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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2018/06/11/in-virginias-prisons-hundreds-still-trapped-in-solitary-confinement-despite-reforms/>

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by [Katie Rose Quandt](#) | June 11, 2018

But people incarcerated in Red Onion and Wallens Ridge told a different story. When Solitary Watch [investigated VADOCs reforms in 2016](#), we found that many individuals were stuck in the maze-like step-down program for years, sometimes progressing through several levels only to find themselves bumped back to the beginning for slight infractions. At the time of our article, 242 people remained in segregation at the supermaxes, at various stages of the step-down program.

Not much has changed since 2016, according to a [report published last month](#) by the ACLU of Virginia. The report, which cites Solitary Watch's 2016 finding of 242 people in segregation, concludes that improvements have been made since 2011, but that many serious concerns remain. It paints a picture of people cycling through step-down programs with no end in sight, deterred from filing grievances by correctional staff who retaliate with physical violence.

We have determined that the use of solitary confinement in our prisons is more prevalent and harmful than the state Department of Corrections has admitted, Claire Guthrie Gastaaga, Executive Director of the ACLU of Virginia, wrote in an [accompanying letter](#) to Gov. Ralph Northam.

Isolating someone not just from their family and community but placing them in a cell the size of a parking space for 22-24 hours a day and depriving them of human contact, natural light, exercise and other out-of-cell time, and other stimuli causes extreme suffering and mental illness, she wrote. No one, regardless of their crime, should be tortured and dehumanized in this way.

VADOC has not answered Solitary Watch's request for an update on the actual number of people in segregation. The department did tell Solitary Watch that from January 2016 to December 2017, the system-wide restrictive housing population decreased by 28.9 percent. It also shared the often repeated claim that Virginia Department of Corrections does not have solitary confinement by the Virginia ACLU's own definition. It added that Among other things, all restricted housing offenders statewide have two hours of outside recreation a day, five days a week. The 2016 documentary [Solitary](#), filmed inside Red Onion, clearly showed men living in a state of extreme isolation and spending their outdoor recreation time alone in wire cages not much larger than their cells.

Gay Gardner has spent years corresponding with people in solitary in Virginia as secretary of Interfaith Action for Human Rights (IAHR). She agreed that VADOC has made an increased effort to give people two hours out of cell, but called other department claims misleading.

They still claim they don't use solitary confinement, Gardner told Solitary Watch. I've never heard them explain why they say that, but I can infer that it's because at least on paper people have some time outside their cell, they can buy a TV eventually, they have reading material, that kind of thing. Because of that, they think that means they're not in solitary. She said other department claims including that segregation is not used as punishment or on the seriously mentally ill depend on their definitions of punishment and seriously mentally ill, explaining, You get into these kind of semantic arguments with them.

Overall, I would say the improvements are very small, she said. You would think that if they were making these kind of changes that they would want us to know about them. They are very secretive, and we only find out about things either good things or bad things from individual prisoners, and not from the DOC.

IAHR has received letters from men who have been in solitary for more than a decade. The average time in restricted housing in Virginia, according to the ACLU's calculations, is 2.7 years. These numbers clearly flout the United Nations Mandela Rules, which call for a [ban on the use of solitary beyond 15 days](#).

The same day the ACLU released its report, VADOC issued a self-praising [press release](#). The release, which does not mention the report, is titled Virginia Stands Out for Operating a Corrections System Without the Use of Solitary Confinement.

Report Cites Problems with Solitary Reforms

In its report, the ACLU of Virginia highlights four major concerns at Red Onion and Wallens Ridge, which mirror the findings outlined

by Solitary Watch in 2016:

VADOC's failure to follow its own segregation procedures, including due process hearings and status reviews every 90 days.

A lack of clarity regarding the process and requirements for advancing out of segregation.

Abuse from correctional officers.

The existence of an Intensive Management step-down track that prohibits some people from ever returning to general population.

