



**‘iso’: perspectives
on prison isolation
in the Netherlands**

Dr. Sharon Shalev
June 2023



‘Iso’: perspectives on prison isolation (solitary confinement) practices in the Netherlands

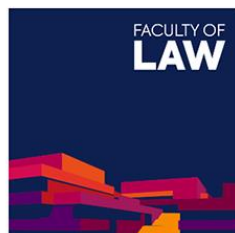
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Foreword

In most prisons around the world, you will find isolation cells for separating and punishing prisoners. The reasons for placement may vary but it is well known that placement in such an environment is not helpful for the prisoner's health. On the one hand scholars and inspectors call for less or even no use of isolation cells. On the other hand, prison professionals and experts say a prison cannot be managed in an orderly way without its use.

The Dutch prison psychologist Dr. Jesse Meijers titled his PhD thesis 'Don't restrain the prisoner's brain'. It was evidenced that exposure to austere prison conditions affects mental health of prisoners negatively. In the Netherlands, several initiatives have looked at how to restrict the use and to improve the conditions of isolation cells. Staff and directors are educated on the effects of isolation and soft furniture was introduced in all facilities nationwide. Furthermore, in order to have more customized sanctioning, the 'punishment standards' were abolished.

Regardless of the positive steps that have been taken, we should always seek improvement of our prison operations. The Dutch Custodial Institutions Agency is grateful that Dr Sharon Shalev has undertaken this study and shed light on all relevant aspects of the use and necessity of the isolation cell. I think this report gives us insight in best practices and areas where things can be further improved. It is now up to us as Dutch prison professionals to discuss whether and how we can implement the recommendations in order to further improve how we use of isolation cells.

Dr. Toon Molleman, Deputy director of the division of prisons
On behalf of Monique Schippers, Director of the division of prisons
Dutch Custodial Institutions Agency



Acknowledgments

This study benefitted from the support, expertise, and practical help of many people. My sincere thanks and appreciation to them all.

First and foremost, my heartfelt thanks to all the study participants who live and work in prisons for sharing their time and experiences with us during our visits. I am grateful for their openness and thoughtful reflections, and hope that this report does justice to what they have told us. Many thanks also to the statisticians at the DJI, particularly Rianne van Os and Tjissa de Wit, for their patience with our many requests.

Sincere thanks to the Dutch Custodial Institutions Agency (DJI) at the Dutch Ministry of Justice and Security for inviting me to conduct this study. Particular thanks and gratitude to Dr Toon Molleman for facilitating the study - we couldn't have done this without you!

Many thanks to: Jacqueline Peterse who greatly assisted in all manner of practical things as the project started taking shape; Irit Kish for translating a summary of this report into Dutch; Emma Roebuck for peer-reviewing this report; Maartje Schrauwen for being part of the research team and for all her invaluable help before, during and after the field research; and Dr Esther van Ginneken for joining the team and generously sharing her time and expertise with us and for her assistance and sage advice and contribution during the report-writing stage.

Finally, our thanks and gratitude to all those who helped organise the field research and generously hosted us during our field visits and facilitated our many requests.

Dr Sharon Shalev

London, June 2023

Executive Summary

Introduction

Isolation units (generically known as ‘solitary confinement’) can be found in prisons across the world. They are at the ‘deep end’ of the prison, typically set aside from the main prison units. Solitary confinement can be imposed on prisoners as short-term punishment for prison offences or for the prisoner’s own protection, either at their request or at the discretion of prison authorities.

Isolation units are therefore often where the prison’s most disruptive, and most vulnerable, can spend upwards of 22 hours a day locked up in a small and barren cell. There, they sleep, eat, defecate, and spend their time with little contact with the outside world and with little to do. These are stressful conditions which can lead to wide-ranging adverse health effects, both psychological and physiological.

This is a study of the use of solitary confinement, or ‘iso’ (short for ‘isolation’) as it is colloquially known, in the Netherlands. Although the research team visited a number of special units (including BPG, TA and PPC units- see appendix 1) and interviewed prisoners and staff working in the units, this study focuses specifically on ‘regular’ isolation units where prisoners are isolated as punishment or as a protective measure. The study does not examine the special units themselves.

The study takes the potential harms of isolation as a given, and seeks to explore:

- a) What prison isolation entails in terms of material conditions and the daily regime in isolation, and
- b) How the different stakeholders: prisoners, frontline prison staff, prison managers and mental health professionals perceive its use.

The study was commissioned by the Dutch Custodial Institutions Agency (DJI) and led by Dr Sharon Shalev (Research Associate at the Centre for Criminology, University of Oxford, and an independent consultant at SolitaryConfinement.org).

Methods

The study was designed as a mixed-methods study. Its key components include:

- Quantitative analysis of national statistical data;
- Field research comprising visits to seven prisons, each lasting between 1 to 3 days. Visits included: a physical inspection of the isolation unit; 68 semi-structured tape-recorded interviews with 87 prisoners, prison frontline staff, managers, mental health specialists and oversight committee members; and a review of isolation paperwork.
- A spot survey of isolation cells capacity and occupancy across the country at a specific point in time.

Field research was conducted by Dr Sharon Shalev of Oxford University (PI) alongside Dr Esther van Ginneken of Leiden University and Maartje Schrauwen, Management Trainee at PI Arnhem, during August and November 2022. Interviews were conducted in Dutch and English.



Summary of findings

Our spot survey showed that, on May 10th, 2023, 32.2% (or 109 out of a total of 339) of all available isolation cells were occupied. Isolation was the chosen penalty in almost a fifth (18%) of all disciplinary punishments awarded and, although stays were overall relatively short, almost a quarter (24%) were given for the maximum permitted duration of 14 days. Isolation was also imposed as a measure (protection) 3,236 times in 2022. Once in isolation, there was little or no difference between conditions in isolation as punishment and as a measure.

The design and physical conditions in isolation units that we visited were austere, with a number of isolation units maintaining outdated practices such as removing mattresses from cells during the day or requiring prisoners to wear paper underwear and no socks. There was little or no rehabilitative or educational work done with the isolated individuals to address any behaviours or issues which brought them to the isolation in the first place and to assist their reintegration.

Staff told us that isolation was necessary but could be less austere, more nuanced, and last shorter times. Some managers felt that frontline staff expected them to impose isolation on prisoners who transgressed against them. This perception was only partially supported by our interviews. Prisoners knew why they were isolated and mostly perceived it as fair. Both prisoners and staff suggested many alternatives to isolation as it currently operates.

The reality of isolation units – the austere conditions, minimal regime provisions, little personal autonomy, and punitive practices- contrasted sharply with the mostly measured, non-punitive staff reflections on the practice during interviews, and the use of isolation for relatively short times.

As well as being a form of punishment or, as several interviewees put it, ‘ensuring that actions have consequences’, isolation was expected to act as deterrent by being a place which people will try and avoid. Our interviews suggest that it may achieve this aim with some prisoners, but not with others. Interviewees also suggested that punishments should last shorter times, that isolation units should be made less punitive and that alternatives to isolation should be explored.

In short, findings suggest that there is dissonance between the advanced thinking and thoughtful attitudes to punishment, as articulated by our interviewees, and some of the outdated designs and practices in isolation. Now may present a good time for a forward-thinking Dutch prison system to rethink some antiquated practices and make better use of prison resources.

Some of the key findings are summarised below.

Positive findings

- When we conducted our spot survey, isolation cells were operating well below capacity, with only 32% of cells available occupied on that day. This corresponds with the low occupancy levels that we observed on visits.
- The majority (64%) of isolations lasted no more than 8 days, and none lasted longer than the 15 days set in international human rights law as the period after which solitary confinement is ‘prolonged’ as therefore prohibited.
- Reasons for placements in punitive isolation corresponded with regulations.
- Staff-prisoner relationships in isolation, on the few opportunities we had to observe them, were good.
- Isolation cells and public areas (showers, corridors) were clean and tidy.
- The punishment of isolation was expected and predictable.
- Frontline staff seemed empowered and used discretion well.



- A model of dual care and security governance, as operated in the PPC, appeared to work well. This could be replicated more widely in isolation units.

Perceptions and attitudes of interviewees

- Staff were aware of, and acknowledged, the potential harmful health effects of isolation.
- The majority (but not all) of staff interviewees felt that isolation was a necessary tool.
- Interviewees, both prisoners and staff, suggested that isolation achieved a purpose sometimes, but only if it lasted no more than a few days: “I prefer short and sharp punishment of 2-3 days to longer isolation – it stops being effective.” (Frontline staff).
- Prisoners knew why they were isolated, and mostly perceived their isolation placement as fair.
- Some prisoners felt that the exact nature of the punishments could be more nuanced (some staff thought so too).
- Prisoners reported being treated well by staff in isolation.
- Both prisoner and staff interviewees reported good relationships.
- Staff expressed non-punitive attitudes to punishment and did not wish to see the use of isolation expanding further. Management was engaged with keeping isolation placements short and selective.
- Most staff and prisoners thought that the material conditions in isolation needed to be improved.

System-wide issues

- Austere material conditions in isolation units, cells, and yards.
- Disproportionate and risk averse in-cell ‘security’ related arrangements (e.g., obscured/frosted windows) and prisoner provisions (e.g., bedding and clothing).
- Isolated prisoners could exercise little control over their immediate environment (e.g., turning on lights, flushing toilet) and were extremely reliant on staff for basic necessities.
- The daily regime offered to isolated prisoners was minimal, and some practices were punitive and excessive, if not illogical (e.g., taking away of the mattress). Other practices- e.g., showers only once every three days were not conducive to health and wellbeing.
- Little work towards reintegration
- Despite the withdrawal of the ‘sanctions card’, prisons appeared to continue using it as guidance, with disciplinary punishments mostly following the standard suggested duration in isolation for certain offences, rather than being individually tailored to the person’s unique circumstances and needs (but see comment in ‘good practice’ section above).
- Data collection was inconsistent and data on the use of isolation was not centrally analysed. This study faced some difficulty in collating reliable data.

Areas of concerning practice

- Some isolation units were not permanently staffed, including when there were people on a measure in isolation, leaving vulnerable prisoners to be supervised remotely by camera or by staff stationed outside the unit.
- Once isolated, there was little or no distinction between isolation as punishment and isolation as a measure. (In one prison, for example, people on protective measure got one additional outing a day and more calls ‘when possible’ (Head of Department)).



- Confidentiality was not always properly respected when conducting health visits.
- Automatic exclusion from participation in activities of those isolated as disciplinary punishment (in accordance with article 55 of the Penitentiary Act).
- Policy with people who repeatedly refused to be double-celled ('MPC refusers') often allowed up to two stretches of 14 days each in isolation (with the prisoner being offered the option of leaving the isolation unit and moving to an MPC daily). This period was typically followed by transfer or providing the prisoner with a single cell.

Good practice observed

- Opening cell doors to hand prisoners their food tray (i.e., not through the door hatch)
- The majority of prisons kept the prisoner's 'home cell' for them when they were in isolation.
- Good use of discretion by staff (though that also meant variation in practices between staff members in the same prison).
- The use of in-cell cameras was limited and required specific authorisation by the prison director.
- There was a degree of flexibility in ending isolation stays, with prisoners sometimes returning to their home unit earlier than their original term in isolation, or, for example, allowed to return to their home unit in the daytime and only sleep in isolation.
- Isolation in one's own cell was fairly widely used as an alternative to isolation in a punishment cell.
- There was some use of 'conditional' punishments.
- We observed some good care-orientated practice, especially in the PPCs. We were also told that the Forensic High Intensive Care (FHIC) model- a form of relational security- worked well in the PPC. These practices could be adapted for use in isolation settings.
- Some units had dedicated isolation staff.
- In one prison the 3-person (rotating) isolation team was always made up from one staff member from each unit, so that "the prisoner will always have at least one familiar face".
- In a number of units staff from the prisoner's home unit regularly came to visit them when they were isolated to "ensure that they maintain contact with their home unit".
- A number of prisons adjusted one or more of their isolation cells to make them less punitive, including for example:
 - Cells painted in warm colours.
 - A window blind which could be operated by the prisoner.
 - A TV in isolation.
 - A cell designated for reduced stimulation. A time out room
- Blackboards were available in many units, with chalk provided on request. In one unit, blackboards were installed on the inside of cell doors. "People have a lot of time to reflect, and you see on the outcome on the blackboard." (Frontline staff).
- Isolation cells in one of the newer prisons were designed and built with high ceilings to minimise potential ligature points.
- Some limited attempts at reintegration efforts, for example the practice in one unit of having all isolated prisoners exercise at the same time (in separate, individual yards) "so that they can interact with each other" (Department Head), or the practice elsewhere of enabling isolated prisoners to gradually participate in activities in their home unit.



Recommendations

Recommendations regarding the roles and goals of isolation

1. Currently, isolation units double as places of punishment and places of protection. These two purposes are not only different but could also be said to contradict each other. Ensure that there is a clearer distinction between cells used for punishment and cells used to house people isolated as a protective measure, avoiding punitive measures in the latter.
2. Designate one cell on the wings for use in cases of emergency to temporarily house people who self-harm and/or who may require a low stimulus environment. The design and furnishing of this cell should reflect its purpose as a place of calm and protection: soft colours, a radio or TV behind a screen and so on (look to PPC designs by way of good practice examples).
3. Reconsider the practice of automatically stopping access to programmes for those isolated as punishment. This disrupts a person's education/work/achievements which should be encouraged rather than disrupted.
4. Place more emphasis on reintegration work and introduce restorative justice processes and conflict resolution practices to work with prisoners.

Recommendations regarding material conditions of confinement in isolation

5. Decisions regarding conditions and provisions inside isolation- clothing, bedding, access to exercise equipment and so on, should be based on ongoing individual assessment and not as a universal standard.

Windows and light

6. Window coverings should be removed/ modified as necessary to enable a view to the outside (Look to Full-Sutton, UK, 'Seeing the Light' project).
7. Cells should be equipped with light switches so that prisoners can control the lighting in their cells.
8. Methods of ventilation and heating/cooling should be improved.

In-cell running water

9. Replumb isolation cells so that there is running water for drinking and washing and for flushing the toilets.

Bathing / Showers

10. Prisoners in isolation should be allowed daily access to bathing facilities.

Food

11. Food should be distributed closer to 'normal' mealtimes parallel to those in the community, rather than in accordance with staff shifts. I note that this is not unique to isolation, but isolated prisoners have no access to supplementary food provisions and are therefore completely reliant on food provided during mealtimes.
12. Consider allowing isolated prisoners to keep some of their canteen goods to supplement prison issued food.



Access to fresh air and exercise

13. Yards should be equipped to enable the prisoner to exert themselves physically. Where security considerations preclude the use of exercise equipment such as a stationary bicycle, prison management should consider alternatives like a boxing bag or a basketball hoop.
14. Yards should be equipped with a bench or somewhere to sit.
15. Where possible, enable those who wish to do so to break their time out of cell into two or three separate blocks of time.

Access to a telephone

16. Enable isolated prisoners to use a telephone in the evening.
17. Ensure that telephone conversations can be made in privacy.
18. Consider installing in-cell telephones in isolation cells (as well as all prison cells more generally). Where necessary, use a phone which can be wheeled into the cell.

Beds, bedding, and clothing in isolation

19. Reconsider the outdated and unnecessary practice of taking away the mattress from isolated prisoners during the day.
20. Equip cells with some furniture. This can be tamper-proof where necessary.
21. Bedding should be provided to all isolated prisoners. If there is a specific, time limited reason not to provide regular bedding, for example for people who self-harm, special anti-tear bedding should be provided instead. In no case should prisoners be required to sleep on exposed mattresses.
22. Clothing must not be used as punishment. Anti-tear clothing should only be used when it is specifically needed in any individual case. Prisoners isolated as punishment should not be made to unnecessarily wear tear-proof clothing nor pyjamas, shorts, or special overalls.
23. Unless there is a specific concern contraindicating this, isolated prisoners should be allowed to wear their own clothing.

Physical design and conditions in isolation units: future design

24. As part of a wider effort to reduce the use of isolation, consider whether some prisons (e.g., prisons for women) could be built without any isolation cells, and use alternatives, such as punishment in own cell, instead.
25. Where isolation cells are being designed/designated these should: be of a good size, with a window and a view to the outside, a toilet and a washbasin with running water and proper furniture. Cells should be painted in bright but calming colours, with prisoner-controlled lights and window blinds, and contain a television and a radio.
26. Future construction to consider high ceilings in isolation to minimise ligature points.
27. Ensure that newly built isolation units have a room for confidential interviews and some space for activities.

Recommendations regarding in-cell provisions and activities

Books and things to do inside the cell.

28. Reading should be encouraged, with isolation units equipped with a wider selection of books, including books for foreign prisoners as well as those with learning difficulties.
29. Prisoners should be provided with means to occupy themselves in isolation: puzzles, brain teasers, cards, games, hobbies, and craft materials should be provided where possible.



30. Educational, therapeutic, and other activities and work with the isolated individuals to facilitate reintegration should be provided.

Time and date keeping

31. Announce prayer time on the internal intercom system where a prisoner requests this.
32. Ensure that all isolated people are able to tell the time and date from their cell.

TV/Touch screen

33. Prison management should consider installing television sets in all isolation cells and particularly in cells used for those isolated for their own protection.

Recommendations regarding policies on isolation stays and duration

34. Reconsider how to reduce the use of isolation to an absolute minimum and keep the duration of isolation punishments as short as possible.
35. Reconsider how best to provide guidance and ensure consistency in the application of isolation as a punishment throughout the prison system, without limiting prison Directors' ability to tailor punishments in a way which considers individual and institutional needs.
36. Consideration should be given to alternative solutions to iso for people who refuse MPC. These could include other penalties, for example removal of TV, regression to Basic status, or, conversely, sleeping in iso at night but continuing work and education activities.

Recommendations regarding staffing of isolation units and training of staff

37. Ensure that isolation units are staffed when occupied, and in particular when housing people who are mentally unwell.
38. Ensure that there is always access to an on-call mental health professional 24/7.
39. Management should closely engage with the isolation unit and visit it regularly.
40. Consider establishing in each prison a team of dedicated isolation staff, carefully selected for the job, and receiving specialist training including in mental health, de-escalation techniques, and trauma informed care.

Recommendations regarding privacy and confidentiality

41. In-cell cameras should not replace in person supervision of isolated prisoners.
42. In-cell cameras should not cover at the toilet area or be configured so that the toilet area is pixelated. Where possible, alternative technologies for monitoring wellbeing could be used.
43. As a matter of principle, medical and psychological appointments should be conducted in private. If this is absolutely necessary, appointments can be held in private behind glass, and where no such room exists and it is absolutely necessary, staff can remain within sight, but never within hearing of medical consultations.

Recommendations regarding restraint beds

44. Restraint beds are inappropriate and should be removed from all prisons. People in mental crisis should be transferred to a specialist unit where they can be supported.

Recommendation regarding data collection and further research

45. Develop standardised measures to record isolation stays. Apply these nationwide, and ensure better data collection locally, recording as a minimum the reason for isolation, start date and end date. Ensure that local data feeds back to a centralised database which should then be regularly analysed for trends and issues, including equalities.



46. Further research should be conducted to look into the pathway of isolation through to the special units (mental health route to the PPC and behaviour route to the BPG).



ISO: perspectives on the use of prison isolation (solitary confinement) in the Netherlands

1. Introduction: prison isolation and the study

Isolation, or solitary confinement, units are at the ‘deep end’ of prisons all over the world, typically used both as punishment for a serious prison offence, and to temporarily house people who are mentally unwell. These are complex places, expected to achieve different, and often contradictory aims. They are where the prison’s most disruptive, and most vulnerable, will spend upwards of 22 hours a day separated from their peers, locked up in a small and barren cell. There they sleep, eat, and defecate, and spend their time with little contact with the outside world and with little to do.

