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Our Weekly Roundup of News and Views on Solitary Confinement

by [Valerie Kiebala](#) | May 20, 2018

The *Charlotte Observer* [reported](#) that 39-year-old Kenneth Wayne Bigham committed suicide only days after being placed in solitary confinement at Mecklenburg County Jail in North Carolina, where no visitors, phone calls, or books are allowed, with the exception of religious material. A spokesperson for the NC ACLU said, This tragedy is a terrible reminder that solitary confinement is a cruel and ineffective practice with devastating consequences. North Carolina should abandon this barbaric practice altogether. Mecklenburgs next sheriff, who will run unopposed in the fall election, has stated that he wants to eliminate solitary confinement in the countys jails.

In Justice Today [reported](#) that 16-year-old Rosalyn Bird Holmes was released after spending 40 days in solitary confinement in an adult womens prison in Tennessee, under the states safekeeping law, which allows individuals awaiting trial be sent to state prisons, and usually kept in segregation, if a local jail claims not to be able to manage their needs. As [first exposed](#) by *USA Today* and The Marshall Project in February of this year, since 2011, over 320 people have been classified as safekeepers in Tennessee. According to In Justice Today, Most are adults with medical conditions, including pregnancy, that the jail is not equipped to handle. But others are adults with mental health or behavioral issues or, as in Holmes case, teenagers facing adult charges. The Memphis-based group Just City organized Holmes release, with the required \$60,000 bond supplied by the Robert F. Kennedy Human Rights organization. The executive director of Just City said [in a statement](#): The idea that we are doing this to teenage girls in 2018 is astonishing. Children, especially children who are charged with crimes, need very specific and very specialized treatment because of their unique needs and vulnerability. Putting them in adult prisons miles from home is almost the worst thing we could do as a community. Proposed changes to the safekeeping law that would prevent juveniles from being sent to state prison are expected to be signed into law by Governor Bill Haslam.

WMBF News [reported](#) that a lawsuit filed by men on South Carolinas death row has been set to go to trial next January. The lawsuit claims that the men have been subjected to cruel and baseless solitary confinement, confined for up to 24 hours a day to small, windowless cells that measure approximately ten feet by ten feet for periods ranging between nine and twenty years without legitimate or valid penological reason. According to the South Carolina Department of Corrections, the state currently holds 36 individuals on death row.

In a [letter to the editor](#) of *Richmond Times-Dispatch*, Gay Gardner of the group Interfaith Action on Human Rights responded to statements made by the Virginia Department of Corrections disputing the findings in a recent ACLU report on the use of solitary confinement in the states prisons. Gardner notes that despite the prevalence of euphemisms, such as restrictive housing, the state routinely confines individuals to their cells for 22 to 23 hours a day, including people with serious mental illness. Additionally, while step-down programs exist, individuals are often kept in solitary upon completion of the program at the discretion of the staff. Most of these people will return to the community eventually, the letter notes. We should not tolerate a practice that makes them more dysfunctional by inflicting psychological torture.

In a related story, the *Roanoke Times* [reported](#) that Kevin Snodgrass, a 36-year-old man who had been held in a double cell at Virginias Red Onion State Prison was moved to the solitary confinement unit at another maximum security Virginia facility, Wallens Ridge, in what Snodgrass sees as retaliation for his and his mothers activism against the use of solitary confinement in the state. Snodgrass had previously filed federal lawsuits against the Department of Corrections, and said that during his transfer, the officer referred to his mothers work with the ACLU. While the Virginia DOC denies that they use solitary confinement and denies that they have placed Snodgrass in isolation, a department spokesperson said that they do move individuals to restrictive housing for disciplinary or safety reasons.

[According](#) to the *Pittsburgh Post-Gazette*, a federal district court judge ordered Quinn Glover, a 56-year-old man with severe mental illnesses, to be moved out of the solitary confinement unit of Allegheny County Jail in Pittsburgh because his conditions were inflicting psychological damage. Glover had been committed to the Mayview State Hospital for twenty years after he experienced a blood clot in his brain at age 14, which caused him to function at the level of a five-year-old, experience seizures, act inappropriately, and have trouble walking, talking, and eating. The hospital closed in 2008, and Glover moved between community psychiatric facilities, ending up in the county jail. After a nurse complained about his inappropriate sexual comments, the jail warden transferred Glover to the psychiatric unit, where individuals are held in their cells for 22 hours a day without social interaction. After a psychiatrist testified that solitary

confinement has caused Glover serious mental health deterioration, the judge ruled that Glover be transferred back to the medical unit.

In an action calling for New York lawmakers to pass the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act, survivors of solitary confinement, family members, and other advocates from the NY Campaign for Alternatives to Isolated Confinement placed a replica solitary confinement cell in the states Legislative Office Building, the *Legislative Gazette* [reported](#). Jerome Wright, who had experienced solitary confinement, challenged the governor and Department of Corrections commissioner to themselves spend 24 hours in a solitary confinement cell. Assemblyman Jeffrion Aubry, a sponsor of the HALT Act, said, Torture is not what were supposed to be about. We may want people to change their behavior, we may need to put people away from the rest of society in order to effect that change, but we do not need to torture them. The bill would legally limit stays in solitary confinement in the state of New York to 15 days.

An [analysis](#) by the *New York Times* Adam Litwak looks at Supreme Court Justice Anthony Kennedys recent history of criticizing the cruelty of solitary confinement, and wonders if the court might make a significant ruling on the practice while Kennedy remains on the bench. He writes: The court, which typically moves in measured increments, may not want to take on a question as broad as whether extended solitary confinement is cruel and unusual punishment barred by the Eighth Amendment. But the court will soon consider whether to hear appeals raising a much narrower question: Do prisoners held in solitary confinement have a right to regular outdoor exercise? The case Litwak refers to concerns a man held in solitary in Colorado for eleven years two of them without ever being allowed outdoors. He was pale as a ghost, one of his lawyers said. He had forgotten what the sun feels like. Litwak points out that in a similar case Kennedy heard almost 40 years ago, while serving on the 9th Circuit Court of Appeals, he found in favor of the plaintiffs, and wrote: Underlying the Eighth Amendment is a fundamental premise that prisoners are not to be treated as less than human beings.

In a *Huffington Post* [op-ed](#), Cardozo Law School professor Alexander Reinert argues that it is time for the Supreme Court to go beyond narrow procedural questions and broadly address whether solitary confinement is an unconstitutional form of punishment. If the use of solitary offends basic standards of decency and dignity or if it is torturous, courts have an obligation to find that it violates the Eighth Amendment, Reinert writes. To curb abuse, judges can and should put substantive limitations on how correctional facilities use solitary, which would allow them to set clear boundaries that may not be crossed, regardless of what procedures are followed. This is not a call for judges to legislate from the bench. Americans constitutional rights are being regularly violated, and the judiciary should step in to correct it.

Valerie Kiebala was a contributing writer and editorial and project manager for Solitary Watch, and is now the media director of Straight Ahead, which is building a decarceration movement throughout Pennsylvania. Her work has also appeared in The Root, Truthout, the Chicago Reporter, and Shadowproof.

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October 5, 2022

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P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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