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SUFFERING IN SOLITUDE: LINKING INMATE SUICIDE AND
SOLITARY CONFINEMENT IN ALABAMA

*Ben Johnson**

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I. INTRODUCTION

Solitary confinement is a deeply entrenched, yet problematic feature of the American correctional system.¹ Its use traces back to the late 18th century when religious and political leaders in Pennsylvania sought to replace a violent regime of corporal punishment with a more rehabilitative system by acting on the Quaker belief that isolation leads to penitence.² The “Pennsylvania system” of punitive isolation quickly became a symbol of modernity worldwide as delegations, tourists, and journalists traveled from many nations to observe its birthplace: the Eastern State Penitentiary.³ Over time, solitary confinement spread throughout most of the United States; however, penitence never followed the isolation and in its place arose severe psychological trauma.⁴

In 1831, Alexis de Tocqueville, a political scientist, sociologist, and historian, traveled from France to Pennsylvania to investigate the new system of confinement.⁵ He wrote that “absolute solitude ... is beyond the strength of man” and that “it does not reform, it kills.”⁶ Novelist Charles Dickens toured the Eastern State Penitentiary in 1842, and he observed solitary confinement to be a “slow and daily tampering with the mysteries of the brain” that he judged as “immeasurably worse than any torture of the body.”⁷

In 2025, the effects of solitary confinement are clear: isolation has devastating effects on the mental health of prisoners and seldom results in rehabilitation.⁸ Of

1. See, e.g., Laura Sullivan, *Timeline: Solitary Confinement in U.S. Prisons*, NPR (July 26, 2006, 7:52 PM), <https://www.npr.org/2006/07/26/5579901/timeline-solitary-confinement-in-u-s-prisons>; see also Sarah Childress, *A “Noble Experiment”: How Solitary Came to America*, PBS: FRONTLINE (Apr. 22, 2014), <https://www.pbs.org/wgbh/frontline/article/a-noble-experiment-how-solitary-came-to-america/>.

2. Childress, *supra* note 1.

3. *History of Eastern State Penitentiary, Philadelphia*, E. ST. PENITENTIARY, <https://www.easternstate.org/sites/easternstate/files/inline-files/ESP-history-overview.pdf> (last visited Jan. 6, 2025).

4. Childress, *supra* note 1.

5. Seymour Drescher, *Alexis de Tocqueville*, BRITANNICA (Jan. 22, 2025), <https://www.britannica.com/biography/Alexis-de-Tocqueville>; see *Alexis de Tocqueville*, HISTORY (June 7, 2019), <https://www.history.com/topics/european-history/alexis-de-tocqueville>.

6. ALEXIS DE TOCQUEVILLE, ALEXIS DE TOCQUEVILLE ON DEMOCRACY, REVOLUTION, AND SOCIETY 311 (John Stone & Stephen Mennell eds., Univ. Chic. Press 1982); David H. Cloud et al., *Public Health and Solitary Confinement in the United States*, 105 AM. J. PUB. HEALTH 18, 18-26 (2015).

7. Jean Casella, *Charles Dickens on Solitary Confinement: “Immense Torture and Agony,”* SOLITARY WATCH (Feb. 27, 2010), <https://solitarywatch.org/2010/02/27/charles-dickens-on-solitary-confinement-immense-torture-and-agony/> [hereinafter *Charles Dickens*].

8. See Mimosa Luigi et al., *Solitary Confinement of Inmates Associated with Relapse into Any Recidivism Including Violent Crime: A Systematic Review and Meta-Analysis*, 23 TRAUMA, VIOLENCE, & ABUSE 444, 451 (2022).

particular concern is the degree to which isolation increases the risk of inmate suicide: while inmates in solitary confinement account for 6-8% of total prison populations, they account for about 50% of all inmate suicides.⁹ Still, the spread of solitary confinement has persisted¹⁰ with little regard for its deadly consequences.¹¹

A. Isolation and Mass Incarceration

Irrespective of any potential benefits it may confer, solitary confinement comes with an immense price,¹² and only the inmates who shoulder the burden of paying it can realize its extent. So, the question remains: if rehabilitation does not follow isolation, what is purchased at such a cost? Of course, the answer changes depending on the circumstances, but in the context of mass incarceration in America, the answer is seemingly found in the regulation of inmate populations.¹³ Mass incarceration naturally and consistently leads to overcrowded and understaffed prisons, a combination that often yields a violent, unmanageable environment.¹⁴ In response to these conditions, prisons frequently turn to a sweeping use of solitary confinement both as a punishment for minor transgressions and as a routine crowd-control tactic.¹⁵ This allows less staff to comfortably manage more inmates and reduces the risk of losing control over a large population.¹⁶ While solitary confinement is a seemingly cheap, easy, and sometimes immediately necessary method of protecting inmates against physical danger,¹⁷ it is not sustainable as a permanent solution.¹⁸ In

9. Tiana Herring, *The Research is Clear: Solitary Confinement Causes Long Lasting-Harm*, PRISON POL'Y INITIATIVE (Dec. 8, 2020), https://www.prisonpolicy.org/blog/2020/12/08/solitary_symposium/.

10. See, e.g., Ryan T. Sakoda & Jessica T. Simes, *Solitary Confinement and the U.S. Prison Boom*, 32 CRIM. JUST. POL'Y REV., Dec. 29, 2019, at 2.

11. See generally Samuel Fuller, *Torture as a Management Practice: The Convention Against Torture and Non-Disciplinary Solitary Confinement*, 19 CHI. J. INT'L L. 102 (2018); see also Andreea Matei, *Solitary Confinement in U.S. Prisons*, URB. INST., Aug. 2022, at 5-9 (describing the contemporary use of solitary confinement in U.S. prisons).

12. See, e.g., Herring, *supra* note 9; see also Luigi et al., *supra* note 8, at 444-46.

13. See generally *Overcrowding*, PENAL REFORM INT'L., <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/> (last visited Oct. 30, 2024).

