

Durbin, Coons, Senators Introduce Bill To Limit Use Of Solitary Confinement

by Senator Dick Durbin's Office
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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and Senator Chris Coons (D-DE) were joined by Senators Cory Booker (D-NJ), Patrick Leahy (D-VT), Brian Schatz (D-HI), Chris Murphy (D-CT), and Elizabeth Warren (D-MA) today to introduce 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, because the overuse of solitary confinement threatens public safety, strains prison budgets, and violates fundamental

human rights. The bill also 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.

“The goal of our criminal justice system should be to rehabilitate offenders and prepare them for successful reentry into our society. We have had some success—like the landmark First Step Act—but the continued overuse of 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 for a crime he didn’t commit, about the devastating toll of isolation. That’s why I’m certain of the need to restrict and reform the use of solitary confinement in the United States.”

“Solitary confinement can cause lasting, irreparable harm to inmates and does little to achieve its stated goals of improving prison safety and reducing recidivism,” said Coons. “The safety and security of prison staff, correctional officers, and incarcerated Americans is always paramount, but there are more effective tactics that don’t inflict unnecessary damage or undermine our obligation to humane treatment of prisoners. I’m glad to join with Chair Durbin and other Senate colleagues in working to reform this dated practice and move us closer to a criminal justice system that understands it is most effective when justice and rehabilitation are its north stars.”

Durbin held the first-ever Congressional hearing on solitary confinement in June 2012 as Chair of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights. Anthony Graves, the 12th death row inmate in Texas to be exonerated, testified at that hearing. 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 were 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 (DOJ) undertook a review of BOP's use of solitary confinement. In January 2016, then-President Obama announced that he had accepted a number of the DOJ'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 ban on placing juveniles in solitary confinement was a key provision in previous versions of the Solitary Confinement Reform Act and was codified in the First Step Act.

BOP began implementing these changes and, until the Trump Administration, the numbers continued trending downwards. While this previous decline was encouraging, there was also a need for further reform measures. Durbin first introduced the Solitary Confinement Reform Act in 2016 to codify and build upon the DOJ recommendations for reform.