This is a study into the use of, and perceptions about, solitary confinement, or ‘iso’, short for ‘isolation’, in the Netherlands. It was commissioned by the Custodial Institutions Agency on behalf of the Dutch Ministry of Justice and Security, with field research carried out in August and November 2022.

This study seeks to: a) Explore what prison isolation entails in terms of material conditions and the daily regime in isolation, and b) How the different stakeholders: prisoners, frontline prison staff, prison managers and mental health professionals perceive its use.

To answer the first set of questions: what isolation entails in terms of material conditions and the daily regime, we visited seven different prisons and the isolation units and cells in them. A human rights-based approach was used to assess how prison isolation cells in the Netherlands measure up to international human rights standards. The second set of questions, about how stakeholders perceived isolation, were explored through 68 in-depth semi-structured interviews with 87 individuals.

The next section briefly introduces the human rights framework and the methodology used in this study. We then set out the research findings and make a number of recommendations.

1.1 Isolation (solitary confinement) and the human rights framework for assessing its use

Solitary confinement units share three main elements: they physically and socially isolate the individual from the outside world and from their peers; they offer limited sensory input and stimulation; and they afford those isolated in them very little control over their daily lives. As everything needs to be brought to them in their cell, isolated prisoners are even more dependent than usual on prison staff for all their needs: big and small.

Solitary confinement ‘attacks’ the isolated individual in two ways: it places them in highly stressful conditions, and it takes away the usual coping mechanisms- access to human company, the outdoors and nature, and things to do. Perhaps unsurprisingly, the documented adverse health effects of



solitary confinement are both psychological and physiological, and wide ranging.¹ Neuroscientific research demonstrates that solitary confinement and the reduced sensory input associated with it affects not only brain function, but also brain architecture, and can result in irreversible changes, especially when prolonged. People with pre-existing mental health conditions and those who suffered previous trauma are particularly vulnerable to the ill effects of solitary confinement, as are children and young people. People who have spent long stretches of time in solitary confinement also report feeling uncomfortable in social settings long after their release from isolation.²

In light of the extremity and potentially serious health effects of solitary confinement, human rights law pays particular attention to the practice. The revised United Nations Minimum Standards for the Treatment of Prisoners (SMR) adopted in 2015, and renamed the Nelson Mandela Rules, included a new section dedicated entirely to the practice. The Mandela Rules, though not legally binding on states, reflect the most up to date professional and legal guidance, and are therefore a very useful tool for assessing solitary confinement practices, and the one that I use in this study.

Nelson Mandela Rule 44 defines solitary confinement as follows:

For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

‘Meaningful human contact’ is understood to mean:

The term has been used to describe the amount and quality of social interaction and psychological stimulation which human beings require for their mental health and well-being. Such interaction requires the human contact to be face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication. Contact must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity.³

The practice of isolation in Dutch prisons, examined in this report, meets the definition in Nelson Mandela Rule 44.

Nelson Mandela Rule 45 emphasises the exceptional nature of solitary confinement, and lists who should be excluded from isolation:

45(1) Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner’s sentence.

45(2) The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases

¹ Shalev, S. (2022). 30 years of solitary confinement: what has changed, and what still needs to happen. *Torture Journal*, 32(1-2), 148–162. <https://doi.org/10.7146/torture.v32i1-2.131384>. ; World Health Organisation (2014) Shalev, S. Solitary confinement as a prison health issue. In: Enggist S, Moller L, Galea G, et al. (eds) *Prisons and Health: A World Health Organisation Guide to the Essentials in Prison Health* (2nd ed.). Copenhagen: WHO, pp. 27–35.; Shalev, S. (2008) *A Sourcebook on Solitary Confinement*. London: LSE.

² This study takes as a given the harmful effects of solitary confinement and does not set out to explore or comment on these, other than where interviewees specifically commented on the subject.

³ ‘Essex paper 3: Initial guidance on the interpretation and implementation of the UN Nelson Mandela Rules: Penal Reform International and the Essex Human Rights Centre at the University of Essex (2017), 88-89.



involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, continues to apply.

The use of solitary confinement as punishment is regulated by Mandela Rule 43:

1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:
 - (a) Indefinite solitary confinement;
 - (b) Prolonged solitary confinement;
 - (c) Placement of a prisoner in a dark or constantly lit cell;
 - (d) Corporal punishment or the reduction of a prisoner's diet or drinking water;
 - (e) Collective punishment.
2. Instruments of restraint shall never be applied as a sanction for disciplinary offences.
3. Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders with their Commentary ('Bangkok Rules') of 2011, prohibit the use of solitary confinement with pregnant women, women with infants and breastfeeding mothers in prison (Rule 22) and add, in Rule 23 that,

Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

Finally, Mandela Rule 46 requires daily visits by health-care personnel to a person in solitary confinement and specifies that such personnel have a duty to report any adverse impact on the detainee and recommend changes or the termination of solitary confinement for medical reasons.

Other Rules address specific aspects of isolated confinement and will be signposted in the body of the report as necessary.



2. Perspectives on isolation: research findings

2.1 Introduction to findings

I think it's an imbalance... Look, I understand very well that safety is essential, but I don't think it has to be (the case that) security is higher than vulnerability or security is higher than humanity. It should be proportionate. (Psychologist)

It is a weakness, isolating. It would be nice if we could come up with something else for that altogether. (Deputy Director)

Isolation cells, whichever country you visit, are mostly the same: a small, drab looking cell, enclosed by a heavy metal door, and equipped with the bare minimum: a mattress (or sometimes a metal bed); a metal toilet with no cover or seat; a small concrete, cardboard, or foam table/chair (sometimes); a window (not always); and an emergency/alarm intercom button to interact with staff. Inside the isolation cell, the individual prisoner is socially and physically separated from their peers, with little to occupy their time. They are heavily dependent on prison staff for the provision of all their basic daily necessities, leaving them with limited autonomy and personal control.

Isolation units in the Netherlands are no exception. Whilst mostly fairly clean, the material conditions of confinement and in-cell provisions were among the more austere that I have encountered. They seemed antiquated. With few exceptions, cells were small and sparsely furnished and, in a number of units, had no running water or a wash basin. All but one of the units visited had their windows made opaque, and they contained no table or chair. The degree of autonomy prisoners could exercise was also particularly low, in part because of the design of isolation cells: in the majority of prisons visited, prisoners were unable to flush their own toilet or turn on their cell lights.

Yards were almost universally empty of places to sit or sporting equipment (one of the units allowed for a boxing bag to be brought out to the yard, another had a fixed chin-bar), and many were covered with metal mesh. That a number of isolation units were not equipped with in-cell running water / basin to allow their occupants to wash their hands, or indeed to have running water for drinking, is concerning. Four of the prisons visited had a restraint bed situated in the isolation unit. We were told that these are rarely used, if at all. However, the very presence of these archaic instruments was inappropriate, in my view.

Daily activities consisted mostly of up to an hour in an outdoors 'yard' - a small, concrete enclosure with no exercise equipment, a mesh cover, and on camera; a short telephone call (regulations require a minimum of 10 minutes once a week); meals brought to the cell three times a day; and infrequent showers (three times a week). Access to activities – vocational, educational, therapeutic, or other programming the prisoner may have participated in prior to their isolation- mostly stopped during their stay in isolation, particularly where the prisoner was isolated as punishment.

On the other hand, and on a more positive note, the use of isolation, at least at the time of the visits, was not high, with none of the isolation units visited being full. Recorded stays in isolation were relatively short, with the exception of specialist units (outside the scope of this report), stays did not exceed the 15 days prescribed in international law as the threshold after which the person's



isolation becomes prolonged and therefore prohibited. Staff-prisoner interactions appeared relaxed, and those we spoke to knew why they had been isolated and by and large thought that it was fair.

There appeared to be some mismatch between the moderate language used by staff regarding isolation and its use for relatively short periods, and the austere conditions and punitive practices in isolation.

It was regrettable that the positive messages conveyed by staff attitudes, seemed at odds with the silent, but powerful, message sent by the extremely austere conditions in isolation and limited personal autonomy afforded to isolated prisoners in the majority of isolation units visited for this study.

In terms of the purposes of isolation, the majority of prison officers and managers we interviewed agreed that 'sending a message' about what were acceptable and unacceptable behaviours, and deterring prisoners from future rule breaking were the main role of isolation as punishment. But staff interviewees were not always able to explain exactly *how* isolation is meant to convey a message to people who broke a prison rule and achieve its desired deterrence function. As prisoners were not offered any programmes or behavioural interventions in isolation, it would appear that deterrence is expected to be achieved through the punitive conditions in isolation alone.

From prisoners' perspective, some of those who had spent time in isolation in the past said that the threat of being isolated deterred them from breaking prison rules again. Others said that whilst not pleasant, the threat of isolation did not deter them from breaking prison rules. Prison officers and managers in general felt that isolation was a necessary tool but wanted to see it used for a shorter times and isolation units made less punitive and austere in appearance. The use of isolation as a preventive measure was said to have a protective role and attracted less controversy.

In what follows I examine what we observed and what interviewees told us about:

- The design of and material conditions in isolation units.
- The role, purposes, duration, and effects of isolation.
- What changes they would like to see.

The yardstick used in this report is that offered by international human rights law, as set out in the UN Nelson Mandela Rules (see section 1). I look at the three main elements which typify isolation: physical conditions; daily regime and duration; level of human contact and degree of personal autonomy.

2.2 The use of isolation in Dutch prisons: what the data shows

In 2022, a total of 15,507 disciplinary sanctions were given across all prisons. In the majority of cases (N = 10,613; 68%), people were locked up in their own cell without television as punishment. Other types of punishments were a warning (N = 616; 4%), lock-up in one's own cell with television (N = 689; 4%), and exclusion from activities (N = 493; 3%).

In 18%, or 2,856 of the total number of sanctions, isolation was the chosen punishment. This is a relatively high percentage of all punishments awarded, considering that this is the most extreme punishment and the many other options available to managers.

Punishments of isolation were given for up to 14 days (though in practice some were cut short), with the majority (64%) of isolation punishments imposed for up to 8 days. However, almost a quarter (24%) of isolation punishments were imposed for the maximum allowed duration of 14 days.

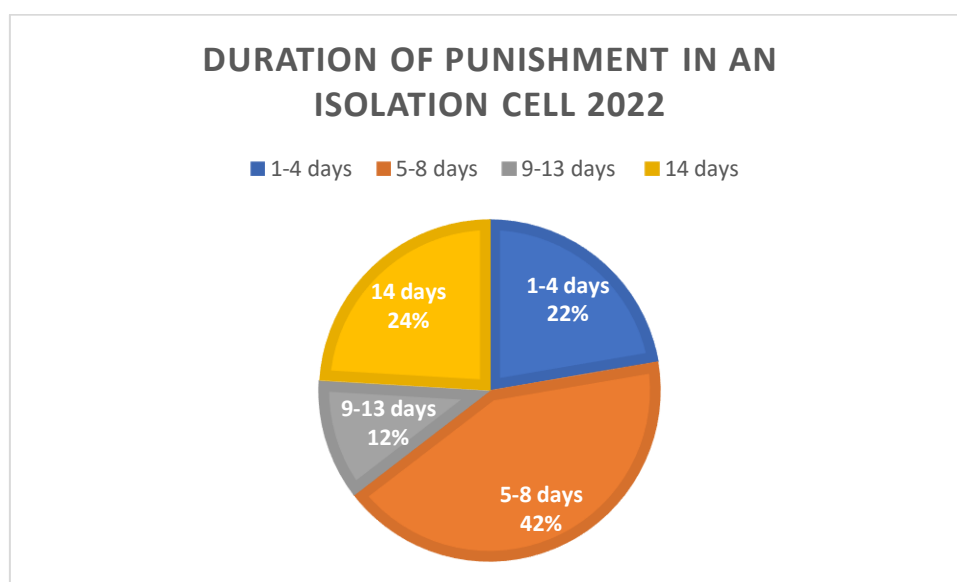


Figure 1: Duration of punishment in an isolation cell in 2022

A person can also be held in an isolation cell as protective measure, either at their own request or by order of the director. In 2022 just over half (53%) of all isolation placements were of isolation as a measure (3,236 times). Further analysis is provided in Appendix 2.

As at 10 May 2023, data collected for this study from each of the prisons and judicial centres across the Netherlands indicates that out of a total of 12,674 cells, 339 or 2.7% were set aside for use as isolation cells. **Of these, 109 or 32.2% were occupied on that day.** In 71 or 65.1% of cases this was as a punishment, in 37 or 33.9% of cases this was as a measure. One cell was occupied by a person serving punishment from another prison.



3. The roles and goals of isolation

There are two different types of being put in isolation. One is for punishment. I'm never pro that, never, not in any circumstance do I think it's OK to put people in that situation just for punishment. Now there are different ways of punishing people. You can take away stuff from them, so I think you can take away, for example, a television or a telephone from someone. But to be put in an isolation cell, it's just way over the top. It cannot be good for anyone. (Psychologist)

We asked prison frontline staff, managers, and psychologists- what the purpose of isolation was, the roles it was expected to play, and whether they thought that isolation was successful in achieving its purposes. The responses we received, as illustrated in this section, were much more nuanced than the message conveyed by the austere, risk averse and unforgiving physical qualities of the majority of the units visited. Views also differed significantly depending on whether the subject matter was isolation as punishment, or as a measure, despite there being very little practical difference between the two, as conditions in both 'types' were mostly identical. The rationale for, and purpose of each 'type' were described by some interviewees in very different terms, (though interviewees were not always able to explain the practical differences, if any, between isolation as punishment and isolation as a measure).

Staff interviewees suggested that, in both cases, isolation was meant to communicate a message:

We always send the message the good one and a bad one. That is how it works. The good message is, for somebody who's doing something to themselves, like self-harming, (the message) is that there is help. For drug addicts there is help. They are sitting in the cell, but there is a daily interaction with me or my colleagues, and they have a chance to talk. They have the chance to have brief air (exercise). They have a chance to smoke, eat, drink, shower, make a call as necessary, but they have to earn it. Yeah, bad behaviour we don't... We don't give it a thumbs up. (Frontline staff)

Staff interviewees also mostly agreed that isolation was a necessary tool, though there was a degree of unease about its use:

But it's not a good thing to do. It doesn't feel good [to place someone in isolation] because we know it's not good. So in that sense, most of our... my colleagues and most of my employees.... Will also say that it's not good for them [prisoners]. (Department Head)

There appeared to be wide agreement, across the different staff groups, that isolation as a measure was a necessary tool which needed to be retained, albeit in modified form. There was less agreement on the need for isolation as punishment, with some advocating shorter durations and others advocating doing away with isolation as punishment altogether.

Below I examine in more detail what staff told us about the goals and roles of isolation, starting with isolation as a measure (for protection).



3.1 Isolation as a measure

The purpose of isolation, in that case, is care.... It's the worst choice except that it will be even worse if someone commits suicide. (Psychologist)

Mental health professionals had a greater role in the placement and monitoring of people in isolation as a measure than they had in the context of punishment. Some of those we spoke to felt that isolation was sometimes necessary, especially for those who needed low-stimulus environment, but it was clear from speaking to others that there was a degree of discomfort around the placement of mentally unwell people in the austere and punitive environment of isolation:

If you get psychotic, for example, when you start hurting yourself, you start hurting others, then you will be put there [in isolation] for protection. And then I think it's OK [to use isolation], but it should be as short term as possible. (Psychologist)

The purpose of isolation in the case of people who self-harmed was simply to ensure that they had no access to things that they can harm themselves with- situational control, rather than a therapeutic purpose:

*Q: So when someone is put there because they are in a crisis or self-harming, what is the purpose of putting them there?
A: To keep them safe. Because there's nothing there that they can hurt themselves with, and then sometimes they still find ways to hurt themselves by banging their heads or putting their head in a toilet or stuff like that. And then we only in those circumstances we use the camera just to make sure that we have a good sight on them. (Psychologist)*

In some cases, isolation placement was only seen as a temporary measure while waiting for transfer to a PPC or waiting for a PPC bed to become available. This could take a while, during which time staff observed some deterioration.

This person is not in the right place here, they should actually go to a PPC. Well, that then takes days and in those days my experience is that you only see the person deteriorate further. (Frontline staff)

To avoid such deterioration,

We try to place them fairly soon to a PPC, and when it's possible to let them on their own cell on the wing." (Deputy Director)

However, keeping people who are mentally unwell on the wing may disturb others, potentially leading to further issues:

People are mentally unwell, and other inmates, because they live in a group They have people that make much noise in the night. Then when the doors open



(in the morning) they have a fight. Then you have to, uh, yeah, then... you have to protect him.” (Deputy Director)

Viewed differently, the purpose in these cases is not, in fact, to protect the vulnerable prisoner, but to resolve potential problems on the wings.

Psychologists, custodial staff, and managers mostly felt that isolation should continue to be used as a measure for managing people who were mentally unwell. I disagree with this view, and it is not clear to me how isolation is expected to act as a protective measure when it is a known risk factor for people who are mentally unwell. **The harsh environment of isolation is not therapeutic and may cause further trauma and harm. The lack of ongoing onsite staffing further compounds the problem and may make isolation cells, as currently used, inappropriate, especially for vulnerable individuals.**

Indeed, international law specifically prohibits the use of isolation for the mentally ill. It is reassuring that where required, transfers to a PPC could happen relatively quickly, ensuring that those who needed it could access mental health treatment in more appropriate settings. As one frontline staff member noted, they didn’t have the training or tools to deal with people who are psychotic and whose condition did not improve in isolation.

They are urgently registered for PPC, but then it is just a waiting list of a few days, yes, and that doesn’t make someone in a psychosis any better... (Frontline staff)

Staff we spoke to acknowledged that isolation regimes may cause harm, and prisoners we spoke to similarly noted a deterioration in people’s mental health when returning from isolation.

So, for the brain, it’s not good for men and women. (Deputy Director)

It’s not a good thing to do [to isolate someone]. It doesn’t feel good because we know that it’s not good. So, in that sense, most of my colleagues and most of my employees... You can hear they will also say that it’s not good for them. (Department Head)

A lot of people were, mentally, they were good, but then they went to the isolation cell. They came back and they were like, I don’t know, something, broken. Some, they were like, yeah, peeing or doing like weird things in cells. Cutting themselves.

Q: Which they didn’t do before the isolation?

A: No. But they were there for like two weeks, for a long time and then something snapped. And then they went crazy. (Prisoner)

Both prisoners and staff we spoke to suggested that there needed to be a change in the approach to dealing with people who were mentally unwell. Staff in one focus group that we held, for example, suggested that a time out room with a TV for people who need to calm down for a few hours may be useful. Others focused on making isolation ‘softer’:

I thought that (buying soft furniture) was a good idea and certainly for someone who sits there on measure, I think that’s not a bad thing to make it a little more comfortable. That was a step for sure. But I think it can still definitely be improved further. (Department Head)



Others suggested a more individualised approach, tailored to the specific needs of each person:

I think they really need to look at the person. Who is the person. What are his or her problems. Is it somebody that has mental illness that has traumatic experiences, and they need to give more help. It would have helped me more to talk to a psychologist than segregating me because I was aggressive because there is always a reason. In my case, I was like sexually abused and right away they put me in prison, but I never talked about what happened to me, or why I am mad at people, why I fight with people ... in this prison, they've sent me a psychologist. But before, they didn't care. (Prisoner)

Finally, several interviewees suggested a need for more PPC or similar cells, specifically designed to address the needs of, and challenges posed by, those who needed some extra care and support:

I actually think that there should be an interim solution between no longer being able to function in the department and isolation... or indeed make more PPC cells available, make departments available for that, because that's what we have. We need it. (Frontline staff)

The options suggested above are all plausible and should be explored. In the context of the use of isolation as a measure, it is important to recall that isolation cells may prevent prisoners from self-harming, but they may also exacerbate mental illness, inflicting further hardship on the isolated individual and ultimately increasing the risk of self-harm.

