

HOUSE No. 2504

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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 to provide criminal justice reform protections to all prisoners in segregated confinement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/18/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/19/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/22/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/24/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/25/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/10/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>

<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>3/16/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/18/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/24/2021</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/26/2021</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>4/1/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/1/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>4/2/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>4/12/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>4/13/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>4/17/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>4/23/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>4/28/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>5/10/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>5/12/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>5/14/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>5/25/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>6/8/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>6/22/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>6/30/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>7/29/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>12/13/2021</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/5/2022</i>

HOUSE No. 2504

By Ms. Miranda of Boston, a petition (accompanied by bill, House, No. 2504) of Liz Miranda and others relative to prisoners in segregated confinement. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to provide criminal justice reform protections to all prisoners in segregated confinement.

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, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the definition of “Victim” the following 6
3 definitions:-

4 “Segregated confinement”, is a status where a prisoner is separated from the general
5 population. The department shall only utilize the following types of segregated confinement: (1)
6 restrictive housing; (2) disciplinary restrictive housing; (3) secure adjustment units; (4) secure
7 treatment units; (5) mental health watch; (6) accountability program unit; and (7) security watch.

8 “Secure adjustment unit”, a housing placement designed to provide access to cognitive
9 behavioral treatment, education, programs, structured recreation, leisure time activities and
10 mental health services for prisoners diverted from or released from restrictive housing.

11 “Health services unit”, a general population housing placement designed to deliver
12 healthcare services to prisoners.

13 “Mental health watch”, is a status intended to protect a prisoner from serious self-harm.

14 “Security watch”, any 24-hour observation initiated through security threats or suspicion
15 of ingesting substances including drugs.

16 “General population”, any housing placement where a prisoner is not held in segregated
17 confinement. In no event shall any general population unit have conditions that are similar to or
18 more restrictive than segregated confinement. These conditions shall include a prisoner's access
19 to: out of cell time; the yard, gym and other recreational spaces; the law library; religious
20 services; canteen; personal property; visitation, including both the total available visitation time
21 and the opportunity for contact visits; telephones and video visits; opportunities to earn a wage
22 and opportunities to earn good time. All such access shall be maximized as much as possible.

23 SECTION 2. Said section 1 of said chapter 127, as so appearing, is hereby amended by
24 striking out, in lines 27 and 30, the words “restrictive housing” and inserting in place thereof the
25 following words:- segregated confinement

26 SECTION 3. Said section 1 of said chapter 127, as so appearing, is hereby amended by
27 striking out, in lines 31 and 32, the words “clause (iv) or (v) of”

28 SECTION 4. Said section 1 of said chapter 127, as so appearing, is hereby amended by
29 striking out the definition of “secure treatment unit” and inserting in place thereof the following
30 definition:- “Secure treatment unit”, a housing placement of any security level that is
31 designed to provide an alternative to restrictive housing for prisoners diagnosed with serious
32 mental illness and which provides clinically appropriate mental health treatment, programming,
33 out of cell time, educational opportunities, programming and other services in accordance with

34 clinical standards adopted by the department of correction in consultation with the department of
35 mental health.

36 SECTION 5. Section 39 of said chapter 127, as so appearing, is hereby amended by
37 striking out, in line 10, the words “restrictive housing units” and inserting in place thereof the
38 following words:- segregated confinement units other than mental health watch

39 SECTION 6. Said section 39 of said chapter 127, as so appearing, is hereby amended by
40 inserting after the word “authorized” in line 14 the following words: commensurate with the
41 rights of general population prisoners

42 SECTION 7. Said section 39 of said chapter 127, as so appearing, is hereby amended by
43 striking numeral (v), in lines 19 and 20, and replacing it with the following words “(v) access to
44 a tablet and a radio or television, in accordance with the prisoner’s preference, if the confinement
45 exceeds 48 hours.”

46 SECTION 8. Said section 39 of said chapter 127, is hereby amended by striking numeral
47 (x) in subsection (b) and inserting the following two numerals in its place: (x) access to personal
48 property unless contraindicated by qualified clinical mental health providers; (xi) other rights and
49 privileges as may be established or recognized by the commissioner.

50 SECTION 9. Said section 39 of said chapter 127, as so appearing, is hereby amended by
51 inserting at the end of subsection (d) the following sentences: Mental health treatment provided
52 in segregated confinement shall be confidential and be consistent with generally accepted
53 professional standards for treatment in the community. Medication alone, without therapy, does
54 not constitute sufficient treatment; provided, however, that a prisoner may decline therapy
55 without medication disruption if the prisoner does not want to participate in therapy. A prisoner

56 in segregated confinement shall have an individual treatment plan designed by a qualified mental
57 health professional in consultation with the prisoner, who may accept or decline the services
58 offered in the said plan. The individual treatment plan shall include a minimum of 50 minutes of
59 therapy per week.

