s escalating war on immigrants.

The United Nations special rapporteur on torture has argued that solitary confinement should be banned except in “very exceptional circumstances,” that isolation for more than 15 days constitutes “inhuman and degrading treatment,” and that those with mental illness should never be placed in isolation. The ICIJ report found that over the course of both the Obama and Trump administrations, ICE has consistently and systematically violated all of these tenets.

Based on an unprecedented review of over 8,400 reports filed over five years (2012-2017), the “Solitary Voices” investigation was conducted as a multinational effort, carried out by the ICIJ in conjunction with Grupo SIn (Guatemala), Mexicanos contra la corrupcion (Mexico), NBC News, the *Intercept* and Univision (US).

Over the course of five months, the journalists involved in the project carried out interviews with dozens of former detainees and pored over innumerable audits, memos and incident reports obtained through a public records request. They were also aided by Ellen Gallagher, a whistleblower from the Department of Homeland Security (DHS), who has gone public for the first time after spending years trying to sound the alarm about ICE’s abuse of solitary confinement.

Speaking to NBC news, Gallagher said she had decided to go public after what were essentially five fruitless years of trying to reform the system from within. All that her efforts yielded were several internal audits that were critical of ICE and a previously unreported letter in June 2015 from the Senate Judiciary Committee to Jeh Johnson (Obama’s DHS secretary), which questioned the use of solitary confinement by ICE. In the meantime, as Gallagher pointed out, “People were being

brutalized.”

She decided to share her story widely because she believed that without public action “this same set of circumstances will not stop.” On the contrary, she said, “I think it will actually get worse.”

The government’s widespread use of solitary confinement as a weapon against immigrants underscores the horrifying and dangerous conditions faced by detained refugees in United States. According to the records obtained by the ICIJ, barely half of those confined in isolation were reported to have violated any rules. A large section of the “segregated” population seemed to have been placed in solitary confinement for reasons ranging from consensual kissing to reporting abuse by guards or other detainees, being identified as gay or transgender, being disabled or exhibiting mental illness.

A Guatemalan man was placed in solitary confinement for two months in a county jail in Maryland because he had a prosthetic leg. A mentally ill Ukrainian man was put in isolation for 15 days in a facility in Arizona for the crime of having put half a green pepper inside his sock. A long-term US resident from Afghanistan spent nearly four months in solitary confinement for entering a shower without permission. One detainee was segregated for giving haircuts. Another detainee, who was already diagnosed with mental illness, was placed in solitary confinement for 41 days for encouraging fellow immigrants to go on a hunger strike.

There were at least 373 instances of detainees being placed in isolation because they were potentially suicidal, and an additional 200-plus cases of people who were already segregated being moved to “suicide watch” and further isolation. There were 187 cases in which a detainee was held in solitary for more than six months. In 32 of those cases, the detainee was segregated for more than a year.

Those suffering from mental ailments are particularly vulnerable to the harmful effects of isolation. As Kenneth Applebaum, a professor emeritus of psychiatry at the University of Massachusetts Medical School, told the *Intercept*, “This is the equivalent of pouring gasoline on a fire.” Applebaum, who had looked into ICE’s practice of segregation

as a DHS consultant, was particularly critical of its use as a way to manage suicidal patients: “This is a practice that exposes detainees to real psychological and physiological harm,” he said. The stories detailed in the ICIJ report clearly bear this out.

Dulce Rivera, a 36-year-old transgender woman originally from Honduras and a longtime permanent resident in the US, was detained by ICE in 2017 and placed in solitary confinement in May 2018 for supposedly harassing other prisoners. For about a month, she was allowed one hour a day in the “yard,” a patch of concrete encased in metal fencing, where she could pace alone.

In late June, after being told by her guards that she would no longer be allowed to go into the yard, Rivera tried to hang herself. Following a brief stint at the hospital, she was returned to the facility where she was placed in yet another solitary confinement cell, this one labeled “SUICIDE SAFE” in block letters. She would remain there for nearly a year. Now released from detention, Rivera has recurring nightmares, disorientation and trouble sleeping.

Rivera’s experiences, unfortunately, are not unique. Karandeep Singh, a Sikh immigrant from India, who was placed in solitary confinement after attempting a hunger strike, also tried to commit suicide. After his failed attempt, Singh was returned to yet another solitary cell, triggering a further mental breakdown. Now back in India, Singh told the ICIJ that he has flashbacks that trigger the fear he felt in solitary confinement in Texas. “You are changed; you can’t feel safe,” he said.

Jencarlo Jimenez-Joseph, a 27-year old detainee, was initially placed in solitary confinement in mid-April 2017 for supposedly starting a fight in the Stewart detention facility in Lumpkin, Georgia. Video footage later showed that he was actually the victim of the attack. Several days after being released from isolation, Jimenez-Joseph was sent back—this time for jumping off a second-floor balcony. As he told officials at that time, it was an action not meant to hurt anyone other than himself. After 18 days in segregation, Jimenez-Joseph managed to hang himself by tying a sheet to a small sprinkler head in his cell.

In a statement to NBC News, an ICE spokesperson responded to the report by claiming that the agency is “firmly committed to the safety and welfare of all those in its custody,” and that the “use of restrictive housing in ICE detention facilities is exceedingly rare, but at times necessary, to ensure the safety of staff and individuals in a facility.” The spokesperson added that ICE uses such practices to ensure that detainees “reside in safe, secure and humane environments and under appropriate conditions of confinement.”

The statement would be laughable if the human consequences that have been exposed were not so dire.

The horrors faced by immigrants in the various detention centers are the product of a network that has been gradually built up over three decades and a system that is driven in considerable part by the profit motive. It was Bill Clinton in the

1990s who first signed into law new requirements that mandated the detention of immigrants who had served prison time.

By the time of the Obama presidency, civil detention of non-citizens had become mainstream, with private contractors competing for multi-million-dollar federal grants, creating a seedy political economy of incarceration that has become the predominant tool of the American ruling class for dealing with the “immigration problem.”

In a report published last October, the *Intercept* detailed the way in which GEO Group, the private contractor that runs the Adelanto detention facility, by all accounts “one of the worst immigration prisons in the country,” has made millions through federal grants and deals with local officials. The *Intercept* described Adelanto as a “dusty, rural settlement in the Mojave desert two hours east of Los Angeles,” with approximately a fourth of its 42,000 residents consisting of incarcerated people “distributed between the immigration detention center, a county jail, a state prison and a nearby federal prison.”

Facing bankruptcy in 2015, the city made a deal with GEO Group contractually guaranteeing a minimum of 975 occupants in the detention center. At a rate of \$111 per day per occupant, this meant the company was guaranteed an annual income of \$40 million. The city would also get a cut of the grant, but that totals no more than \$100,487 annually.

In the meantime, the Adelanto detention facility has been cited for intolerable and inhumane conditions, lack of medical attention, improper disciplinary segregation, cruel and degrading treatment by guards, sexual abuse of detainees and widespread indifference to suicide attempts. This has not resulted in any charges being officially filed by ICE against the company or moves to end the company’s administration of the detention center.

In an interview with Spencer Woodman of the ICIJ, Rick Raemish, the former head of the Colorado Department of Corrections, who spearheaded the effort to limit solitary confinement in his state, declared, “It’s immoral. It’s unethical. It’s torture... This is a practice that needs to stop.”



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