14. *Id.*

15. See Matei, *supra* note 11, at 2-4.

16. *Id.* at 9-10.

17. Although housing inmates in solitary confinement may seem like a cheap alternative to undertaking systemic reforms aimed at enhancing prison safety, the use of solitary confinement costs millions in taxpayer dollars every year and is an indefinitely recurring cost. See generally Sal Rodriguez, *Fact Sheet: The High Cost of Solitary Confinement*, SOLITARY WATCH (2011), <https://solitary-watch.org/wp-content/uploads/2011/06/fact-sheet-the-high-cost-of-solitary-confinement.pdf> (illustrating the fiscal cost of solitary confinement). For a discussion on the reasons that inmates are sent to solitary confinement, see *Why Are People Sent to Solitary Confinement? The Reasons Might Surprise You*, VERA INST. JUST., Mar. 2021, at 2-4.

18. See, e.g., Luigi et al., *supra* note 8, at 450.

fact, using solitary confinement as a remedy for overcrowded and understaffed prisons only compounds those problems.¹⁹ Inmates subjected to solitary confinement are more likely to misbehave during subsequent stays in general prison populations, and they suffer from significantly higher three-year recidivism rates than do inmates who never faced such isolation.²⁰

As will be made clear below, a system of mass incarceration that uses solitary confinement as a safety valve for overflowing prison populations creates a dangerous dilemma,²¹ and several (often interconnected) factors have aggravated the issue. For example, in 2020, the COVID-19 pandemic led to an estimated 500% increase in the use of isolation within correctional facilities.²² Whether or not the public health concern during the pandemic justified the massive uptick in solitary confinement is irrelevant because the psychological harm done is all the same. In truth, the rise in mental illness around the world during the pandemic years²³—which is largely due to the widespread isolation²⁴—should be indicative of the stress that inmates are subjected to in solitary confinement. In addition, American prison populations suffer from mental health issues at rates disproportionately higher than the American public,²⁵ and mental illness remains prevalent in the United States.²⁶

B. The Issue

The consequences of solitary confinement are perhaps most apparent in the state of Alabama, where various factors converge and chronically understaffed and

19. Inmates held in solitary confinement for the safety of those in general population must eventually be reintegrated. *See id.* at 445. Thus—given the fact that solitary confinement often predisposes inmates to violence and/or recidivism—the use of isolation for the protection of the general population works in the long-term only to further concentrate it with violent inmates. *See id.*

20. *Id.* at 445-47.

21. A system of mass incarceration that uses solitary confinement as a crowd-control measure gives rise to an array of potentially harmful issues, but the focus of this paper is limited to the specific issues of increased inmate suicide rates and mental health afflictions.

22. *See* Jean Casella, *Report: 500% Increase in Use of Solitary Confinement During Covid-19 Puts Hundreds of Thousands of People at Risk*, SOLITARY WATCH (June 15, 2020), <https://solitary-watch.org/2020/06/15/new-report-finds-that-500-increase-in-use-of-solitary-confinement-during-covid-19-puts-hundreds-of-thousands-of-people-at-risk/> [hereinafter *500% Increase in Use of Solitary Confinement*].

23. *See, e.g.,* *COVID-19 Pandemic Triggers 25% Increase in Prevalence of Anxiety and Depression Worldwide*, WORLD HEALTH ORG. (Mar. 2, 2022), <https://www.who.int/news/item/02-03-2022-covid-19-pandemic-triggers-25-increase-in-prevalence-of-anxiety-and-depression-worldwide>.

24. *See id.*

25. Seth J. Prins, *Prevalence of Mental Illnesses in U.S. State Prisons: A Systematic Review*, 65 PSYCHIATRIC SERVS. 862, 862-69 (2014).

26. *Mental Illness*, NAT'L INST. MENTAL HEALTH, <https://www.nimh.nih.gov/health/statistics/mental-illness> (last updated Sept. 2024).

overcrowded prisons²⁷ routinely report suicide rates well above the national average.²⁸ As such, this note focuses on the issues of inmate suicide and solitary confinement in prisons controlled by the Alabama Department of Corrections (ADOC). It argues that Alabama's problem is attributable to counterproductive uses of solitary confinement along with legislative and institutional indifference. Section II provides an overview of the modern scholarship surrounding isolation's impact on prisoners. Section III is a case study of ADOC prisons with a focus on their use of isolation and the consequentially high inmate suicide rates. Next, Section IV examines the intersection between the law and Alabama's problem. Finally, Section V suggests a path to reform for the state of Alabama and its prisons.

II. THE COSTS OF SOLITARY CONFINEMENT

The tragic impact of solitary confinement on prisoners has long been recognized by experts, researchers, and even the highest court.²⁹ In an 1890 United States Supreme Court majority decision, Justice Miller wrote:

A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide ... and in most cases [prisoners who survived] did not recover sufficient mental activity to be of any subsequent service to the community.³⁰

In 2025, almost 130 years later, a mountain of contemporary data and evidence stands to support the testimony of commentators who share the sentiments of Tocqueville, Dickens, and the United States Supreme Court.³¹ This section reviews that evidence and provides a summary of the harms posed by solitary confinement. It features illustrative data points that put the severity of isolation's consequences into perspective and is filled with reminders that solitary confinement is not only traumatic, but often deadly.

27. See, e.g., ALA. DEP'T OF CORR., MONTHLY STATISTICAL REPORT FOR AUGUST 2024 3 (2024).

28. See E. ANN CARSON, U.S. DEP'T OF JUST., SUICIDE IN LOCAL JAILS AND STATE AND FEDERAL PRISONS, 2000-2019—STATISTICAL TABLES 11-19 (2021) [hereinafter SUICIDE IN LOCAL JAILS].

29. See *In re Medley*, 134 U.S. 160, 167-71 (1890).

30. *Id.* at 168.

