

# Segregation, Isolation, and Solitary Confinement in Nevada



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Item XIV

# Summary of Experts

*“Isolative confinement has proved a failed experiment. It causes immense psychological damage, but worse, it precludes efforts toward rehabilitation. No matter what the crime, we should wish for the prisoner to undergo rehabilitation so there can be post-release success at ‘going straight.’ The isolation and idleness of prison segregation makes rehabilitation very unlikely.” – Terry Kupers to the ACAJ on March 5, 2014*



NDOC reported that the only 2 youthful offender inmates who recidivated “had been housed in segregation a[t] some point during their time with NDOC.”

NDOC did not report on the adult population. (ACAJ March 5, 2014)

# Statement of the Problem

“I have been with the DOC for 20 years, and there are inmates who have been placed in administrative segregation for that same length of time.” E.K. McDaniel, Deputy Director, Operations. Department of Corrections (SB 107 Senate Judiciary Committee Hearing, March 27, 2013)

Average length of time in segregation for youthful offenders in NDOC custody on March 5, 2014 was 28.81 days; 89 days was the longest period and other offenders were in for 79, 71, and 57 days. NDOC did not report on the adult population. (NDOC presentation to ACAJ, March 5, 2014)

NDOC was unable to provide a substantial portion of information requested in the SB 107 legislative study due to their internal tracking systems and reporting mechanisms. Washoe County did not report at all.

ACLU will not share many intakes, nor provide additional specifics, because of fear of retaliation (documented in intakes) resulting in additional time in segregation.



# Nevada Law

There are no statutes on our books which define, regulate, or limit “segregation,” “isolation,” or “solitary confinement.” Only relevant NRS are:

**NRS 209.356** – Director and BOPC to establish regimental discipline program, including segregation of the inmate.

**NRS 209.361** – Director and BOPC to “[e]stablish procedures by regulation for disposing of cases involving violations of law in institutions” and “[e]stablish sanctions appropriate to the type and severity of such violations.”

**NRS 209.371** – Prohibiting corporal punishment and inhumane treatment.

**NRS 209.381** – Providing for healthful food, sanitary housing, and hygiene standards.

**NRS 209.387** – Education of offenders is “an act of grace of the State.” No offender has a right to an education.



# Overview

The American Bar Association Standards for Criminal Justice on the Treatment of Prisoners was approved in February, 2010. These standards are a reflection of litigation over the past 30 years and were drafted “with a wide range of institutional actors...[to provide] sufficient operational leeway for administrators’ professional judgment....[The ABA Standards] reflect a growing trend among states...finding that it is possible to reduce reliance on solitary confinement without sacrificing the safety of prison staff, other prisoners, or the public.” – Thomas M. Susman, Director of the ABA Governmental Affairs Office, June 19, 2012

The ABA defines short-term segregation as 30 days or less.

For purposes of this presentation, the terms “solitary confinement,” “segregation” and “isolation” are used interchangeably. They refer to a prisoner’s confinement to a cell for 23 hours or more a day. The words “solitary confinement” are used by judges in court opinions, professionals describing the practice, and the prisoners who experience it.

The purpose of this presentation is to respond to the notion that we do not have this practice in Nevada, as well as compare where we are with national best practices.



# Standard 23-3.8 Segregated Housing

*Conditions of extreme isolation should not be allowed, regardless of the reasons for a prisoner's segregation....*

*Conditions of extreme isolation generally include a combination of sensory deprivation, lack of contact with other persons, enforced idleness, minimal out-of-cell time, and lack of outdoor recreation.*

"I have actually been in Solitary Confinement for this last six years...[but] since October 28th, 2010, I have been stuck in an isolation cell at the end of a hallway in the back of the Infirmary." "No communication" sign posted outside the door. Food provided through a hole in door. (Inmate from Ely State Prison, as stated on <http://solitarywatch.com/2012/06/16/voices-from-solitary-from-a-nevada-hole/#comments>)

