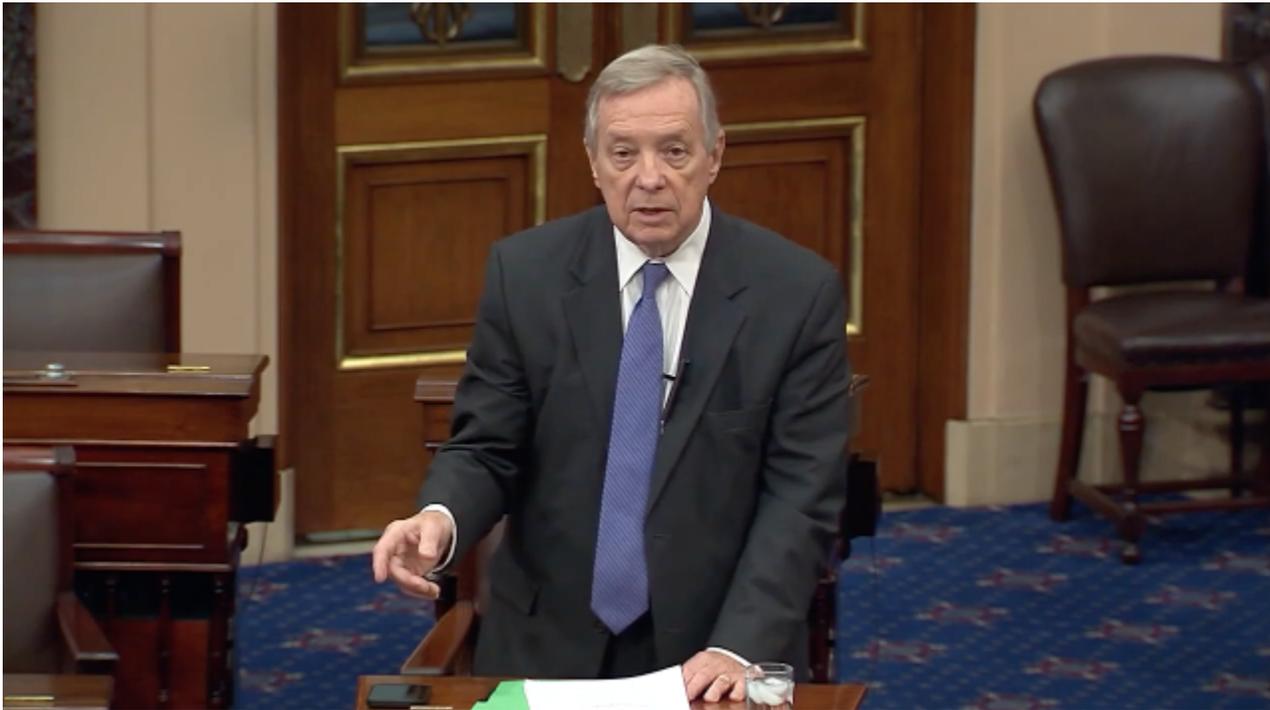


Senators Dick Durbin and Chris Coons Introduce Bill to Limit Use of Solitary Confinement

by Maddie Carlos
April 15 2024 4:19 PM



ILLINOIS - U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and Senator Chris Coons (D-DE) today introduced legislation to reduce the Federal Bureau of Prisons' (BOP) and the U.S. Marshals Service's use of solitary confinement and improve conditions for adults in custody separated from the general prison population. Today's bill introduction comes before the Senate Judiciary Committee's full committee hearing tomorrow entitled "[Legacy of Harm: Eliminating the Abuse of Solitary Confinement](#)," which will examine the frequent abuse of solitary confinement in federal custody, including members of vulnerable populations and those

suffering from mental illness. The legislation is cosponsored by Senator Brian Schatz (D-HI).

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 adults in BOP custody in solitary confinement, and provides resources to state and local jurisdictions to assist them in reforming their own confinement practices. Additionally, the bill protects the civil rights of adults in custody through the creation of a Civil Rights Ombudsman position and bans the practice of placing LGBTQ+ adults in custody 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 doesn’t achieve its stated goals of improving safety in prisons or reducing recidivism among prison populations. Instead, it can cause lasting psychological damage in incarcerated individuals,” said Coons. “There are more effective, humane practices that maintain the safety and security of correctional officers, prison staff, and people behind bars. I’m glad to join with Chair Durbin in this effort to move us closer to a criminal justice system that focuses on rehabilitation and justice at its core.”

According to a [report](#) by the Government Accountability Office, requested by Senators Durbin, Coons, and others, as of October 2023, BOP has not fully implemented 54 of the 87 recommendations from the two prior studies on improving restrictive housing practices.

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. The late 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.