31. Jessica Sandoval, *How Solitary Confinement Contributes to the Mental Health Crisis*, NAT'L ALL. ON MENTAL ILLNESS (Mar. 17, 2023), <https://www.nami.org/advocate/how-solitary-confinement-contributes-to-the-mental-health-crisis/>; Herring, *supra* note 9.

A. Long-Term Isolation

Extended social isolation brings forth a wide array of psychological conditions that wreak havoc on the already fragile mental states of the incarcerated.³² The ramifications of prolonged solitary confinement are well documented and widely acknowledged by international scholarship, such that the practice is commonly considered to be a form of psychological torture.³³ Inmates housed in solitary confinement for longer than fifteen days suffer greatly from conditions that include, but are certainly not limited to: depression, anxiety, suicidal and/or violent thoughts, psychosis, and depersonalization.³⁴

In the case of long-term solitary confinement,³⁵ an austere environment causes the majority of trauma suffered by inmates.³⁶ Residents of Pelican Bay's Prison's segregation unit wrote: "[e]verything is gray concrete: the bed, the walls, the unmovable stool... [y]ou can't move more than eight feet in one direction."³⁷ The extreme monotony and boredom of solitary confinement seem to disintegrate inmates' concepts of time, self, and reality. For long-term residents of solitary confinement, the date often becomes irrelevant knowledge; every day feels identical, mornings are indistinguishable from nights, and the fifth year in isolation is no different than the fifteenth year of the fifth day.³⁸ William Blake, a 25-year resident of solitary

32. Sandoval, *supra* note 31; Herring, *supra* note 9; see, e.g., Lasse Brandt et al., *The Effects of Social Isolation Stress and Discrimination on Mental Health*, 12 TRANSLATIONAL PSYCHIATRY 398, 400-01 (2022).

33. Simon McCormack, *Solitary Is Torture. Corrections Unions Want to Use it More Often*, NYCLU (June 7, 2022), <https://www.nyclu.org/commentary/solitary-torture-corrections-unions-want-use-it-more-often> (explaining that the United Nations considers solitary confinement for any period longer than fifteen days to be torture).

34. Keramet Reiter et al., *Psychological Distress in Solitary Confinement: Symptoms, Severity, and Prevalence in the United States, 2017-2018*, 110 AM. J. PUB. HEALTH S56, S56-S57 (Supp. 2020); Carol Schaeffer, "Isolation Devastates the Brain": *The Neuroscience of Solitary Confinement*, SOLITARY WATCH (May 11, 2016), <https://solitarywatch.org/2016/05/11/isolation-devastates-the-brain-the-neuroscience-of-solitary-confinement/>; Gurtej Gill et al., *Solitary Confinement in Prison Systems and Future Psychopathological Effects*, PSYCHIATRIST.COM (Nov. 30, 2023), <https://www.psychiatrist.com/pcc/solitary-confinement-prison-systems-future-psychopathological-effects/#:~:text=The%20psychological%20effects%20of%20solitary,both%20US%20and%20German%20prisons;Shaun%20Gallagher,The%20Cruel%20and%20Unusual%20Phenomenology%20of%20Solitary%20Confinement,FRONTIERS%20PSYCH.,June%202014,at%202-5.>

35. "Long-term" solitary confinement generally refers to periods of fifteen days or more. See Herring, *supra* note 9.

36. Katie Rose Quandt & Alexi Jones, *Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health*, PRISON POL. INITIATIVE (May 13, 2021), <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>.

37. Laura Sullivan, *At Pelican Bay Prison, a Life in Solitary*, NPR (July 26, 2006, 3:01 PM), <https://www.npr.org/2006/07/26/5584254/at-pelican-bay-prison-a-life-in-solitary>.

38. See, e.g., Vaidya Gullapalli, "I Watch the Roaches and I Envy Them." *After 34 Years, Billy Blake is Released from Solitary Confinement in New York*, SOLITARY WATCH (July 7, 2021),

confinement, described the boredom as “a kind that nobody out there could ever comprehend unless they had lived in the [b]ox [of solitary confinement]” and wrote that he often sat and watched cockroaches on the floor until he slipped into a fugue state, devoid of a single thought at all.³⁹

At the same time, segregation units are rife with chaos.⁴⁰ The side effects of isolation (such as extreme mood swings, delusions, debilitating fears, and more)⁴¹ often drive inmates to behavior beyond the imagination of most.⁴² Plus, segregation units are typically built-in blocks that contain several cells in close proximity.⁴³ So, although inmates in solitary confinement are typically restricted from communicating with one another, obscene exchanges are nearly impossible for guards to prevent.⁴⁴ Blake described the environment as “a place where men full of rage can stand at their cell gates fulminating on their neighbor...speaking some of the filthiest words that could ever come from a human mouth...for hours on end.”⁴⁵ Further, Blake recalled feeling like he was “on an island surrounded by vicious sharks, flanked on both sides by mentally ill inmates who would splash their excrement all over their cells, all over the company outside their cells, and even all over themselves.”⁴⁶ In short, the environment of solitary confinement thrusts inmates back and forth between the most extreme forms of chaos and uniformity, and this works over time to decimate the mental-states of prisoners, leading to significant risks of self-harm and suicide.⁴⁷

<https://solitarywatch.org/2021/07/07/billy-blake-is-released-from-solitary-confinement-in-new-york/>.

39. *Id.*

40. *See, e.g.,* Voices from Solitary, *Voices from Solitary: A Slow Drift Into the Abyss*, SOLITARY WATCH (Oct. 7, 2024), <https://solitarywatch.org/2024/10/07/voices-from-solitary-a-slow-drift-into-the-abyss/> [hereinafter *A Slow Drift Into the Abyss*].

41. *See* Jayne Leonard, *What Are the Effects of Solitary Confinement on Health?*, MED. NEWS TODAY, <https://www.medicalnewstoday.com/articles/solitary-confinement-effects> (Nov. 16, 2023).

42. *See A Slow Drift Into the Abyss, supra* note 40 (providing examples of behavior common amongst inmates in solitary confinement, such as engaging in self-harm, covering themselves in their own waste, and abusing others).

