

Only Once I Thought About Suicide

Reginald Dwayne Betts

I.

Every prison and jail in Virginia has a series of cells used for solitary confinement. Fairfax County Jail had three units for solitary confinement. None had windows. The R-Cells had ceilings so high that a tall man could not reach them by jumping. The other had a door so thick and heavy that when it closed no sounds escaped. The third looked like the cells for the general population.

At Southampton Correctional Center, an entire building had been converted to hold men in solitary. The cells looked just like those housing the general population, except the doors only opened to take you to the shower once every three days, or to the kennel-like cages where you periodically had an hour to pace the fifteen steps back and forth, to do push-ups, jumping jacks, to stare out the window into the open countryside that taunted you.

Some of the cells in solitary confinement at Red Onion State Prison faced what people called the gutted side of a mountain. Three times a week guards would shackle and cuff prisoners and escort them, under the watchful eye of a guard holding a shotgun, to the showers.

Sussex 1 State Prison, like Southampton, had units initially constructed for general population converted into solitary confinement units. Men could stare from their cell into the yard and watch men going about the work of doing time, the basketball games, the circling the yard, the fights. At Sussex, they also held death row prisoners, and on occasion, while being walked to the shower, you would glimpse a man preparing to die.

At Coffeewood Correctional Center, the solitary confinement unit had about a dozen cells. The windows were so high up that a tall man would have to leap to glimpse the green of the outside grass. Of all these prisons, only Southampton's units had windows wider than an open palm or taller than a man's arm.

II.

In 1996, when I was sixteen, a fifteen-year-old friend and I carjacked a man in Virginia. Shortly after being arrested, I confessed. Back then, I did not know what it meant to be transferred to criminal court. But I would learn. Following John DiLulio's super-predator theory, state prosecutors began to rely increasingly on statutory mechanisms that allowed them to transfer children from juvenile to criminal court, where, if found guilty, they would be exposed to the same punishments and same prisons as people eighteen or older.¹ In Virginia, carjacking carries a minimum sentence of fifteen years and a maximum of life in prison.² Five months after my crime, after pleading guilty to carjacking and a weapons charge, I stood before the Honorable Judge Bach to be sentenced. Before sentencing me to nine years, he said, "I am under no illusion that sending you to prison will help, but you can get something out of it if you want." It should not have been a surprise to anyone that part of what I got out of my time in prison was nearly a year and a half of solitary confinement.

For a time, I called cells in the solitary units of the Fairfax County Jail, Southampton Correctional Center, Red Onion State Prison, Sussex 1 State Prison, and Coffeewood Correctional Center home. Inside those cells, I counted everything: days, weeks, months, birthdays, and frequently the tiny markings on the wall. All told, I spent more than fourteen months in isolation at these various institutions. Author Jack Abbott, reflecting on his time spent in solitary confinement, wrote that it could "alter the ontological makeup of a stone."³ I know that what it does to men and women is far worse.

III.

A hundred and fifty years is a good spell of time to let pass without learning a lesson, but a case as secure as a cell in the hole attests to our modern failure. Jack Abbott's adage was old news a century before he penned it. The world's first prison kept all of its prisoners in solitary confinement.⁴ Built in 1829, Eastern Penitentiary's enabling act required that "the principle of solitary confinement of prisoners be preserved and maintained."⁵ Describing this

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1. JOLANTA JUSZKIEWICZ, CAMPAIGN FOR YOUTH JUSTICE, TO PUNISH A FEW: TOO MANY YOUTH CAUGHT IN THE NET OF ADULT PROSECUTION (2007), <http://www.campaignforyouthjustice.org/research/cfyj-reports> [<http://perma.cc/KG7A-V4FX>].
 2. VA. CODE ANN. § 18.2-58.1 (2015).
 3. JACK HENRY ABBOTT, IN THE BELLY OF THE BEAST: LETTERS FROM PRISON 45 (1981).
 4. Matthew W. Meskell, Note, *An American Resolution: The History of Prisons in the United States from 1777 to 1877*, 51 STAN. L. REV. 839, 855 (1999).
 5. *Id.* at 137.

