



# Durbin, Booker, Harris Introduce New Legislation to Combat Overuse of Solitary Confinement in Immigration Detention

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WASHINGTON – Following reports from the [Project on Government Oversight](#), [The Washington Post](#), [NBC News](#), and others that illustrated that solitary confinement is significantly overused in federal immigration detention, U.S. Senators Dick Durbin (D-IL), Cory Booker (D-NJ), and Kamala Harris (D-CA) today introduced legislation to combat the rampant and unnecessary overuse of solitary confinement in U.S. Immigration and Customs Enforcement (ICE) operated and ICE contract facilities.

“Research shows that solitary confinement can cause permanent psychological harm,” Durbin said. “Solitary confinement must be a last resort, yet recent reporting indicates that it is being routinely used on immigrants who are in detention solely due to their immigration status. This is an issue of fundamental human rights, and I’m proud to introduce this legislation with Senators Booker and Harris to set strict standards for the use of solitary confinement in immigration detention.”

“Solitary confinement is cruel, demeaning, and abusive, and its exploitation in the context of civil immigration is indefensible,” Booker said. “Solitary confinement causes serious and dangerous health consequences, and its widespread, unjustified use by ICE is yet another example of the Trump Administration’s blatant disrespect for human rights. This bill will place important and much-needed limits on ICE’s ability to use solitary confinement in federal immigration detention.”

“Solitary confinement has numerous documented negative effects on a person’s well-being,” said Harris. “That is why I strongly support efforts to end the practice. I have also long fought against the inhumane conditions at ICE detention facilities—which includes ICE’s inappropriate use of solitary confinement—because of the trauma such

conditions cause to detained individuals. This legislation requires ICE to comply with specific safeguards to ensure individuals are treated more humanely and ICE is not adding to the trauma many of these people have already been subjected to.”

The bill is also cosponsored by Senator Brian Schatz (D-HI).

At least seven detainees have reportedly committed suicide in solitary confinement due to ICE missteps. While the problem has existed for several years, [The Atlantic](#) found that under the Trump Administration, “one out of every 200 detainees has spent at least two weeks in isolation.” The DHS Office of Inspector General inspected four ICE detention facilities and [found](#) that at three facilities, “segregation practices violated standards and infringed on detainee rights.”

“International standards condemn solitary confinement as torture when it’s inflicted on a person for more than 15 days,” said Naureen Shah, senior advocacy and policy counsel for the ACLU. “The people currently detained by ICE—supposedly in civil detention—have already suffered tremendous trauma. To subject them to prolonged solitary confinement is completely unacceptable and inhumane. We have a long way to go to address the massive injustices ICE is committing, but this bill is an important step in the right direction.”

Specifically, the *Restricting Solitary Confinement in Immigration Detention Act* would:

- Set strict standards for the use of solitary confinement in immigration detention (including abolishing the use of disciplinary segregation) and limit the amount of time a detainee can spend in solitary, with a narrow exception for detainees who pose a substantial and immediate threat.
- Ensure that alternatives to solitary confinement are used for detainees who require protection.
- Prohibit the use of solitary confinement for detainees who are minors; have a serious mental illness; have a physical or intellectual disability; are pregnant or have recently given birth; or are likely to be significantly adversely affected by solitary, with narrow and temporary exceptions for detainees who pose a substantial and immediate threat.
- Protect the rights of detainees to access counsel and challenge their placement in solitary confinement.
- Improve access to mental health care for detainees in solitary confinement.

- Require mental health and de-escalation training for detention center staff.
- Establish a weekly tracking system to monitor the use of solitary confinement in immigration detention.
- Impose new transparency and accountability measures for the Department of Homeland Security to ensure compliance with the law.