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Solitary Men

Does prolonged isolation drive death row prisoners insane?

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Daniel Lopez, 23, waits in Polunsky Unit's visiting room for guards to escort him back to his cell on death row.

photo by Jen Reel

IMAGINE SPENDING 23 HOURS A DAY IN A CEMENT ENCLOSURE the size of a bathroom. Now imagine sitting in that small room nearly all day, every day without respite, for a year, five years, even 10 years. How long before you become restless and lonely? How long before you start pacing and talking to yourself? How long before you lose your mind?

For more than 300 inmates on Texas' death row, these aren't hypothetical questions. Their lives are confined to 60-square-foot cells in which they languish 23 hours a day, alone in a featureless room, behind a solid steel door, cut off not only from what they call "the free world," but from nearly everyone. Inmates endure this isolation an average of 10 years—though some have been on death row more than 30—until their appeals are exhausted and their sentences are commuted or carried out. Or until they're killed by disease, old age or another inmate. Or until they kill themselves.

Death row inmates are housed at the Allan B. Polunsky Unit near Livingston. They live in a special segregation unit—a prison within a prison. The cells have a small window at one end. The steel door has a narrow window and, at the bottom, a slit through which guards slide trays of food. Death row inmates can receive books and paper tablets for writing and drawing. Some have radios. Little penetrates these cement boxes except sound. Prison is a loud place, and sound can cause the most torment. The constant yelling and taunting and clanging doors—what one inmate describes as "prison ruckus"—never ceases. Occasionally there are dull thuds of beatings and the screams of nearby prisoners descending into madness.

They are released from their cells 10 hours each week—two hours a day for five of seven days—and shuttled into the recreation area, which is a larger cage. (Two days a week, they remain in their cells 24 hours, except for a few minutes to shower.) They exercise individually, though they can talk to an inmate in the neighboring recreation cage, one of their few opportunities for conversation. For the other 158 hours of the week and 8,216 hours of the year—94 percent of their lives—inmates waste away in their cells, isolated, trying to keep themselves from going insane.

Death row isn't designed to be pleasant. These are dangerous men. It's still a maximum-security prison. But a growing body of research suggests this kind of extreme isolation amounts to torture.

Prolonged isolation can ravage the psyche—causing or exacerbating mental illness. A 2003 study of the isolation unit at California's Pelican Bay prison by Craig Haney, a psychologist at the University of California-Santa Cruz, reports that two-thirds of inmates in solitary confinement talk to themselves and nearly half suffered from "perception disorders, hallucinations, or suicidal thoughts." Research by Stuart Grassian, a Boston psychologist who has interviewed hundreds of prisoners, found that about one-third of inmates in solitary confinement develop severe mental illness. These same effects have cropped up in military prisons. Of all the U.S. "enhanced interrogation" techniques utilized on detainees in Iraq and Afghanistan, the most devastating were psychological; prolonged isolation and blaring music eroded prisoners' sanity.

While recent studies have filled in the details, we've known for a long time that extended isolation can lead to madness. For most of the last century, American jailers considered solitary confinement inhumane. Prisons used it largely to discipline inmates; stints in solitary were short. The nation's first "supermax" facility—in which inmates are kept in long-term solitary—wasn't built until 1989, when California opened its Pelican Bay prison. The trend caught on fast. Forty states and the federal government now operate either supermax prisons or special segregation units in which prisoners remain in their cells at least 22 hours a day, according to a study by Florida State University. At any given time, between 25,000 and 100,000 U.S. prisoners are serving time in either permanent or temporary solitary confinement. That number continues to increase, according to prison reform groups.

Prison isolation is a recent development in Texas as well. Until 1999, death row inmates were housed at the Ellis Unit outside Huntsville, where they enjoyed more freedom. They could work morning and afternoon shifts at the prison garment factory and had several hours a day of group recreation. They could play board games with each other. They could watch television. They were alone in their cells only at night. They received education programs. They were occasionally permitted "contact visits," meaning they could be in the same room with visitors.

