

HUMAN RIGHTS WATCH

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BY EMAIL TRANSMISSION AND FIRST-CLASS MAIL

April 6, 2009

Representative Julie Hamos
Illinois General Assembly
Springfield, IL 62706

Re: Human Rights Watch supports HB 2633

Dear Rep. Hamos:

I am writing to express Human Rights Watch's strong support for HB 2633. This legislation would bring much-needed reform to the operation of Tamms Correctional Center, Illinois' "supermax" prison.

For more than a decade Human Rights Watch has documented the inappropriate use of supermax confinement in the United States. Our reports on this subject include *Cold Storage: Super-Maximum Security Confinement in Indiana*; *Red Onion State Prison: Super-Maximum Security Confinement in Virginia*; and *Out of Sight: Super-Maximum Security Confinement in the United States*. In *Ill-Equipped: U.S. Prisons and Offenders with Mental Illness*, we documented the devastating effects of supermax confinement on the mentally ill.¹

Perhaps the most important provision of HB 2633 is a ban on placement of prisoners with serious mental illness in supermax confinement. There is an abundant body of evidence that isolated confinement of the kind that exists at Tamms can have catastrophic effects on the seriously mentally ill, leading to exacerbation of their illness and sometimes to self-mutilation and suicide. A number of courts have concluded that supermax confinement of persons with serious mental illness predictably leads to such extreme suffering that it violates the Eighth Amendment to the U.S. Constitution, which prohibits cruel and unusual punishment. Indeed, one federal judge described putting a person with severe mental illness in a supermax facility as "the mental equivalent of putting an asthmatic in a place with little air to breathe." For these reasons many states, including Indiana and Wisconsin, have banned supermax confinement of the seriously mentally ill.

HB 2633 establishes other important limits on placement of prisoners at Tamms. In many states, political pressure to fill an expensive supermax facility has led to the transfer of "nuisance" prisoners who may have large numbers of minor disciplinary infractions but are not dangerous or

¹ All of these reports are available on the Human Rights Watch website, www.hrw.org.

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disruptive. There have also been cases of prisoners transferred to supermax facilities in retaliation for complaining about conditions, filing lawsuits, or other protected activities. HB 2633 ensures that prisoners will be transferred to Tamms only if they assault others, escape from custody, or otherwise seriously disrupt prison operations.

Finally, HB 2633 contains important procedural safeguards. Each prisoner facing transfer to Tamms would be entitled to notice of the reasons for the proposed transfer, and an opportunity to present a defense. Prisoners at Tamms would be reviewed every 90 days to determine whether they should remain at the facility, and there would be a presumptive limit of one year on supermax confinement, which could be overridden if security considerations so required. Prisoners at Tamms would also be evaluated by a mental health professional at least every 30 days to ensure that they are not seriously mentally ill.

The United States has ratified two international human rights treaties that touch on the treatment of prisoners: the International Covenant on Civil and Political Rights, ratified in 1992, and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, ratified in 1994. Monitoring bodies for both of these treaties have expressed concern about supermax prisons in the United States, particularly the regime of extreme isolation that exists in these facilities. By placing substantive limits on supermax confinement and adding procedural safeguards to ensure that those limits are respected, HB 2633 would be a significant step toward compliance with US treaty obligations.

For all of these reasons, Human Rights Watch is pleased to support HB 2633. Please let me know if I can provide any further information or assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Fathi". The signature is fluid and cursive, with a large initial "D" and "F".

David C. Fathi
Director, US Program

cc: Roger E. Walker Jr., Director, Illinois Department of Corrections