This understanding is at the heart of the prohibition in Nelson Mandela Rule 45(2) on the imposition of solitary confinement “in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures.”

The need to protect mentally distressed individuals, or to provide a low-stimulus environment to those who need it, does not necessitate the harsh, barren environment of isolation cells. **This purpose would be better served in a room designed to calm and sooth, to support and heal**, painted in soft colours, equipped with a TV or a touchscreen and so on. This room could contain CCTV which could be used if necessary, and it could be located on the wing, rather than in the isolation unit.

Examples of good practice in dealing with individuals who may present as both ‘disturbed and disruptive’⁴ already exist within the system. Some of the designs and practices in the PPCs, for example, provide good practice which could be replicated elsewhere.

Achieving peace in the general population / allowing people breathing space.

As well their use as punishment cells and for protecting people from harm, isolation cells were also sometimes used to house people who did not break prison rules but were too disturbed or too disruptive to live in the general population wings. The role of isolation in these instances was:

⁴ This term was coined by the late Hans Toch: Toch, H. (1982). The Disturbed Disruptive Inmate: Where does the Bus Stop? The Journal of Psychiatry & Law, 10(3), 327–349. <https://doi.org/10.1177/009318538201000306>



The aim may be to temporarily place someone there for the peace and quiet in the department, so to take someone away for a while or yes, to let someone calm down there, because it's not going well in a group or in a population (Frontline staff)

The instigator of isolation may be the person, or prison staff wishing to remove the person from the situation.

The number of isolations goes up in the winter. And guys go for their own safety nets. They also ask to sleep, in the night-time to go to the isolation, because it's quiet. (Frontline staff)

If there is a lot of noise, sometimes you get idiots on the wing, and they keep harassing you. I got traumas in my head. Many demons in my head, and then I can't sleep, and my sleep gets messed up. I just call the guards, 'take me to isolation' and they know...take me to isolation or I'll give you a reason to take me to isolation. But I don't play with my sleep because when I don't sleep my mental health goes. (Prisoner)

This last quote is an interesting one and hints at the way in which prisoners themselves sometimes use isolation cells as a resource. This requires further unpicking. Here, I would suggest that **the purpose of getting some respite from the noise and activities of the wing may be better achieved through other means, for example a low-stimulus room on the wing, or a time-out room** where the prisoner could withdraw from the prison society for a few hours or overnight.

3.2 Isolation as a punishment

I have raised children and I didn't lock them up in a car, or in a cell. Whatever they did. It's not the way to get good behaviour out of people (Director)

If you get caught you also just sit like a man. But spiritually it does something to you if you are weak. I've seen a lot of people break down in isolation. (Prisoner)

It [isolation] is necessary because sometimes there is a big problem in the department. Maybe there is a big fight you have to put someone in isolation because you want to control the situation... so I think it is necessary. Is it necessary to put someone a month in isolation? I think not. (Deputy Director)

As punishment, isolation was primarily used for a relatively short time and as a response to specific prison offences. Interviewees told us that the main purpose of isolation was to send a message, or messages: a short and sharp message to the offending prisoner that actions have consequences and their behaviour will not be tolerated; a message of deterrence to the wider prisoner society, that they should refrain from acts that may land them in isolation; and a message to frontline prison staff, especially where the incident involved physical violence against them, that management 'has



their back' and will take retribution on their behalf. The stated hoped for outcome was that the punishment of isolation would deter people from future reoffending (within prison).

The purpose is to bring sense to the person who is being punished so they don't do it again. It works... Some guys, they don't give a damn about it, but most people after one time in isolation they say OK it's not for me. (...) The other prisoners, they talk to each other, so they hear stories from the guys who are in isolation and... it works, yeah. They are much easier on the wings. They make sure that they don't go to the isolation unit. Yeah, yeah, it's successful.
(Department Head)

The purpose of using in isolation is to.... as a punishment of the prisoner, but also for...the other prisoners to see: when you do that, then you get a punishment. A big punishment. (...) [So] one purpose for the prisoner is the punishment.... [telling them] that we don't accept it [their behaviour] but yes, also a message to others.
(Deputy Director)

OK, so [isolation] it's to punish them for doing something that is not allowed. It is to disrupt the criminal activity to stop it, to break the connection. (..) It protects other detainees... for the safety of the other detainees. And staff. That's very important. (Department Head)

The 'sharp punishment' message is made sharper by the legal requirement for certain prison offences to lead to a demotion of the prisoner to Basic status. Being isolated and demoted to Basic means losing access to programmes that may in turn facilitate early release and a successful reintegration upon release. Once on Basic, a person has to wait a minimum of 6 weeks before their status can be reviewed. This, according to one department head, adds to the deterrent aspect of isolation.

[Isolation] also [sends a message] that, beware, if you go on isolation then you also lost your Plus programme. And when you have the punishment, then you go back to the Basic programme so.... It can mean that you have to sit your whole sentence. And that is... Yeah, that's something to think about. (Department Head)

In most the prisons visited (and in the 'sanctions card') being caught in possession of a mobile telephone drew the longest punishment (14 days), though in some cases a first offence drew a shorter punishment. The punishment given almost always had to be served in full (i.e., not made shorter as was sometimes the case with other punishments).

Several staff interviewees mentioned situations where they knew that the person who was caught with the phone was not the person whom the phone belonged to, but they were concerned that if they gave the person caught with the phone less than the customary two weeks, the perpetrators who owned the phone would think that the person had informed on them. We were told that, to avoid such situations, even when it was clearly the case that a person was coerced to possess contraband, when caught they would get the full punishment. The problem with this practice was that the innocent person was punished twice- once by being forced to commit an offence, and once by being severely punished for it. This is not an easy problem to resolve, but as one psychologist put it, there may be a better way:



Whatever the reason is that is also about many vulnerable people who are then placed [in isolation] and who may not have been the biggest instigators, but who for example, by influencing have carried out an assignment, but who have therefore received the penalty.... In our opinion, it is necessary to at least enter into human conversations about this and to advise management that we sometimes think.... if a punitive measure has to be pronounced ... [it can be done in a different way] ... Why should someone be in the iso? Can't it be in his own cell? (Psychologist)

One Deputy Director also noted that in some cases the prison holds some culpability for failing to prevent phones and drugs into the prison in the first place, meaning that in practice the prisoner caught with these items was punished for the prison's own failures. This is an interesting perspective which could be explored further.

There was more generally a feeling that there could be more flexibility in punishments, their imposition, and their exact conditions. Some thought that isolation should not be used as punishment at all (indeed, this is the current thinking within the RSJ, see Appendix 1). Others thought that people should be offered a menu of alternatives (of which isolation is one):

I think it's better to think about other punishments. Have to do push-ups of sit-ups or training for 10 k or do something. ...or they sit on a bicycle every day, one hour or squats... You can choose if you want to do this, or to take isolation. (Department Head)

Whilst I would not necessarily endorse this last particular alternative suggested by the Department Head, I agree with the basic sentiment that there should be alternative ways of expressing displeasure with someone's behaviour. Just as someone who is mentally distressed may benefit from a calm, low stimulus environment, someone who is angry and agitated may benefit from access to an environment where they can work off excess energy without harming themselves or others in the process. In neither case, in my view, is an empty, austere looking cell conducive to their wellbeing or behaviour.

Lastly, and importantly: isolation, as it is currently practiced, does little to address the root causes of behaviours or actions that led to it. As one prisoner noted:

Putting somebody away in isolation is easy. Giving somebody a TV or music is not helping. Focus on what's the problem and how can you solve it and not just taking the problem away. (Prisoner)

This is a key issue which needs to be addressed, and a significantly greater focus placed on working with people who have been removed from the prison's general population to address issues that have led to their isolation, and to support their reintegration.



Sending frontline staff a message

As well as the 'traditional' purposes of punishing the offending prisoner, and 'sending a message' to them and to the wider prison society and deterring future offending, discussed above, isolation had another, unofficial role. Interviews with prison managers revealed that imposing a punishment of isolation was also meant to send a message to frontline staff that their grievances are taken seriously and acts against them by prisoners will have serious consequences (isolation) for the prisoner.

It's also very difficult for the people to work with them because they don't feel safe. (...) But the problem then is that one incident becomes leading, so it takes a long time to get the feeling of safety back and not doing your work out of fear and doubt ... but it's, it's impossible to work that way ... I understand that then sometimes when you have a bad day or you're tired or that it's you have had three days of discussions and at some point, you have to say 'that's it.' And so then if I come, they say, well, I've tried everything and the isolation is because he stabbed, he smacked someone. He's... He's really horrible in his behaviour. And then I try and hit a wall. Isolation..... can we do something different? But then they don't feel heard by me because yeah, well, 'we've tried everything so you're not listening to us' and that's also very difficult because I don't want to dismiss their professionalism and their knowledge of what they're doing. But I also want to try and create another way of approaching it. (Deputy Director)

I know it's not a good thing, but it's also ... it's sometimes the balance is also with, you know, the feelings of the staff. If, for example very violent encounter happened with the members of staff. For example, if there's been a lot of vibes with some person, but it has this, this punitive reason, (Deputy Director)

The perception of management of what staff expectations were appeared to have some basis. One frontline staff member we interviewed felt that harsher conditions were appropriate when staff were injured:

Well, depending on punishment and depending on behaviour. I mean, if you've done things- attacked staff, damaged them, intentionally, and that kind of stuff, then you don't deserve to have much inside [the cell]. (Frontline staff)

The perceived frontline staff pressure to impose isolation on prisoners who were involved in incidents then moves further up the chain of command, from frontline staff to department heads, and further up to the directors.

Yeah, the pressure [to use isolation] comes from the members of my staff, yeah, especially the ones that were involved in the incident. ... They always say, "put him in isolation". And then, uh, the Director says, "no, I will keep him on the department in his own room". Sometimes they are disappointed. Yeah, they want the guy who treats my staff wrong to be placed upstairs [in iso].

Q: So they want him punished more.

A: Yeah yeah, they want them punished more. Yeah, and the director has always talked to my staff and explain why he didn't do it [send someone to more isolation]. (Department Head)



Q: Are you facing any pushback? from your deputies?

A: Pushback. Resistance. Yeah, yeah. (Director)

A psychologist agreed with the assertion that line staff expect prisoners to be punished:

You also see the mindset of not only management, but the staff on the floor. A big group of the staff still thinks like: Well, when (the prisoner is) showing bad behaviour, put them behind the door. They have to listen. Well, we repeated this twice, then prisoners should understand. And psychologists are also often 'those softies who don't get it'. (Psychologist)

Interestingly, while a number of frontline staff indicated that they felt that isolation did have some role to play as punishment, not a single interviewee called for longer or harsher punishment, and, as discussed later, several advocated shorter punishments.⁵ This means that managers' perceptions of what is tacitly 'expected' of them may be somewhat misguided and staff in fact would be willing to consider alternative measures, especially where the offence did not involve harm to a member of staff. I would also further suggest that whilst the reluctance to 'disappoint' or appear unsupportive to frontline staff is understandable, we should carefully consider whether this is sufficient ground for placing a person in the harsh conditions of isolation.

Isolation as a response to people who refuse to be housed in a Multi-Person Cell (MPC)

A sub-category of punitive isolation was that of people who refused to share a cell and were placed in the isolation unit. There were inconsistencies in the reasoning for, and recording of, the use of isolation with people who refused to share a cell: refusing MPC was sometimes seen as indicative of mental health issues and sometimes as a disciplinary matter- a refusal to follow prison rules and hence deserving punishment.

If you've refused [MPC] the first time, it's five days mostly now because they know it's cumulative. And if they're doing it to get their way because they don't want to go, it's like more like a pressure measure. But in some cases, it's also because the psychologists have a lot of work, so sometimes we can't speak early enough with people to see if they really have a problem so they can't go double (Deputy Director)

[Double celling] is [the cause of] a lot of stress... We have a lot of people [employees] who get ill... A lot of violence...And you open the cell and then that war. It's a lot of aggression. And we have to double them, but it's not good for nobody. Yeah, it's good financially. (Department Head)

⁵ It should be noted again that the frontline staff that we spoke to were not necessarily a representative group. Many volunteered to work in the isolation unit, and most were less likely to be directly at the receiving end of prisoner misbehaviour, and therefore possibly more likely to expect some form of retribution. All, of course, volunteered to participate in this study and as such are a self-selecting group. Nonetheless, it is notable that our interviews with frontline staff did not express particularly punitive attitudes or a wish for retribution.



The double cell problem... This causes a lot of punishment placements, and then people can sit for weeks in isolation and then in the end they go to another prison or in the end they go to a single (Psychologist)

Where the person continued to refuse to be double-celled even after one or two stays in isolation, they would either be housed in a single cell or moved to another prison. This means, in practice, that the prisoner dictates how available cells are used, and uses isolation as a means to an end (in this case, remaining in a single cell). Elsewhere, we termed this ‘engineered segregation’ and noted that:

The number of prisoners who engineer a move to segregation (isolation) should be seen by managers as an important barometer of conditions on normal location. (...) Managers and officers should work together to identify the problems that led the person to self-segregate and focus on a plan for resolving them, involving wing staff and other sources of support⁶

Notably, where the prison was purpose-built for double-celling, most of the prisoners we spoke to, had no issue sharing a cell and this did not come up as an issue in relation to isolation.

If isolation is to be used for MPC refusers at all, this was a better way of going about it. But prisons should consider if isolation- the harshest punishment available- is an appropriate response at all to those who refuse to be double-celled, or whether other responses may be more successful and less harmful. The reasons for the prisoner’s wish not to be double-celled should be explored and, where possible, addressed. Our analysis showed that in 2022 MPC refusal was listed as the key cause of isolation in just under 3% of all isolation placements and listed alongside other reasons in 7% of all isolation punishments (see Appendix 1).

Isolation as punishment: summary

Whichever position one would want to adopt with regard to the use of isolation as punishment - no punishment, a different punishment - the interviews we conducted (though I would note that the staff group that we spoke to were not necessarily representative of all staff groups) suggest that, overall, the people who work in Dutch prisons, from frontline staff to managers, are not very punitive in their outlook and attitudes, and would be willing to consider alternatives to the use of isolation as punishment. Such alternatives need to be explored and carefully considered.

Some of the alternatives proposed by interviewees are discussed later.

⁶ Shalev, S., & Edgar, K. (2015). Deep custody: Segregation units and close supervision centres in England and Wales. *London: Conquest Litho, 93, 14.* At page 137.



Isolation cells and exercise yards: some examples.



4. Material conditions of confinement and in-cell provisions in isolation

I think that our punishment cells... they are just really not okay (Deputy Director)

... isolation rooms are very minimal, and we think that this is not good for anyone. We would argue for a more friendly design or to provide a little more distraction. (Oversight Committee)

Isolation units were clean, but physical conditions – in all but one of the isolation units visited- were poor, with some features well below those set by international standards.

Isolation units were universally austere. Most were shabby-looking and had barren outdoor ‘yards’- small bricked or concreted spaces with metal mesh in place of a ceiling. Some common in-cell features included:

- No drinking water on tap
- No wash basin with running water
- Seatless and coverless metal toilets
- Toilets flushed from outside the cell
- Lights controlled from outside the cell
- Night light staying on all night (isolation as measure)
- No bedding- blanket only
- Clothing related limitations: no socks in some; paper underwear in others; anti-tear wear; pyjamas; slippers only.
- High security, heavy metal cell-doors
- Obscured / opaque glass window (in all but one of the prisons visited)
- Austere décor, drab colours

These in-cell features meant that prisoners could exercise very little personal autonomy and needed staff to do the most basic things for them- from turning on their lights to flushing their toilets. This was demeaning and added to the hardship of being isolated.

*We don't get water. We must call them [on the call bell].
For water, you know? those sorts of things. (Prisoner)*

The practice of not having permanent staff presence on isolation units when cells were occupied, which we observed in most of the prisons visited, made the need for staff intervention for basic things even more problematic. We were told by staff that this was not an issue as they attended to prisoners in the isolation unit as soon as the prisoner called them through the intercom system.

In purely practical terms, however, the suggestion that officers would rush to the isolation unit whenever a toilet needed to be flushed, a window blind needed to be opened or a light turned on, seemed overly optimistic.

It is also not clear to me how this close control of all aspects of the isolated prisoner's life encourages people to exercise more self-control over their behaviour or actions. Justifications for



some of the measures, for example not having running water in the cell for fear of prisoners flooding their cell- something that, by all accounts, is unlikely to be much of an issue anyway- seemed excessively risk averse and could be addressed in other ways. The practice of remotely observing people identified as being at high risk of self-harm, or indeed as being highly disruptive, potentially exposed very vulnerable people to increased risk. This was concerning.

Importantly, decisions regarding conditions and provisions inside isolation- clothing, bedding, access to exercise equipment and so on, should be based on ongoing individual assessment and not a universal standard.

The key recommendation this report makes regarding material conditions in isolation units is that they should be significantly improved, particularly in respect of in-cell running water, removing window coverings, and equipping yards. As well as better reflecting international good practice, this would bring isolation units closer to how those we interviewed working and living in Dutch prisons envisaged the use and purposes of isolation.

Some of the specific aspects of material conditions in the isolation units visited, and how staff and prisoners understood their purpose and application, are discussed in further detail below.

4.1 Windows, light, colours, and ventilation

Nelson Mandela Rule 14 (see also EPR 18.2)

In all places where prisoners are required to live or work:

- (a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
- (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

Isolation-cell windows in several of the prisons visited were made opaque using special 'milky' glass, Plexiglas, or by using a blind. Windows could not be opened and had small ventilation grills. We were told that the rationale for obscuring windows was to prevent isolated prisoners from looking out at staff passageways and being able to see/communicate with other prisoners on the yard/in other housing units.

Behind the milk glass is the yard big yard and when they can look out it is something they can see, and it can influence them. (Frontline staff)

But obscuring the window makes it difficult to ascertain the time of the day and contributes more generally to a claustrophobic feel inside the isolation cells.

It's not good, man. You have no vision to the outside. You have no vision at all. It's a window and it's like blur there's only... you can only see the dark and the light. You cannot. No, no, no, no, you cannot see. It's all black. (Prisoner)

You are closed from everything, you hear nothing ... because there's no glass where you can see through... you only see when it becomes day and it gets night, you know. (Prisoner)



Isolation cell with an opaque window

As well as being disorientating, not having a view to the distance can have harmful health effects and add to the claustrophobic feel of the small isolation cell. Whatever proposed advantages and convenience to staff obscuring cell windows might have, I would argue that the benefits of a window with a view to the outside must surely outweigh these. As one prisoner explained:

*Sometimes I look out the window when I see people playing football.
That's it. I'll make a like a schedule for myself: then I'm going to read, then I'm
going to have a little bit to eat, then I'm going to look out of the window for a
little bit watching football. Then before I know it's already the end of the day,
then I'm going to sleep. (Prisoner)*

The difficulties of obscured windows in isolation cells are even more pronounced where prisoners may spend significantly longer periods in isolation, as can be the case in some of the Special Units. The problem of obscured windows in isolation cells can, in some cases, be relatively inexpensively remedied by replacing the glass or removing the film.

Finally, not being able to open the window also meant that ventilation was poor, and some of the cells visited were incredibly warm. Indeed, we were told in a number of prisons that when it got really hot, they moved everyone out of isolation as it became unbearable.