60 SECTION 10. Said section 39 of said chapter 127, as so appearing, is hereby amended by
61 inserting after subsection (e) the following subsection:- (f) Prisoners in segregated confinement
62 shall be offered no less than four hours out of cell indoors or outdoors, in accordance with the
63 prisoner's preference, at least once a day unless contraindicated by qualified clinical mental
64 health providers.

65 SECTION 11. Subsection (b) of said section 39 of said chapter 127, as so appearing, is
66 hereby amended by inserting after the first sentence the following two sentences:- If canteen
67 privileges or disability accommodations are deemed inconsistent with the security of the unit,
68 such determination must be reviewed by the placement review examiners at each placement
69 review, at which time the placement review examiners must override the determination if there is
70 not substantial evidence to support it. The placement review examiners shall provide written
71 explanation of their determination and all evidence relied upon, and all such determinations are
72 final agency decisions.

73 SECTION 12. Said section 39 of said chapter 127, as so appearing, is hereby amended by
74 striking out, in lines 34 and 41, the words “restrictive housing” and inserting in place
75 thereof the following words:- segregated confinement

76 SECTION 13. Said section 39 of said chapter 127, as so appearing, is hereby amended by
77 striking out, in lines 36, 37, 38, and 39, the words “or restrictive housing is otherwise clinically

78 contraindicated based on clinical standards adopted by the department of correction and the
79 qualified mental health professional’s clinical judgment” and inserting in place thereof the
80 following words:- “A prisoner with a serious mental illness or who is otherwise clinically
81 contraindicated for restrictive housing, disciplinary restrictive housing or secure adjustment
82 units, based on clinical standards adopted by the department of correction and the qualified
83 mental health professional’s clinical judgment, shall only be placed in secure treatment units,
84 mental health watch or general population units. Secure treatment units may be any level of
85 security deemed appropriate for the population. They shall meet minimum standards for mental
86 health treatment, programming and education, as established by the department’s director of
87 behavioral health with the approval of the commissioner of mental health. They shall have
88 minimum out-of-cell time of no less than 5 hours daily. A clinical staff person shall be the
89 director of all secure treatment units. A correctional staff person shall be responsible for security
90 on secure treatment units. All clinical treatment and supervision of prisoners placed in secure
91 treatment units shall be provided by qualified clinical mental health providers. The mental health
92 providers will make the determination regarding readiness for the prisoner to be moved to a less
93 restrictive unit.

94 SECTION 14. Said section 39 of said chapter 127, as so appearing, is hereby amended by
95 striking out, in line 47, the words “restrictive housing” and inserting in place thereof the
96 following words:- segregated confinement other than a secure treatment unit or mental health
97 watch

98 SECTION 15. Section 39A of said chapter 127, as so appearing, is hereby amended by
99 striking out, in line 1 , the words “restrictive housing” and inserting in place thereof the

100 following words:- segregated confinement other than a secure treatment unit or mental health
101 watch

102 SECTION 16. Said section 39A of said chapter 127, as so appearing, is hereby amended
103 by inserting after the words “restrictive housing” in line 4 the following words:- , “disciplinary
104 restrictive housing or a secure adjustment unit”

105 SECTION 17. Said section 39A of said chapter 127, as so appearing, is hereby amended
106 by striking out, in lines 12, 17, 20, 22, 34, 35, 38 and 39, the words “restrictive housing”
107 and inserting in place thereof the following words:- segregated confinement

108 SECTION 18. Said section 39A of said chapter 127, as so appearing, is hereby amended
109 by striking out subsection (d) and inserting in place thereof the following subsection:-
110 “(d) a prisoner who is pregnant or who is in the first 8 weeks of the postpartum recovery period
111 after giving birth shall not be placed in segregated confinement.”

112 SECTION 19. Said section 39A of said chapter 127, as so appearing, is hereby amended
113 by striking out subsection (e) and inserting in place thereof the following subsection:- (e)
114 Persons with permanent physical or developmental disabilities shall not be placed in segregated
115 confinement.

116 SECTION 20. Said section 39A of said chapter 127, as so appearing, is hereby amended
117 by inserting after subsection (f) the following subsection:- (g) A prisoner 21 years of age or
118 younger or 55 years of age or older shall not be placed in segregated confinement.

