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HOUSE JOINT RESOLUTION NO. 126

Offered January 11, 2012

Prefiled January 11, 2012

Directing the Joint Legislative Audit and Review Commission to study the use of solitary confinement by the Department of Corrections. Report.

Patrons—Hope and Herring; Senator: Ebbin

Referred to Committee on Rules

WHEREAS Virginia has more than 1800 prisoners in segregation, and, for example, over 700 prisoners at Red Onion State Prison are in segregation, each confined in an 80-square-foot cell 23 hours a day, many of whom have lived in these conditions for years; and

WHEREAS, these prisoners typically get one hour a day for recreation five days a week, confined to a 96-square-foot chain link fenced area; and

WHEREAS, they eat alone in their cells and by design have very little, if any, social interaction with others; and

WHEREAS, many are diagnosed with serious mental illnesses; and

WHEREAS, normal human contact with the outside world is essential for ensuring successful reentry into the community and reducing recidivism rates for prisoners with serious mental illness; and

WHEREAS, the use and the restriction on the use of segregation must include provision for the safety of correctional officers and the general prisoner population; and

WHEREAS, federal courts have ruled that segregating prisoners, especially those with serious mental illness, for too long is a violation of the Eighth Amendment to the United States Constitution barring cruel and unusual punishment; and

WHEREAS, Standard 23-2.8 of the American Bar Association's Criminal Justice Standards on the Treatment of Prisoners states that "no prisoner diagnosed with serious mental illness should be placed in long-term segregated housing;" and

WHEREAS, the Department of Corrections has no absolute limits on how long an individual with mental illness can be in segregation; and

WHEREAS, in 2006, Mississippi began to reduce its segregation population through an aggressive reassessment of prisoners and within 12 months successfully brought down its segregated population by 80 percent and saved approximately \$5.6 million per year; and

WHEREAS, Maine has also undergone a similar process and has seen its segregated population reduced by 70 percent with similar results; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission (JLARC) be directed to study the uses of solitary confinement, including segregation, administrative isolation, and other forms of solitary confinement, by the Department of Corrections; the costs of such confinement compared with the costs of holding prisoners in the general population; and the impact on prisoners who have been in prolonged solitary confinement; and shall also study the feasibility of limiting the widespread use of segregation for long periods of time, including at Red Onion State Prison, and whether such limitation has any impact on safety within the prison facilities.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) develop information from national experts about how other states have reduced the use of solitary confinement and resources saved as a result; (ii) develop information about the extent to which Virginia places prisoners with mental illness in prolonged segregation or solitary confinement, the nature of mental health treatment provided such prisoners, and the impact of segregation or solitary confinement on their mental illness; and (iii) develop information from national experts about effective treatment for persons considered dangerous in the prison system who suffer with serious mental illness.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2012, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2013 Regular Session of the General Assembly. The executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents

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59 and reports and shall be posted on the General Assembly's website.
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