With regard to artificial lighting, though in the units visited the overhead lights were sufficiently strong for reading, in a number of units lights were controlled from outside the cell, meaning that if a



person wanted to read at night – or to stop reading- they had to use the intercom system to ask staff to turn the lights on (or off), making the process more cumbersome and less convenient for all concerned. On the other hand, in some isolation cells a night light stayed on all night, potentially disturbing people's sleep patterns.

4.2 In-cell running water

Nelson Mandela Rule 22(2)

Drinking water shall be available to every prisoner whenever he or she needs it.

European Prison Rule 22.5

Clean drinking water shall be available to prisoners at all times.

European Prison Rule 19.3

Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy.

In-cell running water is necessary for drinking, for maintaining basic hygiene, and for flushing in-cell toilets.

In half of the prisons visited, isolation cells had no running water: they contained no wash basin and toilets could only be flushed from outside the cell. The lack of running water in isolation cells- for drinking, for washing one's face, brushing one's teeth, or indeed washing one's hands after using the unscreened, uncovered toilet, is unhygienic, demeaning and potentially hazardous to health. As well as being demeaning, this arrangement meant that prisoners had even less control over their immediate environment than is usually the case in isolation, potentially worsening the psychological consequences of isolation.

Q: Is there drinking water in iso?

A: No. You have to ask and they give you water in cups. (Sometimes) you can wait 3, 4 or 5 hours. (...) You know, (you cannot) flush own toilet, there's just basic things you know. Yeah, because those cells smell like shit... It's not hygienic, you know, yeah. (...) (Prisoner)

There is no running water... You have to call for everything... 'can I get a little bit water?' and the water is outside of the isolation, so when somebody comes, they take a cup and then they fill it for you. They fill it for you and that's it... In this hot weather they gave me some extra and they have to flush for you so when you have a big thing to do (defecate), then they have to flush it. (Prisoner)

The rationale for not having running water in isolation cells, as conveyed to us by staff, had to do with preventing prisoners from flooding their cells, though when pressed officers conceded that this only very rarely happened⁷. Another reason for not having running water, according to staff, is to ensure that prisoners cannot flush away contraband:

⁷ Worryingly, staff in two of the prisons visited mentioned turning off water for prisoners on hunger strike. This seems like an odd and very inappropriate practice. I couldn't gather enough detail about the frequency of hunger strikes, but this practice- if indeed this is the case- needs to be reassessed.



But problem is that if contra band is found in it [excrement] we can't filter it anymore, can we? We are no longer allowed to collect it, so yes, that's another reason why we flush the toilets. Usually, though, if someone has done a big one [defecated] and they call the control room, someone does come by within a very short period of time to flush, so he doesn't leave someone in the stench, so to speak. (Department Head)

In reality, however, staff is not always available to come immediately, as described by one prisoner:

Yeah, you cannot flush toilets by yourself. If you ask to ring the bell to flush toilet, they leave it like 3 or 4 hours. (Prisoner)

Recalling that the majority of isolation cells are small, have toilets with no cover, and suffer poor ventilation, the lack of in-cell running water in isolation had significant consequences for those isolated. Even with the best of intentions of staff to respond quickly to prisoners requesting their toilets to be flushed, not being able to do this themselves is demeaning to prisoners.

The one thing I hate is that they can't flush the toilet. I think it's inhumane. (Psychologist)

.... In the toilet, maybe because you have to do everything on the toilet and you can't clean you know only paper. Yeah, you can't wash your hands. I don't like that. (Prisoner)

The isolation is filthy. The hygiene is terrible. It's nasty. It stinks, there is piss in the corner. Yes, the place stinks! Open sewage there is bad hygiene in isolation here. (Prisoner)

Considering all this, it would seem more sensible to have a plumbing system which enables toilets to be flushed both from inside the cell- and from the outside, when this was needed because a prisoner repeatedly flooded the cell. We observed such arrangements in one prison. Another option, which is commonly used in other countries, is to ensure that water to each cell could be easily turned off at the mains by staff where this was necessary because an individual prisoner is flooding their cell. Both these options would be relatively easy fixes, offering viable alternatives to the expensive, demeaning and potentially hazardous to health practice of not having in-cell running water in isolation units. The lack of running water also means more tasks for prison staff, as they need to deliver drinking water and flush toilets as necessary.

4.3 Food

Mandela Rule 22 (1)

Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

Food in isolation was provided in accordance with staff shifts rather than 'normal' eating times.



Breakfast- tea/coffee and bread, was provided at 8:30. A warm lunch was provided at 12:00. At 16:00 a sandwich dinner was provided, with a hot drink provided around 19:00. This timetable left a large gap between the evening meal and the morning meal.

Worse still, many prisoners told us that they did not eat prison-issued so-called 'black box' (as food is served in black containers). In fact, when asked what could be done to improve isolation, food (better, more of it, fresh, variety) was mentioned by many prisoners.

*And the food is garbage. Yes, food is garbage there. I don't eat the black box.
(Prisoner)*

Isolated prisoners were prohibited from purchasing canteen goods or from keeping previously purchased goods in their isolation cell. This meant that prisoners were completely reliant on prison-provided foodstuffs. I am aware that this problem is not unique to isolation units, and that different solutions to the problem of poor prison food are being sought, including new contracts for the provision of food to prison. I will therefore not discuss this issue further other than to recall that, for isolated prisoners have no alternatives to prison issued food, the problem of poor food delivered at inappropriate times is even more of a burden and inadvertently acts as additional punishment.

4.4 Bathing / Showers

Nelson Mandela Rule 16

Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

European Prison Rule 19.4

Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but **at least twice a week** (or more frequently if necessary) in the interest of general hygiene.

Dutch Prison Rules require that prisoners be given the opportunity to shower at least once every three days. This is in line with international minimum standards (above). Using staff discretion, in some isolation units, prisoners were able to shower more frequently, provided the prisoner 'behaved themselves' and staff had the time to facilitate this. A number of the prisoners interviewed mentioned the inability to maintain personal cleanliness in isolation as a significant issue.

And the shower is actually every three days, but if it's quiet upstairs, you can shower more often. I should add that, but then it has to be quiet. If it's a bit crowded, then it's just every 3 days (Prisoner).

Although as noted above, this is in line with international standards, it is important to note that these represent minimum standards which can and should be exceeded where possible. Further, showers should not be used as a tool for achieving compliance or rewarding positive behaviours, as appeared to be the case in some units.



*I don't (exercise in my cell) because... You are gonna sweat, but you can't shower everyday. And I'm person...if I sweat and I can't shower, I don't like that.
(Prisoner)*

You are not allowed to shower every day, but if you are behaving that's no problem. Yes, they would let you shower every day. (Prisoner)

In one prison, prisoners could shower three times a week, but those serving punishment could not have a shower on a Sunday. It is unclear whether the reason for this was punitive or simply a question of staffing, but either way this seems like an odd, and unnecessarily punitive, practice.

Personal hygiene should be encouraged, and it is good practice to allow those who wish to shower daily to do so, in particular during the summer when isolation cells can become very hot. The lack of running water in the majority of isolation cells makes the need to enable prisoners to have daily showers even more pressing.

4.5 Access to open air and exercise

Nelson Mandela Rule 23

1. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

European Prison Rule 27

EPR 27.1 Every prisoner shall be provided with the opportunity of at least one hour of exercise every day in the open air if the weather permits.

27.2 When the weather is inclement, alternative arrangements shall be made to allow prisoners to exercise.

27.3 Properly organised activities to promote physical fitness and provide for adequate exercise and recreational opportunities shall form an integral part of prison regimes.

27.4 Prison authorities shall facilitate such activities by providing appropriate installations and equipment.

27.7 Prisoners shall be allowed to associate with each other during exercise and in order to take part in recreational activities.

Outdoors yards in all the units visited, without exception, were fairly grim: a small concrete space, with a mesh cover above. The mesh, while adhering for a requirement for the prisoner to be able to see the sky, made the small yards seem even smaller and enclosed.

There were pockets of good practice. In one isolation unit, one yard was equipped with a boxing bag (see below), and another yard had a stationary bike installed. We were told that the decision on what each prisoner could access was taken by a multidisciplinary team. This was good practice. The majority of units, however, had no exercise equipment in the yard or somewhere to sit.



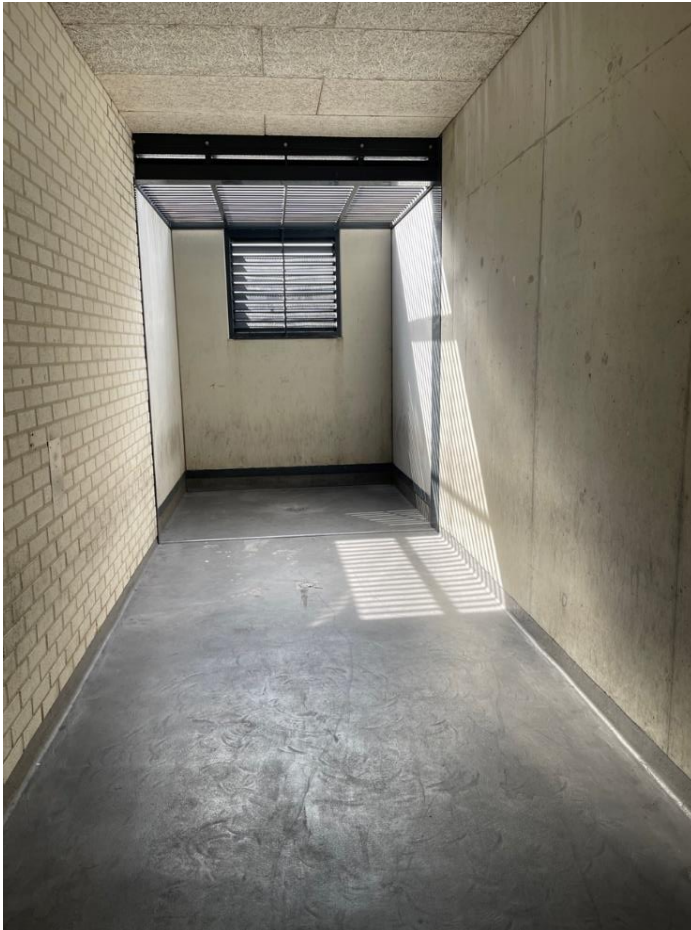
Isolation exercise yard with a punch bag

Many of the prisoners we spoke to commented on the barrenness of the yards. Asked what they would change, one prisoner and one manager flagged yards as a key issue:

Maybe also exercise things you know for pull-ups. (...) you know, exercise makes you more tired, so you can sleep (better) also you put your energy out. (Prisoner)

Physical exercise, yes, I would really like it if we could, for example, give someone an exercise bike in the iso. Hey, if someone is well-behaved just make sure you have some exercise bikes. If it's safe to do so, then give someone a home trainer during the day. That he can move around or other things. Movement is so important. (Deputy Director)

In some of the units visited the permitted one hour outdoors could be taken in two or three parts, which particularly benefited those who smoked. In other prisons, in contrast, the one hour had to be taken in one block, with no flexibility built in. This variation was discretionary and sometimes changed not just between prisons, but also within the same prison, depending on which staff were on shift. While some flexibility may be welcome, this created potentially unfair situations where prisoners' daily regime depended on who was staffing the unit on any given day.



Barren exercise yard

In one isolation unit we were told that yard time was used to enable prisoners to communicate with one another, in particular where they had been involved in a fight. More generally, the policy in this prison was to take out all those in isolation to exercise at the same time (albeit separately), again for the stated purpose of encouraging communications. Properly managed and supervised, this was good practice for supporting reintegration and increasing human contact and potentially managing conflicts.

4.6 Access to telephones

All the prisons visited provided isolated prisoners at least the 10 minutes weekly telephone communication required by law. Beyond that minimum, there was some variation in how often prisoners could use a telephone, when they could use it and how long they could speak for. We were told in a number of units that, in principle, those isolated as a measure could have longer phone conversations, that in practice this was not always possible.

Access was mostly allowed during staff working hours, making it difficult for prisoners to maintain family contacts, in particular where the family members worked or studied during normal working hours. Prisoners we spoke to suggested that it would be good to be able to use phones in the evenings, when there was a better chance of speaking to someone at home. Asked which changes



they would like to see in isolation, more telephone time was mentioned by many of the people we spoke to:

(I would like) more time on the telephone. Because you only have 10 minutes. It's nothing. You know, and you can't call after 5:00 o'clock... and maybe some parents, they only can answer the phone at 6:00 o'clock or 7:00 o'clock.
(Prisoner)

As well as issues around the limited hours during which prisoners could use the phone in isolation, and how long they could speak for, the location of telephones also proved to be a problem in some cases. In one prison, the only phone available for use was located in the staff office in the isolation unit. This meant that officers needed to be in close proximity to the person making the call as they couldn't be left alone in the office (as it contains confidential files, various items which could be used to harm self or others), and because calls made using staff telephones could not be remotely monitored (in contrast to calls made using the prison's public phones). Possible alternatives which allow prisoners privacy when conducting personal conversations could include installing a telephone in the yard, or purchasing a portable or cordless telephone that the prisoner could use on the yard. These were not explored. In another prison, in contrast, isolation cells were equipped with a telephone (which could only be used at designated times). This was good practice which should be replicated elsewhere where possible.

4.7 Beds, bedding, furniture, and clothing in isolation

Nelson Mandela Rule 19 (see also EPR 20.2)

1. Every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.
2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

Nelson Mandela Rule 20

If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the prison to ensure that it shall be clean and fit for use.

Nelson Mandela Rule 21

Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Beds, Mattresses, Bedding, and In-cell Furniture

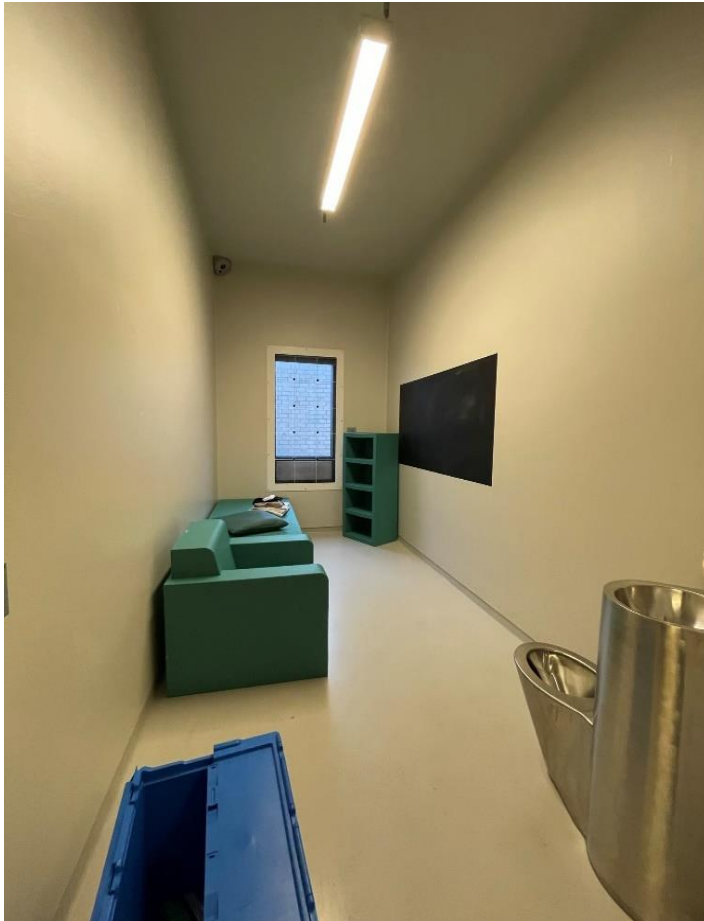
Isolation cells typically contained no bed, but instead had a mattress on the floor. In terms of bedding, there was some variation in practices, but the majority of units visited provided those in isolation only a blanket, and a plastic pillow. No other bedding was provided. It is not clear to me what the purpose of this is, other than perhaps making isolation units more punitive, and potentially presenting a health issue as mattresses become dirty and sticky. The lack of proper beds was commented on by both prisoners and staff when asked what could be changed in isolation cells:

A real bed. Not (a mattress) on the floor. That's important ... It's hard. It's hard on the floor. I don't like it, you know, and they put you there ... you are treated like a dog you know, so it's a bit degrading. (Prisoner)



*.... a physical bed which is then fixed to the ground where people can sit on.
(Psychologist)*

*I think give them a bed instead of giving them only the mattress. (Deputy
Director)*



Isolation cell with tamper proof furniture

Mattresses also varied in thickness and quality, with some particularly thin. Worse still, in several of the units, prisoners isolated as punishment had their mattress taken away in the morning. This was replaced with a tamper-proof block/chair (see above) during the day and returned to the cell in the afternoon. This was done for the purported purpose of assisting prisoners to ‘maintain daily rhythms.’

*If the mattress stayed the whole day and somebody is lazy he would sleep all day. That is not how we do it. When they sleep all day, they can be awake at night. So their rhythm is disturbed and then we have a problem in the night; (they say) I want to eat. I want to smoke... and we want them in the day - night rhythm.
(Frontline staff)*

Clearly though, taking away the mattress served other functions too.



The mattress is taken away during the day. Removed at 8:45 when the programme starts and returned at 16:00. If the junks (junkies) have a mattress they will sleep all day and that's not the idea of punishment. (Frontline staff)

Not everyone liked the punitive aspect of the practice of taking the mattress away.

...I'm of the opinion that that serves to indeed get a punishment, but other than that, it's never really made sense to me. (Frontline staff)

I don't like that... For me, it's the part of the punishment that's not OK. (Director)

Leave the mattress over there. Don't do that. It's... they have nothing. They have nothing. It's not a Russian prison, where you must stand up the whole day. We don't do so. That was 20 years ago. (Department Head)

I think it's stupid. (Psychologist)

Others noted that taking away the mattress was a source of unnecessary conflict.

No, no, we don't do it anymore. Well, we used to take them. And then it's a lot of work, and a lot of struggles with prisoners, and in the end, they also sleep on the floor so that there's no reason to keep taking the mattress. (Department Head)

Indeed, other noted that practically, if someone wanted to sleep, they will find a way of doing so, despite any discomforts:

Yeah, the iso here... At half eight in the morning. They take your mattress, your bed, they take away, but then you get it back at 5:30. Then you get back, and that's a little bit... because the whole day you need to sit on the chair if you want to sleep. You can't sleep- you need to sleep on the ground until you get your mattress back. So that's something I would change... yeah. (Prisoner)

I don't think it's good because the people are also trying to sleep and then they're going to sleep. On a different form you know ... they're going to sleep anyway. (Prisoner)

Finally, taking away the mattress may mean taking away one coping mechanism available to isolated prisoners: sleep.

It can be maybe kind of coping from detained people to have this mattress just to sleep. (Psychologist)

In sum, the majority of managers, psychologists, and prisoners, suggested that it was not good practice to take the mattress away from isolated prisoners during the day, as it did not achieve any purpose other than further punishing those already punished with isolation. A minority of interviewees, mostly frontline staff, saw this as a way of signalling to isolated prisoners that isolation is not meant as a place of rest, but a place of punishment.



In my view, this is an outdated practice which needs to stop, especially as isolated prisoners, in particular those who are unable to read, are not offered anything else to do in isolation other than sleep.

I have spent some time discussing the practice of taking away the mattress during the day because it reflects well a degree of misalliance between forward looking attitudes and some outdated practices which we observed more widely.

With specific regard to the taking away of the mattress, I would suggest that the legitimate wish to ensure that isolated prisoners can maintain a day/night rhythm would be better achieved by ensuring that windows are not obscured, cells have clocks with time and date, and, importantly, that prisoners are provided with means to occupy themselves in isolation.