In theory, Virginia's step-down program allows people to advance through a series of levels, completing lessons and earning privileges, culminating in a return to general population.

In reality, step-down participants are met with unclear requirements, inconsistent quality and attendance of instructors, and puzzling delays in the availability of workbooks, according to the ACLU. Kevin Snodgrass sued VADOC from his Red Onion cell in 2014, alleging that he [waited more than 100 days](#) for a workbook he needed to advance out of solitary. Snodgrass and others report that staff punished them for minor infractions or for filing grievances by bumping them back to the first level and making them restart the program. Thanks to these delays and restarts, Snodgrass remained in restricted housing from 2013 to 2017.

Individuals are assigned to one of two separate step-down programs: Special Management (SM) and Intensive Management (IM). Those deemed lower-risk like Snodgrass are funneled into the SM track, and may eventually work their way back to general population. But those on the IM track hit a dead-end after advancing through several levels, with no opportunity to ever return to general population.

Even getting to a lower level with slightly more privileges can take six months or more. In an emailed statement, a VADOC spokesperson provided the average number of days it takes people to advance out of different levels in the step-down programs, which ranged from 104 days to 238 days.

In addition to the ineffective execution of the step-down program, men at Red Onion and Wallens Ridge describe physical and verbal abuse at the hands of correctional staff while in solitary confinement. IAHR provided letters outlining such abuses to Solitary Watch and the ACLU. The ACLU report outlines the following nonexhaustive list of problems:

Abusive and racist language

Withholding and tampering with food

Sexual harassment and assaults

Destruction of personal property

Withholding of recreation and showers

Lengthy use of restraints and strip cells

Protesting Conditions Can Bring Retaliation

In 2016, VADOC boasted that [grievances were down 71 percent](#) at Red Onion, and that incident reports had decreased by 65 percent. But both Solitary Watch and the ACLU found that prison staff artificially lower the number of grievances by withholding forms and retaliating against those who complain.

Kevin Snodgrass alleges that his stay in solitary was repeatedly prolonged as retaliation for filing grievances and lawsuits. He finally completed the step-down program in September 2017, and was moved to a double-occupancy cell in general population at Red Onion.

Snodgrass mother, Kimberly Jenkins-Snodgrass, who serves as Vice Chair of IAHR, spoke at an ACLU press conference on solitary confinement in May. Hours later, her son was physically removed from his cell and placed in segregation, much to the alarm of his family and advocates.

I write out of concern for the safety of the ACLU of Virginia's client, Kevin Snodgrass Jr., Executive Director Guthrie Gastaaga wrote in a [letter to VADOC Director Harold Clarke](#) the following day. According to her letter, officers injured Snodgrass eye by throwing him against a wall, damaged his property, and put him in solitary confinement wearing only underwear and bed-clothes.

Guthrie Gastaaga wrote that the incident would appear to be part of a pattern and practice of retaliatory conduct by Red Onion employees taken against Mr. Snodgrass because of his exercise of his First Amendment rights to file grievances and petition the courts. Within days, Snodgrass was transferred to general population at Wallens Ridge.

Kimberly Jenkins-Snodgrass said progress can't be made until VADOC admits it uses solitary confinement, and politicians face the reality of what goes on inside the states supermaxes.

Both parties want to say they're keeping the county or state safe, said Jenkins-Snodgrass. Unless there is a potential gain from helping already convicted criminals, why would a legislator put their name on it? They are fearful that their constituents are not buying into this. But to the contrary, Virginia constituents *are* concerned about human rights.

This article is the first in a series, Solitary Confinement: Revisiting the Reforms, that assesses a variety of changes that have reduced the use of solitary confinement in jurisdictions across the country. Solitary Watch will be examining where reforms have succeeded, where they have failed or stalled, and where they fall short of the claims being made by corrections officials, which are sometimes echoed by mainstream media. We will be publishing these articles on no particular schedule, whenever the opportunities arise. Funding for this

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Banner photograph: Still from HBO film Solitary (2016).

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