That all began to change on Thanksgiving Day 1998, when seven condemned prisoners escaped from the Ellis Unit. Six were quickly captured and the seventh committed suicide soon after leaving the prison, but the security breach led the Texas Department of Criminal Justice to crack down. Prison officials suspected the seven planned their escape during work duty. So in 1999, when the agency moved death row about an hour east from Huntsville to the more modern Polunsky Unit in Livingston, department officials eliminated the work program and ensured that death row inmates were isolated.

Texas has perhaps the harshest death row conditions in the country. Most states keep death row prisoners in permanent solitary confinement. But Texas is one of two states—Oklahoma is the other—that doesn't allow death row inmates to watch television, according to a survey by the Northwestern University Law School. Eleven states permit contact visits with death row prisoners. In Texas, contact visits are never allowed.

The Texas Department of Criminal Justice contends these strict measures ensure a secure and safe facility. But a 2006 report by a respected task force headed by a former U.S. attorney general and a

former federal judge—the Commission on Safety and Abuse in American Prisons—[found that solitary confinement does more harm than good](#). It's more expensive and does little to improve prison security or reduce violence. The commissioners recommended abolishing long-term isolation. They wrote that the environment can be “so severe that people end up completely isolated ... without any meaningful human contact—torturous conditions that are proven to cause mental deterioration.”

Anecdotal evidence suggests quite a few death row inmates in Texas suffer from mental illness. Two of the five longest-serving inmates—each has been on death row more than 30 years—are suffering from documented mental disorders. The number of suicides on death row has increased since Texas placed inmates in solitary confinement. Since 2004, five inmates have killed themselves on death row—more suicides than in the previous 25 years (from 1974 to 1999, four death row inmates committed suicide, according to agency figures).

While suicides are still unusual, solitary confinement wears down nearly all inmates. Rob Owen, who directs the Capital Punishment Clinic at the University of Texas Law School, has represented many inmates on death row. When he visits clients, he can see the effects of prolonged isolation. “They have to warm up,” he says. “At first, they’re withdrawn and quiet, and I think that’s because of the isolation.”

I recently spoke with three current and former death row inmates. Each reacted to the extreme isolation differently. But all of them suggested subtle reforms—more hours outside the cells, group recreation, replacing the cells’ solid steel doors with bars—that would ease the isolation. Death row will never be enjoyable. It’s not supposed to be. But it could be more humane. As one prisoner, who’s been on death row more than 15 years, put it, “It’s Hell. It really is.”

THE LONG-TIMER

Nearly 40 men have served at least 20 years on death row. I interviewed one of these longtime inmates. He was convicted of a violent murder. His guilt isn’t in doubt. *The Observer* agreed to not publish his name or identifying details to protect him from reprisals and to avoid affecting his case.

He has been deprived of his freedom and many other small pleasures. He hasn’t hugged his mother, or any member of his family, in two decades. He lives his life encased in concrete. His feet haven’t touched grass or dirt in years.

He says that when death row moved to the Polunsky Unit, conditions went from bad to unbearable:

“We came over here in 1999. We really didn’t know what to expect. We knew this was going to be more secure. But we didn’t know all the privileges were going to be taken away. We came over here a little hopeful that some of the things we had, we would still have.

“It wasn’t until some months that we realized we weren’t going to have anything, not even television. At that point, that’s when despair began to set in. After we were here for a while and saw we were going to be on permanent lockdown until such time that we either got out or were killed.

“[At Ellis Unit], we had work detail [in the prison garment factory], and then for the rest of the day, we rec’ed together, go outside, go to the day room, play table games, handball, basketball, whatever. It lasted until about 9:30 at night. But over here [in Livingston], there’s no group rec at all, and you only get two hours a day, five days a week, and everything’s in isolation.

“How you do time is all about being philosophically strong and keeping your mind occupied. Once recreation time is over and you in that cell, just sitting there alone, everything comes back to you. You

think about your reality. Working, exercising, watching television were forms for temporary escapism, which is a healthy thing. Now, too much of it isn't healthy. You want to reflect on why you're here, the changes you need to make in your life and of course, if you're guilty, you have to think about what you've done in this world. You have to have some remorse.