"This form of confinement is still Solitary Confinement. Having one other man that you must live with 24/7 with no jobs, schools, group therapy, or contact without restraints is still isolated confinement, Sir. Try living in your bathroom for the next 12 years with no one but another stranger as company. It makes for a violent, paranoid, uncertain situation, Sir. Men are dying or beaten into a hospital bed, simply because they can't leave when/if an argument breaks out." (from Nevada Prison Watch web site, letter to Senator Segerblom, May 6, 2013)

"ESP has 4 units which are purportedly GP, but only one wing of unit 8, 8b is GP by legal standards, other units 5, 6, 7, and 8a are Segregated Housing Units, because the Inmates are kept in their cells, 23 plus hours a day 365 days a year....The day rooms are not accessible nor open to those inmates at any time without restraints....There is no General Movement nor General Interaction, no opportunity to leave the cramped cell during normal prison routine, a shower is offered every other day and you are escorted in wrist restraints...." (Letter of James H. Green, provided by NV CURE to the ACAJ on November 6, 2013 meeting)

# Standard 23-2.6 Rationales for Segregated Housing

*Segregated housing should be for the briefest term and under the least restrictive conditions practicable....*

*If necessary for an investigation or the reasonable needs of law enforcement or prosecuting authorities, correctional authorities should be permitted to confine a prisoner under investigation for possible criminal violations in segregated housing for a period no more than 30 days.*



A SDCC prisoner voluntarily took a polygraph after letting staff know another inmate had a gun. He was written up for “false information and work stoppage” and given 120 days in “the hole.” Later, staff found the bullets. (ACLU intake, 2014)

A prisoner at SDCC alleges that he was placed in administrative segregation as retaliation for filing grievances. (ACLU intake, 2012)

An inmate at Florence McClure states that she was placed into solitary confinement because had severe diarrhea and prison management didn’t want other inmates disturbed. (ACLU intake, 2013)

An inmate at Florence McClure states that she was placed into solitary as retaliation for reporting prison guards having sexual relationships with inmates. (ACLU intake, 2013)

An NDOC inmate was placed in administrative segregation for 2 weeks for saving his sugars from his breakfast for his evening coffee. (ACLU intake, 2006)

Hernandez v. Cox, 2:13-CV-00698-RCJ, 2013 WL 4832732 (D. Nev. Sept. 6, 2013): Prisoner alleges that in July 2011, Warden placed Prisoner in segregation due to suspicions that he was encouraging a “food strike” among inmates. He was released the next day, and a food strike did occur, though Prisoner himself did not refuse to eat. He and two other inmates were returned to segregation, and he received a notice of charges for a major violation. [Southern Desert Correctional Center].



# Standard 23-2.7 Rationales for Long-Term Segregated Housing

*Correctional authorities should use long-term segregated housing sparingly and should not place or retain prisoners in such housing except for reasons relating to:*

- (i) Discipline after a finding that the prisoner has committed a very severe disciplinary infraction, in which safety or security was seriously threatened;*
- (ii) A credible continuing and serious threat to the security of others or to the prisoner's own safety;*
- (iii) Prevention of airborne contagion.*

A prisoner at Ely State Prison has been housed in long term solitary confinement since 2001. Labeled a prison leader and placed in solitary due to political struggle within the prison system and advocating for prisoners' rights. States that feels dehumanized. Alleges "disproportionate sanctions" in referring and assigning to administrative segregation for minor rule violations, violating procedural due process. (ACLU intake, 2010)

"The Wardens of The Prisons I've been Incarcerated In Are covering up Every Violation Because of so Many Law Suits. So Their Put Inmates In Solitary Confinement So Inmates can't continue with Their Civil Suites Against the Prisons. I was Sent to A Maximum Prison From A Minimum Prison For Expressing My First Amendment Civil Rights." (Copy of a 2013 Ely inmate letter provided to the ACLU by the AFSC)

"I am in solitary confinement without due process of the law. I am not in solitary under any sanctions. I am denied any access to programs, counseling, education, law library, religious services and restricted to only one 25 minute visit per week. In solitary confinement, I am only allowed rec yard for 30 minutes a day and if I want to shave I have to refuse my rec yard time. I only get rec yard Monday through Friday. On Saturday and Sunday is total lockdown in the cell 48 hours straight. I am being told by CCDC that I will be in solitary confinement indefinitely! Why is CCDC always on facility lockdown? Especially North Tower" (ACLU intake, 2012)