Clothing

In all but one of the prisons visited, isolated prisoners were required to wear prison issued clothing. The specifics of prison-issued clothing provided to isolated prisoners varied between the prisons and depended on whether the individual was isolated as punishment or as a measure. Typically, those on measure were required to wear special anti-tear clothing, though in some units those serving punishments were also required to wear anti-tear clothing. In some units, prisoners serving a punishment were required to wear sweatsuits, overalls or, as was the case in one isolation unit, pyjamas. In a number of prisons, isolated individuals were not permitted to wear socks, and in others they had to wear paper underwear.

...And you have slippers, yeah and no socks, and in the winter it's very cold, yeah?... It's very cold, no bedding. No only blanket and pillow, but it's very thin the blanket....The underwear... it's only one size. (Prisoner)

Such practices, particularly when applied as standard measures applied to all, are problematic for several reasons. Firstly, they are unnecessary: not everyone requires anti-tear clothing, certainly not those isolated as punishment where there are no concerns around self-harm. Secondly, these practices are humiliating; requiring grown people wear pyjamas during the day is demeaning and makes no sense, especially considering the prevalent practice of taking away the mattress from isolation cells during the day (discussed above). Thirdly, these practices appear arbitrary: withholding socks from those who require them, for example, makes little sense.

But it was first few days that were problem because when you go in the (isolation) room you don't experience the cold. But after maybe one hour you experience cold. But you have a very big blanket, and they don't take your blanket... So, if you have a blanket that's no problem but, but shorts are a problem, for example, when you go out - and I smoke- so I need to go out. Yeah, it's cold. You have a jacket, yeah, your feet are cold... (Prisoner)

One psychologist suggested that clothing could be used in a positive way.

[You should] have the ability to keep your own clothes, eh? And also to be able to change a set of clothes if you could make agreements about that. That you don't necessarily have to wear anti-tear clothes, right? that you might also be able to work in steps towards [wearing] your own clothes again. (...) (Psychologist)

This could be an interim measure while phasing out current practices.



4.8 In-cell provisions and activities

[I would want] a physical bed which is then fixed to the ground where people can sit on. Also give some opportunities to treat people with the door open. And a chalkboard, and the possibility to read a book. A screen where people can listen to music on, or something like that (Psychologist)

In all the units visited, isolated prisoners were only permitted to have the very minimum in isolation. Cells were equipped with a mattress (see above) and, in some cases, a tamper proof cube which could serve as a table or as a chair. One or two of the units visited provided some access to a television, and in some, prisoners could also access a number of radio stations through the control panel – which in some was located inside the cell and in others outside it. All cells had access to an alarm/ intercom panel for prisoners to communicate with staff.

Once isolated, any work and educational programmes that the prisoner was previously enrolled on were discontinued for the duration of their stay in isolation. This seemed counterproductive: If prisoners aren't able to partake in rehabilitative or other programmes to help them address the behavioural issues which landed them in isolation in the first place, why and how do we expect it to change?

Below, I briefly discuss some specific in-cell provisions to illustrate what daily life looks like for the isolated prisoner.

Books and things to do inside the cell

Once inside their isolation cells, prisoners had very few options. Mostly sleeping and reading.

It's the only thing that makes the day go a little bit fast because it goes fairly slow. You have to read. I read maybe with three books in four days. (Prisoner)

(I was) reading a lot. Then eating a little bit and then again reading, only reading. That's what I do in the ISO reading, then I get a little bit tired then I go to sleep, then I wake up again, again reading. That's it. (Prisoner)



Book collection in an isolation unit

Isolation units had a small selection of books which prisoners could choose from, and in a couple of units the librarian from the main prison brought books to isolated prisoners. This was good practice. However, prisoners in a number of isolation units told us that the book selection in isolation was poor in terms of both quantity and quality.

[They need] more books in iso, and newer books. (Prisoner)

More books. Yes. You have to read what's there. Yeah, they don't go to the library and I know it's a punishment that you are there, but because you don't... you are not coming there for nothing but there could be a little bit more (Prisoner)

Books are not a solution for everyone. As one man noted, some of those isolated could not read or write, leaving them with very few things to do. Asked how isolation could be improved, he suggested that:

Maybe [give them] something to keep... to keep the mind going, you know? Like, I can read. Some people cannot read. You know, so give them something else you know, maybe some games or things to spend the time. Yeah, there are there quite a lot of people here that have they don't know how to read and write (Prisoner)



As well as books, people suggested exercise equipment, music, and a radio as potential ways of passing time in isolation.

Maybe a radio or something we to do.... that could be something and more books. (Prisoner)

Clocks and calendars

With one exception, isolation cells had no clocks, and prisoners in them had no means of knowing the date. This had meant that prisoners found it difficult to maintain a sense of the passage of time, made worse by the covered windows. For those who wished to pray at fixed times, the lack of clocks posed a real issue. One officer noted that,

Prisoners get on the (call) bell a lot to ask what's the time (for prayer) (Frontline staff)

This could be resolved by having clocks in isolation cells, and, perhaps, announcing prayer times over call systems where relevant or setting up an automated system to do so. In all cases, those isolated should be able to tell the time and date from their cells.

TV/Touch screen

A number of the isolation units had a cell or two with a television behind a Plexiglas cover, and one had a cell with a touchscreen. When asked what they thought about the idea of television sets in isolation cells, many of our staff interviewees wanted to have the option of providing televisions:

I would like all cells to have the possibility of a TV so it gives me more flexibility to give it or not. (Deputy Director)

Some thought that TVs should be provided, but only when the prisoner is isolated as a measure.

When we have measure, we must have a television. They are not occupied enough for the situation, so we must help them, so we give them more smoke, more time to come out of the cell and if they want to make a telephone call. We are more flexible (Department Head)

Others thought that TVs would be a positive addition and one which would help mitigate the sensory deprivation and boredom associated with isolation, regardless of the reason for the person's isolation:

I think it's good. for the prisoners so that they have something to do, because, uh, an isolation cell is not the best thing for people, we know. (...) It's against sensory deprivation. (Deputy Director)

(Discusses isolation in another prison) It was the same but it's only there you have a radio. On the wall. You have the three or four channels. That's the positive thing. Yeah. (Prisoner)

Uh, put a put a TV [in iso]. Why not? Why not? The punishment is isolation. You don't want to mess up their minds and that's what you do. (Department Head)



Q: Would you want to see isolation being more punitive?

A: No no no. I think it's enough. It's necessary, but I think also you can bring some tools in, so that they have less mental damage.... a screen. I think we have to do that in every separation. (Deputy Director)

Only two interviewees- one prisoner and one frontline staff member, thought that having TVs in isolation would mean that isolated prisoners would not reflect on their actions (and in consequence that would mean that isolation does not achieve its purpose)

This is a punishment. If you have television, I think you just make it luxury because people, if they have television, then they are not lonely. Then they cannot think what they have done wrong. (Prisoner).

The majority of interviewees, however, as the quotes above demonstrate, were not opposed to the idea.

4.9 Material conditions in isolation units: discussion and reflections

Physical conditions in isolation cells were mostly poor and austere. Some of the in-cell arrangements were attributed to security and staff needs. For example, the opaque windows were said to be needed so that isolated prisoners could not see staff walking around the prison's grounds, the lack of in-cell running water was said to be necessary to ensure that prisoners did not flood their cells, and so on. But these legitimate concerns could- and should- be addressed by other means, as detailed above.

More generally, the poor physical conditions and risk averse practices in isolation contrasted with the otherwise thoughtful, positive staff attitudes.

In that sense, it could be said that the message conveyed by the poor physical conditions and that conveyed by prison staff- at all levels and grades- were contradictory and confusing. **The question which needs to be asked is, are conditions in isolation meant to be punitive and, in themselves, act as a deterrent, or were isolation units barren and harsh because of lack of budgets and/or imagination? I believe the latter to be the case.**

We also observed some pockets of good practice examples and good design features, and these should be explored and replicated elsewhere. Examples include a time-out room for those feeling distressed and/or in need of extracting from a situation; isolation cells equipped with tv /touch screen; 'friendly cells' for people in distress; prisoner operated window blinds and lights; radio incorporated into the intercom panel; windows that are only half covered (PPC); cordless phone used in isolation (PPC); An isolation unit painted in calming colours; a boxing sack in the yard of the isolation unit; a mattress propped against a wall for boxing.

Whilst some of the issues around material conditions would require a complete rebuild of isolation units, others can be resolved relatively easily and without great expense, including the provision of bedding, the removal of window coverings, installation of exercise equipment, a telephone on the yards, and re painting isolation units to create a better environment. Restraint beds should be



removed from isolation units, so that they are never an option- they send the wrong message and are inappropriate. If someone's self-harming is so bad that they may need to be restrained, they should be placed in a mental health unit where they can get appropriate help.

In terms of future construction, ideally, I would wish to see new prisons built without any isolation cells and alternatives, such as punishment in own cell, used instead. Where isolation cells are being designed/designated, these should be of a good size, with a window and a view to the outside, a toilet and a washbasin with running water and proper furniture. Cells should be painted in bright but calming colours, with prisoner-controlled lights, a radio, and a television. Yards should be equipped with means for prisoners to exert themselves physically, and with a bench. Interviews suggest that this vision is in line with what the majority of staff would like to see too.



5. Interpersonal interactions in isolation: meaningful human contact?

[I tell my staff] Everybody wants to be treated with respect. Yeah, be normal, don't lie, don't curse, be relaxed. If we don't agree with each other, we talk with each other and that is...that is how we must do it. (Department Head)

We try to have conversations with them. But I am like that. My basic principle is, we just start over every day. You can scold me now and we can fight now. Tomorrow I'll just open that door again. And then I just stand with it and then we go back to see how it goes. Because that's my job. I don't like to keep the door closed, only opening it to say: here is your food. That... that's not my job. I became PIW there to deal with people, not to lock them up. (Frontline staff)

We speak to someone every hour so there is some interaction. Yeah, interaction, so it it's not like leaving them like putting them in a pit and leaving them there, but taking that out and trying to do something with them and for them (Deputy Director)

An important factor cited in the Mandela Rules for assessing isolation units is the extent and nature of human interactions within the unit. Prisoners are physically and socially isolated from each other. The degree of contact they can have with each other is incidental- for example when exercising and adjacent yards, or by communicating by shouting through cell doors or windows, where these exist. This leaves staff as the isolated person's key providers and main contact to the outside world. This, in itself, can be psychologically taxing, as one prisoner observed:

Everywhere you go, there is control, you know people are walking with you... they walk with you through everything you have to go to the doctor. They go with you. Yeah, you have constant, constantly the control. That's also not a good feeling because you know that you are in prison, but you feel like you are punished extra, you know.

Q: So you think you should kind of have a little bit more autonomy, yeah?

A: Autonomy. Yes, yes. (Prisoner)

We did not spend enough time in isolation units to assess the quantity and quality of human contact in each. The few interactions we did observe were mostly friendly if brief. We did, however, ask interviewees about the nature of interactions in isolation units. The overall picture was a positive one, with both staff and prisoners reporting positive interactions and support.

Officers reported good contact with prisoners, though when probed they conceded that points of contact were mostly brief and utilitarian. Asked about their interactions with isolated prisoners, officers reported positive contact:

Good, very good, very social. Making sure there is a one-on-one conversation, at least engaging with each other. Certainly, those are short smoking moments when we stay at the doorway for a while and then we stay in conversation for a



while to make sure those contact moments are there a little bit. Yes, a little bit. The punishment is of course the isolation cell itself, that doesn't mean there is no interaction at all. (Department Head)

*Q: how much interaction do you have with someone in iso throughout the day?
A: Yep, a lot. I do try to have a conversation with someone. That's not just me, but that's 9 out of 10 staff members. (Frontline staff)*

And what we always want is to talk to each other, a little bit interaction. Do you know why you're here? Do you know how long are you sitting here? Yes, I have him 14 days. OK what will you do in the 14 days? How do you think to go upstairs? What is your mindset? (...) sometimes you talk in the door, sometimes you talk in the yard when they're taking the air. Sometimes I go with that, then they smoke, I talk with them. That's not a problem. Because I have to be here so I can use my time when I'm still here. (Frontline staff)

The prisoners we spoke to mostly agreed with this positive picture and described isolation staff as kind and caring.

I was worked up and stressed, you know, and then she (officer) said, later on when I have time, I will come to you to talk with you. That's nice, that's nice. That's very nice, because this is also fairly relaxed. If she can help you, she will help. (Prisoner)

People, the people that work are are.... They could not be more professional and more kind than they are. (...) They said to me we see you are angry if you want to talk with us, you can put a signal out. Don't worry about time (Prisoner)

The upper side (management) needs to change, but these people (iso staff) are doing their best. They are for me, they are very.... More kind than they are supposed to be. So they are quite easy to talk to... Yeah, talk to you like a human. (Prisoner)

If you talk to them, 'how are you' they talk back to you. Like me, I always talk to them. If they come down, I talk 10 minutes, 15 minutes with the... yeah, yeah, it's not with all the guards. Some guards they give you bread they go away. Some guards they like to talk with you. (Prisoner)

The key to relationships in isolation, according to one very experienced unit manager, was to treat prisoners as fellow human beings, and interact with them as normally as possible. To illustrate this assertion, he described the intake of a man who was escorted from another prison to the isolation unit:

There was this one man... It took 15 men to put him in the bus to bring him here. 15. But I knew him. I knew the detainee because he sat before [in another prison] ... and he always wants coffee. So I went downstairs and said, 'hello Mr X. How



*are you? I have a very good cup of coffee for you. Would you like a cup of coffee from us? Will you be quiet and normal to me and to my staff?' He is a big man. Very big, very strong, very crazy. And yeah, he listened to me. I was relaxed, quiet. And he was like: 'Oh yeah, please thank you, thank you!'.
I: I guess you need to know your detainees.
A: Yes, and they feel when you are real or fake. (Department Head)*

Interactions of this kind can often defuse otherwise tense situations. Conversely, confrontational attitudes can lead to conflict and resistance. Indeed, this corresponds with what prison officers in the United Kingdom told me about their interactions with isolated prisoners⁸ and should be considered when selecting staff for the isolation unit.

Nevertheless, regardless of how good relationships are, opportunities for human interaction remain extremely limited. The isolated prisoner will spend upwards of 22 hours a day alone, inside a small barren cell where they can exercise very little autonomy and have little to do.

And from the prisoner's perspective, this, the deprivation of social, human contact, is the real punishment:

It doesn't matter to me if I have a TV. The thing that is punish, would punish me, is if I cannot sit with (my friends), and talk with them and socialize with them. So the punishment is that ... you don't have human contact. (Prisoner)

You're only there with yourself, nobody else. A couple times the guards come to you to ask you something. But... yeah. You have the whole day with yourself. (Prisoner)

6. Duration: how long should isolation stays last?

Nelson Mandela Rule 44:

For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

Stays in the regular isolation units (i.e., not Special Units such as the EBI, PPC or EZT) mostly lasted a few days, with the longest stays typically being 14 days for the possession of a phone or commercial quantities of drugs in the prison, or for refusing to be housed in a multi-person cell (MPC). This was a very positive finding.

It is also positive to note that many of our interviewees – both prisoners and staff - advocated for shorter isolation stays, and not a single interviewee advocated for longer stays.

We are usually around 7 days anyway. Yes, I would prefer shorter sentences myself. Scare someone for a while. (Deputy Director)

⁸ See: Deep Custody, Shalev & Edgar 2015.



Like 2-3 days, I think is enough even for whatever you did. (..) Longer sentence does not make it necessarily better, yeah. (Prisoner)

I prefer short and sharp punishment of 2-3 days to longer isolation – it stops being effective. (Frontline Staff)

It should be shorter. I think 4-3 days. Yes. 6 or 5 days (maximum), no more than that. (Prisoner)

Q: And do you find there is a certain number of days after which you can see a switch (in the prisoner's behaviour)?

A: Day three. (....) Because the first day they are very bad. They are very angry. They are very upset to everyone. The second day they pity themselves. Yes, because it's happened to them and it's true, they are right. ... and the third day they say we must do something different, and that's the day of something things open up. (Frontline staff)

It's difficult, yeah, for your psyche. This was four days, but if you have to spend 10 days you, you come back like a zombie, but you have to get used again like yeah, how it was in normal life (Prisoner)

There seemed to be a consensus, then, that isolation should not last longer than a few days. How isolation affected each person depended on the individual.

Yes, it is very dependent on the person behind the door. Look, some can take their punishment, those who still walk out smiling after 7 days and the other who has a lot of trouble with it already after an hour. (Frontline staff)

The assertion that the health effects of isolation vary between individuals and could, for some, emerge after a few hours, whilst others are able to withstand longer stays, chimes with what the medical literature suggests, and should be considered when deciding on isolation placements.



7. Does isolation 'work'?

Isolation lets him sit somewhere else, get him out of the situation... (to achieve) some more peace in that situation and that someone can make room for a while and make a new choice. Some insight is needed for that, so I don't think that everyone succeeds just like that. (Oversight Committee)

I'm not in favour of it [ISO] Basically not. No, I find it, I don't find it a pleasant setting. I don't think it provides a solution for me. In a lot of cases it does not. In some cases, maybe it does allow someone to unwind for two days who was just not feeling up to it. (Frontline Staff)

As discussed earlier in this report, isolation is meant to punish, protect, and deter from future misconduct. Clearly, the austere conditions in isolation mean that, by definition, it is punitive, so in that sense, isolation could be said to 'work' as punishment. In terms of protection, it is important to recall that **while isolation cells may prevent prisoners from self-harming, they may also exacerbate mental illness, inflicting further hardship on the isolated individual and ultimately increasing the risk of self-harm.**

On the question of does isolation 'work' as a deterrent, the consensus appeared to be that it works with some, but not with everyone, and that those whom it 'works' with, need not be isolated for longer than 2 or 3 days. This is an important finding which needs to be considered in any future discussion of the length of punishments.

Asked if isolation worked as a deterrent, a number of interviewees suggested that this depends on the type of individual and the reason for their behaviour.

So I think 90% of [people], of course, you think 'I don't want to go to iso'. So It does help, yeah, I think so. [But] I think for the 10% who have mental issues, or it may be a drug related, they can't help it. So then they end up there. They didn't know they're gonna end up there. (Prisoner)

If they use drugs then I don't think you can make them change their minds only by uh punishment in isolation. And to others. You have to put a programme on it. Make conversations with your mentor and make a plan that that's better, but it's yeah, it's punishment and to give a sign to the rest. (Department Head)

I think I for some guys maybe it works that they... they know a place that they don't want to go back to.... a scare-off, yeah. (Frontline Staff)

When you put them in ISO, these hardened antisocial guys, they just take their punishment. It will only get worse (...) The vulnerable people, they become frightened. (Psychologist)



Some people.... Every moment they can fight, bring them to isolation, and no matter, they are going to laugh about that, they come back, and they do something, and they go back. They don't care [about being in] isolation, you know, they don't care... They only get tougher. Tougher, more tough, more hardened. (Prisoner)

Put differently, some interviewees suggested that those isolated on mental health grounds (as measure) may become more unwell in isolation, and those isolated as punishment for breaking a prison rule may become even more entrenched in their rule breaking behaviour. This is a potentially worrying proposition which would benefit from further exploration. Interviewees also suggested that some behaviours, especially those resulting from addiction, are beyond the person's control and will not be changed through punishment, but through treatment.

An important factor in whether or not isolation 'worked' as punishment was what the isolated person would lose because of their isolation.