43. *See* Voices from Solitary, *Voices from Solitary: A Sentence Worse than Death*, SOLITARY WATCH (Dec. 25, 2014), <https://solitarywatch.org/2014/12/25/voices-from-solitary-a-sentence-worse-than-death-2/> [hereinafter *A Sentence Worse than Death*]; *see generally* Natasha A. Frost & Carlos E. Monteiro, *Administrative Segregation in U.S. Prisons Executive Summary*, NAT'L INST. OF JUST. (Mar. 2016), <https://ojp.gov/pdffiles1/nij/249750.pdf> (providing a general overview of administrative solitary confinement).

44. *See A Sentence Worse than Death, supra* note 43.

45. *Id.*

46. *Id.*

47. *See id.*

B. Short-Term Isolation

It is important to note that the amount of time an inmate spends in solitary confinement is undeniably connected to the severity of the trauma that will likely result.⁴⁸ A two-day stay in isolation predictably tends to yield less pronounced effects than a two-week or a two-year stay.⁴⁹ Still, any length of time in severe isolation comes with inexorable consequences, and the threats posed by short-term solitary confinement present an acute problem of their own.⁵⁰ In fact, the American scheme of mass incarceration and the use of solitary confinement as a means to control the resulting inmate populations underscores the precise reason that even short-term isolation should be closely scrutinized.

Inmates often develop mental health afflictions of varying degrees upon placement in isolation.⁵¹ For one, the mere sentencing of solitary confinement for a minor offense has made inmates feel subhuman, “like an animal,” and systematically debased—perhaps even before they arrive at the segregation unit.⁵² This initial shock appears to accelerate the threat of environmentally-induced psychological traumas which fester over time. Although an inmate who is isolated for a short time may not return to general population with blatant mental illnesses, he or she will return with a greater likelihood of engaging in violence or other forms of misbehavior.⁵³ This is in no small part due to the lack of mental health resources available to isolated inmates.⁵⁴ Unsurprisingly, isolated inmates often find themselves sentenced to subsequent stays in solitary confinement.⁵⁵ Once more dehumanized and confined to an unsafe environment, the inmate is then released into general population with an even higher chance of returning to segregation than the first time.⁵⁶ This cycle

48. See Sandoval, *supra* note 31; see, e.g., McCormack, *supra* note 33.

49. See Sandoval, *supra* note 31.

50. *Id.*

51. See *id.*; see also Schaeffer, *supra* note 34.

52. Charles Patrick Norman, *Caged Beasts: The Insanity of Solitary Confinement*, SOLITARY WATCH, <https://solitarywatch.org/caged-beasts-the-insanity-of-solitary-confinement/> (last visited Jan. 19, 2025); Lindsay R. Smith et al., “Like an Animal”: *The Well-Being of Women Living in Restricted Housing Units*, 11 HEALTH & JUST. 1, 10 (2023) <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-023-00215-y>.

53. Luigi et al., *supra* note 8, at 450.

54. See Gill et al., *supra* note 34.

55. Sara Tree, *The Psychological Effects of Solitary Confinement: Solitary Watch Fact Sheet #3*, SOLITARY WATCH 1, 3 (Nov. 15, 2022), <https://solitarywatch.org/wp-content/uploads/2022/11/SW-Fact-Sheet-3-Psychological-Effects-v221115.pdf>.

56. *Id.*

continues until the effects of repeated short-term isolation snowball into catastrophe or indefinite isolation.⁵⁷

In short, the psychological consequences of solitary confinement are realized through both long and short-term sentences, and they include the immediate shock of dehumanization as well as the gnawing pain of isolation.⁵⁸ Prolonged sentences of isolation induce psychological trauma chiefly through the slow erosion of one's mental facilities.⁵⁹ This typically leads to pronounced mental health conditions that have a higher chance of becoming fatal.⁶⁰ The use of shorter sentences is commonly in response to trivial indiscretions and thus causes a sudden and confusing sense of degradation.⁶¹ This leaves inmates more susceptible to the environmental traumas of the isolation cells themselves and frequently marks the beginning of a vicious cycle that makes rehabilitation near impossible and eventual long-term isolation likely.⁶²

C. Summary of the Data

Compared to inmates held in general population,⁶³ inmates housed in solitary confinement are seven times more likely to self-harm and are six times more likely to commit suicide.⁶⁴ While the length of time that an inmate is isolated has a bearing on their likelihood to engage in such behavior, any amount of time spent in solitary confinement increases the risk of death from all causes, including diseases and health issues, but especially from homicide or suicide.⁶⁵ As far as rehabilitation goes, a study comparing inmates released from solitary confinement to those released from the general inmate population made evident that rehabilitation was not

57. *Id.*; see Luigi et al., *supra* note 8, at 450.

58. See, e.g., McCormack, *supra* note 33; see also Sandoval, *supra* note 31; Norman, *supra* note 52 (describing the feeling of dehumanization caused by a sentence to solitary confinement).

59. See Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 WASH. UNIV. J.L. & POL'Y 325, 352-54 (2006) (speaking to the mental attrition suffered by inmates subjected to prolonged solitary confinement).

60. Lauren Brinkley-Rubinstein et al., *Association of Restrictive Housing During Incarceration with Mortality After Release*, JAMA NETWORK OPEN (Oct. 4, 2019), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350>.

61. See Fuller, *supra* note 11, at 122-24.

62. See Grassian, *supra* note 59, at 355; see also Luigi et al., *supra* note 8, at 450-451 (explaining that inmates subjected to solitary confinement are more likely to reoffend once they are released and that this often creates destructive patterns of incarceration, isolation, or both).

63. "General population" refers to the section(s) of a prison in which the majority of inmates are housed, often in shared cells and with access to community areas.

