

## Prolonged Solitary Confinement and Mental Illness on Death Row

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**Prisoners with Known Serious Mental Illness Have a Constitutional Right Not to Be Held, Without Penological Justification, in Prolonged Solitary Confinement, Even When on Death Row**

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**Key words:** solitary confinement; mental illness; Eighth Amendment; qualified immunity; death row

In *Williams v. Secretary Pennsylvania Department of Corrections*, 117 F.4th 503 (3d Cir. 2024), the U.S. Court of Appeals for the Third Circuit held that holding an incarcerated individual with serious mental illness in long-term solitary confinement without penological justification was a violation of the individual's Eighth Amendment rights as well as a violation of the Americans with Disabilities Act.

### Facts of the Case

In 1979, Roy Lee Williams, then 14, was involuntarily committed to a psychiatric hospital for violent behavior and suicidal threats, leading to diagnoses of suicidal ideation and depression. In 1994, while in Pennsylvania Department of Corrections (DOC) custody on the murder conviction, he was diagnosed with a psychiatric disability and placed on the DOC's mental health roster. In 1995, he was referred to a psychiatrist for depression and anxiety.

A January 1996 evaluation by mental health staff found no evidence of mental or emotional concerns. But evaluations by a psychiatrist and neuropsychologist later that year for his Post-Conviction Relief Act (PCRA) petition described him as "severely psychologically, cognitively, and emotionally impaired," citing symptoms of posttraumatic stress disorder (PTSD) and depression. His lawyer reportedly shared these findings with DOC mental health staff. In July 1996, Mr. Williams attempted suicide, claiming to hear voices urging him to kill himself. Although fluoxetine was offered, he declined. He initially told staff the attempt was staged to facilitate a prison unit transfer but later recanted. Following this event, he was placed in disciplinary custody and ceased contact with mental health services. From 1994 to 2019, Mr. Williams remained in solitary confinement on death row at a Pennsylvania state correctional institution for a 1988 murder. Notably, he had an active death warrant for only 37 days of those 26 years.

In 2014, the U.S. Department of Justice (DOJ) published a report finding that the DOC's use of solitary confinement violated the Eighth Amendment, particularly for prisoners with serious mental illnesses, and Title II of the Americans with Disabilities Act (ADA). The report and its findings were provided to the DOC and Secretary John Wetzel.

Mr. Williams later filed a *pro se* complaint against the Secretary, alleging Eighth and Fourteenth Amendment violations under 42 U.S.C. § 1983 and a Title II ADA claim, seeking damages for prolonged solitary confinement despite his mental health history. The U.S. District Court dismissed the Fourteenth Amendment claim *sua sponte* and granted summary judgment for the defendants, finding the Secretary was entitled to qualified immunity on the Eighth Amendment claim. Mr. Williams appealed.

### Ruling and Reasoning

The Third Circuit Court of Appeals held that, because the Secretary argued that he was entitled to qualified immunity and did not dispute Mr. Williams' claim that his Eighth Amendment rights were violated, his argument regarding Mr. Williams' right to be free from cruel and unusual punishment was forfeited. Justice Theodore McKee noted that the district court erred by failing to consider Mr. Williams' preexisting serious mental illness, the Secretary's knowledge of this condition, and the lack of penological justification for prolonged solitary confinement in this case.

The court reviewed precedent, including *Young v. Quinlan*, 960 F.2d 351 (3d Cir. 1992); *Porter v. Clarke*, 923 F.3d 348 (4th Cir. 2019); *Palakovic v. Wetzell*, 854 F.3d 209 (3d Cir. 2017); and *Clark v. Coupe*, 55 F.4th 167 (3d Cir. 2022) to determine the applicability of Mr. Williams' mental illness and the absence of justification for his treatment. In *Young*, the constitutionality of prison conditions was linked to a prisoner's specific characteristics. In *Porter*, prolonged solitary confinement was deemed an Eighth Amendment violation but applied only to individuals of sound mind at placement. *Palakovic* established that isolating a prisoner with known mental illness, despite awareness of the harm, constituted an Eighth Amendment claim. Similarly, *Clark* recognized that seriously mentally ill prisoners had a right not to be held in prolonged solitary confinement by officials aware of the risks. The court found these cases relevant, emphasizing that Mr. Williams' death row status did not change the analysis.

Although *Clark* was decided in 2016, the court acknowledged that the Eighth Amendment's protections against prolonged solitary confinement had been recognized since the 19th century. It reaffirmed that such confinement, without justification, violated constitutional rights, particularly for those with pre-existing serious mental illnesses. Based on this precedent, the court concluded that Mr. Williams' rights had been clearly established since at least 2016.

The court then addressed whether the Secretary's knowledge of Mr. Williams' mental illness precluded qualified immunity. While there was a clear violation of Mr. Williams' constitutional right, the question at hand in this ruling was whether that right was clearly established at the time and if the Secretary was aware of this violation. To evaluate this, the court discussed *Hope v. Pelzer*, 536 U.S. 730 (2002), in which the court recognized that DOJ reports should not be ignored when determining whether officials had fair notice that they were violating clearly established law. In *Hope*, the U.S. Supreme Court ruled that the DOJ's warning to the Alabama Department of Corrections that its alleged treatment of inmates violated the Eighth Amendment. Similarly, the 2014 DOJ letter in this case counted as fair warning as it served the same function and provided the same notice as it did in *Hope*. The majority opinion stated that, although the report lacked legal precedent, it directly informed the Secretary that prolonged solitary confinement was a violation of the Eighth Amendment.