system, Samuel Wood, Eastern's first warden, explained that "no prisoner is seen by another, after he enters the walls."⁶ The effects were obvious. One official observer, British Penal Authority William Crawford wrote, "[t]he whip inflicts immediate pain, but solitude inspires permanent terror."⁷ For some, including Crawford, this was a good thing; others knew better. When Charles Dickens toured the facility, he described its system as "rigid, strict, and hopeless solitary confinement" and denounced its horrors as "a secret punishment which slumbering humanity is not roused up to stay."⁸

The ASCA-Liman *Time-In-Cell* report provides the numbers that underscore the significance of this discussion. According to the report, between eighty and a hundred thousand men are in restrictive housing.⁹ Over thirty thousand are in administrative segregation.¹⁰ The report focuses on the latter group. By arguing that the practice is overused, the report addresses the issue of isolation as a form of social control within the contemporary prison—and raises serious questions about the legitimacy of the practice. But the report leaves equally important work to be done by future scholars. The absence of the voices of men and women who have experienced administrative segregation means that the ontologically troubling questions that pervade all practices involving isolation, whether they be done within a prison (in the form of administrative segregation) or through the use of supermax facilities or solitary confinement units, are not fully confronted.

IV.

Why, nearly two centuries after Dickens, does it still take studies like this one to make us consider the human beings who suffer and whose lives are often extinguished in these cells? How does a system that critics, prisoners, and correction officials all recognize as akin to torture remain intact today? The answer is simple: we justify prison policy based on our characterizations of those confined, not on any normative belief about what confinement in prison should look like.

The era of the "supermax"—or super-maximum security prison—arguably began with Marion Penitentiary. In 1983, Marion gained notoriety in the

6. Jacqueline Thibaut, "To Pave the Way to Penitence": *Prisoners and Discipline at the Eastern State Penitentiary 1829-1835*, 106 PA. MAG. HIST. & BIOGRAPHY 187, 190 (1982).

7. *Id.*

8. Charles Dickens, *Philadelphia, and Its Solitary Prison* (1824), reprinted in AM. POETRY REV., Nov.-Dec. 2004, at 15.

9. THE ARTHUR LIMAN PUB. INTEREST PROGRAM & ASS'N. OF STATE CORR. ADM'RS, TIME-IN-CELL: THE ASCA-LIMAN 2014 NATIONAL SURVEY OF ADMINISTRATIVE SEGREGATION IN PRISON 3 (2015).

10. *Id.*

federal system after prisoners connected to the Aryan Brotherhood gang killed two correctional officers while being escorted from their cells in shackles and cuffs.¹¹ Marion prison officials responded by returning to the philosophy of Eastern Penitentiary and locking the entire institution down. For the next twenty-three years, men spent twenty-three hours in their cells for every hour they were allowed outside of them.¹² Over the next two decades, more institutions followed Marion's approach.¹³ One was Red Onion State Prison, which Virginia opened sixteen years after Marion went on total lockdown. Billed as the state's toughest prison, Red Onion was meant to house the "worst of the worst"—a common catchphrase used to legitimate the harsh treatment of inmates. The *Washington Post* claimed Red Onion had been built for "inmates so dangerous that it's better to forget about rehabilitation and simply warehouse them."¹⁴ If only this were true. I arrived at the place we all called "the Onion" months before the *Post* article appeared. By then I was many things—barely eighteen years old, frail, young, terrified—but far from the worst of the worst.

The continued use of solitary confinement as a punitive measure suggests the correctional officers fail to recognize its negative side effects. But scholars and medical experts have extensively documented them. One such expert, Dr. Craig Haney, concluded in 2003 that "[t]here are few if any forms of imprisonment that appear to produce so much psychological trauma and in which so many symptoms of psychopathology are manifested."¹⁵ Others in the field overwhelmingly agree. Dr. Hans Toch has argued that "[t]he most extreme punitive confinement—such as supermaximum isolation—most heavily taxes limited coping competence, and leads, literally, to points of no return [P]rison cells become filled with prisoners who have withdrawn from painful reality and quietly hallucinate."¹⁶ But even Dr. Toch does not capture how overwhelmingly oppressive a cell becomes when the door never opens. These quotes from his work, too, erase as they reveal. Because inside his

