

No. 22-1716

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

JERRY CINTRON,
Plaintiff-Appellee,

v.

PAUL BIBEAULT, in his official and individual capacity; RUI DINIZ, in his official and individual capacity; MATTHEW KETTLE, in his official and individual capacity; PATRICIA COYNE-FAGUE, in her individual capacity; WAYNE T. SALISBURY, JR., Interim Director, in his official capacity; SPECIAL INVESTIGATOR STEVEN CABRAL, in his official and individual capacity; JEFFREY ACETO, in his official and individual capacity; LYNNE CORRY, in her official and individual capacity,
Defendants-Appellants,

LT. HAYES, in his official and individual capacity; LT. MOE, in his official and individual capacity; LT. BUSH, in his official and individual capacity; JENNIFER CHAPMAN, in her official and individual capacity; “COUNSELOR” FRANCO, in her official and individual capacity,
Defendants.

On Appeal from the United States District Court for the District of Rhode Island,
Case No. 1:19-cv-497, Chief Judge John J. McConnell

BRIEF AMICUS CURIAE IN SUPPORT OF PLAINTIFF-APPELLEE ON BEHALF OF INCARCERATED PERSONS WHO HAVE BEEN PLACED IN LONG-TERM SOLITARY CONFINEMENT AT RHODE ISLAND’S ADULT CORRECTIONAL INSTITUTIONS

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STATEMENT OF INTERESTS OF AMICI

The Amici who submit this brief—Jamal Bouchard, John Daponte, Raymond Grundy, Joseph Shepard, and Francisco Vega—are currently incarcerated by the Rhode Island Department of Corrections in the Adult Correctional Institutions (“ACI”), and they have each been subjected to long periods of solitary confinement at the ACI. Solitary confinement at the ACI goes by several different names, including disciplinary segregation, which Appellants impose upon incarcerated people based on allegations that they violated prison rules, and administrative segregation, which includes housing in the High Security Center, Rhode Island’s “supermax” facility.

Regardless of the name that prison officials use, what characterizes solitary confinement at the ACI is the isolation of incarcerated persons in small cells where they are kept alone at least twenty-three hours a day, without social contact, family support, access to exercise, access to mental stimulation, access to mental health treatment, and the opportunity for regular sleep. As a result of these deprivations, Amici experienced severe depression, anxiety, sleep disruption, panic attacks, paranoia, suicidal ideation, and suicide attempts. Amici submit this brief because they believe that sharing their experiences may assist the Court in understanding the extreme deprivations of life’s necessities that are involved in solitary

confinement at the ACI and the devastating harms that solitary confinement imposes.

* * *

Amici curiae state, pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), that no party’s counsel authored this brief in whole or in part. No party or party’s counsel contributed any money to fund the preparation or submission of this brief, and no person other than Amici or Amici’s counsel contributed money to fund the preparation or submission of this brief.

Pursuant to Federal Rule of Appellate Procedure 29(a)(2), Amici state that all parties have consented to the filing of this brief.

ARGUMENT

SOLITARY CONFINEMENT AT THE ACI DEPRIVES INCARCERATED PERSONS OF MANY OF “LIFE’S NECESSITIES,” AND THESE DEPRIVATIONS CAUSE DEVASTATING HARMS

Appellants make the startling claim that the imposition of a year or more in solitary confinement at Rhode Island’s ACI does not involve the deprivation of “life’s necessities” and therefore Appellants are entitled to dismissal on the basis of qualified immunity. *See* Appellants’ Br. 34-39. If that argument were accepted, Appellants would be entitled to impose long-term solitary confinement without any Eighth Amendment concerns, regardless of the well-known and devastating harms

that solitary confinement imposes on inmates’ mental and physical health, such as the harms that solitary causes to people like Mr. Cintron with untreated opioid use disorder.

Amici present this brief, which consists principally of Amici’s descriptions in their own words of their time in solitary confinement, to help the Court understand the extreme deprivations that characterize solitary confinement at the ACI. As Amici’s experiences demonstrate, solitary confinement involves the deprivation of all meaningful social contact, family support, access to exercise, access to mental stimulation, access to mental health treatment, and the opportunity for regular sleep. It simply defies belief to assert that these are not among “life’s necessities.”

