

SENATE No. 1306

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act reducing recidivism, curbing unnecessary spending, and ensuring appropriate use of segregation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/27/2017</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/30/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/1/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/2/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/2/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/2/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/2/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/2/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/2/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/3/2017</i>

<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/3/2017</i>

SENATE No. 1306

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1306) of James B. Eldridge, Ruth B. Balsler, Dylan Fernandes, Marjorie C. Decker and other members of the General Court for legislation to reduce recidivism, curbing unnecessary spending, and ensuring appropriate use of segregation. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act reducing recidivism, curbing unnecessary spending, and ensuring appropriate use of segregation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 127 of the General Laws is hereby amended by
2 inserting the following definitions:-

3 “Disciplinary segregation”, the segregation of a prisoner in a segregation unit or other
4 housing unit, for the purpose of disciplining the prisoner.

5 “Non-disciplinary segregation”, the segregation of a prisoner who poses a substantial
6 threat to the safety of others or to the safe and secure operation of the facility. Non-disciplinary
7 segregation includes all forms of segregation except disciplinary segregation.

8 “Non-disciplinary segregation board”, a board appointed by the commissioner for a
9 definite or indefinite term and consisting of three members, one of whom the commissioner shall
10 designate as chairperson. Once appointed, the board is empowered to recommend a prisoner for

11 placement in non-disciplinary segregation. The board may be the same as the DSU Board, as
12 defined by 103 CMR 421.06, or a separate body.

13 “Segregation”, a housing placement where a prisoner is confined to a cell for at least 22
14 hours per day.

15 “Serious mental illness”, (1) A current diagnosis or recent significant history of one or
16 more of the following disorders described in the most recent edition of the Diagnostic and
17 Statistical Manual of Mental Disorders: (i) schizophrenia and other psychotic disorders; (ii)
18 major depressive disorders; or (iii) bipolar disorders, all types; for purposes of this definition
19 “Recent significant history” shall be defined as a diagnosis specified subsection (1) upon
20 discharge within the past 3 years from an inpatient psychiatric hospital or other correctional
21 facility.

22 (2) A diagnosis of one or more of the following disorders, as described in the most recent
23 edition of the Diagnostic and Statistical Manual of Mental Disorders: (i) a neurodevelopmental
24 disorder, dementia or other cognitive disorder; (ii) any disorder commonly characterized by
25 breaks with reality, or perceptions of reality; or (iii) a severe personality disorder that is
26 manifested by episodes of psychosis or depression;

27 (3) A diagnosis of one or more of the following disorders, as described in the most recent
28 edition of the Diagnostic and Statistical Mental Disorders that manifests with episodes of
29 psychosis or depression: (i) anxiety disorders, all types; (ii) trauma and stressor related disorders;
30 or (iii) severe personality disorders; or

31 (4) A finding that the prisoner is at serious risk of substantially deteriorating mentally or
32 emotionally while confined in segregation, or already has so deteriorated while confined in

33 segregation, such that diversion or removal is deemed to be clinically appropriate by a qualified
34 mental health professional.

35 SECTION 2. Chapter 127 of the General Laws is hereby amended by striking out section
36 39 and inserting in place thereof the following section:

37 Section 39. Segregation units; segregation; facilities.

38 (a) Subject to the requirements of section 39A, section 39B, section 40, and section 41 of
39 this chapter, the superintendent of any correctional institution of the commonwealth or the
40 administrator of any county correctional facility, may authorize the confinement in a segregation
41 unit within any correctional institution of the commonwealth, of any prisoner whose continued
42 retention in the general institution population poses a substantial threat: (1) to the safety of
43 others; (2) of damaging or destroying property; or (3) to the operation of a state correctional
44 facility. Segregation should be for the briefest term and under the least restrictive conditions
45 practicable and consistent with the rationale for placement.

46 (b) A prisoner may be held in non-disciplinary segregation only if: (1) Pursuant to section
47 39B, he or she has been found to have committed, while incarcerated within the last five years,
48 (i) an act of violence that resulted or was likely to result in serious injury or death to another, or
49 occurred in connection with an act of non-consensual sex; (ii) two or more discrete acts which
50 cause serious disruption of prison operations; or (iii) an escape, attempted escape, or conspiracy
51 to escape from within a security perimeter or custody, or both; and (2) Pursuant to section 39B,
52 he or she has been determined to pose an immediate and significant threat to the safety of other
53 prisoners or to the orderly running of the institution.