64. Tree, *supra* note 55.

65. Sandoval, *supra* note 31.

achieved through isolation.⁶⁶ Instead, the inmates released from solitary confinement “committed new felonies sooner and at higher rates”⁶⁷ than the others, and the median time that it took for them to reoffend was twelve months as opposed to the twenty-seven months that it took inmates released from general population to reoffend.⁶⁸

Solitary confinement psychologically harms inmates and significantly increases recidivism, self-harm, and suicide rates.⁶⁹ The following section explores these devastating effects of solitary confinement in the context of Alabama state prisons, where they are unfortunately exacerbated by a combination of factors.⁷⁰ This sets up a discussion of the legal frameworks that govern the use of solitary confinement and how they interact with the reality of Alabama’s prison situation.

III. SOLITARY CONFINEMENT AND INMATE SUICIDE IN ALABAMA

As mentioned above, inmate suicide rates in ADOC prisons are consistently among the highest in the nation.⁷¹ This section explores how inmates in Alabama are affected by overcrowding, chronic understaffing, dangerous living conditions, and ADOC’s pervasive use of solitary confinement.

A. Overview of Alabama State Prisons and Inmate Mortality

The Alabama Department of Corrections has fourteen major correctional facilities under its control.⁷² In total, these prisons house over 17,000 men and women across the state.⁷³ Exactly half of these prisons utilize, at least in part, a “closed custody” inmate classification.⁷⁴ This is defined by the ADOC inmate handbook as

66. David Lovell & Clark Johnson, *Recidivism of Supermax Prisoners in Washington State*, 53 CRIME AND DELINQUENCY 633, 633 (2007).

67. *Id.* at 650.

68. *See id.* at 645-46.

69. *See, e.g.*, sources cited *supra* notes 8-9, 31-32, 34.

70. Specifically, Alabama state prisons suffer from understaffing and overcrowding. See U.S. DEP’T OF JUST., INVESTIGATION OF ALABAMA’S STATE PRISONS FOR MEN 2, 21 (2020) and Matthew Charles & Andy Potter, *Op-ed: Alabama Can’t Solve Its Prisons Safety Crisis With a Staff Shortage of 61%*, AL.COM (Apr. 25, 2024, 2:10 PM), <https://www.al.com/opinion/2024/04/op-ed-alabama-cant-solve-its-prisons-safety-crisis-with-a-staff-shortage-of-61.html>, for further discussion of ADOC’s understaffing issue. For specific statistics on overcrowding in Alabama prisons, see ALA. DEP’T OF CORR., *supra* note 27.

71. *See* SUICIDE IN LOCAL JAILS, *supra* note 28, at 11.

72. *ADOC Correctional Facilities*, ALA. DEP’T OF CORR., <https://www.doc.alabama.gov/fa-caddr.aspx> (last visited Jan. 19, 2025).

73. *Id.*

74. The seven ADOC facilities that utilize “closed custody”—solitary confinement—are: William E. Donaldson in Bessemer (Donaldson), G.K. Fountain in Atmore (Fountain), William C. Holman in Atmore (Holman), Kilby in Mt. Meigs, Limestone in Harvest, St. Clair in Springville, and Julia

“the most restrictive custody level” and is synonymous with solitary confinement.⁷⁵ The seven ADOC facilities that practice closed custody are the focus of this section. These prisons hold about 8,000 inmates per year, and about six percent of their collective inmate populations are housed in solitary confinement.⁷⁶ The William E. Donaldson Correctional Facility (Donaldson) in Bessemer, Alabama, has the largest segregation unit in the state and features 300 single-inmate cells.⁷⁷

Alabama prisons as a whole have seen a steep and continuous rise in inmate deaths over the past five years.⁷⁸ The number of deaths rose from 129 in 2019⁷⁹ to a record 274 deaths in 2022.⁸⁰ Alabama prisons broke this record again in 2023 because ADOC has confirmed that it had 325 inmate deaths.⁸¹ Additionally, a 2019 lawsuit against the ADOC revealed a stark contrast between the national average inmate suicide rate and that of Alabama.⁸² At the time the ADOC was found liable, the national average was sixteen suicides for every 10,000 inmates, and Alabama’s average was thirty-seven.⁸³ That same year, the rate in Alabama temporarily climbed to sixty suicides for every 10,000 inmates.⁸⁴ While the state does not report

Tutwiler Prison for Women in Wetumpka (Tutwiler). ALA. DEP’T OF CORR., MONTHLY STATISTICAL REPORT FOR SEPTEMBER 2024 11 (2024), <https://www.doc.alabama.gov/docs/MonthlyRpts/September%202024.pdf>.

75. See ALA. DEP’T OF CORR., MALE INMATE HANDBOOK 6 (2017), <https://doc.alabama.gov/docs/PublicMaleInmateHandbook.pdf>.

76. See ALA. DEP’T OF CORR., *supra* note 74, at 2; see Herring, *supra* note 9.

77. See *William E. Donaldson Correctional Facility*, ALA. DEP’T OF CORR., <https://doc.alabama.gov/facility.aspx?loc=2> (last visited Feb. 10, 2025).

78. See Eddie Burkhalter, *Record Loss of Life in 2023 Pushes ADOC’s Death Total Over 1,000 Since DOJ Put State on Notice*, ALA. APPLESEED CENT. FOR L. & JUST. (Jan. 29, 2024), <https://alabamaappleseed.org/author/eddie-burkhalter/record-loss-of-life-in-2023-pushes-adocs-death-total-over-1000-since-doj-put-state-on-notice/>; see E. ANN CARSON, U.S. DEP’T OF JUST., MORTALITY IN STATE AND FEDERAL PRISONS, 2001-2019—STATISTICAL TABLES 20 (2021) [hereinafter MORTALITY IN STATE AND FEDERAL PRISONS]; see also Evan Mealins, ‘Blood On Your Hands’: Vigil Honors 270 People Who Died in Alabama Prisons, MONTGOMERY ADVERTISER (Mar. 8, 2023), <https://www.montgomeryadvertiser.com/story/news/2023/03/08/vigil-honors-270-people-who-died-last-year-in-alabama-prisons/69983274007/>.

