

GRITS FOR BREAKFAST

WELCOME TO TEXAS JUSTICE: YOU MIGHT BEAT THE RAP, BUT YOU WON'T BEAT THE RIDE.

WEDNESDAY, FEBRUARY 26, 2014

Does excessive use of solitary confinement harm public safety?

There was a [hearing yesterday](#) of a US Senate Judiciary Committee subcommittee titled "Reassessing Solitary Confinement II: The Human Rights, Fiscal, and Public Safety Consequences." Among those giving testimony was Marc Levin of the Texas Public Policy Foundation. See his [testimony](#) (pdf), which framed the issue in terms of conservative values:

As conservatives, we are appropriately skeptical of government that is too large, too intrusive, and too costly, and we insist on accountability and transparency. Government is at its most restrictive when it imposes solitary confinement so it is only appropriate that we bring a critical focus to this issue rather than succumb to an out of sight, out of mind mentality. While we recognize solitary confinement is needed in some instances, policies and practices must be implemented to ensure it is not unnecessarily used to the detriment of public safety, taxpayers, and justice.

Levin also honed in on a public safety issue frequently [raised on Grits](#): The direct release of prisoners from solitary confinement onto the street.

While often viewed primarily as a moral issue, solitary confinement has significant implications for public safety. First and foremost, prisons must discontinue the practice of releasing inmates directly from solitary confinement to the public.

A study in Washington state found that inmates released directly from the Supermax prison, which consists entirely of solitary confinement, committed new felonies at a rate 35 percent greater than that for inmates of the same risk profile released from the general population.

Additionally, a greater percentage of the new crimes committed

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AUSTIN, TEXAS

Grits for Breakfast looks at the Texas criminal justice system, with a little politics and whatever else suits the author's fancy thrown in. All opinions are my own. The facts belong to everybody. [Who is this guy?](#)

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by those released from solitary confinement were among the most serious violent felonies. Despite this finding, many states continue to release inmates directly from solitary confinement, with more than 1,300 such releases in 2011 in Texas alone. In 2013, a Colorado inmate released directly from solitary confinement murdered the state's director of corrections, Tom Clements. Alarmingly, dating back to 2002, half of those released from Colorado prisons who subsequently committed murder served time in solitary confinement, with some discharged directly to the street. However, as documented below, major changes are underway that are significantly reducing overall solitary confinement in Colorado and those discharged directly from this custody level, with the latter figure falling from 221 in 2004 to 70 in 2013.

The average American may understandably wonder, if an inmate is too dangerous for the general population of a prison, how can they live next to me the next day? While inmates who have served their entire sentence must by law be released, this date is not a mystery to corrections officials. Stepping them down to a lower level of custody at least several months prior to release is not too much to ask.

You can see all the written testimony and view the hearing [here](#). At the Austin Statesman, Mike Ward has a related story ("[Will Texas prisons dial back solitary confinement](#)," Feb. 25). Here's a notable excerpt:

Now, at a time when other states are reducing the number of prisoners they keep in solitary confinement, a new move is underway in Texas that could reduce the numbers even more.

Brad Livingston, executive director of the Texas Department of Criminal Justice that operates the 109-prison state corrections system, told the American-Statesman that he expects an ongoing review of solitary confinement policies — known as administrative segregation, or ad seg, in prison lingo — could drop the numbers further. ...

With likely the largest number of convicts in solitary confinement, Texas faces increasing questions over its policies.

Livingston and other prison officials note that more than half of the 7,200 convicts in solitary confinement are housed there because of violent behavior against staff and other prisoners or because they are escape risks. The rest are members of violent crime gangs.

The average stay in solitary confinement in Texas is just under two years, prison statistics show, longer than those in other states.

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“The intended use of administrative segregation was to reduce violence on staff and inmates. Unfortunately a reduction in violence on staff has not been the case in Texas since the state greatly increased the use of administrative segregation in the 1990s,” Lance Lowry, a correctional officer who is president of a Huntsville union local for guards, said in testimony submitted to the Senate committee.

“The overreliance on solitary confinement in Texas may be a direct result of lack of trained and experienced staff. ... A better-trained and experienced workforce could better manage an increasing mental health population, reducing the overuse of solitary confinement,” he said.

In addition, Lowry and prisoner-rights advocates agree that Texas’ practice of releasing convicts from administrative segregation directly to the streets isn’t a good idea. Advocates have complained that is a sure recipe for new crimes to be committed.

Jason Clark, a spokesman for Texas’ prison system, said that in 2013, 1,243 felons were released directly from solitary confinement to the streets — including 500 who served their entire sentence and 743 who were released on various forms of parole supervision. Statistics weren’t immediately available on how many of those convicts had come back to prison for new crimes.

See more from Lowry on the subject [at The Back Gate blog](#). Also, the state of New York announced an [agreement](#) last week limiting the use of solitary confinement, particularly for juveniles, as [discussed in detail](#) on the blog Solitary Watch.

The Texas Legislature authorized a study of solitary confinement last session but [failed to fund it](#). One hopes this new round of attention will spur the state to move forward with the study so the Legislature can more substantively address the question in 2015.

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