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C.S.H.B. 3764

Dear Members of the Committee,

Thank you for the opportunity to present testimony regarding C.S.H.B. 3764 by Representative Marquez. The Texas Criminal Justice Coalition is in favor of this bill because it promotes transparency and efficiency in the criminal justice system. Although housing inmates in segregation is important in protecting the safety of guards and other inmates in a correctional setting, corrections administrators must be mindful of the consequences of the recurring and prolonged use of such measures. C.S.H.B. 3764 would make improvements to the use of segregated housing in correctional facilities throughout Texas.

IMPROVE EFFICIENCY AND TRANSPARENCY OF HOUSING INMATES IN SEGREGATION BY IMPROVING CURRENT POLICIES

PROBLEM

As of August 31, 2010, the Texas Department of Criminal Justice (TDCJ) housed 8,701 inmates (approximately 5.6 percent of the total TDCJ inmate population) in administrative segregation.¹ Categories of administrative segregation include security detention, pre-hearing detention, protective custody, and temporary detention between consecutive terms of solitary confinement. Inmates in administrative segregation are denied various privileges, including contact visits, participation in educational or vocational programs, good time credits, and other freedoms granted the general population.

TDCJ often places inmates in administrative segregation as a preventative measure, rather than as punishment for misbehavior. Some of those who are in administrative segregation have committed no institutional offenses; instead, they are placed in segregation solely because they are perceived as belonging to a gang, regardless of whether they have taken overt actions on behalf of the gang. If an inmate is identified as a gang member, the Administrative Committee reviews the prisoner for placement in administrative segregation. This Committee is also responsible for performing routine reviews for such prisoners.

Over-reliance on the isolating and restrictive qualities of administrative segregation is dangerous for inmates, staff, and the public. Especially for inmates in segregation, studies have shown that social isolation has damaging psychological effects,² including “hypertension, uncontrollable anger, hallucinations, emotional breakdowns, chronic depression, and suicidal thoughts and behavior.”³ Inmates who return to the general population or to the community after spending time in segregation often lack the ability to control themselves because they have come to rely heavily on the restrictive structure of solitary confinement.⁴ This may be one reason why inmates who are directly released to the community from a heavily isolated setting are *more* likely to commit another felony.⁵

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This bill would require TDCJ to report on conditions of administrative segregation, including the number of referrals made for mental health services, the number of suicide attempts, recidivism rates of those released directly from segregation, and other information. The bill also requires that TDCJ adopt a plan that would eliminate some of the negative consequences of using administrative segregation. For instance, C.S.H.B. 3764 would require inmates housed in segregation to be subject to a risk assessment in order to determine their suitability for in-cell programming, such as educational and vocational courses.

The bill would also create an alternative administrative segregation plan for inmates housed in segregation for reasons other than disciplinary. This plan would allow more routine access to mental health services and to programs that promote social and life skills. Finally, C.S.H.B. 3764 requires TDCJ to implement a graduated review process that would examine inmates in segregated housing to determine whether further segregated housing is needed.

SOLUTION

Support C.S.H.B. 3764. Measures that will more effectively integrate segregated inmates with the general population will improve the rehabilitative process and encourage prosocial skills that will benefit inmates upon release. Supporting an initiative to examine the safe and effective use of administrative segregation, as well as promoting best practices in the use of segregated housing, is an important step forward in reaching an effective criminal justice system.

NOTES

¹ Texas Department of Criminal Justice, “Statistical Report Fiscal Year 2010,” pg. 1.

² The recent “One Year Longitudinal Study of the Psychological Effects of Administrative Segregation” by Maureen L. O’Keefe found that administrative segregation had no detrimental effect on the mental health of prisoners at Colorado State Penitentiary (CSP). It is important to understand that the administrative segregation system at CSP varies widely from the TDCJ administrative segregation system. CSP institutes a transitional incentive-based program with several levels that gradually decreases restrictions and increases privileges such as work and more contact with friends and family. It is also important to heed to the report’s warning that “systems that are more restrictive and have fewer treatment and programming resources should not generalize these findings to their prisons” [pg. 82].

³ Craig Haney, “Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement,” *Crime & Delinquency*, Vol. 49, January 2003, pg. 124.

⁴ *Ibid.*

⁵ David Lovell, Clark L. Johnson, and Kevin C. Cain, “Recidivism of Supermax Prisoners in Washington State,” *Crime & Delinquency*, Vol. 53, October 2007, pg. 4.