"I think everybody [on death row] has had that moment [when they go off the deep end]. I'm not qualified enough to diagnose it. I can't say whether it was from some depression or what. Fear can be such that it drives you overboard. There have been times I've been deeply afraid, I have to admit. Not only for myself, but for friends—guys I've befriended, and they wind up with [execution] dates. And that's another level of isolation, when you're in that cell and the clock is ticking.

"You have to remind yourself to be strong. You have to remind yourself that the people that love you want you to survive this. There's always people rooting for you.

"Prison is a big warehouse. We've been thrown in this big waste bin to be disposed of. But everybody doesn't have that attitude. The people that come here to see us, they recognize our humanity. [He says he receives visitors nearly every week.] They believe that all people have redemptive qualities. That helps. Because if they don't come here, if no one shows you love, then the decision that judge has made, that the jury has made, you begin to believe it. You're not worth the air you breathe. That can get into your head.

"It is not humane. Even when you tell yourself, 'This is prison, this is my fate,' it still is a hard pill to swallow. I think it's wrong for the people in here to use what I did to be cruel to me every day. ...This environment molds you. It really does. You have to fight against that to stay human.

"To live on death row is to live every day in fear."

THE SHORT-TIMER



Daniel Lopez speaks to Observer reporter Dave Mann at the Polunsky Unit.

photo by Jen Reel

[Daniel Lopez](#) is in a hurry to die: “I don’t see no point in waiting 20 years for them to finally decide to execute me.” That’s the first thing he tells me when I sit down to interview him. We are seated in the Polunsky Unit’s visiting room. Lopez is encased in a small booth. We are separated by thick, soundproof glass and talk through phones.

Lopez has been on death row for seven months. It’s not uncommon for new arrivals—still filled with anger at their situation—to desire immediate execution. The criminal justice system doesn’t move that quickly, though. Every condemned inmate must go through a mandatory direct appeal, which can take at least three years. The longer inmates remain on death row, the more they tend to become resigned to their situation. At the same time, survival instincts often begin to set in, and they fight execution—until isolation begins to rob them of their faculties.

Lopez hasn’t reached that stage. He’s still furious that he was charged with capital murder after what he calls an accident.

Lopez, 23, was convicted of killing a Corpus Christi police officer with his car on March 11, 2009. “There was a disturbance in the area,” Lopez says. “The other person’s vehicle fit my description. They pulled me over, and the officer pulled me out of my ride ’cause he thought I was this other person. He opened my door and pulled me out of my ride. ... I didn’t think he had any right to do that to me. ... I got mad and started beating him up. He fell to the ground, and I took off.”

He led the cops on a high-speed chase. The police laid a strip of spikes across the road to puncture Lopez’s tires. He swerved to avoid the spikes and hit a police lieutenant. Lopez claimed in court that it was an accident and hoped he would get involuntary manslaughter, but prosecutors argued that he hit the officer intentionally and charged him with capital murder.

Asked if he hit the officer intentionally, he says, “I kind of remember swerving toward him, and I kind of remember not swerving, like I turned to get away from him. So I’m confused myself. ... I really can’t

remember what happened that night. It happened so quick.”

Prosecutors offered Lopez life without parole. He turned it down. He was so angry that prosecutors had charged him with capital murder that he wanted the maximum punishment.

Lopez arrived on death row March 16, 2010—after a rough year in the Nueces County Jail. When he arrived on death row, he says, his conditions actually improved. “In county, none of the jailers liked me ’cause I killed one of their people,” he says. “I’m actually a lot happier.”

But he says he has no desire to remain on death row. He says he’s looking forward to execution day. He doesn’t want to live much longer in his small cell. “I don’t think that’s a life for somebody,” he says.

THE FREE MAN

[Ernest Willis](#) describes himself as tough-minded. He says that’s how he survived it all—the murder conviction, the almost 18 lost years and his near-execution for a crime he didn’t commit. Willis, a former oilfield worker, was wrongly convicted of starting a 1986 house fire that killed two women in the West Texas town of Iraan. Investigators misread the physical evidence and testified that Willis had set the fire. While in county jail, Willis was administered powerful antipsychotics. At trial, the prosecutor pointed at the drugged defendant and told the jury Willis was a killer with “cold fish eyes.”