Conditions of confinement violate the Eighth Amendment’s prohibition on cruel and unusual punishment when they deprive an incarcerated person of “the minimal civilized measure of life’s necessities.” *Farmer v. Brennan*, 511 U.S. 825, 834 (1994).¹ In assessing whether a deprivation involves one of “life’s necessities,”

¹ In addition to satisfying this “objective” element, an Eighth Amendment claim must demonstrate that prison officials were “deliberately indifferent” to inmate health or safety. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). This brief solely addresses the objective element, in responding to Appellants’ assertion that solitary confinement at the ACI for a year or more does not involve the deprivation of any of “life’s necessities.” To be sure, Appellants are well aware of the significant deprivations that solitary confinement imposes and their decision to impose it on persons with mental health issues like opioid use disorder undoubtedly demonstrates deliberate indifference to those harms.

the Supreme Court has determined whether a “need” exists by asking whether its absence would cause an “extreme deprivation” on the same order as a deprivation of a basic element of sustenance such as food and shelter. See *Hudson v. McMillian*, 503 U.S. 1, 9 (1992). Applying that standard, the Court has held that “life’s necessities” include food, clothing, shelter, safety, exercise, and access to needed medical care.² Lower courts have held that life’s necessities also include the need for social contact, as well as sleep and hygiene.³

Amici’s experiences, recounted in their own words below, demonstrates that long-term solitary confinement at the ACI involves extreme deprivations of basic human needs. For years, Amici were kept alone in tiny cells with no opportunities for meaningful human contact. Their families and friends could not visit them, and they were kept apart from the general prison population. The cells where they were kept were loud, cold, and dirty. Their only companions were the insects that crawled through the cracks in the walls. Lights were kept on all day and night. They had no access to mental stimulation, such as newspapers or other ways to connect to the outside world. On weekends and holidays, they were kept locked in

² See *Wilson v. Seiter*, 501 U.S. 294, 304 (1991); *Brown v. Plata*, 563 U.S. 493, 510 (2011); *Farmer*, 511 U.S. at 833.

³ *Walker v. Schultz*, 717 F.3d 119, 126-27 (2d Cir. 2013); *Wilkerson v. Stalder*, 639 F. Supp. 2d 654, 679 (M.D. La. 2007); *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995); *Ruiz v. Johnson*, 37 F. Supp. 2d 855 (S.D. Tex. 1999), rev’d and remanded on other grounds, *Ruiz v. United States*, 243 F.3d 941 (5th Cir. 2001).

their cells twenty-four hours a day, with no access to exercise, the outdoors, or other stimulation. On weekdays, Amici were given at most one hour per day outside of their cells, when they could walk in a circle in a small cage resembling a dog kennel. If the guards thought that the weather was bad, they might not even get that hour.

The time that Amici spent in solitary confinement at the ACI had devastating impacts on their lives. Almost immediately, they began to experience depression, anxiety, and paranoia, and these effects grew more severe the longer they were kept in solitary. With the lights kept on and the near constant noise, they suffered sleep deprivation and headaches. They could not stop suicidal thoughts, and several of them attempted suicide while in solitary. They grew angrier and more anti-social. They lost connections and support from family members who could neither call nor visit them. Once they were released from solitary, Amici had severe problems re-integrating into the general prison population as a result of the paranoia, anxiety, depression, anti-social feelings, and rage that are typical of people who have served long periods in solitary. In many cases, Amici were unable to repair relations with their families because of the time lost they in solitary.

The harms from the deprivations imposed by solitary confinement have continued long after Amici were released from solitary confinement. After years of isolation, they are uncomfortable being around other people. They continue to

battle depression, paranoia, and anxiety. And they have been unable to repair family relationships destroyed by years when they were unable to be in contact.

As Amici's experiences further demonstrate, the imposition of long-term solitary confinement significantly exacerbates existing mental health issues. Like Appellant Cintron, two of these Amici (John Daponte and Raymond Grundy) arrived at the ACI with significant and untreated addiction disorders. Like Mr. Cintron, these Amici overdosed on fentanyl while they were incarcerated at the ACI. They too were punished with solitary confinement rather than given substance abuse treatment. The deterioration of their mental health while in solitary led them to act out more, not less, and they received significant additional time in solitary for breaking prison rules. Indeed, as is well-documented, substantial time in solitary confinement makes inmates more likely to break prison rules and get more time in solitary, and it also makes them more likely to become recidivists after they leave prison. In contrast, substance abuse treatment decreases prison infractions and recidivism. When Amici Daponte and Grundy finally received substance abuse treatment, they were able to overcome their addictions, and since that time they have not received any additional drug-related bookings. Substance abuse treatment worked, while solitary confinement only made their problems worse.

