

Statement of
The Honorable Patrick Leahy

United States Senator
United States Senate
June 19, 2012

Today the Senate Judiciary Committee is holding a hearing on the use of solitary confinement in our prisons. I want to thank Senator Durbin for his effort to shine a light on this critical issue that has serious human rights, fiscal, and public safety consequences.

Many Americans know that solitary confinement is regularly used as a disciplinary tool in prisons across the country at both the state and federal levels, but we rarely stop to think about whether the use of solitary confinement is actually effective. In the face of mounting evidence that the use of solitary confinement may in fact be counterproductive, this hearing is an excellent opportunity for the Committee to get a better understanding of this practice.

In order to be an effective deterrent, a prison sentence is not meant to be a pleasant experience, and as a former prosecutor I believe that individuals convicted of serious crimes deserve to face serious consequences. Once criminals enter the prison system though, we cannot forget our obligations to continue to treat them fairly and humanely. Nor can we forget that the vast majority of prisoners will someday be released back into our communities.

Although solitary confinement was developed as a method for handling highly dangerous prisoners, it is increasingly being used with inmates who do not pose a threat to staff or other inmates. Far too often, prisoners today are placed in solitary confinement for minor violations that are disruptive but not violent. At the same time, conditions within segregation units have become increasingly harsh. In many cases, human contact is virtually eliminated. Officers deliver meal trays through a door slot, and visits by mental health staff are conducted through the cell door. Interaction with other prisoners is often not allowed, and visits with family members may be prohibited for a year or more.

There are significant fiscal, safety and humanitarian consequences for this trend toward increasingly harsh conditions of solitary confinement and its more frequent use to punish non-violent behavior. Evidence provided by the Vera Institute and others now suggests that placing inmates in solitary confinement with minimal human contact for days, months and years is exceptionally expensive and, in many cases, counterproductive. Not only do these studies show that segregation does little or nothing to lower overall rates of violence, there is evidence that it actually increases recidivism rates after release, posing a danger to the public.

I believe strongly in securing tough and appropriate prison sentences for people who break our laws. But it is also important that we do everything we can to ensure that when these people get out of prison, they reenter our communities as productive members of society. That is why I have long been a champion of the Second Chance Act and why I am working hard to see that

important law reauthorized. We must do more than simply warehouse inmates, and solitary confinement is the extreme end of this approach. By giving inmates the tools to better themselves through job skills training, treatment and counseling, and support for transitional housing programs designed to ease the reentry process, we can improve their lives and the safety of communities across the country.

Unfortunately the use of solitary confinement can hinder those efforts for rehabilitation and does so at extraordinary financial and humanitarian cost. Prison costs are crippling state, and federal budgets, and overcrowding has become a serious safety risk in many facilities. The mental health problems caused or exacerbated by solitary confinement create very serious human rights concerns for inmates. There is evidence that solitary confinement is used more frequently to house inmates with mental illness. These are often the individuals who most need human contact and support, and the use of solitary confinement as a behavioral management tool in these cases raises significant humanitarian concerns, as well as the risk of increased recidivism.

I want to thank Senator Durbin for holding this important hearing. This is an issue that has far reaching implications and deserves to be better understood. We must find an alternative to more prisons and harsher sentences. There are far better ways to keep future generations safe and save taxpayers money at the same time. I look forward to hearing from all of the witnesses.

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