# Standard 23-2.7, continued



*Last year in New York, the Court ruled on the sentencing of a 17 year old, who had assaulted a corrections officer, to four years solitary confinement in the Special Housing Unit (SHU). The Court found that there was substantial evidence that the misbehavior had taken place, but that the four year sentence was “so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one’s sense of fairness, determining that the maximum justifiable sentence in the SHU for this inmate would be 18 months. Cookhorne v. Fischer*

Inmate at Ely State Prison has been in disciplinary segregation, for 23+ hours a day, since 1995 with disciplinary sanctions of over 40 years. (ACLU intake, 2012)

A 2014 letter to ACLU from the American Friends Service Committee states that an inmate at Ely State Prison has been in solitary confinement since 1998. (On file with ACLU.)

Another NDOC inmate has also been in combined disciplinary segregation and administrative segregation for 16 consecutive years. He alleges that, while others with similar violations have been permitted to leave segregation, he has not been provided with a reason why he remains isolated. (Letter to NV CURE, 2014, on file with ACLU)

# Standard 23-2.7, continued

*In 2012, Alabama U.S. District Court Judge Myron H. Thompson ruled that the Americans with Disabilities Act (ADA) prohibits blanket disability-based exclusions and mandates that prisoners with disabilities must be housed in the most integrated setting appropriate to the needs of the individuals. Exceptions may be made only on an individualized, case-by-case basis if the specific situation warrants different treatment. Henderson et al. v. Thomas et al.*



“I am HIV positive like hundreds of other NDOC prisoners & ½ or most of us will fall under state prison policy AR 610 maybe partially derived from NRS 209.385.4, which allows NDOC to lock up all HIVers in Ad. Seg. forever until dead or released from prison.” (ACLU intake, 2013)

AR 610 states in part, “The Department segregates inmates who test positive for HIV antibodies if they engage in high risk behavior which tends to promote the spread of this disease....”

Nevada is now the only state in the country to permit segregation based on HIV status.

## Standard 23-2.8 Segregated Housing and Mental Health

*No prisoner diagnosed with serious mental illness should be placed in long-term segregated housing.*



*No prisoner should be placed in segregated housing for more than 1 day without a mental health screening....*

*Any prisoner in segregated housing who develops serious mental illness should be placed in an environment where appropriate treatment can occur.*

“Not only do they put me in solitary confinement, they put me smack dead in the middle of two mental patients who have lost their grip on reality...The madness starts about 11pm every night, I call it party time. Doors get kicked, the screaming begins and toilets get banged on. I ball up wet tissue and stuff it in my ears. This helps a little bit but I can still hear every word that is being spoken.” (ESP inmate, from <http://www.prisoncensorship.info/news/all/US/1329>, March 2012)

“[A]ll Youthful Offenders placed in Segregation are evaluated by a Psychologist within 30 days of assignment to the unit and at least every 90 days thereafter.” (NDOC presentation to ACAJ, March 5, 2014)

“During the years reviewed (2010-2013), there was a total of 5 inmates 17 and under who had been housed in some sort of segregation and who had mental health classification other than “1-1”, which is the classification for “No impairment” and “No restrictions[.]” (NDOC presentation to ACAJ, March 5, 2014)

From 2010-2012 there were 5 suicides/attempts in general over 18 population and 6 of the segregation population. (NDOC presentation to ACAJ, March 5, 2014)

# Standard 23-2.8, continued

Litigation regarding the mentally ill and solitary confinement:

*Indiana Protection and Advocacy Services Commission v. Commissioner, Indiana Department of Correction*

