TO: Senate Judiciary Subcommittee on the Constitution, Civil Right

Dear Chairman Durbin and Ranking Member Graham,

My name is Rev. Madeline Coburn, and I have been a volunteer Chaplain in Eastern-MO for over 17 years helping families of the incarcerated. Per your request, my connection to the issue of solitary confinement in Missouri prisons and jails come with having compassion for human and civil rights of all prisoners throughout the state of Missouri regardless of classification.

Over the last two decades corrections systems have increasingly relied on solitary confinement as a prison management tool – even building entire institutions called “supermax prisons” where prisoners are held in conditions of extreme isolation, sometimes for years or decades.

Although supermax prisons were rare in the United States before the 1990s, today forty‐four states and the federal government have supermax prisons, housing at least 25,000 people. But this figure does not reflect the total number of prisoners held in solitary confinement in the United States on any given day. Using data from a census of state and federal prisoners conducted by the federal Bureau of Justice Statistics, researchers estimate that over 80,000 prisoners are held in “restricted housing,” including prisoners held in administrative segregation, disciplinary segregation and protective custody – all forms of housing involving substantial social isolation.

U.S. Bureau of Justice statistics show that in 2010 there were more than 1.4 million inmates in state prisons. However, there are no official estimates for how many state prisoners are mentally ill or in isolation. But prisoners' rights advocates around the nation say putting mentally ill inmates in long-term solitary confinement amounts to cruel and unusual punishment.

This massive increase in the use of solitary confinement has led many to question whether it is an effective and humane use of scarce public resources. Many in the legal and medical field criticize solitary confinement and supermax prisons as both unconstitutional and inhumane, pointing to the well‐known harms associated with placing human beings in isolation and the rejection of its use in American prisons decades earlier.

Indeed, over a century ago, the Supreme Court noted that: Prisoners subject to solitary confinement fell, after even a short confinement, into a semi‐fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community. In re Medley, 134 U.S. 160, 168 (1890).

Other critics point to the enormous costs associated with solitary confinement. For example, supermax institutions typically cost two or three times more to build and operate than even traditional maximum security prisons.3 Despite the significant costs associated with solitary confinement, almost no research has been done on the outcomes produced by the increased use of solitary confinement or supermax prisons. In the research that has been conducted there is little empirical evidence to suggest that solitary confinement makes prisons safer. Indeed, emerging research suggests that supermax prisons actually have a negative impact on public safety.

Despite these concerns, states and the federal government continue to invest scarce taxpayer dollars in constructing supermax prisons and enforcing solitary confinement conditions. Yet there are stark new fiscal realities facing our communities today and for the foreseeable future.

Both state and federal governments confront reduced revenue and mounting debt that are leading to severe cuts in essential public services like health and education. Given these harsh new realities, it is unquestionably time to ask whether we should continue to rely on solitary confinement and supermax prisons despite the high fiscal and human costs they impose.

The American Bar Association has created the following general definition of solitary confinement, which it calls “segregated housing”: The term “segregated housing” means housing of a prisoner in conditions characterized by substantial isolation from other prisoners, whether pursuant to disciplinary, administrative, or classification action. “Segregated housing” includes restriction of a prisoner to the prisoner’s assigned living quarters.

People in solitary confinement are also more likely to be subject to the use of excessive force and abuses of power. Correctional officers often misuse physical restraints, chemical agents, and stun guns, particularly when extracting people from their cells. The fact that the solitary confinement cells are isolated from the general population prisoners makes it more difficult to detect abuse.

Additionally, the idea that “the worst of the worst” are placed in solitary confinement makes it more likely that administrators will be apathetic or turn a blind eye to abuses. New York recently passed a law that excludes the seriously mentally ill from solitary confinement; requires periodic assessment and monitoring of the mental status of all prisoners subject to solitary confinement for disciplinary reasons; creates a non‐disciplinary unit for prisoners with psychiatric disabilities where a therapeutic milieu is maintained and prisoners are subject to the least restrictive environment consistent with their needs and mental status; and requires that all staff be trained to deal with prisoners with mental health issues.

The United States uses solitary confinement to an extent unequalled in any other democratic country. But this has not always been so. The current overuse of solitary confinement is a relatively recent development that all too frequently reflects political concerns rather than legitimate public safety needs.

Based on over twenty years of empirical research, we now know that the human cost of increased physiological and psychological suffering caused by solitary confinement, coupled with the enormous monetary cost of its use, far outweighs any purported benefits. Now, in order to build a fair, effective and humane criminal justice system, we must work to limit its use overall and ensure that mentally ill persons are not subject to its deprivations.

In closing, I have attached non-classified documentation and my voice mail calls that will speak truth to power regarding prisoners in solidarity confinement and how they are mistreated, abused, and tortured in Missouri prisons and jails by staff and correction guards.

Respectfully Submitted,

Rev. Madeline Coburn

MO Prison Chaplain|Spiritual Advisor