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SENATE JOINT RESOLUTION NO. 65

Offered January 10, 2018

Requesting the Department of Corrections, in consultation with the Department of Criminal Justice Services, to study the use of solitary confinement, including segregation and other forms of solitary confinement, by the Department of Corrections. Report.

Patron—Marsden

Referred to Committee on Rules

WHEREAS, Virginia has over 30,000 offenders in the custody of the Department of Corrections;

WHEREAS, the Department of Corrections has approximately 135 prisoners in long-term segregation, each confined in an 80-square-foot cell 23 hours a day; and

WHEREAS, the Department of Corrections has approximately 900 prisoners in short-term segregation, typically under 90 days; and

WHEREAS, prisoners in segregation are typically allowed one hour a day for recreation five days a week; and

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

WHEREAS, many of these prisoners are diagnosed with mental illnesses; and

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

WHEREAS, federal courts have ruled that prolonged segregation of prisoners, especially those with serious mental illness, is a violation of the Eighth Amendment to the United States Constitution barring cruel and unusual punishment; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Corrections, in consultation with the Department of Criminal Justice Services, be requested to study the use of solitary confinement, including segregation and other forms of solitary confinement, by the Department of Corrections.

In conducting its study, the Department of Corrections, in consultation with the Department of Criminal Justice Services, shall (i) compare the costs of such confinement with the costs of holding prisoners in the general population; (ii) study the impact of prolonged solitary confinement on prisoners; (iii) study the feasibility of limiting the widespread use of segregation for long periods of time and whether such limitation has any impact on safety within the prison facilities; (iv) develop information from national experts about how other states have reduced the use of solitary confinement and resources saved as a result; (v) 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; (vi) develop information from national experts about effective treatment for persons considered dangerous in the prison system who suffer with serious mental illness; and (vii) conduct a best practices review of solitary confinement, including segregation, and other forms of solitary confinement policies in relevant states to be determined by the Departments.

All agencies of the Commonwealth shall provide assistance to the Department of Corrections for this study, upon request.

The Department of Corrections shall complete its meetings by November 30, 2018, and the Director shall submit to the Governor and the General Assembly 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 and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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