

“I’m On Fire”: A Call to Eradicate Excessive Solitary Confinement Sentences for Nonviolent Offenses

Howard Law Journal: Volume 60, Issue 3, Spring 2017

March 20, 2017

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Introduction

On March 17, 2014, a music video was posted to the popular website, WorldStarHipHop.com. Within twenty-four hours, the video—commonly referred to as “I’m on Fire”—had been viewed nearly half a million times. What made this music video so popular was that inmates recorded it in a South Carolina prison using a cell phone. Although cell phones are prohibited in prisons and jails among inmates, they are a very popular contraband item. Shortly after the incident, a spokesperson from the South Carolina Department of Corrections (“SCDC”) issued a statement, stating that once the investigation concluded, the inmates involved would be “appropriately charged.”

As time passed and excitement about the video subsided, many began to question: what happened to these inmates? Were they found? Were they punished? This music video was said to be the first of its kind, and as such, many wondered what the “appropriate” punishment would be. Alas, Dave Maass, a researcher for the Electronic Frontier Foundation (“EFF”), published the prisoners’ punishments and the results were shocking. The seven inmates who participated in creating the music video received almost twenty years in solitary confinement combined: “five of the prisoners were punished with 180 days of ‘disciplinary detention,’” while the others were given 270 and 360 days—all for recording a song on a cell phone. The facility justified these sentences by stating that the inmates posed a “security threat” through their alleged “gang-related” words and contraband phone; however, the SCDC’s characterization of the inmates’ lyrics as gang-related is far from the truth and simply tone-deaf, highlighting their ignorance of hip-hop culture.

The “I’m on Fire” instance is just one example in a sea of many that exemplifies the excessive use of solitary confinement for individuals who commit nonviolent offenses. Though the main argument against cell phone use in prisons and jails is that inmates can use phones to plan an escape or a violent crime, inmates are placed in solitary more frequently for nonviolent crimes—such as accessing social media—rather than conspiring to commit a criminal act. In South Carolina, for example, using social media while incarcerated “is on the same level of offense as attacking a guard, rioting[,] and taking a hostage.” In 2012, “the [SCDC] made ‘Creating and/or Assisting With A Social Networking Site’ a Level 1 offense”—a category typically assigned to excessively “violent violations of prison conduct policies.” As EFF states, “[s]ome inmates ask their families to access their online

accounts for them, while many access the Internet themselves through a contraband cell phone (possession of which is ...[a] Level 1 offense).” In sixteen cases, “inmates were sentenced to more than a decade in ... disciplinary detention, with at least one inmate receiving more than [thirty-seven] years in isolation.” To extend the length of each sentence, the SCDC “issues a separate Level 1 violation for each day that an inmate accesses a social network.”

Related People



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