79. MORTALITY IN STATE AND FEDERAL PRISONS, *supra* note 78, at 20.

80. *Two Homicides Reported in Alabama Prisons*, EQUAL JUST. INITIATIVE (Oct. 16, 2023), <https://eji.org/news/two-homicides-reported-in-alabama-prisons/>; see Mealins, *supra* note 78.

81. Eddie Burkhalter, *Five Years Ago, The United States Department of Justice Declared Alabama Prisons Unconstitutional, Unsafe, and Harmful. They Still Are*, ALA. APPLESEED CENT. FOR L. & JUST. (Apr. 1, 2024), <https://alabamaappleseed.org/author/eddie-burkhalter/five-years-ago-the-united-states-department-of-justice-declared-alabama-prisons-unconstitutional-unsafe-and-harmful-they-still-are/>.

82. See Brian Lawson, *Alabama Prisoner Suicide is Far Above National Average, Six Suicides Since Late November, SPLC Says*, WHNT 19 NEWS (Feb. 8, 2019), <https://whnt.com/news/alabama-prisoner-suicide-is-far-above-national-average-six-suicides-since-late-november-splc-says/>.

83. *Id.*

84. *Id.*

timely data as to the exact number of inmate suicides,⁸⁵ the significant and coextensive uptick in both inmate deaths and inmate suicides is unlikely to be completely unconnected. The same can be said about the concurrent rise in an increased reliance on solitary confinement.⁸⁶ These figures highlight the severity of Alabama's inmate mental health crisis, and the following considerations help to explain why they are so high.

B. *Aggravating Factors in Alabama Prisons*

Several intersecting factors contribute to the high suicide rates in ADOC prisons by exacerbating the effects of solitary confinement.⁸⁷ For one, overcrowding and understaffing are chronic issues across Alabama prisons,⁸⁸ and this creates a volatile and unsafe environment for all parties involved. Across the board, ADOC prisons house far more inmates than they were built to (or even renovated to), and management often struggles to fully staff guard shifts, leading to even further compromise in the important realm of inmate supervision.⁸⁹ In response to the surplus of inmates and the scarcity of guards to supervise them, there has been a surge in the use of inmate segregation, both as a means of punishment and as a crowd control tactic.⁹⁰ Unsurprisingly, the recidivism and mental health implications of ADOC's increasing use of isolation perpetuate the very challenges that it seeks to combat.

ADOC's problematic strategy of using isolation for crowd control is made worse by the uniquely poor living conditions and design flaws within Alabama's segregation cells.⁹¹ Cinderblock beds, general dilapidation, filth, and chaos

85. Eddie Burkhalter, *Suicides Persist in Alabama's Unconstitutional Prisons*, ALA. APPLESEED CENT. FOR L. & JUST. (June 14, 2023), <https://alabamaappleseed.org/author/eddie-burkhalter/suicides-persist-in-alabamas-unconstitutional-prisons/>.

86. See Sakoda & Simes, *supra* note 10, at 2.

87. See sources cited and accompanying text, *supra* note 70.

88. ADOC's most recent report shows that Donaldson's inmate population exceeds the prison's designed capacity by 490 inmates, Fountain's by 449, Holman's by 37, Kilby's by 960, Limestone's by 692, St. Clair's by 37, and Tutwiler's by 204. ALA. DEP'T OF CORR., *supra* note 74, at 3. Altogether, these seven ADOC prisons house 2,869 more inmates than they were ever supposed to. On top of this, the ADOC continues to cut back on the number of correctional officers that it employs. Brian Lyman, *Alabama Can't Build Its Way Out of the Prison Crisis*, ALA. REFLECTOR (Apr. 29, 2024, 6:59 AM), <https://alabamareflector.com/2024/04/29/alabama-cant-build-its-way-out-of-the-prison-crisis/>.

89. See Mary S. Hodgin, *New Data Show How Often Alabama Uses Solitary Confinement*, BIRMINGHAM WATCH (Sept. 16, 2022), <https://birminghamwatch.org/new-data-show-how-often-alabama-uses-solitary-confinement/>; see also *Time-In-Cell: A 2021 Snapshot of Restrictive Housing Based on a Nationwide Survey of U.S. Prison Systems*, CORR. LEADERS ASS'N & LIMAN CTR. YALE L. SCH., Aug. 22, 2022, at 98 (providing figures that show a substantial increase in the percentage of Alabama inmates held in solitary confinement from 2019 to 2021) [hereinafter *Time in a Cell*].

90. See Hodgin, *supra* note 89; see also *Time in a Cell*, *supra* note 89, at 98.

91. See Hodgin, *supra* note 89.

characterize the setting of solitary confinement in ADOC prisons.⁹² This facilitates the psychological trauma induced by the isolation of solitary confinement.⁹³ Further, careless design flaws within segregation cells often make suicide accessible to Alabama prisoners.⁹⁴ For example, many cells feature light fixtures, sprinkler heads, or pipes that inmates can (and do) hang themselves from.⁹⁵ However, allocating money in the state budget for suicide-safe appliances and renovations is, apparently, either too expensive or unimportant to command action.⁹⁶

C. *The State's Efforts*

The state of Alabama has faced recent pressure to address the dire situation within its prisons. Lawsuits, federal investigations, and advocacy efforts have underscored the urgent need for reform,⁹⁷ and the state has responded through various measures aimed at both improving prison conditions and reducing the use of isolation.⁹⁸ Namely, the state has approved plans to build more facilities in an effort to alleviate the pressure of overcrowding in existing ones.⁹⁹ However, this does not get to the root of the problem. Instead of imprisoning and isolating less, the state has simply chosen to build more room to do so.¹⁰⁰ This raises the question: if one billion dollars can be spent on the construction of a new prison,¹⁰¹ why can't existing segregation cells be renovated so as to not enable inmate suicide? In that same

92. *Id.*

93. *See* *Braggs v. Dunn*, 257 F. Supp. 3d 1171, 1238 (M.D. Ala. 2017) (observing that the conditions within ADOC's segregation units invoke "an overpowering sense of abandonment and despair," that "they are often filled with the smell of burning paper and urine," and "that loud noises travel through the segregation units, some of which house from anywhere between 20 to 50 people.").

