

Durbin, Coons, Democratic Senators Introduce Bill to Limit Use of Solitary Confinement

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WASHINGTON – U.S. Senators Dick Durbin (D-IL), Christopher Coons (D-DE), Patrick Leahy (D-VT), Cory Booker (D-NJ), and Al Franken (D-MN) today introduced legislation to reduce the Federal Bureau of Prisons’ (BOP) use of solitary confinement and improve conditions for inmates separated from the general prison population. The *Solitary Confinement Reform Act* limits solitary confinement to the briefest term and under the least restrictive conditions possible, improves access to mental health services for BOP prisoners in solitary confinement, and provides funding to assist state and local jurisdictions in reforming their own confinement practices. Additionally, the bill

protects inmates' civil rights through the creation of a Civil Rights Ombudsman position and bans the practice of placing LGBTQ inmates in solitary confinement as a means of protection.

“If the goal of our criminal justice system is to rehabilitate offenders and prepare them for successful reentry into our society, solitary confinement undermines this objective, causing psychological harm that is difficult, if not impossible, to undo,” said Senator Durbin. **“I’ve had the opportunity to hear directly from men like Anthony Graves, who spent 16 years in solitary confinement, about the devastating toll of isolation, and that’s why I’m certain of the need to restrict solitary confinement except in cases where it is absolutely necessary.”**

"Solitary confinement is used far too frequently for minor infractions rather than as a last resort," said Senator Coons. **"The evidence is clear: our current use of solitary confinement doesn't achieve its intended goal of increasing prison safety or stopping criminal behavior. Instead, it causes lasting, irreparable harm to those inmates subjected to it, often making it impossible for them to successfully reenter society. Our bill will establish limits on the use of solitary confinement and require that its use be limited to the briefest amount of time and under the least restrictive conditions that are safe and sensible. Our criminal justice system should be about justice and rehabilitation — not just punishment. This bill marks an important step in that direction."**

The *Solitary Confinement Reform Act* has been endorsed by the ACLU, The Leadership Conference on Civil and Human Rights, Human Rights Watch, Just Detention International, Campaign for Youth Justice, Center for Children’s Law and Policy, National Alliance on Mental Illness, National Religious Campaign Against Torture, Bend the Arc Jewish Action, Interfaith Action for Human Rights, T’ruah: The Rabbinic Call for Human Rights, Washington Lawyers' Committee for Civil Rights and Urban Affairs, and Human Rights Campaign.

As Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, Senator Durbin held the first-ever Congressional hearing on solitary confinement in June 2012 where Anthony Graves – the 12th death row inmate in Texas to be exonerated – testified. As a result of the hearing, the federal Bureau of Prisons agreed to Durbin’s request to submit to the first independent assessment of its solitary confinement policies and practices.

In 2014, Durbin held a second hearing on solitary confinement in which he called for an end to the use of solitary confinement for juveniles, pregnant women, and those with

serious and persistent mental illness. Damon Thibodeaux – a man held in solitary confinement for 15 years before his exoneration and release from prison – testified at the hearing.

In February 2015, the Bureau of Prisons released the independent assessment Durbin requested following his first solitary confinement hearing. The report identified areas where operational and policy improvements are needed, including mental health care, time parameters for restrictive housing, and the segregation of inmates in protective custody.

Last year, following the independent assessment, the Department of Justice undertook a review of the Bureau of Prisons' use of solitary confinement. This January, President Obama announced that he had accepted a number of the Justice Department's recommendations to reform and reduce the practice of solitary confinement in the federal prison system—including implementing the ban on juvenile solitary confinement that Durbin called for in 2014. The *Solitary Confinement Reform Act* will build on the Justice Department's recommendations to further reform and reduce the use of solitary confinement in federal prisons.

Additional Information on the Use of Solitary Confinement

As far back as 1890, the U.S. Supreme Court recognized the mental health consequences of solitary confinement, describing isolated inmates at one prison as having “into a semi-fatuous condition, from which it was next to impossible to arouse them.” Other inmates “became violently insane; others still, committed suicide.”

In addition to the psychological impact of solitary, there are also public safety and fiscal concerns with the practice. The bipartisan Commission on Safety and Abuse in America's Prisons found that the use of solitary confinement often increased acts of violence in prison. The cost of housing an inmate in segregation is also significantly higher than the cost of housing an inmate in a general population unit.

Experts estimate that 80,000 – 100,000 inmates are held in solitary confinement in the United States. Approximately 10,000 of those inmates are currently held in restricted housing in the federal Bureau of Prisons (BOP).