

# **Durbin, Schatz Introduce Legislation to Combat Solitary Confinement in Immigration Detention**

by Maddie Carlos  
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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senator Brian Schatz (D-HI) 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. 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.

“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 routinely used in ICE detention facilities to punish individuals for minor infractions and to isolate individuals with vulnerabilities, such as those with mental health conditions. This is an issue of fundamental human rights, and with this legislation, we are setting strict standards for the use of solitary confinement in immigration detention.”

“There’s no excuse for routinely overusing solitary confinement against civil detainees held by ICE,” said Schatz. “Our bill would strictly limit the use of the practice – which has well-documented health harms – and protect the dignity of detainees.”

According to a recent [report](#) from Physicians for Human Rights (PHR) and Harvard, ICE continues to place individuals, including vulnerable individuals, in solitary confinement at alarming rates. PHR found that ICE has isolated individuals, including vulnerable individuals, in its facilities for months and even years. From 2022 to 2023, the number of people ICE placed in solitary confinement increased by 61 percent. Between 2018 and 2023, ICE placed individuals in solitary confinement more than 14,000 times. ICE has also been keeping individuals in solitary for longer periods. In the last five years, roughly half the people in ICE’s solitary units remained there for more than 15 days, and the average length of time in solitary was 27 days. ICE placed nearly 700 individuals in solitary for more than 90 days and more than 40 individuals in solitary for more than one year.

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).
- Ensure that alternatives to solitary confinement are used for detainees who require protection.
- Require that individuals who are in longer-term separation, including those who request protection, have at least 10 hours out-of-cell time every day.
- Prohibit the use of solitary confinement for detainees who are under the age 25; 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 and longer-term separation.
- Improve access to mental health care for detainees in solitary confinement and longer-term separation.
- 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.