94. *Id.* at 1227.

95. *Id.*; Connor Sheets, *Is Solitary Confinement Driving Alabama's Prison Suicide Crisis?*, AL.COM (June 19, 2018, 11:07 AM), https://www.al.com/news/2018/06/is_solitary_confinement_drivin.html.

96. *See* Sheets, *supra* note 95.

97. *See, e.g.,* *Braggs*, 257 F. Supp. 3d at 1180; *see* *About Alabama Appleseed*, ALA. APPLESEED, <https://alabamaappleseed.org/about-us/> (last visited Jan. 28, 2025); *see generally* U.S. DEP'T OF JUST., *supra* note 70.

98. *See* Sheets, *supra* note 95.

99. *See* Mike Cason, *Alabama's New \$1 Billion Prison Will be 'Larger Than a Lot of County Seats'*, AL.COM (Oct. 23, 2024), <https://www.al.com/news/2024/10/alabamas-new-1-billion-prison-will-be-larger-than-some-county-seats.html>.

100. *See id.*

101. *See id.*

vein, why has ADOC decreased its aggregate employee count year after year in the face of continued overcrowding and understaffing in its prisons?¹⁰²

Ultimately, the cumulative impact of factors such as overcrowding, understaffing, and inhumane conditions creates a uniquely challenging and lethal environment within Alabama's prisons.¹⁰³ Alabama's answer thus far has been to allocate a billion dollars to the construction of a new prison¹⁰⁴ and to annually reduce the number of correctional officers within existing ones.¹⁰⁵ A critical examination of both federal and state law that governs the use of solitary confinement naturally follows. The next section will provide insight into the question of how and why the systematic erosion of inmates' mental health has been allowed in Alabama. It is broken up between state and federal frameworks and concludes with an analysis of a lawsuit filed by the Department of Justice against ADOC that is awaiting trial.¹⁰⁶

IV. SOLITARY CONFINEMENT AND THE LAW

A. Federal Framework

The Eighth Amendment to the United States Constitution prohibits the use of cruel and unusual punishment, and the Fourteenth Amendment bars states from depriving citizens of their interests in "life, liberty, or property, without due process of law."¹⁰⁷ The United States Supreme Court has interpreted both of these Constitutional provisions in the context of solitary confinement.¹⁰⁸ In *Farmer v. Brennan*, the Court created a two-part test for determining whether an instance of punitive isolation runs afoul of the Eighth Amendment.¹⁰⁹ To be cruel and unusual, the action or condition (isolation) must both be objectively "sufficiently serious" and prescribed with deliberate indifference to the harm that it causes.¹¹⁰

The influential California decision of *Madrid v. Gomez* expanded on the Supreme Court's interpretation of the Eighth Amendment as it applies to punitive

102. It is interesting to note that the annual pattern of ADOC employee cutbacks is largely coextensive with ADOC's drastic turn towards solitary confinement around 2021. *See* Charles & Potter, *supra* note 70; Hodgin, *supra* note 89.

103. *See Time in a Cell*, *supra* note 89; *see also* Mealins, *supra* note 78.

104. *See* Cason, *supra* note 99.

105. *See* Charles & Potter, *supra* note 70.

106. *See generally* Complaint, *United States v. Alabama & Alabama Dep't Corr.*, 2021 WL 4711841 (N.D. Ala. Oct. 8, 2021) (No. 2:20-CV-01971), ECF No. 1.

107. U.S. CONST. amend. VIII; U.S. CONST. amend. XIV.

108. *See Farmer v. Brennan*, 511 U.S. 825, 848-49 (1994); *see also* *Madrid v. Gomez*, 889 F. Supp. 1146, 1270 (N.D. Cal. 1995).

109. *Farmer*, 511 U.S. at 834.

110. *Id.*

isolation.¹¹¹ In *Madrid*, the Court held that the Eighth Amendment does not promise total psychological protection to prisoners and that solitary confinement itself does not constitute a cruel and unusual punishment.¹¹² *Madrid* only dealt with the issue of short-term solitary confinement, though, and no court has applied Eighth Amendment scrutiny to long-term or indefinite solitary confinement.¹¹³

On the other hand, the Supreme Court has drawn a distinction between short and long-term solitary confinement in the context of the Fourteenth Amendment.¹¹⁴ In *Wilkinson v. Austin*, the Court recognized this distinction and held that only transfers to “supermax” prisons¹¹⁵ raise a liberty interest that warrants pre-transfer review.¹¹⁶ While this was a positive outcome for some, it left the vast majority of American inmates susceptible to the dangers of solitary confinement without important pre-transfer rights.¹¹⁷ The only time a transfer from general population to solitary confinement implicates a liberty interest that mandates pre-transfer due process rights is when conditions present a “dramatic departure from the basic conditions of [the inmate’s sentence].”¹¹⁸ There is no readily applicable test for determining what satisfies this standard.¹¹⁹

B. Alabama Law

There is no generally applicable restriction on solitary confinement within the Code of Alabama. The legislature has only extended special protections to minors,¹²⁰ pregnant women,¹²¹ and patients of state-certified mental health facilities.¹²² Minors should not be sentenced to solitary confinement at all;¹²³ pregnant women should only be isolated for the sake of a safe childbirth;¹²⁴ and, in state-certified

111. See *Madrid*, 889 F. Supp. at 1246, 1275.

112. *Id.* at 1275.

113. *Id.* at 1239.

114. See *Wilkinson v. Austin*, 545 U.S. 209, 228-30 (2005).

115. See *id.* at 213 (stating that the phrase “supermax prison” refers to a correctional facility featuring only segregation units); see also Kriston Dowdell, (*Super*) Maxed Out: The Demise of Alabama Prisons, SCALAWAG (June 26, 2023), <https://scalawagmagazine.org/2023/06/alabama-prisons/> (explaining that Alabama does not have any supermax prisons but the state hopes to build one).

