

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

**<https://eji.org/news/federal-court-rules-solitary-confinement-on-death-row-is-unconstitutional/>**

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01.16.14

A federal court ruled last week that inmates who are sentenced to death cannot automatically be held in solitary confinement on death row in Virginia.

Alfredo Prieto, who was sentenced to death in 2010, filed a lawsuit in the United States District Court challenging the harsh conditions on Virginias death row as an unconstitutional denial of due process.

Based on evidence submitted in the case, the court found that the solitary confinement automatically imposed on death row prisoners is especially harsh. Death row inmates are kept alone in their cells twenty-four hours a day, with ten-minute showers three times a week and an hour of exercise five days a week in outdoor cells not much bigger than their indoor cells. Mr. Prieto is left alone in a small cell nearly every hour of every day, the court wrote. Isolation creates a significant hardship for prisoners, which is exacerbated by the extended amount of time they may spend on death row.

The court struck down the automatic policy of isolating death-sentenced inmates but ruled that they may be held in solitary confinement if there is a particular need.

At a hearing last week, the court said the requirements its ruling imposes on Virginia put it in line with the policies used in most other states in the Fourth Circuit. The American Civil Liberties Union told the Associated Press that the ruling is the first of its kind nationally.

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Associated Press

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