



Posted on Sun, Jul. 25, 2010

Isolation at Tamms leads to mental illness, judge rules

Federal judge contends it leads to mental illness

BY GEORGE PAWLACZYK AND BETH HUNSDORFER
News-Democrat

Based on testimony about conditions at the Tamms Correctional Center, where many inmates have been kept in solitary confinement for a decade or more, a federal judge has ruled that such isolation leads to mental illness.

In a statement in support of his decision in a due process prisoners' lawsuit, U.S. District Court Judge G. Patrick Murphy wrote, "Tamms imposes dramatic limitations on human contact, so much so as to inflict lasting psychological damage and emotional harm on inmates confined there for long periods. ..."

Murphy's 94-page decision made public Tuesday was praised by prison reformers. It was derived from testimony from prison officials and inmates who described "crushing monotony" of spending 23 hours per day alone in a cell, devoid of human contact. Murphy wrote that prisoners are not told why they were sent to what he has ruled is Illinois' toughest lockup or when or how they can get out. The judge's finding concerning psychological harm contradicts prison officials' numerous claims over the years since the supermax opened in 1998, that long-term solitary confinement does not lead to mental breakdown.

The judge's statements about the adverse effects of confinement at Tamms were similar to information reported by the News-Democrat in its investigative series "Trapped in Tamms" published in August.

"This is another very strong voice that is becoming a nationwide chorus of findings by federal judges and international human rights groups that long-term solitary confinement simply is torture," said attorney Alan S. Mills of the Uptown People's Law Center in Chicago. Mills filed the lawsuit in 2000 on behalf of dozens of Tamms inmates.

Murphy's findings concerning solitary confinement were part of a legal requirement needed to decide the lawsuit's primary issue, that being sent to Tamms amounted to additional punishment that should be regulated by due process under 14th Amendment.

To set a punishment "baseline," Murphy ruled that being sent to the supermax in the southernmost part of Illinois is the equal of being confined at Ohio's supermax prison in Lucasville. A federal judge there said Lucasville inmates "face an atypical and significant hardship."

Murphy's final ruling requires that the Illinois Department of Corrections give each inmate 48 hours notice of a formal transfer review hearing soon after arrival at Tamms. At a hearing, witnesses may be called to allow a prisoner to challenge transfer to the solitary-only lockup. Inmates already held at the supermax will be first in line for hearings.

Murphy declined to comment, citing regulations against public statements by a judge concerning a pending case that is subject to appeal.

Illinois Department of Corrections spokeswoman Sharyn Elman said her department would not comment until the decision has been fully reviewed by counsel.

Laurie Jo Reynolds, a member of the Chicago-based Tamms Year 10 Committee, which has pushed for reform at Tamms since the relatively small prison, which usually holds about 250 prisoners, opened in 1998, said Murphy's account of existence at Tamms may influence state policymakers.

"Judge Murphy's description of life at Tamms is both riveting and terrifying," Reynolds said. "Never again can a prison official or legislator claim that Tamms is just like other prisons or that conditions there are not uniquely isolating or psychologically devastating."

Murphy's description of life at Tamms included many facts learned from prisoners who took the witness stand at the civil trial in Benton, which ended in December. They testified that their lives consisted of basically doing nothing.

Referring to an earlier, procedural decision in the case, Murphy cited the 7th U.S. Circuit Court of Appeals in Chicago by quoting this section, "being confined to Tamms is to be subjected to virtual sensory deprivation, with prisoners forced to spend most days doing literally nothing but staring at the four blank walls of their cells."

Murphy said he agreed with that court. "The record shows that this is indeed the case," he wrote. "The court notes that a large population of Tamms inmates are poorly educated, if not illiterate, and therefore cannot beguile their time in isolation through activities like reading and letter-writing. ... For those inmates, the long hours that they must spend alone in their cells must weigh especially heavily."

Noting testimony from inmates who displayed good behavior and were allowed to buy radios or televisions, Murphy stated, "Significantly, even Tamms inmates who have maintained clean disciplinary records for years remain at the supermax prison, with no idea how long they may be confined there."

Murphy questioned why Tamms inmates were not allowed to work prison jobs and noted that the lockup had no educational programs. He also cited a report by a prison system task force that confinement at Tamms was supposed to be limited to one year.

Prison reformers at the national level said that for a federal judge to make these observations in a formal ruling meant that they are extreme and possibly unconstitutional.

"The law is clear that infliction of psychological harm on prisoners can violate the Eighth Amendment's ban on cruel and unusual punishment," said David C. Fathi, a civil rights attorney and director of the American Civil Liberties Union National Prison Project in Washington, D.C.

"Judge Murphy's findings open the door to the possibility that conditions at Tamms may be ruled unconstitutional, at least as to those prisoners held there for long periods."

Malcolm C. Young, an attorney and director of the Program for Prison Reentry Strategies at Northwestern University Law School's Bluhm Legal Clinic in Chicago, said, "When a federal judge enters findings such as Judge Murphy's in (this) case, you can rest assured that the conditions were terrible, (and) the harm to the inmates was serious to the extreme."

Young, the former head of the prison reform group The John Howard Association, said Murphy's finding that isolation is psychologically damaging is "impressive" and matches what activists have concluded for years.

"For a federal judge to make the same kind of observations or reach the same conclusions, he or she has to have had evidence convincingly presented in a court of law," Young said. "The judge can't base his findings on hunch, intuition, supposition, or even plain common sense."