

TEXAS CIVIL RIGHTS PROJECT - HOUSTON

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Solitary Confinement in Texas Prisons

Submission by: The Texas Civil Rights Project

**Before the United States Senate Judiciary Subcommittee on the Constitution, Civil Rights,
and Human Rights**

Hearing On:
**Reassessing Solitary Confinement II:
The Human Rights, Fiscal, and Public Safety Consequences**

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The Texas Civil Rights Project urges federal intervention to ensure that state correctional departments implement modern practices and policies on solitary confinement.

With over 7,500 people in solitary confinement, Texas has the second-largest population of prisoners in extreme isolation in the country. In Texas, various state and national groups have come out as strong advocates for reform of solitary confinement (known as “administrative segregation”), including the ACLU of Texas, Texas Impact, the Texas Criminal Justice Coalition, the Texas Civil Rights Project, Mental Health America of Texas, and the National Alliance on Mental Illness of Texas. In part because of those reform efforts, **the Texas Senate passed Senate Bill 1003 in the 2013 legislative session, requiring third-party review of adult and juvenile administrative segregation practices and policies. Seven months after its effective date, however, the legislation has yet to be implemented.** At this stage, advocates fear that this important study of solitary confinement will never happen, thwarting efforts at meaningful reform in Texas. As is clear from Texas’ example, legislative intent alone does not necessarily result in implementation.

To make matters worse—and despite the outcry of state and national groups against Texas’ practice of housing the mentally ill in administrative segregation—the **number of mentally ill people in solitary confinement is increasing.** In 2011, TDCJ reported that 2,060 individuals in Texas’ administrative segregation units had a serious mental illness or mental retardation diagnosis. This comprised 23% of the total administrative segregation population (8,784). According to an information request by the Texas Civil Rights Project, while the overall

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population in administrative segregation has decreased by 14% since 2011, the number of individuals with mental illness in administrative segregation has increased by 17%—2,410 individuals in 2013 compared to 2,060 in 2011. People with mental illness now make up 32% of the administrative segregation population.

This data is particularly disturbing given that courts across the country (including in Texas) have held that housing mentally ill people in solitary confinement violates the Eighth Amendment’s prohibition against cruel and unusual punishment.¹ And solitary confinement is extremely damaging to Texas inmates. During their time in solitary confinement, Texas prisoners are completely isolated from other human beings. They remain in tiny cells almost all day, with only an hour of solitary recreation in a small cage. In response to a survey by the Texas Civil Rights Project, prisoners reported that they received no mental-health assessment before their confinement to administrative segregation. And they received virtually no mental-health treatment while there, with check-ups consisting of one-minute cell-front visits from mental health staff that could be overheard by other inmates, while guards stand nearby. Prisoners also reported that they received almost no rehabilitative, religious, or educational programming. On average, Texas prisoners remain in solitary confinement for over three years. The majority are housed there not because they committed a violent crime or an offense within prison, but because TDCJ determined that they were members of a gang.

Troublingly, prisoners said that the isolation caused them to deteriorate psychologically. In the words of one inmate, “Isolation is torture. There can be no other word for it.” Another inmate wrote: “[T]his is a dark sad cut off place, no people interaction, no one to talk to & rec with. You go crazy just wanting someone to talk to or play dominos with sometimes, or to talk about things with, everything keeps you isolated from others. . . . How can you isolate a man that long & expect him to have good/acceptable social/people skills when he’s released to gen. pop.” And a veteran wrote:

Mostly, it’s the continued screaming. The crying, pleading, and gibberish people yell 24 hours a day. It’s very unnerving. To a combat vet, it’s torture. Panic & anxiety skyrocket. Exhaustion sets in for lack of sleep. I had to draw, in pencil, a large mural on one wall of my cell, talking to myself, just to focus on something other than the cries.

¹ See *Indiana Protection and Advocacy Services Commission v. Commissioner*, No. 1:08-cv-01317-TWP-MJD, 2012 WL 6738517 (S.D. Ind. Dec. 31, 2013); *Jones’El v. Berge*, 164 F. Supp. 2d 1096 (W.D. Wis. 2001); *Ruiz v. Johnson*, 37 F. Supp. 2d 855, 912 (S.D. Tex. 1999), *rev’d on other grounds*, 243 F.3d 941 (5th Cir. 2001); *Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995).

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Moreover, over 1300 prisoners are released directly from solitary confinement to Texas communities each year. Mental Health America of Texas and the National Alliance on Mental Illness of Texas have pointed out that the social difficulties and mental health conditions caused by extreme isolation can also cause severe problems with reentry and reintegration, contributing to the costly problem of recidivism in Texas. One inmate expressed his fear that he was unprepared to go home after his isolation in solitary confinement: “I feel as I am getting more nervous now that I’m fixing to go home. The impact seg has had on me is I do not feel as if I could get out and have instant contact with them [his mother and children]. It is going to take time to adjust to them w/out tripping out.”

Solitary confinement harms Texas prisoners and does damage to the families and communities they eventually return to. It is time that Texas initiates third-party review of solitary confinement, and joins many other states in initiating reforms to ensure that its correctional practices are humane, safe, and cost-effective.