

Support Solitary Confinement Reform

Reduce Recidivism, Curb Unnecessary Spending, and Ensure Appropriate Use of Segregation



Sen. Jamie Eldridge, S.1306, and Rep. Russel Holmes, H.3071

Massachusetts is one of a handful of states that allow prisoners to be placed in solitary confinement for up to ten years for disciplinary infractions. The Commonwealth also allows prisoners to be placed in long-term administrative segregation for a variety of non-disciplinary reasons. These prisoners are locked in a cell that is typically six by eight feet for 23 hours each day in.

Studies have shown that solitary confinement neither deters violent behavior nor reduces recidivism. In Massachusetts, many prisoners are released back to society directly from segregation, traumatized and unprepared for life on the street, making them more likely to recidivate. Persons of color, LGBTQ individuals, and persons who suffer from mental illness are disproportionately represented in segregation units across the country.

Voluminous research substantiating the damaging effects of solitary confinement is leading states across the country to pass reforms aimed at significantly reducing costs while improving public safety.

Prisoners' Legal Services, in coalition with many other organizations across the Commonwealth, seeks to reform the use of segregation in Department of Correction facilities as well as county jails and houses of corrections by accomplishing the following goals:

Provide Greater Protection for Vulnerable Populations

- Protect vulnerable groups from unnecessary placement in solitary confinement, including those with serious mental illness, pregnant women, LGBTQ prisoners, youth, deaf and blind prisoners, elderly prisoners, and prisoners who are otherwise likely to deteriorate due to a disability.
- Provide for minimum out-of-cell time and enhanced mental health services for vulnerable prisoners held in solitary confinement on an emergency basis.

Reform Disciplinary Segregation

- Ensure that all forms of disciplinary solitary confinement, including the Department Disciplinary Unit (DDU), fall under an existing state statute and DOC regulations that limit confinement in solitary confinement for disciplinary purposes to fifteen days for one offense.
- Establish minimum humane standards for disciplinary segregation, including a requirement that prisoners receive at least one hour per day of exercise and recreation (current regulations require that prisoners receive only five hours per week).

Reform Non-Disciplinary/Administrative Segregation

- Allow prisons and jails to use non-disciplinary (or “administrative”) solitary confinement only when a prisoner is found to pose a substantial threat if held in the general population.
- Establish conditions of non-disciplinary solitary confinement that approximate the conditions of general population.
- Accommodate the needs of disabled prisoners so that they have access to supportive medical equipment while held in solitary confinement.
- Ensure that prisoners in non-disciplinary segregation have access to vocational, educational and rehabilitative programming, as well as the opportunity to earn good time credits.
- Require that prisoners receive a hearing and decision before being sent to non-disciplinary segregation, except in exigent circumstances.
- Require correctional facilities to provide prisoners in non-disciplinary segregation with an incentives-based plan for returning to general population and establish fifteen day reviews for evaluating a prisoner’s 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 is still dangerous.

Promote Sound Reentry Practices

- Limit the practice of releasing prisoners directly from solitary confinement to the community.
- 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.
- Provide enhanced reentry services to those prisoners who are certified to be held in solitary confinement within six months of release.

Create Oversight of Segregation Utilization and Practices

- Create a segregation oversight committee charged with 1) collecting specified data from state prisons and county correctional facilities and 2) publishing an annual report that compiles the information and data received and which offers recommendations geared towards appropriately limiting the use of solitary confinement in Massachusetts.