

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/02/09/lawsuit-challenges-south-carolinas-use-of-solitary-confinement-on-prisoners-with-mental-illness/>

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by [Jean Casella and James Ridgeway](#) | February 9, 2012

Research by an advocacy group found that inmates with mental illness in South Carolina's prisons receive inadequate care and spend an inordinate amount of time in solitary confinement. The group has sued the state's Corrections Department in a case that went to court this week. The Associated Press [reports](#):

A Columbia-based advocacy group that sued South Carolina's prisons agency over the care of mentally ill inmates is finally getting its day in court. Circuit Court Judge Michael Baxley is expected to begin hearing arguments Monday in the case that accuses the Corrections Department of subjecting mentally ill inmates to cruel and unusual punishment.

Protection and Advocacy for People with Disabilities sued the agency in 2005, saying that mentally ill inmates were severely punished for disciplinary infractions and were not given enough access to psychiatric care.

The advocacy group sued along with four mentally ill South Carolina inmates. One man, according to court papers, suffers from paranoid schizophrenia and believes that at night, while he is sleeping, doctors come into his cell and perform surgery on him. Instead of being placed at the prison system's sole psychiatric hospital, attorneys for the group wrote, the man has lived for most of the last sixteen years in an SCDC lock-up unit, where he is kept alone in a cell nearly 24 hours a day and sees a counselor only once a month.

Protection and Advocacy said it sued on behalf of all of South Carolina's mentally ill inmates, a number the group estimated is as many as 4,400, or about 19 percent of the state's inmate population. Those inmates, according to the group, spend an inordinate amount of time in solitary confinement when compared to other inmates. Studying disciplinary records for 110 mentally ill inmates, the group said nearly all of them 98 percent spent more than a year in solitary confinement, while 20 percent were in solitary for more than five years.

Attorneys for the South Carolina Corrections Department, according to the AP, have argued that all new inmates are screened for mental health issues within 30 days of arriving at the state's prisons, and denied that mentally ill inmates were punished any differently than other prisoners. Even when in solitary confinement, the agency's attorneys wrote, inmates receive visits from mental health specialists.

Read the [full article here](#).

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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SC prisons lie about the psychiatric care they also withhold proper medication. Refuse to use certain drugs even if that drug works better. They continuously place people in lockdown..over and over and they are not allowed contact with family except via mail. This can go on for years even over minor infractions. They refer to suicide attempts as attention getting incidents. Basically they kill people and do not advertise the fact that they even have a psychiatric hospital..this article is the first I have heard of it. It is sickening and has caused the death of inmates. psychiatric related incidents require fast action ..it takes an act of God for them to get the attention needed to stop things from getting out of hand so the inmate just gets continually worse. They do NOT have the resources to handle inmates with psychiatric problems in their normal population..dont know about this hospital.

Another related story out of South Carolina.

<http://www.theatlantic.com/magazine/archive/2012/02/the-last-line-of-defense/8875/>

IN OUR CRIMINAL-JUSTICE system, once a person has been convicted, no matter how shaky the conviction, the presumption of innocence disappears. The defendant is assumed to have had a fair trial. New evidence, even enough to sow a field of doubt, does not necessarily entitle a defendant, not even one on death row, to a new trial. The remarkable defense attorney Diana Holt learned these lessons the hard way. as an attorney at the Center for Capital Litigation, in South Carolina, a nonprofit that represented prisoners on death row. Blond, blue-eyed, physically slight, and intense, Holt had begun working at the center a few years earlier, while still in law school. Having overcome great hardships in her own life, she had acquired a singular reputation as somebody who would work indefatigably to save the lives of the condemned

Holt's work had helped stall an execution and had persuaded the state supreme court to order a potentially embarrassing hearing. To fight back, the state decided to attack her reputation. Holt had a secret that made her vulnerable: a run-in with the law she had decades before, in New Orleans. With one exception, none of her closest friends knew about it, nor did her sons.