Consequently, the court held that qualified immunity was not applicable in this matter. Because of this, the court vacated the summary judgment for the Secretary on the Eighth Amendment claim and remanded for further proceedings.

In reference to Mr. Williams' ADA claim of deliberate indifference, the court found that the Secretary's knowledge of Mr. Williams' serious mental illness triggered the DOC's obligation to reduce the harm of prolonged solitary confinement to Mr. Williams. The court noted that the 2014 DOJ report also documented the DOC's systemic ADA violations. They noted this pattern demonstrated a failure on the part of the DOC to ensure equality under the ADA. The Secretary knew Mr. Williams had a preexisting serious mental illness, which qualifies as a disability under the ADA, and he was aware of the risk of prisoner safety from solitary confinement, but he failed to act despite this knowledge. The court ruled that there was deliberate indifference on the part of the DOC by confining Mr. Williams under the circumstances alleged without an attempt to reduce the risk of harm. Therefore, it vacated the district court's grant of summary judgment on Mr. Williams' ADA claim and remanded for further proceedings.

#### Dissent

Justice Peter Phipps dissented from the majority opinion by stating that the 2014 letter from the DOJ was not case law and therefore did not constitute fair warning. He argued that this decision ignored court precedent and misapplied foundational principles, as the majority opinion did not provide case law clearly establishing the defendant's substantive right. The justice distinguished the cited case law as not applicable to death row inmates. In his dissent, he did not discuss the argument regarding the ADA.

#### Discussion

In *Williams*, the appellate court emphasized the legal obligation of correctional institutions to consider the mental health of inmates, especially those with known serious mental illnesses, when determining conditions of confinement. It affirms that prolonged solitary confinement without legitimate penological justification can constitute cruel and unusual punishment and that prison officials can be held accountable for such practices. The court further discussed that an individual who violates the ADA or other statutes cannot escape liability by

following institutional policy if that policy conflicts with federal law. This case clarified that an inmate's placement on death row does not override these rights. Finally, if prison officials are aware of an inmate's mental illness and are aware that placing mentally ill inmates in prolonged solitary confinement is a violation of the Eighth Amendment, then qualified immunity does not apply.

It is essential for psychiatrists practicing in carceral environments to be familiar with the laws governing solitary confinement for patients with mental illness. Clinicians have a professional ethical responsibility to advocate for patients whose rights are being violated. This includes identifying instances where confinement conditions may infringe on a patient's rights and bringing these instances to the attention of correctional officials.

## Firearm Regulations and Substance Use

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**Gun Restrictions on Individuals with Mental Illness or Generalized Traditions of Disarming "Dangerous" Individuals Do Not Apply to Nonviolent, Occasional Substance Users Who Are Not Intoxicated**

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**Key words:** gun regulation; nonviolent; substance use; Second Amendment; mental illness

In *United States v. Connelly*, 117 F.4th 269 (5th Cir. 2024), the United States appealed the ruling of the U.S. District Court for the Western District of Texas that 18 U.S.C. § 922(g)(3) and § 922(d)(3) (2024) were facial violations of the Second Amendment and that § 922(g)(3) was unconstitutional as applied to

Paola Connelly. Ms. Connelly challenged the law after she was charged with violating laws aimed at curbing firearms by users of controlled substances. The Fifth Circuit Court of Appeals affirmed Ms. Connelly's as-applied challenge and reversed her facial challenges.

### Facts of the Case

On December 28, 2021, El Paso police officers came to Paola Connelly's home in response to a "shots fired" call. Dispatch notified responding officers about a verbal altercation between her husband, John Connelly, and their neighbor. The neighbor reported Mr. Connelly arrived at his door with a machete and demanded that the neighbor "apologize for a perceived slight"; the neighbor indicated Mr. Connelly then left before returning with a shotgun.

When officers arrived, they heard several shots and saw Mr. Connelly at the neighbor's door. Officers subsequently arrested Mr. Connelly after he dropped the shotgun and attempted to flee. Officers went to the Connelly's home and spoke with Ms. Connelly before conducting a sweep of the home. Ms. Connelly informed officers her husband and their neighbor used crack and powdered cocaine together and she occasionally used marijuana to help reduce her anxiety and insomnia. Officers discovered drug paraphernalia and unsecured firearms and ammunition in the home.

The grand jury indicted Ms. Connelly on two charges: violating § 922(g)(3) by possessing firearms and ammunition as an unlawful user of a controlled substance and violating § 922(d)(3) by providing firearms and ammunition to an unlawful user of a controlled substance. The record is unclear as to what Ms. Connelly allegedly did to be charged under § 922(d)(3).

Ms. Connelly moved to dismiss her indictment, stating that *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), showed that § 922(g)(3) and § 922(d)(3) were unconstitutional under its historical analysis. The district court denied this motion. After the Fifth Circuit issued its ruling in *United States v. Rahimi*, 61 F.4th 443 (5th Cir. 2023) (*Rahimi 2023*), which was eventually reversed by *United States v. Rahimi*, 602 U.S. 680 (2024) (*Rahimi 2024*), Ms. Connelly filed a motion to reconsider her motion to dismiss. The district court, applying *Rahimi 2023* as *Rahimi 2024* had not been decided by this time, found that § 922(g)(3) and § 922(d)(3) facially violated the Second Amendment and that § 922(g)(3)