

2016 -- H 7481

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - HUMANE ALTERNATIVES TO
LONG-TERM SOLITARY CONFINEMENT

Introduced By: Representatives Regunberg, Slater, Barros, Hull, and Bennett

Date Introduced: February 05, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 56.4

4 HUMANE ALTERNATIVES TO LONG-TERM SOLITARY CONFINEMENT

5 **42-56.4-1. Legislative findings. --** The general assembly finds and declares that:

6 (1) Unlimited segregated confinement is inhumane and ineffective;

7 (2) Subjecting people to segregated confinement without meaningful human contact,
8 programming, services or therapy often causes deep and permanent psychological, physical, and
9 developmental harm;

10 (3) This harm not only violates common values of decency, but also is counterproductive
11 because people often have more difficulty complying with prison rules after being placed in
12 segregated confinement;

13 (4) Segregated confinement can be particularly devastating for certain vulnerable people,
14 including: young or elderly people, pregnant women, and people with disabilities, or histories
15 including addiction and trauma; and

16 (5) The United Nations Special Rapporteur on Torture concluded that solitary
17 confinement can amount to torture and recommended abolishing its use beyond fifteen (15) days
18 and prohibiting any use of solitary confinement for vulnerable groups or for purpose of

1 punishment.

2 **42-56.4-2. Definitions.** -- As used in this chapter:

3 (1) "Emergency Confinement" means confinement in any cell for no more than twenty-
4 four (24) consecutive hours and no more than forty-eight (48) total hours in any fifteen (15) day
5 period, with at least one hour of out-of-cell recreation for every twenty-four (24) hours.

6 (2) "Extended segregated confinement" means segregated confinement of no more than
7 fifteen (15) consecutive days and twenty (20) days total within any sixty (60) day period.

8 (3) "Residential rehabilitation unit" means secure and separate units used for therapy,
9 treatment, and rehabilitative programming of people who would be placed in segregated
10 confinement for more than fifteen (15) days. Such units are therapeutic and trauma-informed, and
11 aim to address individual treatment and rehabilitation needs and underlying causes of problematic
12 behaviors.

13 (4) "Segregated confinement" means the confinement, other than for emergency
14 confinement, or for documented medical reasons or mental health emergencies, of an inmate in a
15 special housing unit or in a separate housing unit or any form of keeplock, or cell confinement for
16 more than seventeen (17) hours a day other than in a facility-wide lockdown.

17 (5) "Short-term segregated confinement" means segregated confinement of no more than
18 three (3) consecutive days and six (6) days total within any thirty (30) day period.

19 (6) "Special housing units and separate keeplock unit" means housing units that consist of
20 cells grouped so as to provide separation from the general population.

21 (7) "Special populations" means any person:

22 (i) Twenty-one (21) years of age or younger;

23 (ii) Fifty-five (55) years of age or older;

24 (iii) Suffering from mental illness or post-traumatic stress disorder;

25 (iv) Who is lesbian, gay, bisexual, transgender, queer, or intersex; or

26 (v) With a disability; including physical, mental, or developmental disability.

27 **42-56.4-3. Limitations.** -- (a) Persons in a special population, as defined in this chapter,
28 shall not be placed in segregated confinement for any length of time. Any such persons who
29 would otherwise be placed in segregated confinement shall remain in general population or be
30 diverted to a residential rehabilitation unit. If a person in a special population is placed in
31 emergency confinement for more than sixteen (16) hours, they shall be allowed out-of-cell at
32 least four (4) hours.

33 (b) No person may be in segregated confinement for longer than necessary and never
34 more than fifteen (15) consecutive days nor twenty (20) total days within any sixty (60) day

1 period. At these limits, persons must be released from segregated confinement or diverted to a
2 separate secure residential rehabilitation unit.

3 (c) All segregated confinement and residential rehabilitation units shall create the least
4 restrictive environment necessary for the safety of residents, staff, and the security of the facility.

5 (d) Persons in segregated confinement shall be allowed out-of-cell at least four (4) hours
6 per day, including at least one hour for recreation. Persons in residential rehabilitation units shall
7 be allowed at least six (6) hours per day out-of-cell for programming, services, treatment, and/or
8 meals, and an additional minimum of one hour for recreation.

9 (e) Recreation in all units shall take place in a congregate setting, unless exceptional
10 circumstances mean doing so would create a significant and unreasonable risk to the safety and
11 security of other incarcerated persons, staff, or the facility.

12 (f) Persons in segregated confinement and residential rehabilitation units shall:

13 (1) Receive at least comparable medical and mental health care to general population,
14 including obstetrical and gynecological services, in a setting ensuring privacy and confidentiality;

15 (2) Have their basic needs met in a manner comparable to general population, and never
16 have restricted diets nor any order restricting any basic need imposed as a form of punishment;

17 (3) If in a residential rehabilitation unit be able to retain all their property with them;

18 (4) Have comparable access to all services and materials as in general population; and

19 (5) Be able to retain program materials, complete program assignments, and continue
20 upon return all uncompleted programs they were in prior to placement in segregated confinement
21 or a residential rehabilitation unit.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT - HUMANE ALTERNATIVES TO
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1 This act would limit the time an inmate can spend in segregated confinement, prohibit the
2 segregated confinement of certain vulnerable persons, and create more humane and effective
3 methods of instituting such confinement.

4 This act would take effect upon passage.

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