

Statement of Nicole Davis
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"Legacy of Harm: Eliminating the Abuse of Solitary Confinement"
United States Senate Committee on the Judiciary

Chairman Durbin, Ranking Member Graham and members of the committee,

It is with profound honor that I testify before you. Thank you Chair Durbin and members of the committee for holding this hearing on ending the abuse of solitary confinement and for inviting me to testify. Thank you also Chair Durbin for repeatedly drawing attention to the torture of solitary confinement--from hearings on solitary, to conducting prison visits, to questioning officials about solitary--and moving us closer to ending this horrific practice.

My name is Nicole Davis, and I am the founder of the Talk2Me Foundation, an organization dedicated to supporting children whose parents are incarcerated. In 2001, I was sentenced to 262 months in federal prison. After serving 13 and a half years, including around a total of a year in solitary confinement, I was released on February 11th, 2014. Today marks my first appearance before the Senate Judiciary Committee to shed light on the often-overlooked issue of solitary confinement, or what the Bureau of Prisons and Immigration and Customs Enforcement term the Special Housing Unit (SHU), restricted housing, Administrative Maximum, disciplinary segregation, administrative segregation, and other names. While I have spoken on numerous panels addressing prison reform, it is a privilege to address this committee and share firsthand the detrimental effects of solitary confinement.

I know from first-hand experience that solitary confinement is torture. Nothing good comes from solitary confinement – only pain, suffering, and death. I am testifying before you today to urge you to finally end all forms of solitary confinement at the federal level so that no one has to endure the suffering that I and countless others have had to endure. You can stop the torture of thousands of people in federal custody and help lead the way for states and localities to end solitary confinement across the country. I specifically urge the Senate, along with the House of Representatives and the President, to enact legislation like the End Solitary Confinement Act, S3409/HR4972 or the Chair's Solitary Confinement Reform Act which I understand was re-introduced yesterday. It is encouraging that multiple members of Congress have introduced legislation that would restrict and reform this detrimental practice. For example, the End Solitary Confinement Act would prohibit solitary confinement beyond four hours in all federal custody, while allowing prisons and detention centers to use alternative forms of separation that have been proven to reduce violence and better support people's health and well-being. As we participate in this hearing, people are suffering. They are being tortured in government institutions. It has to stop.

I myself was locked in solitary confinement numerous times during my incarceration, for a total of roughly one year and including the longest stretch of around six months straight at one time.

I want to be clear, my incarceration was justified, but the sentence was too harsh, and the torture and abuse I faced is never justified. The first time I went to solitary confinement occurred right

after I was sentenced to federal prison and designated to Danbury, CT, a Federal Correctional Institution for women. After a long and confusing day of transferring me by Air Lift with over 200 other incarcerated people, All I wanted to do when I arrived there was shower and go to sleep, to escape the nightmare. After registering me into the B.O.P with a picture taken and fingerprints and reading of the handbook, it was now time to move me to a unit where I could shower and get some much needed rest. But to my surprise, I was being placed in the SHU. I was distraught, scared, at a loss for words, wondering why I was being placed there. I asked the one officer who did my intake several times why I was being placed there. He told me there weren't any beds on the compound. As he handed me what is called a bedroll, which consists of one wool blanket, one thin white sheet with what seemed to have stains of blood that couldn't be washed off on it, a pair of used underwear, and a sports bra. I was placed in a cell the size of my bathroom with steel beds that can hold two women, and at times there were three women in a cell: one on the top bunk, one on the bottom bunk, and the third one on the concrete floor. Once I was settling into my cell, I asked another staff member how long I would be in there, and he couldn't give me an answer.

