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## **Support HB 1642, SB 1085 and SB 1140: Solitary Confinement; Data Collection and Reporting**

Solitary confinement is the isolation of a person in a jail or prison cell for 22-24 hours a day with little human interaction, reduced or no natural light, restriction or denial of reading material, television, radios or other property, severe constraints on visitation, and the inability to participate in group activities, including eating with others. Despite the vast growing body of medical, social, legal and scientific research showing the immense damage that solitary confinement inflicts on humans, this practice is routinely used by federal and state prison systems, including the Virginia Department of Corrections (VDOC). While the international human rights standard is that no one should be held in solitary confinement for more than 15 consecutive days, the ACLU of Virginia report “Silent Injustice,” released in May 2018 after three years of research, noted the average length of solitary stay in Virginia prisons is 2.7 years. It is time to take action that will lead to the end solitary confinement in Virginia prisons.

### **The practice of solitary confinement is completely unregulated and unreported in Virginia.**

Despite what the VDOC says, solitary confinement is not necessary to safely house the “worst of the worst.” In fact, it is not a part of anyone’s criminal sentence. People are placed in solitary confinement based on the administrative recommendation of corrections officers, often without due process. And there are no rules on who can be held in solitary, including members of vulnerable populations such as people with mental illness, physical ailments or disabilities, those who are pregnant, juveniles, or the elderly. Some are placed in solitary “for their own protection” based on certain types of convictions or because they identify or are perceived to be LGBTQ.

**Yet, the VDOC denies any widespread use of solitary confinement in Virginia prisons.** In a statement following the release of the ACLU-VA’s 2018 report, the VDOC said, “When it comes to state prisons, Virginia stands out for operating a corrections system without the use of solitary confinement.” Subsequently, it listed the number of people being held in long-term solitary at less than 100. A December Washington Post editorial supporting the passage of HB 1642 attributed to VDOC officials a new number for those being held in such conditions at 822 at the end of July 2018. What is the truth?

**We must have accurate data on this inhumane practice.** HB 1642, sponsored by Del. Patrick Hope, SB 1085, sponsored by Sen. David Marsden, and SB 1140, sponsored by Sen. Barbara Favola, would require the VDOC to collect and report data on how many people are held in solitary confinement, why they were placed there, for how long, and whether they are members of vulnerable populations, have a history of psychiatric hospitalization or may be mentally ill, have a

developmental or intellectual disability, or are members of certain vulnerable populations. There should be no fear of collecting this information and providing it to the legislature and the governor once a year. We cannot allow people to be secretly locked away in inhumane, torturous conditions in our prisons and not even know how many there are or the extent of their circumstances.