As demonstrated by Amici’s experiences, set out below, the imposition of solitary confinement at the ACI effects “extreme deprivations,” *Hudson v. McMillian*, 503 U.S. at 9, on the same order as a deprivation of food, safety, or shelter, and thus involves the deprivation of “life’s necessities,” sufficient to satisfy the objective element of an Eighth Amendment claim.

A. John Daponte

John Daponte first came to the ACI in August 1987 when he was twenty years old, and he has been incarcerated for all but thirteen months since then. During his thirty-five years in prison, he has spent over well over a decade in solitary confinement, which includes time both in the High Security Center, Rhode Island’s “supermax” facility, and in disciplinary segregation. As Mr. Daponte’s account of his experiences attests, solitary confinement at the ACI deprives incarcerated persons of social contact, family support, sleep, and exercise, and it causes long-term harms, such as depression, anxiety, and the loss of family support.

I came to prison with substance abuse problems. Pills, dope, heroin. I was being treated for opioid use with suboxone before I got here but when I came here they stopped the treatment. I begged for treatment but I was told I was doing too much time and couldn’t be

treated. I went through withdrawal here. I got no substance abuse treatment for eight or nine years.

I overdosed on fentanyl and got three months in seg for it. They didn't give me any treatment. Punishment is the only thing they did for substance abuse.

The cells in seg are loud, dirty, and cold. The cell is empty, with just a bed and mattress, a sink, and a toilet. There was no desk and no shelf, and all your stuff was on the floor. You had to live off the floor. You have no control over the lights. They are on twenty-four hours a day. Either regular lights or the night lights, but it's never dark. They seem to keep the lights on to bother you on purpose. It's frustrating. It gave me headaches. I couldn't sleep. In some cells you can't tell day from night.

It's always cold in those cells, except in the middle of summer. You get only a minimum amount of clothes, toiletries, and some books. No newspapers.

The cells are filthy. There are ants, roaches, and mice. I got scabies while I was in seg.

You get one hour out of your cell on weekdays, but on weekends you're locked in twenty-four hours. Really, you don't want to go out.

They have to strip search you first and shackle you. It's more of an aggravation. Depending on where you are, the out-of-cell time may be inside and you don't go outside at all.

There's no social contact. In disciplinary seg, there are absolutely no visits with family. No phone calls, except for a two or three minute call when you first go to seg and then possibly a five-minute call every thirty days if you get permission. In High Security, at least when you're not in disciplinary seg, there are family visits but they're only during the week and people need to take a day off from work to visit. And they have to see you from the other side of glass, handcuffed and shackled. People stop coming, and you feel more isolated and depressed.

For a while, my cell was next to a guy who banged on the sink all day. I couldn't sleep at all. I'd be lucky if I could sleep for an hour. With the noise and stress, very few people sleep much in seg.

When you first go to seg, you're overwhelmed with all kinds of negative emotions and an emptiness. I was overwhelmed with depression, anxiety, and anger. I felt like killing myself. I stopped eating for long periods of time. Once I didn't eat for weeks. I was lonely and paranoid, and I couldn't sleep for days at a time.

I picked up multiple additional bookings as my mental health deteriorated. I started yelling, banging on the walls, arguing with the corrections officers. I was frustrated. I started to get negative attitudes and make trouble.

I became paranoid and lost touch with reality. I started to think that people were talking about me. When you're alone and living in your head, everything gets taken to the extreme.

Depression is a constant in seg. You feel the weight of the situation, you feel hopeless, and you feel like there's no future. I started taking numerous medications for my mental health problems but they don't give me anything that works.

At times I was very angry and aggressive. I felt like violence was the only way to reach out and ask for help. There was nothing to do so I acted out all the time. Yelling, screaming, kicking, breaking stuff. I received multiple additional bookings, which kept me in seg longer. It's a cycle—you have negative feelings from being in seg and act out, and then you get more time in seg.

I almost killed myself. I got put on suicide watch, stripped naked and put in a cell with nothing in there. If you say you're suicidal they take everything away and put you in the worst form of

lockup there is. They put you in a cell with nothing, and it makes things worse.