The first time I went inside was when I was 15 years old. I had nothing to lose because my parents didn't want me anymore. I was like OK, you don't give a shit about me and I will... I don't care. I'm already here. But now I have like build up a kind of a life, so I don't want to lose it. (Prisoner)

Yes, isolation works (as deterrent). Because now ... Say about my children I, I think of them because when I go to iso you don't have more freedom... You can't have the night visit and one extra visit on a Saturday. And then you think about, no, I better not punch the guy or better I walk away because yeah, it's going to be very hard for me. (Prisoner)

I think I think yes for some, but not for others... because some just react the way they react and regardless of consequences, because otherwise they wouldn't be inside, I think, if they could oversee all the consequences of their actions. (Oversight Committee)

*Q: Do you think it (isolation) works?
A: Sometimes. (Department Head)*

Inferring from what interviewees told us, we may conclude that those for whom isolation 'works' in terms its deterrent effect- a few days are sufficient to convey this message. On the other hand, those more 'resistant' to isolation will not become more susceptible to it- they will just suffer more as time goes by, with the danger of adverse health and behavioural effects worsening. In other words, **interviews suggested that where isolation succeeds in dissuading prisoners from misconduct, it doesn't require lengthy stays, and where isolation fails in changing behaviour, lengthening it will not lead to a different outcome.**



8. Alternatives to isolation and proposed changes: what interviewees told us

Q: anything they can do better?

A: Nah.... Isolation is isolation, it is what it is. (Prisoner)

Better care. More time for decent treatment, more exercise, that we can get people out more, that there is a bit more distraction in that cell anyway. Yes. Or that we can get a completely different.... Yes, ideally you wouldn't want to use it (isolation) at all, but I don't know...Yes, it would be nice if there was another alternative or maybe we could all start doing something with other regimes. (Deputy Director)

Many of the people we spoke to- managers, line staff and prisoners, felt that isolation could 'be done' in more nuanced ways. When we asked how isolation could be changed for the better, and alternative ways of doing things, suggestions varied from improvements to material conditions (which the majority of interviewees felt was necessary), to mitigating the harms of isolation, to a completely different approach to isolation. Some of the suggestions made by interviewees included:

Changing the way in which disciplinary punishments were delivered, including:

- Create a sliding scale of restrictions / offering the prisoner options.

One time I was caught bringing something in. The director told me or five days in isolation or seven days in your own cell (without television). So you can choose. It is good, yeah. I like it. (Prisoner)

I think that we can customise the care... Like if somebody maybe go to the department back during the day and night time, go in isolation for example. They are the boss. And yeah, they can decide. (Psychologist)

*Have the possibility of taking away conjugal visits (Department Head)
I would make it like a normal room, yeah? And with things you could take out. (Deputy Director)*

- Explore penalties involving 'community work' within the prison
- Develop restorative justice approaches to conflicts (both between prisoners and with staff).
- Adapt the punishment to the person, create more personalised punishments

The most important thing is to know the people that you put in. Don't put people without knowing who they are.



Q: So you think it needs to be a bit more personalised.

A: Yes, yes. Because for me they could have put me three months there for me. It makes no difference for me. It's the shame that I go there because I work, I'm trying, really I'm trying my best. I don't use drugs. I don't go with people that do that. (Prisoner)

You could tailor that.... say, if someone hears voices then I wouldn't turn on the radio, but if someone doesn't mind then maybe they could. If he can have some control over when that is and isn't allowed, that might give him some rest. (Oversight Committee)

When people have drugs in their cell or an iPhone in their cell, they have to be punished somehow. but I think that we should be more careful about how we punish someone so that he won't do it again. And it's not just by making his life even worse. (Psychologist)

Design / build changes

- Have more diverse cell options available: adjust a number of cells for mentally distressed individuals (e.g., more calming colours); adjust other cells for use by, for example, someone who destroys cells, and so on.
- Install a camera in one cell on the wing where people at high risk of suicide or self-harm could be housed and closely monitored, rather than use isolation cells.

Changes to material conditions and daily regime in isolation

The right colours. The materials... those that are comfortable and those that don't provoke aggression. The ability also to provide distraction. Still some.... more social contacts somehow. Physical exercise, yes. (...) So those are elements that I would at least like to be able to [provide]. (Deputy Director)

Have you been in our isolation Ward? There's no clock. There's no material they can write on the chalkboard with. It's just not there. And it has not been there since forever, and we've been asking for it like since forever. Also building a television set behind plexiglass. Yeah, a radio you can tune on and off yourself. (Psychologist)

With appropriate regulation and supervision, some of these suggestions are well worth considering, and may contribute to a better, and a more effective use of the harshest penalty available, or indeed, as one manager suggested, not use it at all:

The personnel, and also the directors... think they need it (isolation). When you look at it another way you will see we don't need it. (...) (Director)



9. Staffing of isolation units and staff training

The majority, but not all, of the isolation units visited had no dedicated isolation staff, but instead staffed isolation units with staff from the main wings. The lack of dedicated isolation staff is likely a reflection of the limited use of isolation, and as such is positive. However, it also means that staff do not have special training or experience in working with isolated prisoners. This can be problematic when working with individuals who are particularly vulnerable or disruptive. It may also mean inconsistencies in how isolated prisoners are managed in isolation, as different people do things differently. Our interviews suggested that this was indeed the case in some units.

We also observed some good practice. In the isolation unit of one PPC it was standard practice to draw isolation staff from each of the three departments of the prison, so that the isolated individual always encountered at least one familiar face when in isolation. The isolation unit in another prison kept a permanent staff group. In another prison, which did not have a regular team at the isolation unit, one officer told us that he liked to work blocks of 4 days in the isolation unit so that he 'can develop a relationship with the men in isolation'. In another prison, isolation staff changed daily.

In one of the few isolation units which did have a dedicated staff team, this consisted of PIWers only, who did all the daily tasks including those usually performed by BEWAs, such as opening cell doors and distributing food. According to one isolation officer, this helped bring more consistency:

The inmates always came with another story.... 'but she promised me this or he promised me that'. Or you know, and this way we give them some structure.
(Frontline staff)

The same prison had a practice of wing staff distributing food to 'their' prisoners when they were in isolation. This meant that wing staff had daily contact with the prisoners, and

..can communicate directly if there's something- positive, Negative, Doesn't matter, but we have direct contact right- one-on-one.... It also means that problems can be managed immediately. (Frontline staff)

This was very good practice.

Of concern was the practice of not having isolation units constantly staffed, including when vulnerable and self-harming individuals were housed there and instead 'supervising' them through CCTV cameras. This practice was particularly worrying outside of normal working hours when there were few people in the prison, and not always in a sufficient number to open cell doors in cases of emergency. Further, remote monitoring through CCTV cannot replace ongoing physical staff presence, more so considering that isolation cells house people who are specifically identified as being at risk. This was an extremely concerning practice which needs to be reviewed.

In terms of attitudes to isolation, as noted above, most of the staff we spoke to- managers and frontline staff⁹, articulated carefully considered and not very punitive views on isolation. This could be deduced not only from what they said, but also from what they thought needed to change in isolation units.

Some interviewees noted the importance of special training to work with more challenging, and more vulnerable, individuals found in isolation units.

⁹ It should be noted that the majority of frontline staff we interviewed (though not all), were PIWers, and as such may have a slightly different perspective to that of BEWAs who have more direct contact with prisoners.



Training, training, education yeah In training of the personnel and maybe also the deputies. (...) When you can think not only from your own point of view but also that of the other person... that will help, and so we have to educate people in that thinking. (Director)

The model of joint mental health and correctional management – working in pairs, with each discipline bringing their own perspective- appeared to work really well. We were also told of good practice around multidisciplinary work in the management of prisoners, although we did not look into this in detail as it is outside the scope of this study.

Notably and in contrast to the UK, once the prisoner was placed in isolation, managers had little contact with them. By and large, the prison managers (Directors and Deputies) we spoke to had little direct contact with isolation units, other than playing a part in isolation placements.

One Dutch Deputy Director felt that there was no need for more contact between managers and isolated prisoners.

*Why don't I go every day (to isolation)? It's a waste of my time.
And I have employees to have the care of them, so they have to inform me when it's not going well, so I don't have to look for myself every day.
That's the... I have good employees. They are educated well. They know what they have to do over there better than I do. So they can inform me what's happening over there (in isolation). (Deputy Director)*

Not everyone agreed with this approach. Asked if they knew the prisoners who were in isolation at the time, another Deputy Director replied:

Insufficiently... (...). But I do think we should pay more attention to that daily, of how are the people who are in seclusion doing (Deputy Director)

A member of the Oversight Committee in one prison also noted that, “we would like to see the directors talk to someone (in isolation) every day to see what the condition of that detainee is”.

I agree with this assessment. It is good practice for managers to closely engage with the isolation unit, ideally visiting it daily. This sends a message to both prisoners and staff about the extremity of isolation and its role as a measure of last resort. It may be worth considering the potential benefits of prison management being more present in isolation units, for example in communicating to staff that they are supported by management, and to prisoners a message about the status of isolation as an ‘end of the line’ place.

We were told by one psychologist that the current practice was for a psychologist to visit all those in isolation, not only those on a measure, as used to be the case. This is good practice and should be encouraged in all the isolation units.



10. Additional areas for consideration

10.1 Privacy and confidentiality

Once authorised, cell cameras could be used to remotely supervise isolated prisoners, particularly those isolated as a measure. In-cell cameras covered all cell areas, including, in a number of the units visited, the uncovered toilet area of the cell. This was not good practice and could be remedied by installing privacy screens in the cells or digital privacy screens. More generally, cameras should not replace in-person observation of those isolated, in particular distressed individuals who are in isolation out of concern to their health and wellbeing.

We also observed some issues around confidentiality of medical appointments,

-In one prison the psychologist was examining prisoners in the isolation cell with the door open and guards placed outside the door.

-In another prison, one prisoner who was at risk of suicide was isolated as measure. We were told that “He’s here until a psychologist decides he can leave, psychology speaks to him in the cell—staff stay around if the psychologist asks.” (Frontline staff)

- In yet another prison, frontline isolation staff explained that Medical Services come around 9:45- a nurse or a doctor if necessary. Medical examination was “Always with the door open. Staff stands as security nearby out of sight, but we listen because when we need to intervene it needs to be very quick” (Frontline staff)

It appeared to be standard practice to have frontline staff stay in the room during medical and psychological examinations.

Q: Do you speak to the prisoners (in isolation) through the door?

A: I’d rather not, but sometimes it’s necessary to keep the door closed, but I always want to go in. The personnel does not always like that very much. If they are really scared for my safety. I’m like, OK wait, I’ll be standing on the in the door try to get contact with somebody and if somebody can make eye contact and I can ask him the question can I come in please?

Q: So what happens when you need to see someone and staff are like... he’s very dangerous. And you say, oh, but I want to speak to him anyway. How does that negotiation work?

A: Well, they warn me and they assess my safety. So I assess my safety in the contact ... but it’s not my... it’s not my call to make. They are responsible for my safety, so if they don’t open the door they don’t open it. And sometimes they will be standing between me and the prisoner. And then we talk and there are two people standing there.

Q: That’s not so good for confidentiality.

A: No, it’s not. But, if it’s what works then I’m OK with it. I’m not gonna play with anyone’s safety. (Psychologist)

Conducting psychological assessments in the presence of custodial staff as a matter of course was not good practice. **The rights to privacy and medical confidentiality do not stop at the prison (or isolation unit) gate. While regard must be had to security and risk considerations, these must not**



automatically take precedence over therapeutic and professional considerations. Alternatives include a regular consultation in the prison's medical clinic or an interview room, with more than one member of the health team present, and, in the few cases where individual risk assessment indicates that this is absolutely necessary, consultation behind glass. One of the isolation units we visited had a sound -proof glass room in the middle of the unit, which meant that meetings could take place within sight, but not hearing, of prison staff. Similar solutions should be explored in newly built units, though the default position must always be that medical consultations should take place in privacy, be face to face and without staff present.



Interview room in an isolation unit

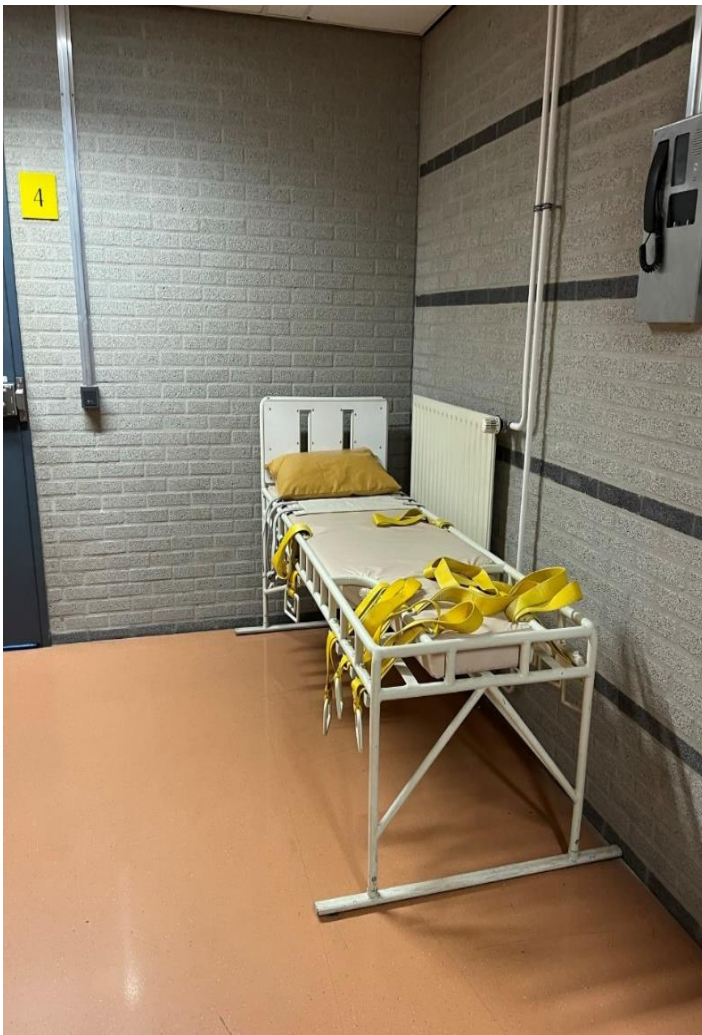
10.2 Restraint beds

Four of the seven prisons visited for the purpose of this study still had a restraint bed. In conversation with staff, it was suggested that these were rarely, if ever, used, but I was unable to obtain data on actual use.

Whilst the majority of staff we spoke to expressed distaste towards the restraint beds and described their use as traumatic to staff too, there was some indication that their mere presence may have some role. This view was put plainly by an isolation officer who conceded that placing the restraint bed in clear view of all those entering the unit was not coincidental.

The restraint bed... Yes, I put people on it two times and I'm not a big fan of it, but it always when it stands there ... we always have the bed, and you only look at it and that is enough. In the last 15 years it was not used, but it sends a sign. (...) it is very useful in that way. (Frontline staff)

Several jurisdictions, including England and Wales and, more recently, New Zealand, have removed restraint beds altogether from prisons, with no reported negative consequences. The Netherlands should do the same. The fact that some of the prisons visited for this study managed without a restraint bed is proof enough that these beds are not necessary and that alternatives are sufficient.



Restraint bed in an isolation unit



10.3 The need for better data collection and analysis, and sharing of good practice

We observed a clear interest in the subject of isolation during the field research, and many of our interviewees were keen to reflect and discuss their views on the matter. Some also expressed an interest in ‘other ways of doing things’ and what colleagues across the country were doing in relation to isolation.

Several interviewees (staff) mentioned a seminar on the health effects of solitary confinement which took place several years ago and said that it was an ‘eye opener’. This points to the lasting and positive effects of training and education. We recommend continued education about the health effects of isolation and sharing of good practice in reducing its use.

Key to any effort to better understand the use of isolation requires better data collection. As one director said:

We have X units here, X Deputies, X units and we want to follow the punishments about in each unit and use so I can manage it. I also want to talk about this with colleagues, nationally. (Director)

There appeared to be little central collection and analysis of isolation data nationally. Locally, facilities did collect and analyse isolation data, and their system and practices could be replicated elsewhere. It is impossible to address the issue of isolation if we do not know what the extent of its use is, and how long isolation stays last in practice (as they are sometime cut short, but this is not recorded).



11. Conclusion and summary of recommendations

This study has looked at three key issues: a) Why, when and for how long people were placed in isolation cells in the Netherlands b) What the material conditions and regime were like in isolation units c) What prisoners, prison staff, managers, psychologists, and others with a responsibility in isolation units thought about isolation, its purposes, successes, and alternatives.

Isolation cells were used for two main purposes: as disciplinary punishment for prison offences, and as a measure to protect vulnerable prisoners who were deemed to be at risk of self-harm and need some time away from the sounds and activities of the general prison population. As a disciplinary tool, isolation was said to serve a role of short, sharp punishment, meant to convey a message that certain behaviours would not be tolerated, and to act as deterrent from future misconduct. As a protective measure, it was said to act to minimise the situational opportunities for self-harm, as cells had minimal furnishings, and to provide a safe, low stimulus environment.

These two purposes were very different and yet, once in isolation, conditions for everyone were mostly the same: 23 hours a day alone in a small and very sparsely furnished cell, with no or minimal personal belongings and little human contact.

The design and physical conditions in isolation units that we visited were austere, with a number of isolation units maintaining outdated practices such as removing mattresses from cells during the day. **The grim reality of isolation units – the austere conditions, minimal regime provisions, little personal autonomy and control, punitive practices- contrasted notably with the mostly measured, non-punitive staff reflections on the practice during interviews, and the use of isolation for relatively short times.** Also of note is that the majority of placements in the units we visited followed an actual event- being caught with a telephone or returning a positive urine sample (for drugs), as opposed to a perception, threat, or risk of such occurrence. This was good practice and positively contributed to the perceived legitimacy of isolation as punishment in the eyes of those subjected to it. And yet, isolation was the chosen penalty in almost a fifth (18%) of all disciplinary punishments being awarded and, although stays were overall relatively short, almost a quarter (24%) were given for the maximum permitted duration of 14 days.

Once in isolation, there was little, if any, rehabilitative or educational work done with the isolated individuals to address any behaviours or issues which brought them to the isolation in the first place. **Isolation was expected to ‘act’ as a deterrent by being a place which people will try and avoid.** Our findings suggest that it may only be partially successful in achieving this aim. Interviewees also suggested that punishments could be shorter, that isolation units should be made less punitive, and that alternatives to isolation should be explored.

In short, findings suggest that there is dissonance between the advanced thinking and thoughtful attitudes to punishment, as articulated by our interviewees, and some of the outdated designs and practices in isolation. Now may present a good time for a forward-thinking Dutch prison system to rethink some antiquated practices and make better use of prison resources.

This study makes a series of recommendations ranging from straightforward adjustments to deeper structural change. Recommendations primarily centre around an overhaul of the physical fabric of isolation cells; an end to the practice of isolating people in mental distress in punishment cells; reducing the duration of isolation; and a greater focus on reintegration and restorative justice work. These recommendations both reflect what interviewees told us, and chime with international standards and literature. They encourage us to believe that prison managers are ready to be bold in their thinking and seek alternatives to isolation.



11.1 Recommendations

This section translates our findings into actionable recommendations, focusing on a number of key areas:

- The roles and goals of isolation
- Material conditions in isolation
- In-cell provisions and activities
- Duration
- Staffing

I would note that some of the recommendations below apply to prisons more widely, and not just isolation units. However, the issues the recommendations seek to address (for example, no access to phones during the evening or providing meals at more appropriate times) are more acute when involving prisoners who are locked up in a cell with few belongings and no access to goods and facilities.