It was cold and smelled bad in there. I asked for another blanket, and they refused to give me one. I couldn't sleep. I cried all night until I felt sick. I couldn't make any calls to my family and kids to let them know I made it to Danbury. I couldn't shower because I was told you only get three showers a week, and I would have to wait till Friday, and it was Wednesday. It did not take long for me to feel that I was losing it. Listening to the women inside the SHU scream and cry out for help every night brought tears to my eyes because I was one of them. I tried so hard to gather myself and gain strength with prayers, but it seems as if my prayers weren't being answered. I was tired, I was drained, I just wanted this nightmare to be over. After nearly a month, I was finally released from the SHU onto the compound where I could start to try to feel whole again.

Another time I was sent to solitary came four months after being in Danbury. I received a call from my case manager urging me to call home. My heart started beating fast. I rushed to the phone and called home and was told that my baby girl was in a bad accident, and they didn't know what hospital the ambulance took her to. Once again, my heart had been shattered, and I couldn't be there for my daughter. My sister couldn't get a word out to me because she was crying. I could hear my mother in the background praying to God that her granddaughter was ok. While trying to calm down and get my sister to stop crying, my daughter ended up calling my sister while I was on the phone, and she immediately merged the call in where I could talk with my daughter. There were so many questions that needed to be asked, but the most important question was she alright and what hospital she was at? I was relieved at that moment to hear that she was alright. She had a few bruises and cuts, but my daughter was fine. However, the other kid didn't make it.

My fifteen minutes for the call were up, and I had to wait 30 minutes to use the phone again. The phone line was beginning to grow long as I waited, watching the clock on the wall for the 30 minutes to come. I then noticed one of the officers coming towards me and said I needed to go to the lieutenant's office. When I got there, I was told I made a 3-way call – because my daughter

had called into my sister when I was on the phone with her. The lieutenant read to me what is called an incident report, and then he gave me a piece of paper and asked me to turn around. I was placed in handcuffs and escorted to the SHU with no warning, no second chance, no nothing. The devastation and trauma once again inflicted on an open wound which has yet to heal from the pain that was already caused on me.

These were just two examples of my being placed in solitary confinement – once because there was simply not space in a general compound and the other because my sister allowed me to hear my daughter’s voice on the phone after she had just been in a terrible accident.

Regardless of the reasons I was there, I was traumatized each time I was locked in solitary confinement almost immediately. I was scared. I was nervous. I was throwing up. Where am I and why am I being treated this way? Every night was a restless night. I couldn’t sleep. Each time I was locked in solitary, almost immediately my anxiety kicked in. I felt like everything was closing in on me. I felt like the world was caving in on me. I felt like I was having a heart attack. I started having chest pains. My chest felt tight. I couldn’t even breathe. I was always shaking. I started having a shaking problem. I was traumatized. I started feeling depressed. I started to harm my own self. I would think to myself that if I had to be in here, I didn’t want to live. I felt degraded. I truly felt like I had nothing left to live for.

Being in there also made me really nervous about everything. The officers would pass by clicking on the bars and I would jump. I was scared an officer was going to come in the cell and harm me – even rape me – because that type of abuse did happen. While locked in solitary, I could hear how the officers were talking to incarcerated people, how they would say degrading things, and how they would physically abuse people. I felt that they were using their power to degrade us. I could hear staff go into an incarcerated person’s cell and the tussling that two or three officers are doing with a woman. You can hear the woman screaming and saying “get your hands off of me.” You can hear the rest of the women in the SHU saying get your hands off her. All the while, I am locked in my own solitary confinement cell, scared for the woman being harmed and scared for when something will happen to me.

I am still traumatized since I’ve been home. I still have nightmares about it. That is trauma. Solitary confinement is not a place to put human beings.

Solitary confinement is torture for everyone who has had to endure such deadly harm. It worsens safety for everyone, and it is inflicted disproportionately on Black, Latina, Native, and other people of color, and LGBTQ people.

Solitary causes people to engage in self-mutilation and suicide. I know firsthand because I was her. It causes anxiety, depression, and loneliness. I made it out alive, but what about the ones that didn’t. Research shows one or two days in solitary leads to significantly risk of death by suicide, overdose, and other causes. Nearly half of all deaths by suicide in the BOP takes place in solitary. Even short periods of time in solitary, measured in days and hours, can cause devastating harm.