It had happened in 1975, when Holt was 17. During the custody battle that had followed her mother's divorce from Walter Belshaw, she had been made to testify about the abuse she suffered at his hands, and then had to sit by as scores of photographs of her posing in the nude had been introduced into evidence, and as her stepfather's lawyer had accused her of lying about the abuse. The experience traumatized her. Feeling lost, abandoned, and unloved, she fell in with an unsavory set of new friends, ran away from home, and ended up with them in New Orleans. After three days of partying, they ran out of money. Holt's companions came up with a plan to replenish their supply: she would go to the French Quarter, pick somebody up, and lure him away from the crowds, at which point one of her companions would rob him.

It didn't go as they'd hoped. Wearing a schoolgirl dress, Holt took a seat outside at a restaurant, ordered a Tom Collins, and began flirting with a man a few tables over. Later, as they were getting into the man's car, Holt's accomplice rushed over, held a gun to the man's temple, and robbed him of \$61 and a 9-mm pistol that he had under the seat. Unfortunately for Holt and her friend, the man turned out to be a U.S. marshal. The two were caught before they had run two blocks.

Holt pleaded guilty to armed robbery, a felony offense, and was sentenced to five years, although she was told that with good behavior she would be out in two years, eight months, 21 days—numbers she would never forget. She was sent to the Louisiana Correctional Institute for Women, in St. Gabriel, and became Prisoner 80367.

IN PRISON, HOLT matured, got off drugs, and learned a lot. She realized how close she had come to going over the edge. She met as equals the types of people most lawyers meet only as clients. Above all, she developed a strong capacity for empathy. Prison officials, impressed by her exemplary behavior, took a liking to her. They believed in rehabilitation, and she was showing promise. Gradually, she became their prize exhibit. Young, gentle-looking, and more educated than most of her fellow inmates, she was sent by the prison to speak to sociology and criminology classes at Louisiana State University and, in 1976, to the Louisiana Governors Conference on Women. A photo taken at the conference shows her with long hair, a low-cut dress, and a white necklace. Anybody might have mistaken her for a fun-loving coed.

In 1977, thanks to her good behavior in prison, Holt received a pardon and was released on October 30. Years later, Texas, South Carolina, and Georgia all deemed her to be of sufficient moral character to practice law. She could now leave the whole tawdry episode behind. Or so she thought until the Johnson case when, after she had produced Connie Sue Hess's confession and forced a hearing, the South Carolina attorney general's office decided to use her conviction against her.

At root, though, her objection to the death penalty isn't so much moral as it is practical. There is no way to implement it fairly, she says. Despite all legal safeguards, whether one gets death or not is dependent on geography, the elected official with the power to seek it, the color of his skin, gender, the color of the victim's skin, the victim's gender, wealth of any of those, poverty of the defendant, mental health of any of those, and judges with agendas not to mention, she continues, the integrity of law enforcement, the competence of law enforcement, the competence of forensic analysts, and on and on.

These are the sorts of factors that, in January of 2003, famously led the governor of Illinois, George Ryan, to make the extraordinary move of commuting the sentences of 167 death-row inmates on a single day.

Justice Blackmun, who, in 1994, at the end of his career, had announced that under no circumstances could he consider the death penalty constitutional. Quoting Blackmun, Ryan said, I no longer shall tinker with the machinery of death. The Illinois legislature banned the death penalty in 2011.

New Jersey, New Mexico, and New York have all done the same in recent years, and this past November the governor of Oregon, John Kitzhaber, declared that during his time in office he would allow no more executions to be carried out in his state, calling the system of death-penalty justice compromised and inequitable. As governor he had already authorized two executions. These were decisions he had come to regret. I do not believe that those executions made us safer, he said; certainly I don't believe they made us more noble as a society. And I certainly cannot participate once again in something I believe to be morally wrong.

Diana Holt takes heart from these changes. But 34 states, along with the federal government and the U.S. military, continue to allow capital punishment, and American public opinion still tilts in its favor.

People seem to misunderstand the word punishment for the mentally ill: the reality is that whenever a prisoner that is severely mentally ill is not treated, mistreated, mishoused, not programmed, discriminated against for job employment, ridiculed or left or deprived of his or her medication, its deliberate indifference because the culture doesn't care and that leads to abuse, neglect, that results in punishment that is both unwarranted and often not documented to protect their civil rights and leave a foot print to track whenever they are incarcerated and processed through the entire time they serve their sentences. Disciplinary, classification, medical and other supportive services are all impacted negatively and all for the sake of running a safe and orderly prison.

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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