*Madrid v. Gomez*

*Coleman v. Brown*

*Parsons v. Ryan*

*Disability Rights Network of Pennsylvania v. Wetzel*

*Department of Justice Cresson Findings Letter*

*Powell v. Gibbons*, 3:09-CV-00093-RCJ, 2010 WL 4293278 (D. Nev. Oct. 20, 2010): On January 16, 2003, at High Desert State Prison, Prison Officer left his assigned post at pod 2C–D. The office door to pod 2D was broken and failed to securely shut. Prisoner was on “walk-alone” status, in protective segregation, and was at high risk of being attacked. Second Prison Officer allowed or failed to stop three inmates from coming through the pod 2D broken door, allowing them access to pod 2C, where Prisoner was housed. The inmates attacked him. While he was being attacked by the inmates, Second Prison Officer shot Prisoner in the right side of his back and hip with four (4) shot gun shells which contained a foreign lead substance and/or other substance, small batteries that are used to track Prisoner, following Prisoner by GPS system. Prisoner alleges that Second Prison Officer failed to stop the inmates from attacking him. Prisoner alleges that he suffered permanent bodily injury, emotional distress, and that the tracking devices were “tweaked by GPS systems that caused intense pain at all times of day, at nights, loss of sleep, stinging sensations, [and] tissue damage.” [High Desert State Prison].

Inmate with depression, anxiety, ADHD, and bipolar disorder was immediately placed in isolation after arrest. Despite multiple suicide attempts, he was always returned to isolation. (ACLU Intake, 2013)



# Standard 23-2.9 Procedures for Placement and Retention in Long-Term Segregated Housing

*A prisoner should be placed or retained in long-term segregated housing only after an individualized determination, by a preponderance of the evidence....*

Ely State Prison, all General Population inmates are confined to cells for a minimum of 23 hours a day and double celled. If they refuse to be double-celled, inmates are threatened with being “housed in a segregation unit, served with a notice of disciplinary charges, sanctioned to loss of commissary, loss of privileges, arbitrary cell searches, confiscation of personal property, loss of incoming and outgoing mail, and reduction in the amount of food received from culinary officers.” (Affidavit of Manuel Winn, January 29, 2014) (Similar statements from Affidavit of James H. Green, October 21, 2013)

An inmate was housed in “the hole” for 11 months. During first month, he month requested to be in protective custody, had to lie about enemies on the prison yard in order to get out and be transferred to administrative segregation. He has been there an additional 10 months and can be kept as long as staff want, in his opinion. He is awaiting transfer to another prison, but they won’t classify him to any yard while he waits. (ACLU intake, 2013)

*Igbinovia v. McDaniel*, 3: 10-CV-00525-HDM, 2010 WL 5288167 (D. Nev. Dec. 17, 2010): Prisoner was charged and convicted of possession of contraband, a cell phone. Prisoner seeks to challenge evidence which was used to support his conviction and claims that he was convicted because he could provide no information to authorities regarding an internal prison investigation. He states that as a result of his conviction, he has been placed on HRP status, which results in him being placed in isolation and being deprived of all prison programs. [Ely State Prison].

*Bacon v. State*, 57540, 2011 WL 535926 (Nev. Feb. 14, 2011): Prisoner seeks an order prohibiting the Nevada Department of Corrections from placing him in isolation. [Southern Desert Correctional Center]



# Standard 23-2.9, continued

*If long-term segregation is being considered either because the prisoner poses a credible continuing and serious threat to the security of others or to the prisoner's own safety, the prisoner should be afforded, at a minimum, the following procedural protections:*

- (i) timely, written, and effective notice....;*
- (ii) Decision-making by a specialized classification committee that includes a qualified mental health care professional;*

"I was taken to 'the hole,' and at that time I had no clue why." (ACLU intake, 2014)

"They would not tell me why I was under investigation." (ACLU intake, 2013)

Prisoner does not know why he has been in custody for 4 months. "I am in a room with a video camera that can see every move I make and I do not have a shower in the room and certain deputies find it amusing to 'toss the cell' and take my pencil, pen, etc. and go through my legal mail, making it impossible for me to have the privacy I need to get out of custody...I do not have access to a phone." (ACLU intake, 2013)

Kenner v. Vidaurri, 3:11-CV-00784-RCJ, 2013 WL 663151 (D. Nev. Feb. 21, 2013): Prisoner alleges that prison officials subjected him to cruel and unusual punishment in violation of the Eighth Amendment and violated his due process rights under the Fourteenth Amendment when it assigned him to segregated quarters without affording him certain procedural safeguards. [Warm Springs Correctional Center].