54 (c) All segregation units shall provide regular meals, fully furnished cells, adequate
55 sanitation facilities, adequate clothing, at least one hour per day of exercise and recreation,
56 outside if weather permits, rights of visitation and communication by those properly authorized,
57 and such other privileges as may be established by the superintendent or administrator. Under the
58 supervision of the department of mental health, all prisoners confined to segregation units shall
59 be given periodic mental and psychiatric examinations, and shall receive such medical and
60 psychiatric treatment as may be clinically indicated.

61 (d) Segregation units that house prisoners in non-disciplinary segregation should provide
62 living conditions that approximate those in general population, and, at a minimum, must meet the
63 following standards: (1) Prisoners shall be offered two hours of out-of-cell recreation 7 days per
64 week; (2) Prisoners shall have the same right to make canteen purchases and to retain property in
65 their cells as prisoners in the general population at the same facility, except where inconsistent
66 with the security of the unit; (3) Prisoners shall have equal access to disability accommodations
67 as persons in general population; provided that such accommodations shall include, but are not
68 limited to: handicap accessible cells, wheelchairs, walkers, prosthetic devices, canes, eyeglasses,
69 hearing aids, orthopedic shoes, mattresses and cushioning, and special clothing; (4) Prisoners
70 shall have the same access to vocational, educational and rehabilitative programs as the general
71 population, to the extent consistent with the safety and security of the unit; (5) Prisoners shall be
72 offered daily showers; (6) Prisoners shall have access to a radio or television; (7) Prisoners shall
73 be eligible for and have opportunities to receive earned good time credits pursuant to chapter
74 127, section 129D while in segregation.

75 SECTION 3. Chapter 127 is hereby amended by striking out section 39A in its entirety
76 and inserting in place thereof the following:-

77 Section 39A. Segregated units; mental health screening prior to placement; prohibition on
78 placement of inmate with serious mental illness in segregated unit

79 (a) Prior to placement in a segregated unit, all inmates shall be screened by a qualified
80 mental health professional to determine whether the inmate has a serious mental illness and
81 whether there are any acute mental health contraindications to placement in a segregated unit.
82 The screening shall be conducted in accordance with clinical standards adopted by the
83 department of correction.

84 A qualified mental health professional shall make daily rounds in each such segregated
85 unit and may conduct an out-of-cell meeting with any inmate for whom a confidential meeting is
86 warranted in the clinician's professional judgment. Inmates in such segregated units shall be
87 evaluated by a qualified mental health professional in accordance with clinical standards adopted
88 by the department of correction.”

89 (b) Except in exigent circumstances that would create an unacceptable risk to the safety
90 of any person, a segregated inmate diagnosed with a serious mental illness or who is otherwise at
91 risk of suffering substantial harm in segregated housing shall not be housed in a segregated unit
92 and shall be placed in a secure treatment unit or returned to general population. Any such
93 segregated inmate awaiting transfer to a secure treatment unit shall be offered additional mental
94 health services in accordance with clinical standards adopted by the department.

95 (c) Except in exigent circumstances, no prisoner may be held in segregation if the
96 prisoner is: (1) Is pregnant, is in the postpartum period, or has recently suffered a miscarriage or
97 terminated a pregnancy; (2) Has a significant auditory or visual impairment; (3) Is 21 years of
98 age or younger; (4) Is 65 years of age or older; (5) Has a serious medical condition which cannot

99 effectively be treated in segregated confinement; or (6) Would not otherwise be in segregation
100 but for the fact that they are perceived to be lesbian, gay, bisexual, transgender, or intersex.

101 (d) A prisoner who is excluded from segregation by this section may be held in
102 segregation because of exigent circumstances only if, within 72 hours of the prisoner's
103 placement in segregation, the commissioner or designee, or sheriff or designee certifies in
104 writing that: (1) the reason why the prisoner may not be safely held in the general population; (2)
105 efforts that are being undertaken to find appropriate housing; and (3) the status of such efforts,
106 and anticipated time frame for resolution. A copy must be provided to the prisoner.