Recommendations regarding the roles and goals of isolation

1. Currently, isolation units double as places of punishment and places of protection. These two purposes are not only different but could also be said to contradict each other. Ensure that there is a clearer distinction between cells used for punishment and cells used to house people isolated as a protective measure, avoiding punitive measures in the latter.
2. Designate one cell on the wings for use in cases of emergency to temporarily house people who self-harm and/or who may require a low stimulus environment. The design and furnishing of this cell should reflect its purpose as a place of calm and protection: soft colours, a radio or TV behind a screen and so on (look to PPC designs by way of good practice examples).
3. Reconsider the practice of automatically stopping access to programmes for those isolated as punishment. This disrupts a person's education/work/achievements which should be encouraged rather than disrupted.
4. Place more emphasis on reintegration work and introduce restorative justice processes and conflict resolution practices to work with prisoners.

Recommendations regarding material conditions of confinement in isolation

5. Decisions regarding conditions and provisions inside isolation- clothing, bedding, access to exercise equipment and so on, should be based on ongoing individual assessment and not as a universal standard.

Windows and light

6. Window coverings should be removed/ modified as necessary to enable a view to the outside (Look to Full-Sutton, UK, 'Seeing the Light' project).
7. Cells should be equipped with light switches so that prisoners can control the lighting in their cells.
8. Methods of ventilation and heating/cooling should be improved.



In-cell running water

9. Replumb isolation cells so that there is running water for drinking and washing and for flushing the toilets.

Bathing / Showers

10. Prisoners in isolation should be allowed daily access to bathing facilities.

Food

11. Food should be distributed closer to 'normal' mealtimes parallel to those in the community, rather than in accordance with staff shifts. I note that this is not unique to isolation, but isolated prisoners have no access to supplementary food provisions and are therefore completely reliant on food provided during mealtimes.
12. Consider allowing isolated prisoners to keep some of their canteen goods to supplement prison issued food.

Access to fresh air and exercise

13. Yards should be equipped to enable the prisoner to exert themselves physically. Where security considerations preclude the use of exercise equipment such as a stationary bicycle, prison management should consider alternatives like a boxing bag or a basketball hoop.
14. Yards should be equipped with a bench or somewhere to sit.
15. Where possible, enable those who wish to do so to break their time out of cell into two or three separate blocks of time.

Access to a telephone

16. Enable isolated prisoners to use a telephone in the evening.
17. Ensure that telephone conversations can be made in privacy.
18. Consider installing in-cell telephones in isolation cells (as well as all prison cells more generally). Where necessary, use a phone which can be wheeled into the cell.

Beds, bedding, and clothing in isolation

19. Reconsider the outdated and unnecessary practice of taking away the mattress from isolated prisoners during the day.
20. Equip cells with some furniture. This can be tamper-proof where necessary.
21. Bedding should be provided to all isolated prisoners. If there is a specific, time limited reason not to provide regular bedding, for example for people who self-harm, special anti-tear bedding should be provided instead. In no case should prisoners be required to sleep on exposed mattresses.
22. Clothing must not be used as punishment. Anti-tear clothing should only be used when it is specifically needed in any individual case. Prisoners isolated as punishment should not be made to unnecessarily wear tear-proof clothing nor pyjamas, shorts, or special overalls.
23. Unless there is a specific concern contraindicating this, isolated prisoners should be allowed to wear their own clothing.

Physical design and conditions in isolation units: future design

24. As part of a wider effort to reduce the use of isolation, consider whether some prisons (e.g., prisons for women) could be built without any isolation cells, and use alternatives, such as punishment in own cell, instead.
25. Where isolation cells are being designed/designated these should: be of a good size, with a window and a view to the outside, a toilet and a washbasin with running water and proper furniture. Cells should be painted in bright but calming colours, with prisoner-controlled lights and window blinds, and contain a television and a radio.
26. Future construction to consider high ceilings in isolation to minimise ligature points.



27. Ensure that newly built isolation units have a room for confidential interviews and some space for activities.

Recommendations regarding in-cell provisions and activities

Books and things to do inside the cell.

28. Reading should be encouraged, with isolation units equipped with a wider selection of books, including books for foreign prisoners as well as those with learning difficulties.
29. Prisoners should be provided with means to occupy themselves in isolation: puzzles, brain teasers, cards, games, hobbies, and craft materials should be provided where possible.
30. Educational, therapeutic, and other activities and work with the isolated individuals to facilitate reintegration should be provided.

Time and date keeping

31. Announce prayer time on the internal intercom system where a prisoner requests this.
32. Ensure that all isolated people are able to tell the time and date from their cell.

TV/Touch screen

33. Prison management should consider installing television sets in all isolation cells and particularly in cells used for those isolated for their own protection.

Recommendations regarding policies on isolation stays and duration

34. Reconsider how to reduce the use of isolation to an absolute minimum and keep the duration of isolation punishments as short as possible.
35. Reconsider how best to provide guidance and ensure consistency in the application of isolation as a punishment throughout the prison system, without limiting prison Directors' ability to tailor punishments in a way which considers individual and institutional needs.
36. Consideration should be given to alternative solutions to iso for people who refuse MPC. These could include other penalties, for example removal of TV, regression to Basic status, or, conversely, sleeping in iso at night but continuing work and education activities.

Recommendations regarding staffing of isolation units and training of staff

37. Ensure that isolation units are staffed when occupied, and in particular when housing people who are mentally unwell.
38. Ensure that there is always access to an on-call mental health professional 24/7.
39. Management should closely engage with the isolation unit and visit it regularly.
40. Consider establishing in each prison a team of dedicated isolation staff, carefully selected for the job, and receiving specialist training including in mental health, de-escalation techniques, and trauma informed care.

Recommendations regarding privacy and confidentiality

41. In-cell cameras should not replace in person supervision of isolated prisoners.
42. In-cell cameras should not cover at the toilet area or be configured so that the toilet area is pixelated. Where possible, alternative technologies for monitoring wellbeing could be used.
43. As a matter of principle, medical and psychological appointments should be conducted in private. If this is absolutely necessary, appointments can be held in private behind glass, and where no such room exists and it is absolutely necessary, staff can remain within sight, but never within hearing of medical consultations.



Recommendations regarding restraint beds

44. Restraint beds are inappropriate and should be removed from all prisons. People in mental crisis should be transferred to a specialist unit where they can be supported.

Recommendation regarding data collection and further research

45. Develop standardised measures to record isolation stays. Apply these nationwide, and ensure better data collection locally, recording as a minimum the reason for isolation, start date and end date. Ensure that local data feeds back to a centralised database which should then be regularly analysed for trends and issues, including equalities.
46. Further research should be conducted to look into the pathway of isolation through to the special units (mental health route to the PPC and behaviour route to the BPG).



Appendix 1: Background to imprisonment and the use of prison isolation in the Netherlands

By Dr. Esther van Ginneken and Maartje Schrauwen

Prisons and the Prison Population in the Netherlands

The Dutch Custodial Institutions Agency (*Dienst Justitiële Inrichtingen, DJI*) is an agency of the Ministry of Justice and Security in the Netherlands, responsible for the implementation of custodial sentences and measures. With approximately 16,000 employees, DJI is responsible for the daily care of adults and young people. This includes prisons with a variety of regimes, youth detention centres, immigration detention centres and forensic psychiatric treatment centres (*Terbeschikkingstelling, TBS*).

There are 27 prisons, or penitentiary institutions (PI), in the Netherlands, and 1 in the Dutch Caribbean. Many prisons were built around 1996, under the flag of the building programme CAP'96. The size of prisons varies from around 200 to around 1000. Units vary in size, but often comprise 24, 48 or 72 cells, which can include double cells (and, in at least one prison, cells for six persons).

In 2021, 24,775 entered prison on remand or to serve a sentence; a decrease compared to 2017, 2018 and 2019, when the number of entries hovered around 31,000. Women make up 6.5% of people entering prison. Over two thirds of those entering prison spend a maximum of 3 months in prison (on remand or sentenced). The average daily population was 8,587 in 2021, compared to 8,203 in 2017. The incarceration rate per 100,000 inhabitants was 53 in 2021.¹⁰ Around 30% of prisoners are housed in double cells at any one time. Young adults, up to 23 years, can be sentenced under the Young Adult Offenders law (2014). If given a custodial sentence, they will be incarcerated in a juvenile detention centre rather than an adult prison.

Regimes

Each prison has multiple regimes, suitable for persons with specific risks, vulnerabilities, or sentence status. The largest regime is the regular prison regime (*gevangenis*) for convicted and sentenced persons. There is a pre-trial regime for persons awaiting their trial (*huis van bewaring*), and short-stay custody (*arrestanten*) for sentences up to 56 days, which often include a failure to pay fines or complete a community sentence. Individuals who need extra care or protection due to their mental health or the nature of their index offense are housed in extra-care units (*extra zorg voorziening*). There are minimum-security units for people (at the end of their sentence) who work outside the prison (*beperkt beveiligde afdelingen*). People who have received a two-year custodial measure for persistent offending are housed in persistent-offender units (*inrichting stelselmatige daders*). Other regimes are located in only one or a few prisons. There are various regimes with specific security measures. There is currently one maximum-security regime (*extra beveiligde inrichting*) for people who pose an unacceptable risk to society if they were to escape and who may also pose an extreme flight risk. This regime has extensive security measures and offers an individual programme. There are a few high-secure units for people suspected or convicted of terrorist offenses (*terroristenafdeling*), which also allows limited contact with other prisoners. Recently, additional high-security units were introduced in a few prisons (*afdeling intensief toezicht*) with stricter intelligence monitoring and limited communication with other prisoners, intended for persons with a high risk of continued criminal activity. People who have shown serious violent behavioural

¹⁰ DJI (2022). Infographic Gevangeniswezen 2021. Retrieved from <https://www.dji.nl/over-dji/documenten/publicaties/2020/07/27/infographic-gevangeniswezen> (28-02-2023).



problems while incarcerated (*beheersproblematische gedetineerden*) are also held on special units with an individual programme and a higher staff-to-prisoners ratio.

Finally, there are a few facilities with units that are focused on special care, including the psychiatric care facilities for people with severe mental health problems (*penitentiair psychiatrisch centrum or PPC*), including highly intensive specialist care, and a medical-care regime that provides somatic medical care (*justitieel centrum voor somatische zorg*).

Daily Programme

The legal framework that regulates incarceration in the Netherlands is laid down in the Penitentiary Principles Act (PPA, *Penitentiaire Beginselenwet*). The PPA states that prisoners have the right to receive visits for a minimum of one hour per week (PPA art. 38, para. 1), make one phone call of at least ten minutes per week (PPA art. 39, para. 1), exercise at least twice a week for 45 minutes at a time (PPA art. 48, para. 2), spend time outside for at least an hour every day (PPA art. 49, para. 3), and engage in leisure activities at least 6 hours per week (PPA art. 49, para. 2). Most prisoners are allowed to engage in activities with others, unless they have an individual programme (PPA art. 20-21), which is applicable to prisoners in the high-security regimes described before.

The System of Promotion and Demotion

People in regular prison regimes can gain additional privileges if they demonstrate ‘good behaviour’ for at least six consecutive weeks. The system of promotion and demotion, introduced in 2014, distinguishes between two levels of reward status: basic and plus. The basic programme consists of 43 hours of out-of-cell activities, while the plus programme allows one additional visitation hour per week, and extra opportunities for education and re-integration activities. Moreover, people in the plus programme are eligible (conditional upon other requirements) for placement in minimum-security units and conditional release in the final stages of their sentence.

Decisions about promotion and demotion are made by the Director, who is advised by a multidisciplinary board that collects input from, among others, the case manager, unit staff, and work and sports supervisors. Behaviour is assessed using criteria on desirable behaviour, undesirable behaviour, and unacceptable behaviour outlined in appendix 1 of the Rules on the selection, placement and transfer of prisoners (*Regeling selectie, plaatsing en overplaatsing van gedetineerden*).¹¹ Unacceptable behaviour (e.g., trading in contraband items, a positive urine test, and physical aggression) results in automatic demotion.

Sanctioning

Prisoners who violate Dutch law or otherwise threaten order and safety in prison are subject to sanctions, which can be imposed by the director. Sanctions can only be imposed if the person can be held responsible for their behaviour. Sanctioning is governed by the PPA (art. 50-55) and available sanctions include: confinement in a isolation cell or another room (including one’s own cell, which can include the removal of TV) for a maximum of two weeks; revocation of visitation for a maximum of four weeks if the violation was related to visitation; exclusion from activities for a maximum of two weeks; revocation of furlough; and a maximised fine. Sanctions can be made (partly) conditional upon refraining from misconduct, and the director can include additional conditions. A director can choose to report criminal offences in prison to the police. A director is required to hear a prisoner – in person or by phone – prior to imposing a sanction (PPA art. 57), which should occur within 24 hours of the report made by prison staff. Prior to the required hearing and sanctioning by the director, prisoners can be placed in isolation following suspected or alleged misconduct for a maximum of 15 hours. Prisoners are entitled to file grievances against sanctions (PPA art. 60-68),

¹¹ Staatscourant 2020, nr. 49131.



which are handled by the local grievance committee. Appeals (from prisoners or directors) against decisions by the local grievance committee are handled by the Appeals Committee of the Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor Strafrechtstoepassing en Jeugdbescherming, RSJ*).

Prison directors have discretion to give sanctions within the legal framework outlined by the PPA. From 2016 to 2021 a sanctions list was available, which listed maximum sentences for each type of misconduct which were less severe than the 14 days of isolation allowed by the PPA. Deviation from these guidelines had to be motivated. The introduction of this list in 2016 was accompanied by the policy framework 'Isolation in detention' (*Afzondering in detentie*), which expressed the aim of reducing the use of isolation in prisons. The sanction list was revised in 2019 to allow the possibility to impose 14 days in isolation for the possession of contraband items and violence. In 2019, the policy framework 'Isolation in detention' was withdrawn. In 2021, the Punishment and Protection law was introduced and the sanctions list was abandoned to allow a more person-based approach. The Punishment and Protection law was designed to attach greater consequences to behaviour during incarceration, including decisions about conditional release. Instead of the sanctions list, prison directors are now provided with an information sheet (*Informatieblad*) concerning sanctioning. Central principles that directors should consider in sanctioning are fairness, proportionality, subsidiarity and effectiveness.¹²

Isolation as Sanction and Measure

Prisoners can be placed in an isolation cell for punitive reasons, called *strafcel* (punishment cell), and preventative reasons, called *afzonderingscel* (isolation cell). While the names and rules surrounding its use are different, the same physical cells can be used for both purposes. The director must notify the medical service in the event of a placement in isolation, who should visit as soon as possible and regularly. When a placement lasts longer than 24 hours, the oversight committee are also notified. Isolation in a punishment cell is the *ultimum remedium* in sanctioning. A disciplinary sanction can only be imposed as a retributive response to misconduct when a person can be held responsible for their behaviour. It is normally imposed for a fixed duration, although can be terminated early upon the director's discretion.

A person can also be held in isolation as a protective or preventative order measure, or upon request by the prisoner. Isolation as an order measure is not imposed for a fixed duration, but only as long as necessary for protective or preventative purposes (PPA art. 23-24). It can be imposed, for example, in response to (threatened) self-harm, violence resulting from a psychotic episode, or (suspected) potentially dangerous intake of drugs or medication. Isolation as an order measure can be imposed for a maximum of 14 days, but it can be renewed by the director if deemed necessary in line with PPA art. 23, and if no other less severe measure suffices.

If necessary, an order measure can be supplemented with other protective measures, including camera observation, the use of mechanical means like a foam helmet or handcuffs (PPA art. 33), and a medical examination or procedure by a doctor or nurse. The use of mechanical means is reviewed every 24 hours in consultation with a doctor, and the independent oversight committee (*Commissie van Toezicht*) is alerted to its use. Since 2001 it is no longer allowed to use a restraint bed in regular prisons. Coercive medical procedures and examination are only allowed if deemed highly necessary to avert danger to the health of the prisoner or others (PPA art. 31-32).

A prisoner who refuses mandated placement in a double cell may also be held in a isolation cell for a renewable period of 14 days. This order measure can be terminated at any moment when he or she agrees with placement in a double cell.

¹² DJI (2021). Informatieblad.



Isolation Conditions

The physical and material conditions of isolation are outlined in the Rules for punishment cell and isolation cell penitentiary institutions (Regeling straf- en afzonderingscel penitentiaire inrichtingen). Requirements are, for example, that each cell has a toilet, is sufficiently heated, ventilated and lit, and has a window with minimum dimensions. Each cell is equipped with seating elements or a mattress with sufficient blankets.

Persons held in isolation are not allowed to smoke in their cell. They are entitled to spend one hour each day outside, where they are allowed to smoke. They can take care of their personal hygiene (e.g., brush their teeth) each morning and evening. Meals and utensils are provided on cell. Prisoners are allowed to have reading material in their cell. Additionally, they are entitled to 10 minutes telephone contact and 1 hour visitation per week. These rights may be restricted only when necessary for order and security. There are no restrictions on written communication with a person's legal representative. Upon discretion of the director, prisoners in isolation can participate in other activities.

Advisory Report on Isolation

In 2022 the RSJ released an advisory report on the use of disciplinary punishments and separation in detention.¹³ In this report, the RSJ criticises the withdrawal of the policy framework 'Isolation in detention', which was aimed at reducing the use of isolation. In its report, the RSJ advises, *inter alia*, (1) to reintroduce policy to reduce the use of isolation in detention, aimed at its complete abolishment for punitive purposes; and (2) to explicitly consider the principles of minimum restrictions and resocialisation in the imposition of sanctions.

¹³ RSJ (2022). *Advies disciplinair straffen en afzonderen in detentie*. English summary available from <https://www.rsj.nl/documenten/publications/2022/02/24/summary-advisory-report-on-the-use-of-disciplinary-punishments-and-separation-in-detention>



Appendix 2: Data on the use of isolation in the Netherlands in 2022

Dr Esther van Ginneken

This section presents data on the use of isolation as punishment (*disciplinaire straf*) and isolation as measure (*ordemaatregel*), imposed in 2022. The data reflects the definitive sanctions (*definitieve beschikkingen*) imposed by (deputy) directors across all facilities. We examined the most common reasons for imposing isolation, and whether the likelihood of using isolation as punishment and measures varies across prisons. We show that there are substantial differences between prisons in the likelihood that isolation is imposed as punishment for physical assaults and the possession of contraband items, and that the mean duration also varies.

The use of isolation as punishment

In 2022, a total of 15,507 disciplinary sanctions were given. In the majority of cases (N = 10,613; 68%), people were locked up in their own cell without television as punishment. Other types of punishments were a warning (N = 616; 4%), lock-up in one's own cell with television (N = 689; 4%), and exclusion from activities (N = 493; 3%).

Eighteen percent, or 2,856 of these sanctions were of isolation in a punishment cell.

The most commonly recorded reasons for imposing isolation as punishment were possession of contraband (N = 393; 14%)¹⁴ and physical assault towards another prisoner (N = 338; 12%), not in combination with other reasons. In most other cases, isolation was imposed for a unique combination of different reasons.¹⁵ Below, we provide a further analysis of cases that involved any physical assault (*fysiek geweld*) towards staff or prisoners, and cases that involved the possession of contraband items (*contrabande*). Physical assault and the possession of contraband items (in particular, mobile phones) were reported in the interviews as the main reasons for imposing isolation as punishment.

Isolation as punishment for physical assaults

In 2022, a total of 1047 disciplinary sanctions were given for incidents involving physical assault (towards staff and/or peers). Thus, the vast majority of disciplinary sanctions were given for behaviour *not* involving physical assault, including positive urine tests, non-compliance, etc. In 68% of physical assault cases, people were moved to isolation as punishment; in 26% of these cases, people were given cellular confinement (own cell) without television.¹⁶ The mean duration of an

¹⁴ Recorded as '6 Contrabande', '6d Bezit overige contrabande' or '6 Contrabande; 6d Bezit overige contrabande'.

