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<http://www.pennlive.com/politics/index.ssf/2016/04/satisfied_with_progress_justic.html>

Justice Department ends investigation of Pa. prisons' use of solitary confinement

By Paul Vigna

The Justice Department announced Thursday that it has closed its investigation into the Pennsylvania Department of Corrections (PDOC) following significant improvements made by PDOC to its policies and practices that are intended to protect prisoners with serious mental illness and intellectual disabilities from the harmful effects solitary confinement, according to a news release.

The department opened its statewide investigation into the use of solitary confinement on prisoners with serious mental illness and intellectual disabilities in May 2013 after finding a pattern of constitutional violations as well as violations of the Americans with Disabilities Act at the State Correctional Institution in Cresson, Cambria County. After working in cooperation with PDOC to conduct an intensive review of prisons across the state, on Feb. 24, 2014, the department notified PDOC that the same violations discovered at Cresson were present across the system.

In its closing letter to PDOC, the department said that PDOC demonstrated its commitment to reforming its use of solitary confinement by working closely with the department and beginning improvements at the outset of the investigation. Since then, the release said, PDOC has worked to ensure that prisoners with serious mental illness and/or intellectual disabilities are no longer subjected to solitary confinement and are instead provided with specialized treatment to meet their individualized needs.

The closing letter also identifies areas where continued efforts at improvement would be appropriate.

"Solitary confinement should be used only when necessary – never as a default solution," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "Today, Pennsylvania is headed in the right direction. We commend the state for beginning to reform its system to ensure that prisoners with serious mental illness and intellectual disabilities receive care, rather than suffer harm. Those prisoners are in a much better position than they were three years ago to return to the community."

PennLive writer Daniel Simmons-Ritchie spent much of 2015 investigating the repercussions of a continued increase in seriously mentally ill people being imprisoned in correctional facilities. His series began in July 2015 and continued through the end of the year. This rate of incarceration among the mentally ill has grown substantially, correctional officers believe, because of the closure of state hospitals, including the Harrisburg State Hospital in 2006.

Simmons-Ritchie found in his collection of stories that this longer time in prison often does more to aggravate the conditions of those who are mentally ill than treat them. A slideshow used with the series accompanies this story.

Meanwhile, the subject of solitary confinement has found itself under closer scrutiny, in part because of continued work done by The Marshall Project, a nonprofit, nonpartisan news organization covering America's criminal justice system. NPR and The Marshall Project combined on this sobering story on the lack of cells for a growing population of criminals in death row, resulting in a number of states doubling up the cells with fatal ramifications. You can read that story at this link.

According to the release, the department initiated this investigation under the Civil Rights of Institutionalized Persons Act (CRIPA), which prohibits a pattern or practice of deprivation of constitutional rights of individuals confined to state or local government-run correctional facilities. This investigation was conducted by attorneys with the Civil Rights Division's Special Litigation Section and the U.S. Attorney's Office of the Western District of Pennsylvania.

Recently, the department also conducted a broader review of solitary confinement – and other forms of "restrictive housing" – to formulate policy solutions for reducing the use of these practices throughout the nation's criminal justice system.  The department concluded that while there are occasions when correctional officials have no choice but to segregate inmates from the general population, as a matter of policy, this practice should be used rarely, applied fairly and subjected to reasonable constraints.

The department's report, including a series of "Guiding Principles" for limiting the use of restrictive housing, can be found [at this link.](https://www.justice.gov/restrictivehousing)