107 (e) A prisoner who is held in segregation on an exigent basis pursuant to subsection (d)
108 must be offered at least 3 hours per day of out-of-cell activities. If such prisoner has been
109 excluded from segregation due to mental illness, the prisoner must be given 2 out-of-cell mental
110 health treatment sessions per week. In no event shall a prisoner held in segregation on an exigent
111 basis pursuant to this section be held in segregation for longer than 15 consecutive days unless
112 the commissioner or designee, or sheriff or designee, reviews the prisoner's status every 7 days
113 and explains in writing what alternative placements have been considered and why no such
114 alternative is feasible.

115 SECTION 4. Chapter 127 of the General Laws is hereby amended by inserting after
116 section 39A, the following section:-

117 Section 39B. Non-disciplinary segregation procedural requirements; limitations.

118 (a) Prisoners shall be entitled to the procedural requirements set forth below before the
119 prisoner can be held in non-disciplinary segregation, unless the superintendent of the facility
120 where the prisoner is held or a designee certifies in writing that housing the prisoner in the

121 general population prior to complying with these procedural requirements will pose an imminent
122 threat to the safety and security of the prison where the prisoner is housed. If the superintendent
123 or a designee so certifies, a hearing before a non-disciplinary segregation board shall be
124 conducted within 5 business days of the commencement of segregation. This period may be
125 extended up to 15 days if the commissioner or appropriate deputy commissioner certifies in
126 writing that providing a hearing prior to transfer will pose an imminent threat to the safety and
127 security of the prison where the prisoner is housed and that an extension of the hearing period is
128 necessary to ensure the integrity and reliability of the hearing; only 2 such extensions are
129 permitted.

130 (b) The non-disciplinary segregation board shall be appointed by the commissioner and
131 shall consist of 3 individuals including at least 1 qualified mental health professional.

132 (1) Within 72 hours of the referral of a prisoner to a non-disciplinary segregation board,
133 the prisoner shall be provided with a written referral summary that shall include the specific
134 aspects of the prisoner's record or other information that the board may consider, the name of
135 any witnesses whom the presenting officer may call to testify, and copies of any documents that
136 will be introduced. With the written referral summary, the prisoner shall be provided with
137 request forms for making a written request for representation and for a continuance.

138 (2) If the prisoner wishes to be represented by an attorney or law student, have certain
139 witnesses testify, or request a continuance he or she shall complete a written request form within
140 forty-eight hours of receiving said forms.

141 (3) A prisoner shall be permitted to request that the board record the hearing and the
142 board shall then do so. The recording shall be preserved by the Superintendent or designee and

143 shall be accessible to the prisoner or his representative for reference and, upon request, shall be
144 provided with a duplicate copy, which shall be provided at no charge if the prisoner is indigent.

145 (4) In the event that a prisoner is illiterate or non-English speaking, or when the issues
146 presented are complex, the superintendent or a designee shall appoint a staff member to assist the
147 prisoner in preparing and presenting the prisoner's position at the hearing if the prisoner is
148 unable to secure legal representation.

149 (5) Prisoners shall have a hearing before a non-disciplinary segregation board to
150 determine, based on a preponderance of the evidence, that the prisoner meets the requirements of
151 section 39(b)(1) and (2). Any non-disciplinary segregation board recommendation that the
152 commissioner place the prisoner in non-disciplinary segregation shall be supported by a
153 preponderance of the evidence that the prisoner meets said requirements.

154 (6) Within 2 days of the hearing, the non-disciplinary segregation board shall serve a
155 written decision on the prisoner which shall contain a description of the specific evidence relied
156 on and a particularized statement of the reasons for the decision. The statement shall explain why
157 the placement or retention in non-disciplinary segregation is for administrative and not
158 disciplinary reasons.

159 (7) The prisoner shall receive a notice stating the prisoner's right to appeal and to submit
160 written objections within five days of the prisoner's receipt of the non-disciplinary segregation
161 board's written decision. Any appeal and objections should be addressed to the associate
162 commissioner of programs, treatment and classification, and submitted by the prisoners or his or
163 her representative to a staff person. The staff person shall deliver them to the correctional
164 counselor before the close of his tour of duty. The correctional counselor shall promptly submit

165 the name of any prisoner who has filed an appeal to the associate commissioner of programs,
166 treatment and classification.

167 (8) No less than 5 and no more than 10 weekdays after the prisoner's receipt of the
168 board's recommendation, the associate commissioner shall review the recommendation of the
169 board and any appeal or objections filed by the prisoner. Upon review, the associate
170 commissioner shall either make his or her own recommendations regarding the placement or
171 approve the recommendation. Any written statement of objections filed by the prisoner shall be
172 attached to the associate commissioner's recommendation.