Lisle v. McDaniel, 3:10-CV-00064-LRH, 2013 WL 5234907 (D. Nev. Sept. 16, 2013): Prisoner alleged that he was denied due process because he has been classified as a High Risk Potential ("HRP") inmate since 1996. Prisoner claims that he is in "solitary confinement," and he has many more restrictions placed on him than other inmates in the general Condemned Men's Unit ("CMU") population. Prisoner further claims that he has not been afforded fair hearings and that prison officials have relied on faulty information when reviewing his HRP status. [Ely State Prison].

Allen v. McDaniel, 3:08-CV-00430-RCJ, 2010 WL 3810065 (D. Nev. Aug. 31, 2010): Prisoner argues that prison's decision to place him in administrative segregation is not justified by concerns regarding his gang affiliation, which he describes as mere suspicions. Prisoner also argues that ESP staff failed to provide him with due process upon his assignment to administrative segregation, including written notice of the prison's reason for placing him in segregated quarters. [Ely State Prison]





# Standard 23-2.9, continued

*(iii) A hearing...[with an] opportunity to present available witnesses and information;*

*(iv)...opportunity... to confront and cross-examine witnesses....;*

*(v) An interpreter....;*

*(vi) [if unable to represent self], counsel....;*

After a verbal confrontation with another inmate, Investigator General Officer said that kites had been written about him by other inmates, but wasn't told the full nature of the kites/threat notes. Told IG that he didn't know why these kites were being written and that he didn't have any enemies in the general population. Placed in administrative segregation for his safety. Given Doc. 2003, which said he would be seen by a hearing committee in 3 working days to determine if should be held in administrative segregation and allow him to present his case, call witnesses and be allowed a substitute counsel. "I requested to have witnesses and...counsel. All of which was ignored. I have never received my hearing or was allowed to present my witnesses testimony. It is a known fact in prison to the inmates that when a individual writes a kite/threat note that is to just get the inmate who the kite was regarding off the yard. I've wrote grievances regarding the situation all of which has been denied." (ACLU intake, 2014)

*Fernandez v. Nevada*, 306-CV-00628-LRHRAM, 2010 WL 2133851 (D. Nev. Feb. 22, 2010): Prisoner seeks an order requiring prison to release an inmate from administrative segregation and to return Guzman to Unit 4C. Prisoner alleges that Prison Officers are tampering and interfering with inmate, who is one of Prisoner's witnesses. [Ely State Prison].

*Hatlen v. Cox*, 3:12-CV-00534-MMD, 2014 WL 546649 (D. Nev. Feb. 7, 2014): Prison Sergeant wrongfully sentenced Prisoner to 18 months disciplinary segregation without allowing him a defense. [Lovelock Correctional Center].

*Orlomoski v. Neven*, 2:10-CV-01250GMNLRL, 2010 WL 5136015 (D. Nev. Dec. 9, 2010): Prisoner, who is incarcerated at High Desert State Prison ("HDSP"), has sued HDSP Warden as well as Prison Lieutenant, challenging several aspects of his disciplinary proceedings. He claims the following: after a fight in culinary, Warden placed him in "unlawful" confinement, apparently before he had been found guilty of any charges. Prison Lieutenant and Warden denied him due process at his disciplinary hearing because they did not allow him to confront his accuser, call witnesses or access counsel. [High Desert State Prison].



# Standard 23-2.9, continued

*(viii) A written statement setting forth the evidence relied on and the reasons for placement;*

*(ix) Prompt review of the classification committee's decision by correctional administrators.*

*At [30 days maximum intervals], correctional authorities should conduct and document an evaluation of each prisoner's progress...[including] mental health...address[ing what] justifies the need to maintain...restrictions....*

*At intervals not to exceed 90 days, a full classification review...should occur....*

"I don't know what else to do, because I'm placed in the hole illegally, because they claim that an inmate dropped a kite on me, but they have no proof of this kite. They have me in the hole illegally, and they won't let me get an education. I want my education and they won't let me get it. I want to change, but they won't let me make a change. They won't allow me to help myself, to help others who can not help themselves. All they want me to do is, sit in the hole and die." (ACLU intake re: NDOC, 2013)

