



January 26, 2016

The Honorable Terry McAuliffe
Governor, Commonwealth of Virginia
3rd Floor, Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219

Dear Governor McAuliffe:

AMERICAN CIVIL
LIBERTIES UNION OF
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Yesterday, President Barack Obama banned solitary confinement of juveniles and announced sweeping reforms to reduce use of this horrific practice against adult prisoners in the Federal Bureau of Prisons¹. The use of solitary confinement in our criminal justice system makes a mockery of human and constitutional rights and harms public safety.

The ACLU of Virginia is and has been committed to limiting and abolishing the use of solitary confinement. We urge you to follow the President's lead, and take action to 1) ban solitary confinement of juveniles in state and local facilities in Virginia; and 2) develop and implement effective strategies to reduce solitary confinement of adult prisoners in the Commonwealth.

The President's action to adopt the recommendations of the United States Department of Justice's (DOJ) *Report and Recommendations Concerning the Use of Restrictive Housing*² (the Report) will place critical limits on the use of solitary confinement that will save thousands of prisoners from needless suffering and permanent psychological damage. Expert research conducted in all fields of study on the terrible effects of the practice is overwhelmingly damning, and the harm is not limited to federal facilities. The consequences of solitary confinement reach into Virginia's prisons, jails, and juvenile detention centers. The ACLU, in addition to many other advocacy organizations and survivors of solitary confinement, have worked tirelessly for several years to change the law and to educate our elected officials and the public on this awful practice that offends our Constitution's prohibition against cruel and unusual punishment³.

The physical and psychological effects of isolating a person for 22-23 hours a day for long periods of time, sometimes even decades, with little or no human interaction or sensory stimuli, literally drive people insane. As the Report points out, not all types of restrictive housing are "solitary," and there are many synonyms used by correctional systems to describe the practice. There are also varying degrees of isolation, however,

¹ <https://www.whitehouse.gov/the-press-office/2016/01/25/fact-sheet-department-justice-review-solitary-confinement>

² U.S. Department of Justice Report and Recommendations Concerning the Use of Restrictive House (January 2016), www.justice.gov/restrictivehousing.

³ ACLU Stop Solitary Campaign, <https://www.aclu.org/issues/prisoners-rights/solitary-confinement>.

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consequences remain the same. Too often, the damage is irreversible. The consequences can be dire when prisoners are released back into our communities having spent significant time in isolation. Some of these prisoners are even released directly from solitary confinement.

Virginia must be a leader and take prompt and effective action, immediately, to limit and abolish the use of solitary confinement in prisons, jails, and juvenile detention centers. The Commonwealth must not continue to use outdated, ineffective, and menial methods while the rest of the nation works to solve this crisis. Echoing just one of the federal recommendations announced yesterday, Virginia prisoners suffering from serious mental illness should not be in solitary confinement – period. Prisoners suffering from serious mental illness should be diverted to treatment programs and appropriate housing. Further, it is imperative for the Virginia Department of Corrections to provide transparency about the use of solitary confinement so we can implement effective reform to limit and abolish this practice.

It is a universal truth that solitary confinement is destructive to the human body and mind. The practice also costs too much to maintain and is harmful to the Commonwealth.

We call on your Administration to review thoroughly President Obama's actions, the DOJ Report and Recommendations, and the effective reforms other states are implementing.

Most importantly, we urge you to ban solitary confinement of juveniles and to implement humane, innovative, and effective reforms to eliminate use of solitary confinement in the Commonwealth.

In adopting these reforms, the Commonwealth will increase public safety, save taxpayer dollars, and demonstrate respect for the human dignity of all Virginians.

Please contact me with any questions regarding this issue. Thank you for your attention to this matter.

Very truly yours,



Claire Guthrie Gastañaga