

March 7, 2023

Gov. Glenn Youngkin  
Office of the Governor  
Patrick Henry Bldg., 3<sup>rd</sup> Floor  
111 East Broad Street  
Richmond, Virginia 23219

**Re: Senate Bill 887 and House Bill 2487**

Dear Governor Youngkin,



P.O. Box 26464  
Richmond VA 23219  
acluva.org

Ashna Khanna (she/her)  
Policy Director  
Phone: (804) 864-9175  
Email: akhanna@acluva.org

I write to you today on behalf of the ACLU of Virginia, Bridging the Gap in Virginia, and fifteen other organizations from across the Commonwealth about Senate Bill 887 and House Bill 2487. We urge you to amend the bill text before signing. This legislation in its current form may not improve conditions for people incarcerated in Virginia and has the potential to codify inhumane practices.

The latest version of the bill does not limit the use of solitary confinement, would only apply to what the Virginia Department of Corrections (VADOC) calls “Restorative Housing Units” (RHUs), and includes broad, subjective language that could give VADOC virtually unlimited discretion to place people in RHUs. Paired with the lack of any accountability mechanism, the legislation is sadly far from limiting or “ending” solitary confinement.

Your job will not be complete if you sign a bill that contains no teeth and dangerous loopholes. There is evidence that long-term isolation costs too much, does nothing to rehabilitate people, and worsens mental illness – or even causes it in people who are healthy prior to entering solitary. For those reasons, we urge you to recommend that both Senate Bill 887 and House Bill 2487 be amended to address the following concerns:

**1. Place a durational limit – 15 days for every 60 days – on the length of time a person can be placed in solitary conditions.**

Currently the bill provides no limit to the duration for which people can be kept in restorative housing units. If passed the law could codify the placement of people in RHUs for prolonged and indefinite durations.

**2. Place restrictions on the use of solitary in all VADOC housing units.**

The bill only addresses Restorative Housing Units as defined by VADOC, but otherwise does not limit VADOC’s ability to place people

in solitary conditions in units that go by other names. People routinely report to advocacy organizations and community members that they have experienced solitary conditions in other units, and a court-appointed expert found that such conditions exist even in mental health units.<sup>1</sup>

### **3. Limit the reasons for which individuals can be placed in solitary confinement.**

The bill allows VADOC to place people in RHUs for behavior that “threatens the orderly operation of the facility.” This extremely broad language provides VADOC with virtually unlimited discretion to place people in RHUs. The impact of codifying this broad language could result in greater reliance – not less – on solitary confinement.

In addition to the changes mentioned above, we request that you advocate for and sign an oversight bill during the 2024 legislative session to ensure accountability of VADOC practices. These bills have no accountability mechanism. Lawmakers can’t fix problems they don’t know about, and the current version of the bills provides no independent oversight of the agency. If VADOC does not follow the remaining provisions in the bill, lawmakers would have little ability to find that out – and there would be little that incarcerated individuals, their families or organizations like ours could do about it. It defies principles of good government that VADOC – an agency with an annual budget of \$1.5 billion and more than 11,000 employees, and responsibility for the health and safety of more than 20,000 Virginians in its custody – should be permitted to hide its operations from public view. No agency can transparently or effectively monitor itself.

Lastly, it is important to remember that solitary confinement does not improve public safety. Studies show that when people who have been in solitary return to their communities, they are more likely to commit crimes than those not subjected to solitary.<sup>2</sup> Solitary confinement also is disproportionately used for people with mental illnesses, people of color, and people with disabilities.<sup>3</sup>

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<sup>1</sup> Oliver, N. (2021, July 12). “Five years later, Virginia prison still not meeting terms of court-ordered settlement over shoddy medical care.” *Virginia Mercury*. <https://www.virginiamercury.com/2021/07/12/five-years-later-virginia-prison-still-not-meeting-terms-of-court-ordered-settlement-over-shoddy-medical-care/?eType=EmailBlastContent&eld=f7dbe2e5-e239-479f-9184-0280ea422319>

<sup>2</sup> (2019, April 4). *Solitary Confinement: Inhumane, Ineffective and Wasteful*. Southern Poverty Law Center. <https://www.splcenter.org/20190404/solitary-confinement-inhumane-ineffective-and-wasteful>

<sup>3</sup> James, K. and E. Vanko (2021, April). *The Impacts of Solitary Confinement*. Vera Institute of Justice. <https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf>



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We ask that you make the necessary changes to the bill and not accept the half-measures that lawmakers have put before you. If passed in its current form, this bill may have unintended – or in this case, harmful – consequences.

Thank you for your attention to this important matter, and if you have questions or need more information, please do not hesitate to contact Ashna Khanna, ACLU of Virginia Policy Director, by emailing [akhanna@acluva.org](mailto:akhanna@acluva.org).

Sincerely,

Ashna Khanna  
*Policy Director*  
*ACLU of Virginia*



**Virginia**

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ACLU People Power Fairfax  
Bridging the Gap in Virginia  
Coalition for Justice and the Virginia Prison Justice Network  
Come As You Are Cville  
Interfaith Action for Human Rights  
Ignite Justice  
Inmate Support Virginia  
Justice & Witness Action Network--Virginia (Central Atlantic Conference, United Church of Christ)  
Legal Aid Justice Center (LAJC)  
Resource Information Help for the Disadvantaged and Disenfranchised (RIHD, INC)  
RISE For Youth  
Social Action Linking Together (SALT)  
The Valley Justice Coalition  
Virginia Defenders for Freedom, Justice and Equality  
Virginia Prisons Accountability Committee  
Virginia Voice for the Voiceless

Cc:  
Lt. Gov. Winsome Earle-Sears  
Jason Miyares, Attorney General  
Macaulay Porter, Press Secretary  
Sen. Louise Lucas, Senate President Pro Tempore  
Sen. Dick Saslaw, Senate Majority Leader  
Sen. Thomas Norment Jr., Senate Minority Leader  
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