"On [date in 2013] I was taken to 'the hole,' and at that time I had no clue why I was taken to conduct adjustment housing. It is now 21 days later and still I am housed in 'the hole' with an 'intel hold.' Numerous requests and grievances with no responses. Why am I being housed in conduct adjustment housing? How long can they keep me in here without it being a violation of my rights? Are they not able to gather intel if I'm in general population?" (ACLU intake re: CCDC, 2014)

Prisoner in Northern Nevada Correctional Center was placed directly in administrative segregation for 23 hours a day, for 23 months. Prison cited A.R. 521, which did not apply, according to inmate, since no violent crime in designated time. Lost 6 days/month for 20 months, resulting in his staying in prison longer than necessary because could not participate in programming/work to earn time. Despite clear conduct --no write ups --didn't get point reduction as per procedure. Full classification review was denied. "Even A.R. 521 - sentence structure only requires Max to only do 12 months close custody...which Max has done three times over ----non stop!" (Rochelle LeFlore testimony to ACAJ on January 27, 2014)

Bolin v. Endel, 306-CV-00445-PMP-RAM, 2010 WL 520606 (D. Nev. Jan. 7, 2010): Prisoner alleges prison intentionally, arbitrarily and maliciously deprived him of Full Classification Committee (FCC) reviews regarding his administrative segregation status within Unit 3 from September 23, 2005 to April 13, 2007, in retaliation for filing a previous lawsuit against Warden and others. [Ely State Prison].

# Standard 23-2.9, continued

For employing a grievance procedure, multiple inmates were transferred out of Lovelock to another NDOC facility and put on lockdown for 23 hours a day. (Dan Hinton testimony to ACAJ, January 2014.)

A SDCC prisoner was placed in solitary confinement for over a month because another inmate filed a kite demanding the inmate be placed in solitary or else he would be harmed. While segregated, he was denied education and phone calls.(ACLU intake, 2013)

Another SDCC prisoner was placed in administrative segregation and given only 15 minutes a week for communication. Alleges that his segregation is in violation of the due process the prison has in place. "I've used the complaint system they have in place and received no help or responses back which is very common here, the complaints usually never make it in time for deadlines which is usually how their side is justified." At time of intake, still not charged with any violation and had been housed in lock down for 6 weeks. (ACLU intake, 2013)

African American who has been in solitary for a year doesn't know why he is there or how long he will be there. (ACLU intake, 2013)

Inmate was not allow to call witnesses at the hearing or to view the staff's supposed evidence against him, even though had a letter from a different inmate admitting to the violation. (ACLU intake, 2012).

Paliotta v. Brooks, 3:09-CV-0194-RCJ RAM, 2011 WL 769981 (D. Nev. Feb. 3, 2011): The alleged constitutional violations relate to Prisoner's housing status in disciplinary and administrative segregation as well as his classification to High Risk Potential (HRP) status, and denial of reclassification and transfer to general population. [Ely State Prison].



# Standard 23-3.8, continued

*All prisoners placed in segregated housing should be provided with meaningful forms of mental, physical, and social stimulation...[which] should include:*

- (i) In-cell programming....;*
- (iii) Opportunities to exercise....;*
- (v) Access to radio or television....*

Additionally, NDOC prisoners who are unable to earn programming “good time” credits are not eligible for sentence reduction.

“We do not offer direct program services such as training, classes or mentoring to inmates classified within the segregation population.” (NDOC presentation to ACAJ, March 5, 2014)

“There are no programs to teach me to be a better person. How can we learn to live better lives? When I do good I’m still locked down -- I am still chained any time I leave my cell. I have not touched grass in 12 years. I am in prison, I was convicted. But am I supposed to learn and be better? If so --what good does this solitary confinement do?” us learn to be humans not animals in cages.” (from Nevada Prison Watch Website, letter to Senator Segerblom, 05/06/13).

Reed v. Baker, 63488, 2014 WL 495737 (Nev. Jan. 16, 2014): Prisoner was improperly held at Ely State Prison in close custody, that close custody inmates at Ely State Prison are not treated properly, and that he was unable to earn as many credits as inmates. [Ely State Prison].



