

An Act Relative to the Appropriate Use of Solitary Confinement (S.1133)

Lead Sponsors: Senator Jamie Eldridge and Representative Liz Malia

Summary: This bill calls for appropriate standards prior to placing a prisoner in solitary confinement, decreases the extreme isolation of solitary, and encourages individualized rehabilitation programming and close mental health monitoring for people in solitary confinement.

Why This Matters: Solitary confinement can cause and exacerbate mental illness, leading prisoners in solitary to attempt suicide at significantly higher rates than those in general prison population. Evidence suggests that solitary is not an effective means of reducing prison violence and is often counterproductive. In addition, the cost of building solitary confinement units and housing prisoners in segregation is significantly higher than general population units. The vast majority of prisoners in solitary confinement are eventually released back into the community, therefore, it is critical that we take steps to reduce and regulate the use of solitary confinement in Massachusetts in order to provide for the successful reentry and reintegration of prisoners. Moving from lengthy terms of solitary confinement to a system that will incentivize and motivate inmates to improve behavior, betters the prison climate for staff and prisoners, and increases re-entry prospects while reducing recidivism.

What this Bill Would Do: There are two types of segregation, administrative and disciplinary. This bill would prohibit long-term *disciplinary* solitary confinement in any unit where the inmate is locked in his cell for 23 hours per day. Massachusetts is an outlier in its long-term disciplinary segregation practices. A prisoner can be sentenced for up to 10 years in solitary confinement for a disciplinary infraction in MA. Only one other state (Arkansas) allows for this lengthy a sentence; most other states cap disciplinary segregation at a matter of months. Disciplinary confinement would be subject to a 15-day limit. If continued segregation is necessary, the inmate would be given written notice of reasons as well as a hearing to determine what he or she must do to be released from segregation and a conditional release date.

The bill also authorizes the *administrative* segregation of an inmate who poses a substantial threat to the safety of others, of damaging property, or to the operation of a state correctional facility.

Segregated units must provide light, ventilation, adequate sanitary facilities and clothing, and regular meals. In addition, each segregated unit would provide the opportunity for at least one hour per day of out-of-cell and rights of visitation and communication.

Individualized rehabilitative programming opportunities would be emphasized and may be used to assess whether an inmate is appropriate for less restrictive confinement. Under the supervision of the Department of Mental Health, all confined inmates would be given periodic medical and psychiatric examinations and appropriate treatment