¹⁵ For example, '4d Bedreigen personeel; 4g Verbale ongewenste intimiteiten t.o.v. personeel' or '3b Fysiek geweld naar medebewoner; 6a Bezit of gebruik softdrugs / in bezit hebben van materialen die duiden op softduggebruik'

¹⁶ In the remaining cases, people were locked up in their own cell with television (2.6%), excluded from activities (0.7%), given a warning (0.4%) or given non-punitive isolation (2.6%).



isolation stay was 8 days; in 35% of cases, the duration was less than 7 days, in 26% of cases, the duration was 7 days, in 24% of cases 14 days.¹⁷

In cases of assault against staff (N = 245), isolation was given as punishment in 82% of cases (N = 200), with a mean duration of 10 days. In cases of assault against another prisoner (N = 787), isolation was given as punishment in 64% of cases (N = 500), with a mean duration of 7 days. Most of the remaining cases of assault against another prisoner (30%) were punished with cellular confinement without television (N = 235).¹⁸

There was substantial variation between prisons in the decision whether or not to impose isolation as a disciplinary sanction. This variation could not be explained by the number of incidents. Excluding prisons with 10 or less incidents of physical assault per year, the likelihood of isolation as a punishment varied from 23% to 92%. Figure 1 displays the proportion of isolation as punishment in combination with the total number of physical assaults in the year 2022, for each prison (excluding prisons with 10 or less incidents). Figure 2 displays the proportion of isolation as punishment in combination with the mean duration in days in the year 2022, for each prison (excluding prisons with 10 or fewer incidents).

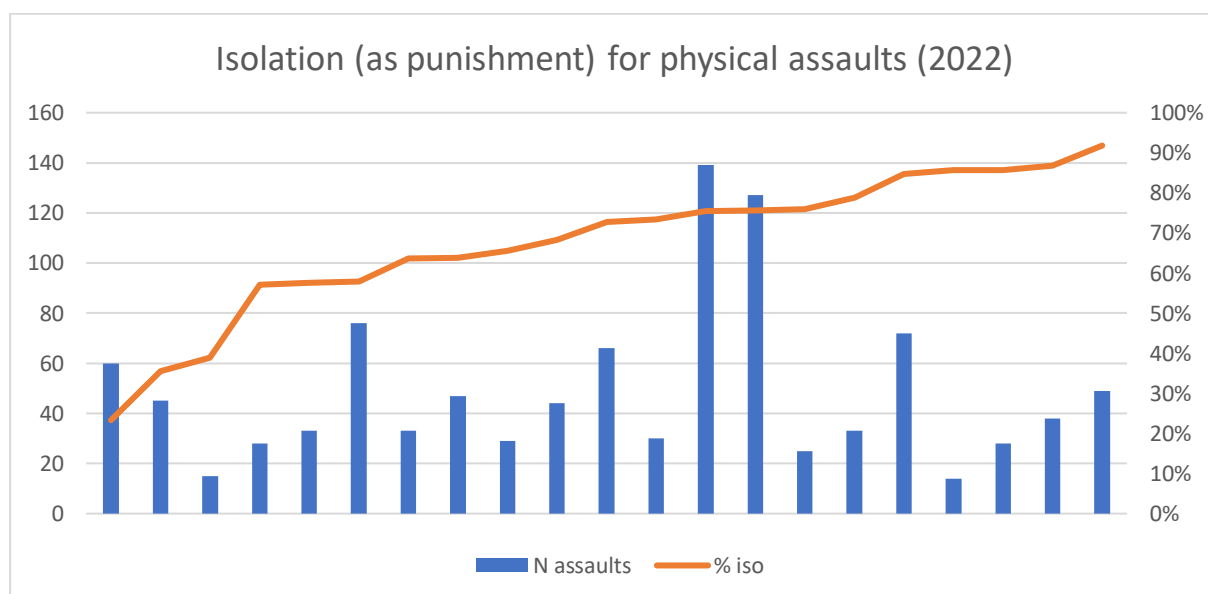


Figure 2: Proportion isolation as punishment in combination with the total number of physical assaults in 2022 (per prison). Each bar represents 1 prison.

¹⁷ It is not recorded if the isolation is terminated early, so it is possible that the actual duration of isolation stays was shorter.

¹⁸ There were 15 cases of assault against another prisoner and a member of staff; of these, 11 (73%) were punished with isolation.

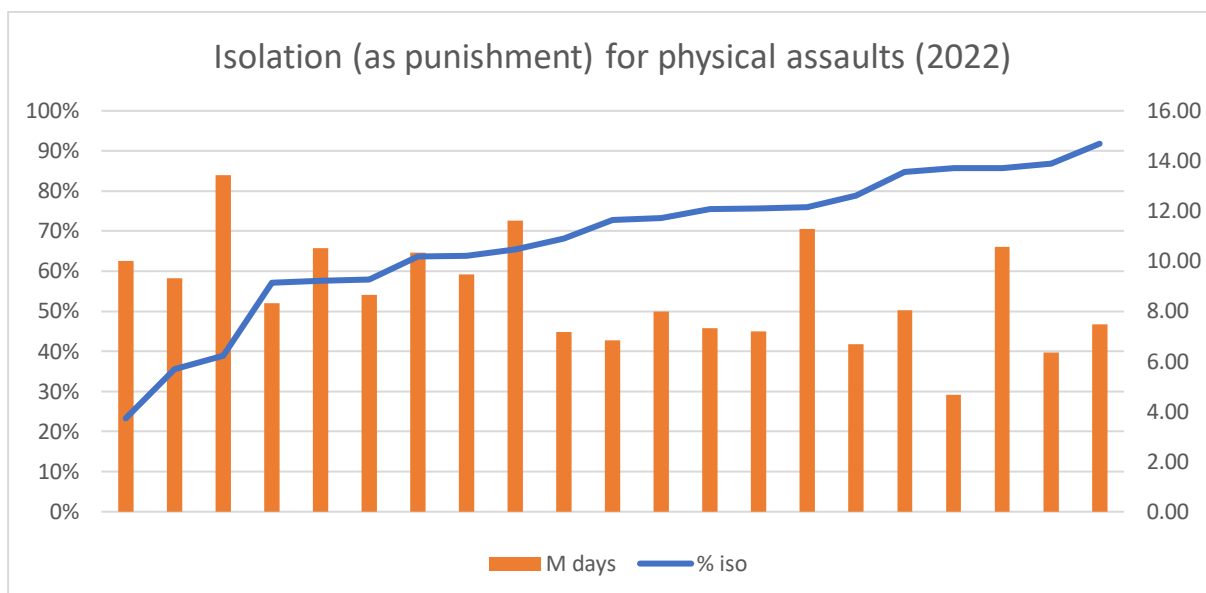


Figure 3: Proportion isolation as punishment in combination with the mean length of the sanction (in days) in 2022 (per prison). Each bar represents 1 prison.

Isolation as punishment for possession of contraband items

In 2022, a total of 1742 disciplinary sanctions were given for the possession of contraband items, such as mobile phones. There is no separate reporting category for mobile phones, so we assumed that they are recorded as ‘6 Contrabande’ or ‘6d Bezit overige contrabande’. Positive urine tests were not included in this category, because they are separately recorded as ‘11 Urinecontrole: positieve UC’ (we did not count this as the possession of contraband items). We also excluded possession of drugs. In 30% of these cases, people were moved to isolation as punishment; in 61% of cases, people were given cellular confinement without television.¹⁹ The mean duration of isolation was 10 days; in 15% of cases, the duration was shorter than 7 days, in 24% of cases, the duration was 7 days, in 36% of cases 14 days.²⁰

There was also substantial variation between prisons in the decision whether or not to impose isolation as a punishment for the possession of contraband items. Again, this variation could not be explained by the number of reports. Excluding prisons with 10 or less reports per year, the likelihood of isolation as a punishment varied from 5% to 64% for cases involving the possession of contraband items. Figure 3 displays the proportion of isolation as punishment in combination with the total number of reports for contraband possession in the year 2022, for each prison (excluding prisons with 10 or less reports). Figure 4 displays the proportion of isolation as punishment in combination with the mean duration in days in the year 2022, for each prison (excluding prisons with 10 or less reports).

¹⁹ In the remaining cases, people were locked up in their own cell with television (3.0%), given a warning (3.7%), excluded from activities or contact (0.7%), or given non-punitive isolation (1.8%).

²⁰ It is not recorded if the isolation is terminated early, so it is possible that the actual duration of isolation stays was shorter.

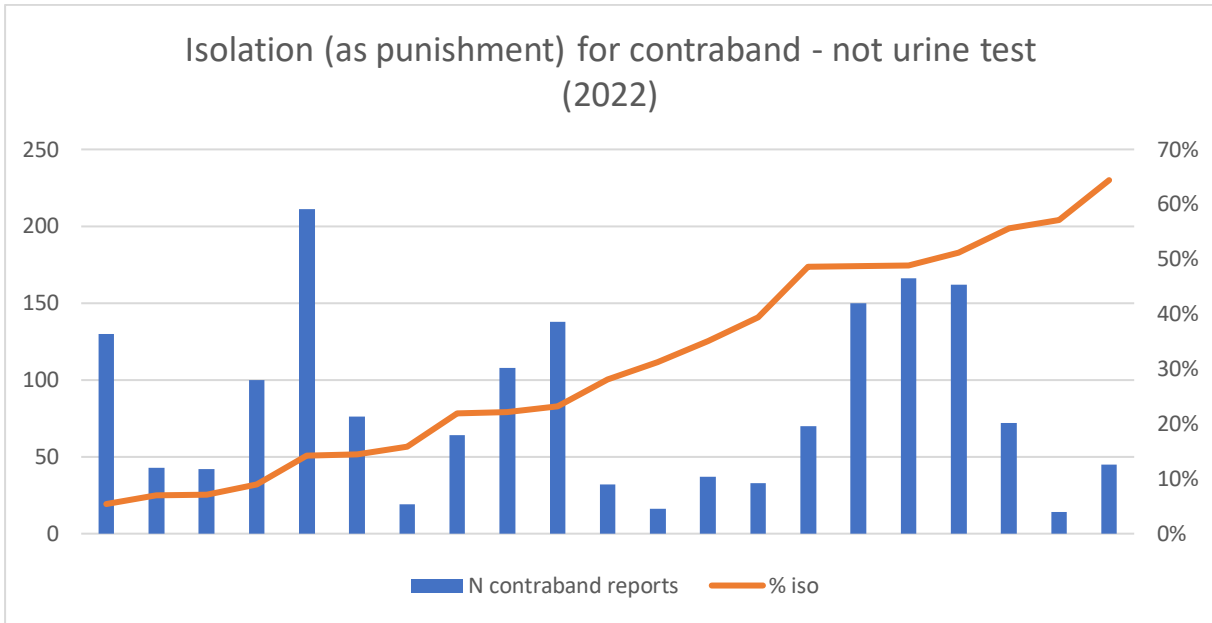


Figure 4: Proportion isolation as punishment in combination with the total number of reports for possession of contraband in 2022 (per prison). Each bar represents 1 prison.

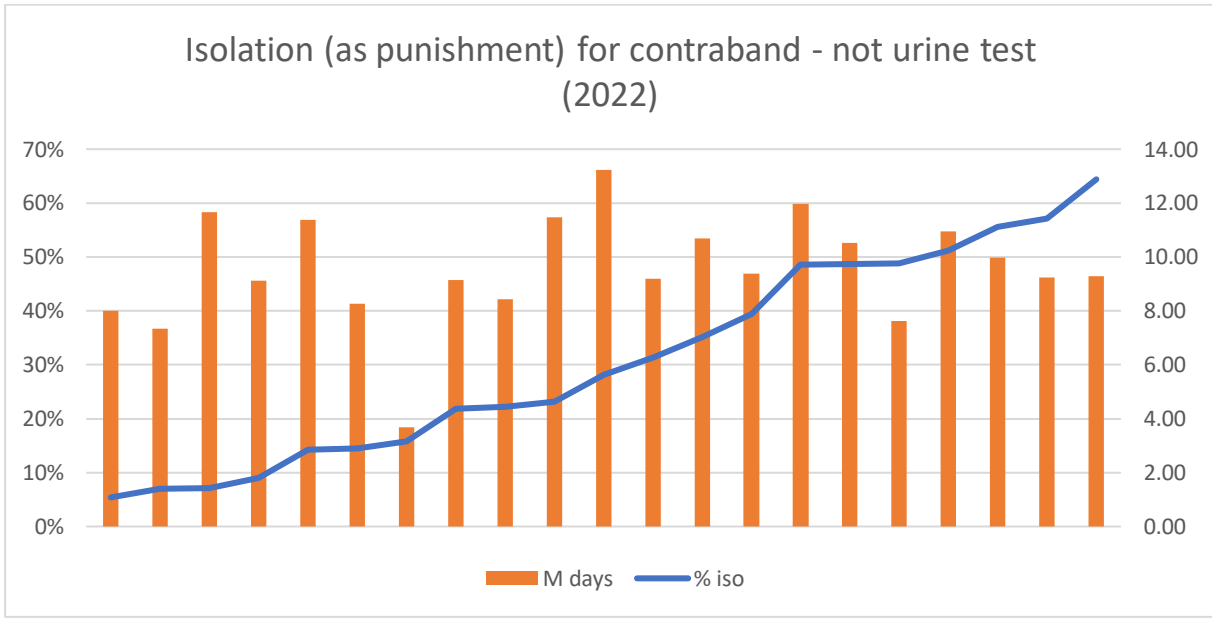


Figure 5: Proportion isolation as punishment in combination with the mean duration (in days) for possession of contraband in 2022 (per prison). Each bar represents 1 prison.

Isolation for MPC refusal

In 2022, MPC refusal was a reason for sending people to isolation in 319 (or just under 3%) of cases. It was imposed as an order measure in a quarter of cases, and as punishment in three-quarters of cases. MPC refusal was sometimes (approx. 7% of cases) accompanied by other forms of misconduct.



The use of isolation as order measure

In 2022, a total of 5,240 order measures were recorded. This included 3,236 times isolation as measure (62%).

The duration of isolation as order measure is difficult to establish because the actual end-date of the measure is not recorded. For reasons of convenience, directors may impose a measure for multiple days to avoid having to impose a new measure each day the stay is prolonged. In practice though, stays can be cut short. With this caveat in mind, the mean duration as recorded in the system at the start of the measure is 8 days. The majority of measures are imposed for 7 days (32%) or 14 days (28%).



Appendix 3: Methodology

This study investigates the use of isolation cells in Dutch prisons. It aims to provide a better understanding of how and when it is used, and how people who work and live in prisons perceive its aims and purposes.

The study uses mixed methods: A quantitative analysis of statistical data on the use of isolation; a human rights analysis of physical facilities and regime in isolation units; field visits to seven selected prisons of different sizes and designations across the Netherlands which included observations, documentary analysis and interviews with people who live and work in them; Finally, to gain a better understanding of the availability of isolation cells across the country, we also conducted a spotlight survey of the capacity and use of isolation across the Netherlands at a specific point in time.

The study was commissioned by the Dutch Custodial Institutions Agency (DJI), and led by Dr Sharon Shalev (Centre for Criminology, University of Oxford and Independent consultant at SolitaryConfinement.org).

Site selection

The study includes seven Dutch prison facilities. These were selected on the basis of descriptive data analysis of the use of isolation (segregation) cells across the Netherlands. Inclusion criteria consisted of:

- Facility size (to include bigger and smaller prisons)
- Regional location (prisons from both western and eastern parts of The Netherlands)
- Regimes (to include regular regimes, women, national segregation unit, psychiatric unit)
- Use of segregation (amount and length of placements in previous three years)

To ensure that the data was representative and not distorted by covid-related placements and practices, we looked at the data for three years: before, during and following the pandemic.

Initially we selected five participating facilities, later expanding the study to include two additional facilities.

Field research

Field research was conducted by Dr Sharon Shalev of Oxford University alongside Dr Esther van Ginneken of Leiden University and Maartje Schrauwen, Management Trainee at PI Arnhem, during August and November 2022. Each visit lasted between 1 to 3 days and included observations, and 68 semi-structured interviews with 87 prison frontline staff, managers, mental health specialists and incarcerated individuals, as well as members of the Oversight Committee. A human rights framework was used to analyse and assess the material conditions and regime in isolation.

Formal interviews were conducted using different questionnaires for each of the key groups of interviewees- managers, line staff, psychologists, Oversight Committee members and prisoners.

The key themes explored in staff interviews included:



What are the purposes of isolation? Is it successful in achieving these aims? How long should isolation last? Is isolation necessary? What are some of the alternatives to isolation?

Prisoner interviews explored:

Why were they isolated? Was it fair? Did the experience of isolation change their behaviour? How did they fill their time in isolation? What could be done to make isolation better?

Prisoner interviews were conducted in private, and in small groups without staff present. For practical and ethical reasons, we only formally interviewed prisoners who had been previously isolated rather than those currently isolated, although we chatted to those too. Staff interviews were conducted individually or in small groups. One interview was conducted via Zoom. All other interviews were conducted in person in English or Dutch, and with one exception, were all recorded. Interviews were then transcribed and translated as necessary and analysed thematically.

Overall, we held 68 interviews with 87 people as follows:

- 2 Directors
- 10 Deputy Directors
- 15 Middle Management (Department Heads)
- 23 Frontline staff (PIWers & BEWAs)
- 7 Psychologists
- 1 Psychiatrist
- 1 GP
- 3 Oversight Committee Members
- 25 Prisoners

Physical facilities and material conditions in isolation units were assessed using a human rights framework and standards as a yardstick to examine some of the following:

the size, layout and appearance of isolation cells, corridors, and yards; windows and natural light; in-cell plumbing; in-cell furniture and personal belongings; daily timetable and regime; and access to the outside world.

Quantitative data analysis

The data for these analyses were provided by the 'Afdeling Control & Informatie' of DJI. The data were obtained from Metis, which extracts information from TULP-Selectie. Only cases in which a punishment (*disciplinaire straf*) or measure (*ordemaatregel*) was definitively imposed were analysed. The nature of the incident was determined by including cases in which any of the reasons included physical assault (*fysiek geweld*) or contraband items (*contrabande*), which usually referred to contraband items other than possession of soft drugs, saving of medication, or a positive urine test. The duration of the sanction as listed in Metis was analysed (this was not based on the end date, which may have been different). It is possible that the actual duration of time spent in isolation was shorter, because it is not possible to amend the duration in the system (TULP) if it is decided to



release someone from isolation earlier. The severity of the incident could not be determined based on the information provided.

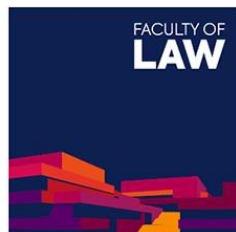
Limitations

Although the research team visited a number of special units (BPG, PPC)²¹ and interviewed prisoners and staff in these units, the study does not examine reasons for placement and conditions in the special units (BPG, PPC) although prisoners in these units can spend longer times in conditions akin to solitary confinement. They could therefore be seen as part of a continuum of isolation, and as such would benefit from further investigation.

Interviews with frontline staff included mostly (but not only) penitentiary workers (PIWers), whose experience may differ to that of security officers (BEWAs). Interviewees volunteered to participate in the study and as such were a self-selecting group which may not be representative of all staff.

Finally, the Lead Researcher is not a Dutch speaker. This inevitably means that some of the linguistic nuances encountered during the field research and interviews may have not been picked up on and reflected in this report.

²¹ See Appendix 1 for background.



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