# Standard 23-3.5 Provision of Necessities

*Correctional authorities should maintain living quarters and associated common areas in a sanitary condition.*

*Correctional authorities should provide prisoners, without charge, basic individual hygiene items appropriate for their gender, as well as towels and bedding, which should be exchanged or laundered at least weekly.*

*Correctional authorities should provide prisoners with clean...clothing....*

Not provided soap or cleaning supplies at Ely State Prison. (ACLU intake, 2012)

Don't have basic sanitation items. (ACLU intake, 2013)

"In the center of this cell is a drain in which you urinate and defecate in and they just mop up the floor whenever they think it's dirty enough" (ACLU intake, 2013)

At CCDC, denied property, including clothing, for 24 hours. (ACLU intake, 2012)

Washoe County Sheriff's Office Status Notification, given to an inmate in late 2011, outlines a 9-Day Disciplinary Program. On the 2nd day, the inmate may earn back their regular blanket. On day 4, they can earn back their mattress full time. On day 5, they can earn back their sheets. (ACLU intake, 2012)

No food and no shower for 6 days in administrative segregation. (ACLU intake, 2009)

"The ad. seg units in the NDOC are housed with inmates who are in solitary for violation of the rules of NDOC. The NDOC doesn't treat inmate on ad. seg any different from inmates on disciplinary. In the NDOC's (AR 507) we are suppose to have more privileges which we don't I'm confined in a cell 24 hours a day by myself and come out every 3 days t shower and every 2 to 5 day to go outside into individual cages....I want to go to general population." (ACLU intake, 2014)



# Standard 23-3.5, continued

After assault by another inmate, a CCDIC inmate was placed in protective custody. Spent over 24 hours naked in freezing cold cell in psych ward. Denied property for 24 hours (legal papers, religious books, personal papers). “I am not allowed to attend religious services, because I am being forced to live as a PC inmate, Also because I am in solitary (which is a form of punishment). I have not been allowed out of this cell for over 72 hours to shower. I have not been give one (1) hour out of this cell either as required by Federal Law.” No responses to grievances. (ACLU intake, 2012)

After an African American inmate denied swearing at a guard, the guard physically assaulted inmate and destroyed cell. Inmate transferred to HDSP, where placed in solitary, unable to shower or brush teeth for over 4 days. (ACLU intake, 2013)

Antonetti v. Skolnik, 748 F. Supp. 2d 1201, 1210 (D. Nev. 2010): Prisoner claims that he has been housed in segregation for several years, and has been repeatedly denied materials such as books, paper, pens, and envelopes, as well as assistance from a law clerk and help with research, denied necessary hygiene materials, and segregation has forced a mental breakdown. [High Desert State Prison].

Casper v. Baker, 3:12-CV-00204-LRH, 2014 WL 177436 (D. Nev. Jan. 10, 2014): Prisoner alleges that in his “special isolation cell,” he only has a mattress, a blanket, a pair of underwear, a t-shirt, socks, toilet paper and a bible. Prisoner is not permitted to have a towel, soap, toothbrush or toothpaste in his cell, and cannot wash his hands after he uses the toilet. Prisoner states that he has asked prison for cleaning supplies to clean his cell, but they have denied his request. Prisoner claims that the prison and prison officials are fully aware of the unconstitutional conditions under which he is incarcerated, but have taken no action. [Ely State Prison].

# Recommendations:

Development of internal tracking systems to monitor the information requested in the study, so that we can get a full picture of what is happening.

Legislation requiring reporting on these tracked statistics. SB 107 reporting on limiting juvenile isolation has led to changes in policies and procedures, and a request for technical assistance in training for facility staff from the State.

New legislation for the NRS should focus on these major problem areas:

- 1) Use of alternatives to segregation in prisons and jails;
- 2) Prohibition of the placement of the mentally ill in solitary confinement;
- 3) Guarantees of sanitary conditions and access to hygiene products while segregated;
- 4) Clear parameters on which violations may lead to placement in segregation;
- 5) Due process guarantees for placement into segregation;
- 6) Regular status checks during all types of segregation;
- 7) Access to programming while segregated;
- 8) Written procedures on earning early release; and
- 9) 30 day limitation on most types of segregation.