When I was done with seg, I was glad to be getting out but at the same time I wanted to stay alone and in my cell. I get panic attacks. Adrenaline rushes when I'm around other people. I just want to be left alone. I don't want to ask for help. These feelings never go away.

My time in segregation has changed me permanently. It's made me anti-social and paranoid, and that's always with me. It's hard to sit alone with nothing to do. It's a form of torture and it does a number on your head. There's no mental health treatment here to help process these issues. Once I saw a social worker who recommended I order a self-help book on Amazon. She didn't recommend counseling or therapy or any professional treatment. Just a book she said I could order myself. I don't even have a computer to order a book.

I lost touch with family and friends because of my time in seg and High Security. My girlfriend couldn't visit me. For years I couldn't make any calls. I lost contact with everybody. I've tried to regain contact with some people but it's hard after so much time was

lost. And it's hard to force myself to get in touch with people I know when I'd rather be alone.

I'm continuously working on my problems. I'm a work in progress. Now I'm in treatment for substance abuse. It's been a couple years. Since then, I haven't gotten into trouble even once. When they put me in seg, I acted out and was in constant distress. Since they put me in substance abuse treatment, I haven't had a single booking. I can only imagine that if I'd gotten treatment early on, instead of punishment, I might not still be here.

B. Raymond Grundy

Raymond Grundy first came to the ACI when he was seventeen years old, and he has been imprisoned for roughly thirty years since then. He estimates that he has spent more than eight years in solitary confinement at the ACI, including six years in administrative detention in the High Security Center and more than two years in disciplinary segregation. As they did with Appellee Cintron and Amici Daponte, Appellants imposed solitary confinement after Mr. Grundy overdosed on fentanyl, rather than providing substance abuse treatment. Mr. Grundy was also given solitary confinement after a suicide attempt. As Mr. Grundy's experiences demonstrate, solitary confinement at the ACI deprives incarcerated persons of social contact, family support, sleep, and exercise. It exacerbates existing mental

health issues, such as Mr. Grundy's opioid use disorder, and it causes long-term harms, such as depression, anxiety, and the loss of family support.

My whole life before prison was drugs, drugs, drugs. I had a substance abuse problem when I got here and there was no treatment. I went through withdrawal for heroin addiction when I got to Intake. That happened to me several times. I begged for treatment for my addictions but I got no treatment. They told me I was doing too much time to get into the drug treatment program. That made no sense to me.

I overdosed while I was here on fentanyl. They could have given me treatment for my drug problem but they just gave me seg time. For that I got sixty days in segregation. Another time I got six months in seg for taking a pill someone gave me in the yard.

Last year I finally got in drug treatment and since then I haven't had any drug bookings. My time in seg just made my drug problems worse but a real treatment program helped. All the harms from segregation could have been avoided if they'd given me treatment. I lost good time, I had no family visits, I lost all support. My mental health, my time here, would have been totally different if they'd just treated me instead of punishing with seg time.

Here's what segregation is like. Picture a room with nothing in it. Just a toilet, a sink, and a bed. You have just a few things in there with you—sheets, a bar of soap, a brush, toothpaste, a pad of paper, and a pencil. No radio, no newspapers, and no food other than what they bring you at meal time. You eat all your meals there. In High Security, the light is kept on all day. And you just sit in there 23 hours a day. In winter, cold air is on, and in the summer they have the hot air on. It's loud. You can hear people screaming and yelling. Some people are banging on their doors.

It's hard to explain to someone who hasn't been through it. Just picture locking yourself in the smallest room, a bare room like a utility closet, knowing you're going to be there for a long, long time. Hope is gone. It's a nightmare. You wish you'd die. No hope, no nothing.

You go out for an hour or less every day, but you stay in the cell 24 hours a day on weekends and holidays. When you go out, you go to a tiny caged in area, either alone or with one other person. You just walk back and forth. And to get that hour, you have to get strip searched every time.

You have no chance to talk to anyone while you're in seg. You get so paranoid you don't really want to be around anyone. You get no

family visits. You get a five or ten minute phone call every thirty days if you're lucky. And you've got no contact with the outside world.

You go nuts because there's nothing to do all day. I spent all day just staring at the walls. I've seen people wiping shit on themselves, or eating shit. I've seen people try to kill themselves. Mental health treatment in seg is a joke. They're supposed to come by every thirty days, but they don't. There's no treatment here.