Until today, I can never shake what happened to the young lady who was in the cell down from me who was crying out for help. She continued saying she was going to kill herself if they didn’t

let her out. I called for a staff member to come check on her, or send a doctor, because she needed help. A doctor came, and I could hear the conversation clearly as what she was asking him and what he was telling her. I grabbed my mirror and held it outside the steel cold bars, and I could see he was offering her some medicine to calm her down and make her sleep. But they didn't get her the care she needed and left her in SHU. She kept telling me she was going to kill herself. Hours went by, and it was time for us to prepare for a shower, and I was anticipating her walking past my cell so I could see her face to make sure she was alright. Nothing unusual crossed my mind when she asked the staff for a razor to shave while taking a shower. It's not uncommon for a woman to ask for this. However, in the SHU, once you use the razor, you must return it to the officer for safety requirements. Somehow, she got access to a second one from staff and broke the razors into pieces and placed them in her food to eat. I know because she told me what she did after she did it. I screamed for an officer when I heard, but no one answered. I started calling her name, and she didn't answer me either. I screamed, calling the other incarcerated people on the lower level to call for the officers because I felt something was wrong with this young woman. The officer finally came to check on her, and suddenly the officer and lieutenant ran to her cell. Other officers came and it was so many I couldn't keep count. I knew then what was going on when they brought the entire second floor of women out of their cells, and we were placed in another holding area until they had removed the lady out of her cell. I later learned that she had died by suicide.

This is what solitary does to people. Somewhere right now at this moment, someone is sitting in a cell in a BOP prison or in immigration detention crying out for help, shouting that they are going to harm themselves. No one – no matter what they have done – should be subjected to this government torture. Solitary not only causes devastating harm and death, it makes it more likely – not less – that a person will harm someone else. It has to stop. You have the power to stop it.

Legislation like the Solitary Confinement Reform Act and the End Solitary Confinement Act, S3409/HR4972, are urgently needed. The End Solitary Confinement Act follows best practices in youth and mental health facilities to ban solitary in all forms of federal custody beyond four hours because we know even short periods of time in solitary cause substantial harm, can lead to death, and worsen safety for everyone. The Act would instead allow facilities to separate people for longer periods of time, but without the isolation of solitary confinement and with access to 14 hours of daily out-of-cell time, involving meaningful human engagement and programming aimed at addressing the reasons why they need to be separated. These types of alternative forms of separation, like the CAPS and PACE programs in New York City jails, the Merle Cooper Program in New York State prisons, and the RSVP program in San Francisco jails, have proven that providing people with full days of out-of-cell group engagement and programming dramatically reduces violence and improves people's health. For example, the RSVP program included people who had carried out acts of assault, sexual assault, and other violent acts, and led to zero violent in-jail incidents over a one-year period and reduced re-arrests for violence in the community by 83%. The End Solitary Confinement Act would also enhance due process protections, provide greater transparency and oversight, and incentivize states and localities to also end solitary confinement. As someone who has endured the torture of solitary confinement, I know that we need this Act immediately.

As an activist and founder of the Talk2mefoundation and The Sisters of Support house, a safe house for women, my work will never be done. My journey has been difficult, marked by hardship and resilience. My experiences, both past and present, have instilled in me a deep conviction to advocate for change within our criminal justice system, particularly in addressing the pervasive harm inflicted by solitary confinement.

In closing, I stand before you not only as a survivor but as a voice for the countless individuals who have endured the anguish of solitary confinement. I urge the Senate, the House, and the President to enact the End Solitary Confinement in order to stop torture, improve safety, and save lives. It is my hope that through dialogue and collaboration, we can work towards meaningful reforms that uphold human dignity and ensure justice for all.

Thank you.