

*Commissioners' Resolution. On Ending the Torture of Prolonged Solitary Confinement in U.S. Prisons, Jails, and Immigration Detention Facilities*

## **Recommendation**

**Commissioners of the 226<sup>th</sup> General Assembly of the Presbyterian Church (U.S.A.) respectfully recommend that the 226<sup>th</sup> General Assembly:**

- 1. Call upon the 50 states and the federal government to follow the recent examples of N.J., N.Y., and Connecticut in passing comprehensive legislation significantly reducing the number of people held in prolonged solitary confinement, including placing strict time limits on solitary confinement, providing therapeutic alternatives to solitary, and prohibiting solitary confinement for vulnerable populations: juveniles, pregnant people, disabled people, and seriously mentally ill people.**
- 2. Urge all Presbyterians to call upon their city, state and federal elected officials to enact legislative or administrative reforms ending prolonged solitary confinement in city, state and federal jails, prisons, and detention centers, whether privately or publicly run, recognizing that confinement in excess of 22 hours or more per day without meaningful human contact, in excess of 15 consecutive days, is a form of torture (United Nations, "The Nelson Mandela Rules," as revised 2015; U.N. Convention against Torture).**
- 3. Urge presbyteries, congregations, and individual Presbyterians to support and participate in the work of the Office of Public Witness and human rights groups, including the National Religious Campaign Against Torture, to end the torture of prolonged solitary confinement and prohibit solitary confinement for vulnerable populations in U.S. state and federal jails, prisons, and immigration detention centers.**

## ***Rationale***

Hebrews 13:3 states: *Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.*

Prolonged solitary confinement is defined by the United Nations in its Standard Minimum Rules for the Treatment of Prisoners, as revised in 2015, also known as "The Nelson Mandela Rules," as "the confinement of prisoners for 22 hours or more a day without meaningful human contact, ... in excess of 15 consecutive days." Such long-term isolation has been shown to offer no rehabilitative benefit, but its destructive psychological effects are well-documented, amounting to torture under international law. (The U.N. Convention Against Torture, the Convention on the Elimination of All Forms of Racial Discrimination, and the U.N. International Convention on Civil and Political Rights.)

Moreover, leading criminologists, scholars and community activists have documented a prison to poverty pipeline in the U.S. Being transferred to solitary confinement while in prison means automatic suspension of participation in educational programs, vocational training, or personal

growth activities. This significantly decreases the chances for a solitary survivor to secure a job, or even a job interview, upon re-entry to society. Those who endure weeks, months, years and even decades of total isolation before returning back to society carry a deep and debilitating trauma from their torture that often makes it difficult to effectively interact with family, friends, potential employers, and their community.

The 220<sup>th</sup> General Assembly of the PC(USA) (2012) approved Item 11-22, calling upon the state and federal governments to limit the use of solitary confinement, reducing the number of prisoners in solitary and the duration of solitary. But 12 years later, over 120,000 incarcerated people, disproportionately adults and youth of color, are still being held in solitary confinement in state and federal prisons and local jails. This number does not include many more being held in isolation in juvenile facilities or in military and immigration detention.

The General Assembly and the Stated Clerk/OGA have previously spoken to condemn torture and call for human rights for incarcerated people, acknowledging that mass incarceration in the U.S. has a disproportionate racial impact, increases poverty, and puts an enormous burden on poor people of color and immigrants. The 217<sup>th</sup> General Assembly (2006), like many of its predecessors, called for fair and humane criminal justice policies.

Federal legislation is now pending (H.R.4972 - End Solitary Confinement Act, 118th Congress, 2023-2024) which would end prolonged solitary confinement in federal facilities, and there are parallel grassroots campaigns to limit the torture of solitary confinement in more than twenty U.S. states. Significant support is needed from the faith community and the public to enact the legislative and administrative reforms that will end the torture.

Luke 4:18 speaks to the heart of the Church's mission:

*The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free...*

Respectfully signed,  
Linwood Bagby, Presbytery of Northeast New Jersey  
The Rev. Judy Slater, Presbytery of the Redwoods  
The Rev. Trina Portillo, Presbytery of Boston