There's no question that seg makes a person worse. You get more disciplinary bookings when you're in seg because there's nothing to do. It gives you something to do. It gives you a way to have some type of interaction and to get out of the cell. You get booking after booking and more seg time because you're going nuts in there. When I was in seg, I started kicking the door. I got thirty days more in seg for that.

Once I swallowed a battery when I was in seg. I didn't get any mental health treatment for that. I got 60 days more in seg, for breaking prison rules. I wanted to kill myself multiple times. Literally sitting in a cell all day with nothing to do, I wished I could not wake up. I got put on suicide watch and put in the suicide watch cell. They take away your clothes and leave you naked in there or they put you in

a suicide smock. I tried to cut my wrists with the string from the suicide smock. I still have the scars.

Being in seg definitely makes you paranoid. You start to think about vengeance and violence. You start to think that people are laughing at you. You get angry fast. You don't want to be around others. You don't sleep.

Being in seg really messed up my sleep. You go in and out of sleep but never get rest. I still wake up three or four times a night. It also causes depression. I'm on meds now for depression. I didn't have that problem before. I lost about thirty or forty pounds when I was in seg. I didn't eat much because of the depression.

People flip out when they're released from seg. It definitely increased my paranoia. It's hard to get used to being around others. When I got out of seg, I wanted to keep eating in my cell. I didn't want to be around others. I felt like other people were staring at me. I think everyone is talking about me. I need to be alone.

Segregation makes you lose relationships with people you know outside. Years went by when I was in seg and I couldn't have visits. It's hard to reestablish relationships because there was too much time lost. People disappear. My girlfriend is gone. My kids don't want to talk to

me. Before, we were close. But when you disappear for months, it's really hard on them. Segregation breaks people apart.

It's definitely had lasting effects on me. The depression, paranoia, and anger don't go away.

C. Joseph Shepard

Joseph Shepard first came to the ACI when he was seventeen years old, and he has spent ten-and-a-half years at the ACI, including three-and-a-half years in solitary confinement in disciplinary segregation and in the High Security Center. As he recounts, solitary confinement deprived him of social contact, family support, sleep, and exercise, and it led to serious harms, including long-term depression, anxiety, and paranoia.

It's hard for people who haven't experienced it to picture the realities of solitary confinement and what it does to a person's mind. With the covid lockdown, maybe people on the outside got a small glimpse of it, and they felt a little of the isolation and separation from family and friends that we do in here. They felt some of the same anxiety and loneliness and isolation, when you can't do the things you normally do and see the people you normally see. After the covid lockdown, you see some of the same problems in the outside world we have here—depression and anxiety from isolation. But segregation in

prison is a thousand times more restrictive than it was for people on the outside during covid. Just imagine sitting alone in a room for 23 hours a day for months on end. People go crazy because of what it does to you.

The cells in seg and High Security are smaller than a walk-in closet. In most cells, the only furniture in there is a bed and a sink with an attached toilet. Some cells have small windows that let in outside light, but others don't. The lights are kept on all day and night. It gave me headaches, but I could do nothing about it—if you try to block the light, you can be punished for tampering with prison property and get more time in seg.

It's noisy in there, which makes it hard to sleep. A lot times I could hear inmates screaming, probably having mental health breakdowns. There was banging from doors opening and closing. The hum from the fluorescent lights was constant.

The cells are also dirty. Ants came through the cracks in the wall, and I tried to contain them using the salt packets that come with the food. There's nothing to do in there, and watching the ants is like a National Geographic special.

I was in the cell at least 23 hours a day. On weekdays, you get an hour a day out of the cell in a small caged area, where I could walk in a circle. To get that hour of out-of-cell time, you first have to be strip searched and shackled. Some days the corrections officers might decide not to let us out because of the weather, or our time might be cut short. On weekends, you're kept in the cell 24 hours a day.

I spent my time reading, writing, and trying to entertain myself by imagining movies and business ideas. Every day, my only goal was to pass the time to get to the next meal. That was it, just somehow make it to the next meal.

It's total isolation from the outside world. I had no opportunities to socialize with anyone. You could yell to the guy in the next cell, but that would violate prison rules, and you could get booked for it and get more time in seg. I didn't talk with my family. Every thirty days I might get a five minute phone call if I hadn't gotten any disciplinary bookings that month. Your family can't visit while you're in seg. They can visit while you're in High Security but they have to be on the other side of the glass. My family told me they didn't

like coming because they said it's like going to the zoo and seeing the animals there. That's how we feel in here too.

