



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

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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 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) 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 (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 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 re 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).

