



Commonwealth of Virginia

GENERAL ASSEMBLY
RICHMOND

March 19, 2012

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530-0001

Dear Attorney General Holder:

We respectfully request the Department of Justice investigate the treatment of prisoners held in solitary confinement in the Virginia's Department of Corrections (DOC). We are particularly concerned about the confinement of those with serious mental illness with virtually no treatment.

On September 1, 2011, we visited the Red Onion State Prison in Wise County – Virginia's super-max prison. On that day, there were more than 150 prisoners with serious mental illness in 23/7 solitary confinement. All prisoners in solitary spend 23 hours per day in an 89-square-foot cell. They have recreation for one hour, five times a week, in a 96 square foot area, surrounded by a chain-link fence.

We observed more than 40 men living under these conditions. Prisoners eat all meals alone in their cells and have no group or social activity of any kind. Many have diagnoses of serious mental illness. We spoke to one man who has been in solitary confinement for more than 12 years. We understand that many other prisoners in Red Onion's segregation units have been in solitary confinement for several years. Unfortunately, the DOC has no limit on how long an individual with mental illness can be in segregation.

The primary treatment is psychotropic drugs with little or no face-to-face psychotherapy. Mentally ill prisoners should not be held in solitary confinement. As you know, Federal courts have consistently ruled that holding prisoners with serious mental illness in solitary for prolonged periods violates the Eighth Amendment.

In this year's General Assembly session, resolutions were introduced to require independent, objective studies of the use of solitary confinement throughout the DOC, particularly those with serious mental illness, and to report back if there was a more efficient and effective way to incarcerate these inmates. Unfortunately, the legislation was defeated in Committee.

We respectfully request the Department of Justice investigate what we believe is a violation of these inmates constitutional rights. Please contact Patrick Hope at (703) 486-1010 should you have additional questions or if we can be of assistance.

Thank you for your consideration.

Sincerely,


Senator Adam P. Ebbin


Delegate Patrick A. Hope


Delegate Charniele L. Herring

cc: The Honorable Jim Webb