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## Thinking outside the cell on solitary confinement

For most Americans, being in prison is unimaginable, and certainly being inside a prison within a prison is even harder to comprehend. For at least 25,000 Americans in solitary confinement in our nation's prisons, however, this is their reality. While some inmates must undoubtedly be quarantined in order to preserve order, as conservatives who believe in holding an overbearing government accountable when it intrudes on our liberties, we must apply that same lens of scrutiny to this practice that involves the most restrictive form of government coercion.

On February 25, I testified before the United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights at a hearing concerning the effects of solitary confinement and the best approaches for ensuring that it is not overused. It is clear that keeping someone in a cell with no stimulation for at least 23 hours a day is not conducive to rehabilitation, but our prisons also have an obligation to ensure that an inmate who poses a danger to staff and other inmates is prevented from doing harm. Fortunately, there are policy solutions that vindicate both of these interests.

Perhaps the most obvious is that 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, re-offended at a 35 percent higher rate than comparable other inmates. Despite this finding, many states continue to release inmates directly from solitary confinement, with more than 1,000 such releases a year in Texas alone. In 2013, a Colorado inmate released directly from solitary confinement murdered the state's director of corrections, Tom Clements.

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 several months prior to release is not too much to ask.

Policymakers must also examine how inmates enter solitary confinement and if there is a path to exit. In some states, only inmates who are disruptive in prison are placed in solitary confinement while in others inmates are placed there upon arrival if they are suspected to be gang members. Particularly in the latter case, mistakes will inevitably be made. While inmates should not be permitted to take prison systems to court, there should be an ombudsman who can review these decisions.

Most importantly, there should be a path out of solitary confinement for inmates who have not committed violence against staff or other inmates. Texas has a model initiative called the Gang Renunciation and Disassociation Program where inmates can earn their way out of solitary confinement by renouncing their gang affiliation and receive protection during the process. Notably, none of the inmates who have completed this program have ever returned to solitary confinement.

Perhaps the most dramatic reform in this area occurred in Mississippi. In 2007, Mississippi had 1,300 inmates in solitary confinement while today there are only 300. This downsizing has saved Mississippi taxpayers \$6 million, because solitary confinement costs \$102 per day compared to \$42 a day for inmates in the general population. Most importantly, violence within Mississippi's prisons and the recidivism rate upon release are both down. Other states have noticed, such as Colorado which has discontinued placing mentally ill offenders in solitary confinement, instead redirecting them to a secure correctional treatment program.

Undoubtedly, many inmates in solitary confinement committed horrific crimes, though others were imprisoned for marijuana possession and still others were ultimately exonerated. However, it is not just about them; it is about us. We are moving past the false dichotomy of an out of sight, out of mind mentality, on one hand, and a naïve belief that solitary confinement is never necessary. It is time to hold our correctional systems accountable for striking the right balance. Prison wardens, like air traffic controllers, rightfully value safety above all else, but airplanes still fly. There is no such thing as a zero-risk society inside our outside the walls, but there is a lot to gain from ensuring that most awesome powers of government are wielded with a scalpel rather than a cleaver.

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