173 (9) Whether or not the prisoner has submitted an appeal, objections or statement, the
174 commissioner or his designee shall review and act upon the recommendation of the board within
175 5 weekdays after review by the associate commissioner of programs, treatment and
176 classification. The commissioner's action shall be based upon substantial evidence in the record
177 of the hearing. The commissioner may sustain and adopt the recommendation in its entirety,
178 modify it, order a rehearing, or entirely reject a recommendation of placement in non-
179 disciplinary segregation. The commissioner shall specify and explain any aspects of his decision
180 and reasoning which are different from those of the board. If the commissioner decides that
181 contrary to the board's recommendation, placement in non-disciplinary segregation is warranted,
182 the commissioner shall allow five days from receipt of the commissioner's written decision in
183 which to file a written statement or objections pursuant to subsection (7) above.

184 (c) The department shall institute a program that allows every prisoner to earn his or her
185 way out of non-disciplinary segregation through positive behavior. The trajectory for a prisoner
186 to earn his or her way out of such housing shall be graduated and must be less than ten days.

187 (1) Within 5 days of placement in non-disciplinary segregation, including any time
188 served under section 39B(a), correctional authorities shall develop an individualized plan for the
189 prisoner. If the prisoner has a mental health history or diagnosis, such plan shall be developed in
190 consultation with mental health staff who are familiar with the prisoner.

191 (2) The plan shall include an assessment of the prisoner's needs, a strategy for
192 correctional authorities and, when warranted, mental health staff to assist the prisoner in meeting
193 those needs, and a statement of the expectations for the prisoner to progress toward fewer
194 restrictions and back to general population, including specific privileges the prisoner will receive
195 once the prisoner meets certain benchmarks in the plan.

196 (3) Correctional authorities shall provide a copy of the plan to the prisoner and ensure the
197 prisoner understands its contents. At intervals not to exceed 15 days, a team consisting of a
198 correctional administrator and mental health clinician shall conduct and document an evaluation
199 of each prisoner's progress under the individualized plan. The evaluation shall consider the
200 prisoner's mental health status and address the extent to which the prisoner's behavior, measured
201 against the plan, justifies the need to maintain, increase or decrease the level of controls and
202 restrictions in place at the time of the evaluation and recommend whether the prisoner should be
203 returned to a lower-level custody or removed from non-disciplinary segregation.

204 (4) If it is determined that the prisoner has substantially complied with the plan, the
205 prisoner shall be removed from non-disciplinary segregation and returned to a lower custody
206 level. Otherwise, the team must determine whether the prisoner's progress toward compliance
207 with the individual plan warrants a reduction of restrictions, increased programming, removal
208 from non-disciplinary segregation and/or return to lower level custody.

209 (5) A decision by the team to retain a prisoner in non-disciplinary segregation shall be set
210 forth in writing and shall be reviewed by a correctional administrator and approved, rejected or
211 modified.

212 (d) In no instance shall a prisoner be subjected to non-disciplinary segregation for more
213 than 90 days unless the department conducts a subsequent hearing pursuant to section 39B(a) of
214 this chapter by which it establishes the following: (1) by a preponderance of the evidence that the
215 prisoner, within the previous 90 days, has committed an act which resulted in or was likely to
216 result in serious injury or death to another; or (2) by clear and convincing evidence that there is a
217 significant risk that the prisoner will cause physical injury to prison staff or other prisoners if
218 removed from non-disciplinary segregation. If a decision is made to maintain the prisoner in
219 non-disciplinary segregation for longer than 90 days, the commissioner shall set forth in writing
220 all other alternatives that have been considered and why those alternatives have been rejected,
221 and shall set forth a plan for transitioning the prisoner out of non-disciplinary segregation. Any
222 prisoner subject to non-disciplinary segregation for longer than ninety days shall be entitled to a
223 hearing at least every forty-five days thereafter with the same protections set forth herein.

224 (e) Subsections (a) through (d) of this section shall apply to any prisoner who is
225 categorically excluded from placement in non-disciplinary segregation in accordance with
226 Section 39A, but who cannot be housed in general population because they pose an immediate
227 threat of personal injury to others.