116. *Austin*, 545 U.S. at 229-30.

117. See generally *id.*

118. *Sandin v. Conner*, 515 U.S. 472, 485 (1995).

119. See *id.* at 485-86.

120. ALA. CODE § 12-15-208.1(a) (West 2015).

121. *Id.* 14-6-19.1(j)-(k) (West 2022).

122. ALA. ADMIN. CODE R. § 580-2-9-.24 (West 2010).

123. ALA. CODE § 12-15-208.1(a) (West 2015).

124. *Id.* 14-6-19.1(j)-(k) (West 2022).

mental health facilities, solitary confinement should only be used as required for the health and safety of patients.¹²⁵

In 2008, over a decade after the United States Supreme Court decided *Sandin*, the Supreme Court of Alabama followed suit and adopted the *Sandin* court’s “atypical, significant deprivation” standard.¹²⁶ Under this standard, adequate due process must be granted only when a transfer to solitary confinement creates an atypical and significant deprivation of an inmate’s liberty interests.¹²⁷

C. *United States v. ADOC*

Following statewide investigations of Alabama prisons, which uncovered understaffing, overcrowding, and an across-the-board failure on the part of ADOC to protect inmates, the United States Department of Justice (DOJ) filed a lawsuit against the state of Alabama and ADOC in 2020.¹²⁸ The DOJ alleged that conditions in ADOC men’s prisons (all ADOC prisons except for Tutwiler Correctional Facility for women) violated the Eighth and Fourteenth Amendments and sought declaratory judgment against the State.¹²⁹ The DOJ asked the U.S. District Court for the Northern District of Alabama to enjoin ADOC from continuing to engage in unconstitutional correctional practices.¹³⁰ This is an ongoing case that was recently pushed into 2025.¹³¹ The latest status conference took place on October 7th, 2024 and was largely inconsequential.¹³²

V. REFORM RECOMMENDATIONS

While the state of Alabama has taken some steps to address these issues—such as approving plans to build a new prison—these measures, again, do not get to the root of the problem.¹³³ Instead of focusing on building more prisons, the state should prioritize improving conditions within existing facilities and reducing the use of solitary confinement. To effectively address the issue of inmate suicide in Alabama prisons, a comprehensive approach is needed. This approach should include changes to the status quo, like reducing the use of solitary confinement to only

125. ALA. ADMIN. CODE R. § 580-2-9-.24 (West 2010).

126. *Ex parte Shabazz*, 989 So. 2d 524, 527 (Ala. 2008).

127. *Id.* (citing *Sandin v. Conner*, 515 U.S. 472, 486 (1995)).

128. Complaint, *supra* note 106.

129. *Id.* at 1, 20-21.

130. *Id.* at 20-21.

131. For an updated docket of the case, see Free.Law, *United States v. Alabama (2:20-cv-01971)*, Ct. LISTENER, <https://www.courtlistener.com/docket/18729285/united-states-v-state-of-alabama/?page=2> (last updated Mar. 16, 2025, 10:13 PM).

132. *See id.*

133. *See Cason, supra* note 99.

extreme cases and using it only for the shortest possible term. The state should also explore and implement alternative approaches to managing inmate behavior, such as emphasizing mental health care, educational and vocational programs, and conflict resolution training. By shifting the focus from punishment to rehabilitation, the state will likely see positive trends and hopefully recognize that solitary confinement often exacerbates mental health issues and increases the likelihood of recidivism.

Improving living conditions in both general population and segregation housing units across existing ADOC facilities could be accomplished through a range of reform efforts. Examples of these include, but are not limited to, legislatively mandating adequate staffing levels, mitigating overcrowding via thoughtful sentencing and criminalization, and simply deciding that inmate life can no longer take a backseat to the budget by addressing design flaws that enable inmate suicide. On top of this, ADOC should invest in hiring and retaining additional correctional officers to ensure adequate inmate supervision, as doing so would likely reduce the states' reliance on solitary confinement as a crowd-control measure. Again, expanding access to mental health resources—including screening, assessment, treatment, and suicide prevention—in both the general population and segregation units is essential. Lastly, increasing transparency and accountability by improving data collection and reporting on inmate suicides and releasing this information to the public in a timely manner would work to incentivize ADOC's reform efforts.

VI. CONCLUSION

Solitary confinement, an age-old practice in American prisons, presents a significant challenge to inmate mental health and rehabilitation.¹³⁴ Inmates subjected to long periods of isolation suffer from a range of psychological conditions, including depression, anxiety, and suicidal thoughts.¹³⁵ Even short-term isolation can have lasting consequences, as it increases the likelihood of recidivism while also allowing for the start of a vicious cycle of repeated isolation.¹³⁶

The state of Alabama, with its chronically overcrowded and understaffed prisons, has seen an alarming increase in inmate suicides.¹³⁷ The state's heavy reliance on solitary confinement, coupled with poor living conditions in segregation units, exacerbates the problem.¹³⁸ Although the state has taken some steps to address the

134. See Herring, *supra* note 9.

135. See *id.*

136. See Luigi et al., *supra* note 8; Tree, *supra* note 55 at 3.

137. See, e.g., SUICIDE IN LOCAL JAILS, *supra* note 28.

138. See Sheets, *supra* note 95.

issue, such as planning to build a new, one-billion-dollar prison,¹³⁹ these measures fall short of a comprehensive solution.

To effectively reduce inmate suicides and improve overall prison conditions, Alabama needs to re-evaluate its use of solitary confinement and prioritize rehabilitation over punishment. This includes investing in mental health resources, improving living conditions, and ensuring adequate staffing levels. Additionally, increasing transparency and accountability within ADOC is crucial for meaningful and sustainable reform.

139. Cason, *supra* note 99.

