

## Join Sen. Eldridge (SD 1065) and Rep. Malia (HD 2592) in Support of Solitary Confinement Reform

Massachusetts is one of only three states that allow prisoners to be sentenced to solitary confinement for up to ten years for disciplinary infractions. Presently, many Massachusetts prisoners in segregation are locked in their cells for at least twenty-three hours per day; a typical segregation cell is 60-to-80 square feet. Persons of color are overrepresented in segregation units across the country.

In light of these troubling facts, voluminous research substantiating the damaging effects of solitary confinement on both prisoners and society at large, and solitary confinement reforms passed across the country, the proposed reforms seek to accomplish the following goals:

### ***VULNERABLE POPULATIONS:***

Divert vulnerable groups from solitary confinement, including those with serious mental illness, pregnant women, youth, protective custody prisoners, deaf and blind prisoners, and prisoners who are otherwise likely to deteriorate due to a medical or physical disability.

Allow for the placement of such vulnerable prisoners in solitary confinement on an emergency basis, so long as the commissioner or designee certifies in writing the reason why the prisoner cannot be safely held elsewhere and the steps taken to locate suitable less-restrictive housing.

Provide for minimum out-of-cell time and programming for vulnerable prisoners held in solitary confinement on an emergency basis, as well as enhanced mental health services for those prisoners who would otherwise be diverted by reason of mental illness.

### ***OVERSIGHT:***

Create a segregation oversight committee charged with collecting specified data from state prisons and jails and making recommendations for limiting the use of solitary confinement in Massachusetts.

### ***REENTRY:***

End the practice of releasing prisoners directly from solitary confinement to the community.

Instead require that no prisoner be held in non-disciplinary segregation within six months of release absent written certification that such confinement is necessary to avoid serious harm to others and that all other options have been exhausted, and provide enhanced reentry services to those prisoners who are held in solitary confinement within six months of release pursuant to such certification.

### ***DISCIPLINARY SEGREGATION:***

Curb the use of long-term solitary confinement as a tool for enforcing prison discipline by limiting disciplinary segregation to fifteen days for one offense in prisons and ten days in county jails and houses of correction.

Establish minimum humane standards for disciplinary segregation, with at least one hour per day of exercise and recreation (currently prisoners are given only five hours per week, by regulation).

### ***NON-DISCIPLINARY/ADMINISTRATIVE SEGREGATION:***

Continue to allow prisons and jails to use non-disciplinary (or "administrative") solitary confinement, but only when a prisoner is found to pose a substantial threat if held in the general population.

Require that the conditions of non-disciplinary segregation mirror the conditions of general population units to the extent consistent with the security of the institution.

Require that prisoners receive a hearing and have a determination made as to their dangerousness before being sent to non-disciplinary segregation, except when the superintendent or a designee certifies in writing that immediate transfer to solitary confinement is necessary to ensure the safety and security of the institution.

Require procedural protections before a prisoner can be sent to non-disciplinary solitary confinement.

Require correctional facilities to provide prisoners in non-disciplinary segregation with an incentives-based plan for returning to general population and establish thirty-day reviews for evaluating a prisoners' progress through his or her plan and for return to general population.

Ensure that prisoners are not held in non-disciplinary segregation for longer than 90 days, unless there is a finding that the prisoner committed an especially dangerous act within the preceding 90 days, or that there is a significant risk of physical injury to staff or other prisoners if the prisoner is returned to general population.