So when you're in seg there's no contact with family or friends or other people in here. And there's no tv, no radio, no newspapers. There's no connection with the world. The only interactions are with the corrections officers, but that's always tense because it's a relationship between an inferior and a superior, between people with power and people with no power.

You go crazy in seg. Depression is mandatory in seg. Everyone feels it. It's guaranteed for everyone there. After a while, I started to question whether this is hell. It's the closest thing on earth to hell, where everything that makes you a human being has been taken away. I started to question whether maybe I had already died. I got shot when I was fifteen, and I started to wonder if maybe I had actually died back then and I was in hell now. I'd lost touch with reality and was living in my head.

So you're in your own head all day because you don't have the chance to communicate with anyone. The voice in your head gets so loud that you think others can hear your thoughts. You're anxious all the time, on edge, paranoid.

The anxiety takes a toll on your body. You feel like you're in survival mode all the time. There's an adrenaline rush all the time because the sensory deprivation puts you on edge. My body would start randomly shaking from anxiety. My hands would start shaking. Just imagine being trapped in survival mode all the time for years.

I got really paranoid. I imagined that everyone was against me. Because I felt I was in hell. It'd be easy for these feelings of paranoia to turn into violence. The story in your head becomes your only truth, that people are out to hurt you. It's not just me either – everyone who comes out of segregation is paranoid and think that other people are plotting against them.

Mental health treatment is pretty much nonexistent in seg. You can see a social worker but it's not really confidential. You have to talk through the crack in the door. The corrections officers can hear everything that's said, and so can everyone around. You can't really say what's going on.

The paranoia doesn't go away after leaving seg. In some ways, the anxiety and paranoia can get worse after being in seg because you don't know how to interact with other people. I have panic attacks maybe three or four times a day. I don't want people behind me or

near me. I need to stand with my back against the wall when a door opens. I don't want to be around other people. I don't like to eat in the chow hall. There are too many people around. I've lost a lot of weight.

Segregation definitely makes you feel more anger and aggression. Imagine locking a child who acted out in a closet for six days, thirty days, or a year. Imagine that child already was diagnosed with mental health issues—like so many inmates in the ACI. When you came back and let them out, you can't expect them to be fixed. They're just going to be more messed up, more confused, more broken physically, mentally, and spiritually.

D. Francisco Vega

Francisco Vega first came to the ACI when he was sixteen years old. He has spent over six years in solitary confinement in High Security and approximately three years in solitary confinement in disciplinary segregation. Like the other Amici presented here, Mr. Vega's time in solitary confinement involved deprivations of social contact, family support, exercise, and sleep, and it caused long-lasting harm to his mental and physical health. While solitary confinement caused Mr. Vega's mental health to deteriorate, he experienced real improvement when he was given anger management treatment.

What's segregation like? Segregation is depression. It makes you lonely and creates anxiety, paranoia, and PTSD. It makes you have conversations with yourself. It makes you play with the ants that come through the walls. They're the only ones that come to visit.

There's a window in the cell, but in a lot of cells the only thing you can see through the window are walls. You don't control the lights. There's a night light that's kept on all night long. It causes sleep deprivation. Some nights you can't sleep at all. Or you wake up and can't get back to sleep.

You don't have anything in the cell with you. Maybe a book and a magazine. But no newspapers, no tablet computers, and no connection to the outside world. There could be a war going on and you wouldn't know it. You don't know if the people in your life are still alive or dead. It's a struggle not knowing what's going on.

Mostly I just spent the time thinking. You just keep on thinking. Your mind keeps racing, like it's going down a tunnel that never ends. You sleep, wake up, and sleep. What it creates is unbearable depression and anxieties. You don't want to do nothing but lay in bed all day. I gained weight because I was depressed and felt miserable. I didn't feel like doing anything like working out and just laid in bed.

We get one hour a day outside the cell in a dog kennel. That's the only way to describe it. A dog kennel. What does a dog do if it's kept inside all day and you let him out for an hour? We're treated like animals in a cage.

In High Security, where the cells have doors and not bars, the only way you can talk to someone in the next cell is if you lay on the floor and scream through the crack under the door. You need to talk to other people, to find a way to release what's ticking in your head. But the only way to do it is to lay on the floor and yell through the crack under the door. You can always recognize the people who just got out of High Security—they scream really hard whenever they talk.