In 1987, he was convicted and sentenced to death. He would spend more than 17 years on death row and come within two days of execution. Perhaps the only thing crueler than the isolation on death row is having to endure it when you’re innocent. Yet Willis is one of those rare people who could—through sheer mental discipline—handle such a gross injustice.

“You got a lot of pressure on you on death row,” Willis tells me recently. “You’ve got to be real strong-minded to be able to make it in there, especially if you’ve been there for years, like I was. I come out, everybody said, ‘Well, you’re going to have to have counseling and all this.’ I prepared myself daily for the day I would be released.”

Willis spent his first 12 years at the Ellis Unit and his final five at the Polunsky Unit in Livingston, where solid doors make it difficult to talk with nearby inmates. “Over at Huntsville, we had bars in front of our cell, and it was a lot easier to pass things back and forth. But over there in that unit [Livingston], all you had was a little old 3-inch square hole on the bottom of the door to get things out. It’s a solid steel door. It was hard to get anything out and get it to the next cell. We used fishing lines made of whatever we could get to make them out of, you know. You could make them out of a towel or a sheet. You’d pull the threads out and weave them together and make you a line, and then you’d put you a little weight of some kind on it, and you could just throw it down [through the food slot] and tie onto it with whatever. You throw it down to them, they’d tie onto it, and you’d pull it back.”

Willis could deal with the long hours in the cell and the lack of human contact at the Polunsky Unit, but he saw many other inmates break. “I’d seen more people that were losing it after we moved to Livingston because it was all enclosed,” he says. “It seemed to me like there was more people having mental problems than there was at Ellis. ... You could hear them yelling. There was one or two guys that spread feces all over their cell. There’s a lot of strain on you. And I’m sure a lot of the guys, they probably had a light mental problem, and when they came to death row, it would deteriorate.”

Willis kept his mind busy with crafting. He made wood jewelry boxes and clocks that he mailed all over the world, from Hong Kong and Malaysia to England and Ireland. “I’ve got clocks and jewelry boxes all over the world,” he says. “I had a bunch of pen pals. Usually I’d make them as a gift, and then other

people would see them and say, ‘Hey, how much would it cost me to get one?’ That’s the way it worked. They’d send [money] to my trust fund. We could order our supplies, and they could cut a check and send it to the crafts place. However much it cost. We’d buy stamps out of the commissary. All our commissary and all that stuff would be deducted from our trust fund.”

He sold clocks for \$125 apiece, and jewelry boxes fetched \$100 to \$200. The money was nice—he used it to purchase goods at the commissary such as shampoo and soap. More than that, the craft kept him busy—until his legal luck began to change.

The drugging of Willis during his original trial helped save his life. The drugging represented an obvious legal violation and—with the aid of attorneys working pro bono—would eventually help overturn Willis’ sentence. After Willis’ original conviction was tossed, the district attorney in Fort Stockton prepared to retry him for murder. But the DA first consulted with nationally recognized fire scientists and discovered the physical evidence of arson was bunk. He dropped the case, and Willis walked out of jail on Oct. 6, 2004.

Willis lived for a stint in Mississippi, then moved to Odessa. When I reached him by phone recently, Willis was traveling through Arizona with his wife, whom he married while incarcerated. They’re looking for a place outside Texas to settle down, a home in the mountains away from it all.

I asked him what he would do to ease conditions on death row. “If they had bars instead of steel doors, you wouldn’t feel like you were entombed,” he says. “Just being in there with a solid door and solid walls is like being entombed, you know. That bothers a lot of people. It didn’t bother me all that much. But a lot of people can’t be enclosed in close quarters like that, you know. I’m sure there was a lot of them that it really bothered.

“A person’s got to keep their mind busy. If you don’t use it, you lose it,” he says. “It’s just like anything else.”

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