228 SECTION 5. Chapter 127 of the General Laws is hereby amended by inserting after
229 section 39B, the following section:-

230 Section 39C. Reentry from segregation.

231 (a) Any prisoner who is within 180 days of his or her mandatory release date or parole
232 release date shall not be placed in segregation unless the commissioner or the sheriff, or his or
233 her designee, certifies in writing, based on a preponderance of the evidence, that the presence of
234 the prisoner in the general population would pose a serious risk of harm to others and all other
235 less-restrictive options have been exhausted. The department or county correctional facility shall
236 make quarterly reports as to the number of certifications made pursuant to this section 39C and
237 the reasons therefor.

238 (b) Any prisoner within 180 days of his or her mandatory release date or parole release
239 date and who is held in a segregation unit shall be offered reentry programming including but not
240 limited to: housing assistance, assistance obtaining state and federal benefits, employment
241 readiness training, and programming designed to help the person rebuild interpersonal
242 relationships, such as anger management and parenting courses. The department or county
243 correctional facility shall prepare a written reentry plan for every person in a segregation unit
244 who is within 180 of his or her mandatory release date or parole release date.

245 SECTION 6. Section 40 of chapter 127 of the General Laws, as appearing in the 2014
246 Official Edition, is hereby amended by striking out lines 1 through 4 in their entirety and
247 inserting in place thereof the following:- For the enforcement of discipline, an inmate in any
248 correctional institution of the commonwealth may, at the discretion of its superintendent, be
249 confined, for a period not to exceed fifteen days for any one offence, to an isolation or
250 disciplinary segregation unit, including the Departmental Disciplinary Unit.

251 SECTION 7. Section 41 of chapter 127 of the General Laws, as so appearing, is hereby
252 amended by striking out lines 1 through 8 in their entirety and inserting in place thereof the

253 following:- Subject to the requirements of Sections 39, 39A, and 39B of Chapter 127 of the
254 Massachusetts General Laws, the superintendent or keeper of a jail or house of correction may
255 set aside in such jail or house of correction one or more cells to be used as isolation or
256 segregation units, and for the enforcement of discipline may confine any inmate thereto; but no
257 prisoner shall be confined to such isolation or segregation unit for more than three days without
258 informing the sheriff or the county commissioners thereof and of the reasons therefor; and in no
259 case for more than ten days for any one offence.

260 SECTION 9. Chapter 127 of the General Laws is hereby amended by inserting after
261 section 39C the following section:-

262 Section 39D. Segregation oversight.

263 A segregation oversight committee shall be convened to gather information regarding the
264 use of disciplinary segregation and non-disciplinary segregation in Massachusetts correctional
265 institutions, jails and houses of correction, to determine the impact of such confinement on
266 prisoners, rates of violence and self-harm within correctional institutions, recidivism, and
267 incarceration costs.

268 (a) The oversight committee shall consist of 7 members: 1 member from corrections
269 appointed by the Department of Correction; 1 sheriff appointed by the sheriff's association; 1
270 former judge appointed by the Chief Justice of the Supreme Judicial Court; 1 staff member from
271 the Disability Law Center, appointed by its director; 1 staff member from Prisoners' Legal
272 Services, appointed by its director; 1 staff member from the Massachusetts Association for
273 Mental Health, appointed by its director; and 1 licensed social worker, appointed by the director
274 of National Association of Social Workers, Massachusetts chapter.

275 (b) The members of the oversight committee shall be provided full and unfettered access
276 to all Massachusetts state prisons and houses of corrections, and shall be allowed to interview
277 prisoners and staff.

278 (c) The oversight committee shall gather information regarding: (1) Criteria for placing a
279 prisoner in non-disciplinary segregation; (2) Specialized training provided to staff working with
280 prisoners in disciplinary and non-disciplinary segregation; (3) The effectiveness of step-down
281 units to transition prisoners from disciplinary and non-disciplinary segregation to general
282 population units or to the community; (4) The effect that reducing the use of segregation has on
283 the rate of prison violence and self-harm by prisoners and on the State's recidivism rates; and (5)
284 Other relevant information as identified by the oversight committee.