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11. Justin Peters, *How a 1983 Murder Created America's Terrible Supermax-Prison Culture*, SLATE (Oct. 23, 2013), http://www.slate.com/blogs/crime/2013/10/23/marion_prison_lockdown_thomas_silverstein_how_a_1983_murder_created_america.html [<http://perma.cc/QQ8H-AGJC>].
 12. See Jesenia Pizzaro & Vanja M.K. Stenius, *Supermax Prisons: Their Rise, Current Practices, and Effect on Inmates*, 84 PRISON J. 248, 251 (2004).
 13. *Id.*
 14. Craig Timberg, *At Va.'s Toughest Prison, Tight Controls*, WASH. POST (Apr. 18, 1999), <http://www.washingtonpost.com/wp-srv/local/daily/april99/supermax18.htm> [<http://perma.cc/6PZ8-6WTX>].
 15. Craig Haney, *Mental Health Issues in Long-Term Solitary and "Supermax" Confinement*, 49 CRIME & DELINQ. 124, 125 (2003).
 16. Hans Toch, *Foreword* to TERRY A. KUPERS, PRISON MADNESS: THE MENTAL HEALTH CRISIS BEHIND BARS AND WHAT WE MUST DO ABOUT IT, at ix–xiv (1999).

quotes are the lives of men whose stories are lost. Some of them are lost inside my head. And the ones that are not lost, images of men screaming as guards in riot gear rushed into their cells, the makeshift nooses—these, even in their horror, fail to capture how time in a cell can haunt and ruin you.

Fortunately, there have been scholars who have used their research to get the voices of prisoners into this difficult conversation. In an effort to address mental health issues among inmates, ethnographer Lorna Rhodes spent eight years interviewing prisoners in Washington state penitentiaries.¹⁷ In one interview, a prisoner told Rhodes that “[t]he experience [of solitary confinement] stays with you . . . A strong person with a strong will, if it’s not breaking them it’s gonna make them into something with a lot of violent potential, a lot of hostility.”¹⁸ The men in administrative segregation are both visible and invisible. The conditions of their confinement are “concealed from public and even internal scrutiny behind layers of security precautions” while “representations of criminals and television documentaries of maximum-security prisons highlight the ritualized procedures that contain the dangerousness of the supermax inmate.”¹⁹

Narratives from prisoners reinforce what researchers have found. Rhodes explored the artwork of Todd Tarselli, a then-prisoner in a Pennsylvania supermax, to emphasize the way in which administrative segregation “plays a role in producing or exacerbating mental illness in prison”²⁰ In “Decompensation,” named after the psychiatric term for the failure to generate coping mechanisms in response to stress, Tarselli illustrates a man slowly losing the ability to recognize who he is and assert himself as an individual. Another powerful story comes from poet Etheridge Knight, who wrote about his experience in the hole:

I am being shoved into the Hole. I am stripped naked I am given a blanket, and the steel door behind me is shut and locked. It is dark and chilly in the Hole I pace the dark space, do push-ups, masturbate, curse the guards and the gods. Five or six days pass I begin to slow down, and the smothering starts. . . . After being in the Hole for a couple of weeks, not knowing night from day, I begin to lose track of time.²¹

17. Lorna A. Rhodes, *Psychopathy and the Face of Control in Supermax*, 2002 *ETHNOGRAPHY* 442.

18. *Id.* at 445.

19. *Id.* at 446.

20. Lorna A. Rhodes, *Images of Health: Pathological Effects of the Supermaximum Prison*, 95 *AM. J. PUB. HEALTH* 1692, 1692 (2005).

21. Etheridge Knight, *The Belly Dance*, in *SINGULAR VOICES: AMERICAN POETRY TODAY* 147-48 (Stephen Berg ed. 1985).

These stories, too often untold, animate the ways that time in the hole and in administrative segregation ruins people.

V.

Today there is no question that solitary confinement and administrative segregation create psychological problems in prisoners.²² By emphasizing the immense number of people in administrative segregation, the *Time-In-Cell* report creates an opportunity for us to discuss the stories of prisoners that would not have otherwise received mainstream attention—that would have gone untold. Eight years and four months in prison, two six month long stretches in solitary, and four shorter stints in the solitary give me an abundance of evidence to draw from.