Being in solitary has extreme effects on connections with family. The system is designed to break you, to keep everyone in your life out. There are no family visits when you're in disciplinary segregation. In High Security, you can get visits but they make it very inconvenient for working people. The visiting times are all in the morning during the week. You don't get to talk to them on the phone except for maybe ten minutes one time per month, and what can you do with that? Family members pull away from having less contact. It's really hard. When I got out of segregation, I tried to reestablish

contact with my son but it wasn't possible. I hadn't been there for him and he didn't want a relationship.

The anxiety is really bad. It keeps rolling around. You can't sit down. You can't breathe. I never had panic attacks until I was in segregation. I didn't have blackouts before. They prescribe medication for some of this stuff but I don't trust what they give me.

My time in segregation built more rage than anything. This is what seg created and will continue to create for the rest of my life. I tried to kill myself twice by taking pills. I didn't tell anyone because if you do they'll put you on suicide watch and it's even worse than segregation. They take away everything in the cell, including the sheets, and so you're alone and freezing with nothing. It makes it even worse.

Re-integrating into the prison population after segregation was really hard. I didn't want to deal with the people around me. I couldn't connect with them. They hadn't gone through what I went through. And the paranoia, depression, and rage does so much to you. It's a lot to hold inside. They give you no tools here to deal with it. We just come out far worse than before. People who get released into their communities after doing a lot of time in segregation get sent out

with more paranoia, depression, and rage than they had before they went in.

The anger management program is the only program here that helped me. They don't have it for people in solitary. I was always getting in fights. Solitary made it worse. But the anger management helped me.

E. Jamal Bouchard

Jamal Bouchard first came to the ACI when he was eighteen years old. He has spent ten months in High Security and almost 500 days in disciplinary segregation. As he recounts, solitary confinement at the ACI involves deprivations of social contact, family support, exercise, and sleep, and it causes long-term harms to physical and mental health.

Segregation seems to be the solution here for every problem.

"Shut up or go to seg," the corrections officers say.

When you get to segregation, you lose everything. You feel depressed right away. You go from having six or eight hours out of the cell to nothing. On weekends you don't get out of the cell at all. You don't even get showers on weekends.

In High Security, the night light stays on all night. It makes it hard to sleep. It causes headaches. But you can get booked if you try to block the light.

In seg, you don't get family visits. In High Security, you can get visits but it's through a glass window. My mom died while I was in seg. There was nothing I could do about it. I just had to deal with it.

Being in the cell all day is not good for your mind or your body. Your mind wanders because there's nothing else to do. You have no control over anything in your life. My anxieties went through the roof in High Security. You can't talk to anyone. It made my heart beat really fast. I needed meds for it. When you can't control anything in your life, you get mad easily. I couldn't sleep. Now I need sleep meds too.

It takes some adjustment when you get out of seg. You want to walk around, stretch your legs, get fresh air. It's hard to be around people again. At the same time I know I need people to get through my day. People to laugh with and joke around. Some people can't get past what happened to them in seg and they stay crazy. It's a sad a reality. It's not what happened to me. But if I'd done more time there it could have gone that way.

We're not animals. We don't belong in cages.

* * *

CONCLUSION

As Amici's experiences demonstrate, the imposition of solitary confinement at Rhode Island's Adult Correctional Institutions involves the deprivation of all meaningful social contact, family support, access to exercise, access to mental stimulation, access to mental health treatment, and the opportunity for regular sleep. These deprivations cause long-lasting and devastating harms. Accordingly, this Court should reject Appellants' argument that the imposition of solitary confinement raises no Eighth Amendment concerns because it does not involve the deprivation of "life's necessities." This Court should affirm the judgment of the District Court.

Date: May 11, 2023

Respectfully submitted,

/s/ Jared A. Goldstein

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CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) because it contains 6247 words, excluding the parts of the brief exempted by Fed. R. App. P 32(f). I certify that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Date: May 11, 2023

/s/ Jared A. Goldstein

Jared A. Goldstein

CERTIFICATE OF SERVICE

I certify that on May 11, 2023, I electronically filed the foregoing *Brief Amicus Curiae in Support of Plaintiff-Appellee on Behalf of Incarcerated Persons Who Have Been Placed in Long-Term Solitary Confinement at Rhode Island's Adult Correctional Institutions* with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Date: May 11, 2023

/s/ Jared A. Goldstein

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