285 (d) The oversight committee shall receive quarterly data and statistics from the
286 department and each sheriff concerning but not limited to the following for each correctional
287 institution, jail, and house of correction, and covering the entire quarterly period:

288 (1) The number of prisoners in disciplinary segregation;

289 (2) The disciplinary sentence length of those prisoners in disciplinary segregation;

290 (3) The number of prisoners in non-disciplinary segregation;

291 (4) The length of time those prisoners have been held in non-disciplinary segregation;

292 (5) The number of times a particular prisoner has been placed in segregation for that
293 quarterly reporting period;

294 (6) The number of prisoners in disciplinary and non-disciplinary segregation,
295 respectively, designated as having serious mental illness (SMI);

- 296 (7) The number of prisoners in disciplinary and non-disciplinary segregation,
297 respectively, with a diagnosed mental illness;
- 298 (8) The number of prisoners in disciplinary and non-disciplinary segregation,
299 respectively, with a significant cognitive impairment or identified learning disability;
- 300 (9) The number of prisoners in disciplinary and non-disciplinary segregation,
301 respectively, who have requested reasonable accommodations for a disability while in
302 segregation;
- 303 (10) The number of prisoners in disciplinary and non-disciplinary segregation,
304 respectively, who have received reasonable accommodations for a disability while in
305 segregation;
- 306 (11) The number of prisoners in disciplinary and non-disciplinary segregation,
307 respectively, who have a disability;
- 308 (12) The number of mental health professionals who work directly with prisoners in
309 disciplinary and non-disciplinary segregation, respectively;
- 310 (13) The number of suicides and, separately, acts of non-lethal self-harm, committed by
311 prisoners held in disciplinary and non-disciplinary segregation, respectively;
- 312 (14) The number of planned uses of force on prisoners held in disciplinary and non-
313 disciplinary segregation, respectively;
- 314 (15) The number of times prisoners held in disciplinary and non-disciplinary segregation
315 were placed on mental health watch and for how long they were on mental health watch status;

316 (16) The number of transfers to outside hospitals and psychiatric hospitals directly from
317 disciplinary and non-disciplinary segregation, respectively;

318 (17) The racial composition of prisoners in disciplinary and non-disciplinary segregation,
319 respectively;

320 (18) The number of prisoners in disciplinary and non-disciplinary segregation,
321 respectively, who did not complete high school;

322 (19) The number of prisoners released directly from disciplinary and non-disciplinary
323 segregation, respectively, to the community;

324 (20) The number of prisoners released from disciplinary and non-disciplinary
325 segregation, respectively, within six months of release to the community;

326 (21) The number of prisoners removed from disciplinary and non-disciplinary
327 segregation, respectively, due to mental decompensation;

328 (22) The number of prisoners in non-disciplinary segregation who are in segregation for
329 protective custody reasons; The number of prisoners in disciplinary and non-disciplinary
330 segregation, respectively, who are lesbian, gay, bisexual, transgender, or intersex;

331 (23) The number of prisoners in disciplinary and non-disciplinary segregation,
332 respectively, who are twenty-one years old or younger;

333 (24) The number of prisoners in disciplinary and non-disciplinary segregation,
334 respectively, who are fifty-five years old or older;

335 (25) The number of prisoners in disciplinary and non-disciplinary segregation,
336 respectively, who are sixty-five years old or older; and

337 (26) Other relevant data and statistics as identified by the oversight committee.

338 (e) The oversight committee shall publish a report compiling this information and data
339 annually, with the first report being published within 1 year of the passage of this act. The
340 oversight committee shall make said report publicly available and shall deliver copies of said
341 report to all relevant legislative committees.

342 (f) The report of the segregation oversight committee shall offer recommendations geared
343 towards limiting the number of prisoners in disciplinary and non-disciplinary segregation in
344 Massachusetts and ensuring segregation is used as a tool of last resort in narrow, well-defined
345 circumstances. The recommendations shall include, but are not limited to: (1) Recommendations
346 as to how the department and each sheriff can adopt a step-down program so that all prisoners in
347 segregation can be returned to general population within fifteen days; (2) Recommendations as
348 to steps the department and each sheriff can take to restrict the use of segregation; (3)
349 Recommendations as to how the department and each sheriff can ensure that prisoners
350 experience continuity in programming during segregation; (4) Recommendations as to how the
351 department and each sheriff can ensure that no prisoners with serious mental illness or who are
352 otherwise considered vulnerable populations excludable from segregation under current law are
353 placed in segregation; (5) Recommendations as to how the department and each sheriff can
354 deliver meaningful mental health treatment to prisoners in segregation; (6) Recommendations as
355 to how the department and each sheriff can limit the infractions resulting in segregation

356 placement; and (7) Recommendations as to how the department and each sheriff can ensure that
357 no prisoner is released directly from segregation to the community.