On February 21, 1997, I was transferred from the Fairfax County Juvenile Detention Center to the Fairfax County Jail. At the time, my friend and codefendant was housed in the jail's only juvenile unit. To prevent us from housing together, the deputies placed me in administrative segregation. For ten days I awaited a cell in general population. For the first eight of those ten days, I was denied a mattress, a pillow, or a sheet. Given only a small gray blanket, I slept on a concrete slab covered in dried mucus and the grime of years without cleaning. The guy in the cell across from me spent all day talking to himself. Arguing with himself. Guards and nurses alike ignored his disintegration.

Later, while in administrative segregation at Sussex 1 State Prison, I watched men strapped down at four points, both arms and both legs. One old white man refused to shower. Periodically, they opened his cell door and forced him to bathe. I was in cell 5. The man in cell 6, he was afraid to go into general population.

At Coffeewood Correctional Center, I remember the exact moment when the man in the cell next to me lost himself. On the verge of being released to the general population, he changed his mind, turned around, and demanded to go back inside the cage that had held him. Once inside, he slammed a plastic chair against the door, again and again.

The hole broke some men. Others, it didn't. But while many of their stories are buried, hidden, this is not always true.

A short time ago, I walked into a local barbershop with a sheaf of papers. My barber knows that I am a writer and a law student, but he did not know about the time I spent in prison. That morning the papers I carried were a printed copy of *De Profundis*, Oscar Wilde's book about the time he spent in

22. See Pizzaro & Stenius, *supra* note 12, at 257 (finding that, despite methodological limitations, "the vast majority of research suggests that inmates placed in restricted environments . . . for prolonged periods of time begin to develop psychological problems").

solitary confinement. Staring at it, my barber asked if the sheaf of papers was the start of a new book. I told him no, and explained that I was writing an essay about solitary confinement. “Why would you be writing that?” he asked. When I told him about the time I’d spent in prison, in solitary confinement, and how it has long informed my study of the law, he was silent for a second. Over the next few minutes, he and I began a dance where we exchanged a fact at a time, slowly admitting our mutual intimacy with the darkness of the hole. In *De Profundis*, Wilde wrote, “[m]any men on their release carry their prison along with them into the air, and hide it as a secret disgrace in their hearts, and at length, like poor poisoned things, creep into some hole and die.”²³ After I told him about the long stretches I spent in solitary, he told me that the hole had almost crushed him. It reminded me of when I was sixteen, alone in the hole, nearly broken.

When I was sixteen years old and had only been in general population at the Fairfax County Jail for a few days, the ten-person block where I was assigned seemed like a scene from *Blood In Blood Out* or *The Shawshank Redemption*. I wanted out and asked to be moved, arguing that the frequent lockdowns kept me from attending school. They called it writing yourself out the block. It was a coward’s move, what men who couldn’t protect themselves did. When a deputy came and informed me that I was being moved to a different unit, I balked. By this time, I’d lost my earlier fears, and feared more the stigma that would come from writing myself out the block. In the hierarchy of shame, only checking into protective custody trumped asking to be moved from one block to another out of fear. The deputy threatened to put me in the hole if I did not move. I touched his arm, a childhood gesture. I was trying to say: I will move, no need for the handcuffs. But before I could speak, he slammed me against a brick wall. Handcuffed me. Dragged me to a cell in the hole for assaulting an officer. They tossed me in a cell with a door so thick that no sound escaped. I was sixteen years old. Each morning they took my mattress from me so that I could not sleep during the day. How do I explain this? Each day, I lost a little bit of what made me want to be free. I’ve never told this story. Those were the longest days of my sentence. One afternoon, in a fit of panic, I slammed my right fist against the wall. I fractured my pinky. I thought about suicide. I almost disappeared.

All around us, there are men and women made invisible, their spirits wiped out by policies that we don’t notice. The *Time-In-Cell* report forces us to grapple with their narratives in a way that Due Process and Eighth Amendment challenges brought to court do not, because the majority of the thirty thousand people in administrative segregation will never be represented

23. Oscar Wilde, *De Profundis* (1905), http://upword.com/wilde/de_profundis.html [<http://perma.cc/RJJ5-SQSC>].

ONLY ONCE I THOUGHT ABOUT SUICIDE

in a lawsuit. But their stories, if we listen, can be found. And those are the stories that demand change.

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