



Durbin, Democratic Senators introduce bill to limit use of solitary confinement

April 20 2018 1:37 PM

WASHINGTON – U.S. Senators Dick Durbin (D-IL), Chris Coons (D-DE), Cory Booker (D-NJ), Elizabeth Warren (D-MA), and Patrick Leahy (D-VT) 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 resources to state and local jurisdictions to assist them 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 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 should be a tool of last resort, not something used in our prisons for disciplinary and safety challenges," said Coons. "The evidence remains clear: our current use of solitary confinement doesn't achieve its intended goal of increasing prison safety or stopping criminal behavior. Moreover, widespread overuse of solitary confinement is causing lasting, irreparable harm to those inmates subjected to it. I'm proud to again join with Sen. Durbin to advance legislation that establishes limits on the use of solitary confinement and requires 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 continues to be an important step in reforming our criminal justice system."

"The excessive use of solitary confinement in our nation's prisons is a violation of human dignity and worth" Booker said. "There are far better ways to ensure the safety of correctional officers, prison workers, and people behind bars than locking someone up in solitary confinement. This bill is an important measure that will reduce the application of this often dangerous approach to punishing and controlling incarcerated people."

"I'm proud to again support the Solitary Confinement Reform Act, which places commonsense restrictions on the use of this inhumane and counterproductive penalty," Leahy said. "Solitary confinement has become far too common in our criminal justice system, placing the United States in violation of the Convention Against Torture and our own values. It is past time for Congress to take action."

The *Solitary Confinement Reform Act* has been endorsed by the American Civil Liberties Union, National Religious Campaign Against Torture, Human Rights Campaign, National Alliance on Mental Illness, Campaign for Youth Justice, and the Leadership Conference on Civil and Human Rights.

As Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 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, BOP agreed to Durbin's request to submit 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, BOP 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.

In 2015, following the independent assessment, the Department of Justice undertook a review of BOP's use of solitary confinement. In January 2016, 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.

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 BOP.