119 SECTION 21. Section 39B of said chapter 127, as so appearing, is hereby amended by
120 striking out, in lines 1, 4, 17, 34 and 35, the words “restrictive housing” and inserting in
121 place thereof the following words:- segregated confinement

122 SECTION 22. Said section 39B of said chapter 127, as so appearing, is hereby amended
123 by inserting after the word “39A”, in line 4, the following words:- or subsection (a) of section
124 39I,

125 SECTION 23. Said section 39B of said chapter 127 is hereby amended by striking from
126 subsection (a) numerals (iv) and (v) and inserting in place thereof:- (iv) is being held for
127 any other reason, every 30 days.

128 SECTION 24. Said section 39B of said chapter 127, as so appearing, is hereby amended
129 by inserting after the words “restrictive housing” in lines 11 and 12 the following words:-
130 disciplinary restrictive housing, a secure adjustment unit or a secure treatment unit following an
131 allegation or finding of a disciplinary breach

132 SECTION 25. Said section 39B of said chapter 127, as so appearing, is hereby amended
133 by striking out, in line 20, the word “or” and inserting in place thereof the following word:- and

134 SECTION 26. Said section 39B of said chapter 127, as so appearing, is hereby amended
135 by inserting after the word “writing” in line 20 the following words:- and be represented by an
136 advocate of the prisoner’s choosing including, but not limited to, a legislator, law student,
137 lawyer, paralegal or other legal representative

138 SECTION 27. Said section 39B of said chapter 127, as so appearing, is hereby amended
139 by striking out, in lines 22 and 23, the words “the evidence relied on and the reasons for the

140 placement decision” and inserting in place thereof the following words:- “(1) any negative
141 effects of segregated confinement on the prisoner and the extent to which such effects may be
142 impacting the prisoner’s behavior and perceived level of risk, (2) whether a reasonable
143 probability of safety for the prisoner and third parties could be achieved if the prisoner
144 were confined to general population or a less restrictive form of segregated confinement than the
145 prisoner has been assigned to, (3) the factual basis or bases for the placement decision, (4) a
146 written description of any statements made by the prisoner during the hearing and (5) attaching
147 all supporting records and all records submitted by the prisoner”

148 SECTION 28. Said section 39B of said chapter 127, as so appearing, is hereby amended
149 by striking out subsection (d).

150 SECTION 29. Said section 39B of said chapter 127, as so appearing, is hereby amended
151 by inserting after subsection (e) the following two subsections:- (f) There shall be a presumption
152 in favor of release to the general population at every placement review, and a prisoner may only
153 be retained in segregated confinement if there is clear and convincing evidence that the prisoner
154 poses an unacceptable risk in the general population as provided in subsection (a) of section 39,
155 documented in writing. If a prisoner is being held in segregated confinement awaiting a
156 disciplinary hearing or on any other awaiting action or investigation status, the prisoner shall be
157 reviewed every 3 days by clinical staff and they shall be returned to the general population once
158 clinical staff determine the prisoner no longer poses a threat of harm to themselves or others, in
159 no event greater than 15 days. Any time on any awaiting action status shall be credited towards
160 any subsequent disciplinary sanction, and no disciplinary sanction shall exceed 15 days in
161 segregated confinement. (g) If a placement review causes a prisoner to be held in segregated
162 confinement for more than 90 days over a one-year period, the placement review shall constitute

163 a final agency decision. The prisoner may file a complaint challenging the prisoner’s placement
164 in segregated confinement in the superior court for the county in which the inmate is incarcerated
165 or otherwise being held or in Suffolk county in accordance with section 14 of chapter 30A. The
166 superior court shall determine if there is substantial evidence to support the determination of the
167 placement review. If there is substantial evidence to support the determination of the placement
168 review then the court shall: (1) uphold the placement in segregated confinement or (2) make
169 other orders the court deems consistent with justice. If there is not substantial evidence to support
170 the determination of the placement review then the court shall:

171 (1) order that the prisoner shall be housed in the general population;

172 (2) order that the prisoner shall be housed in a less restrictive form of segregated
173 confinement than the prisoner is currently confined to; (3) order that the prisoner shall be housed
174 in the type of segregated confinement that the department assigned the prisoner to; or

175 (4) make other orders the court deems consistent with justice. The availability of review
176 under this section shall not be construed to limit any judicial remedies otherwise available.

177 SECTION 30. Section 39C of said chapter 127, as so appearing, is hereby amended by
178 striking out, in line 4, the words “restrictive housing” and inserting in place thereof the
179 following words:- segregated confinement

180 SECTION 31. Section 39D of said chapter 127, as so appearing, is hereby amended by
181 striking out, in lines 2 and 3, the words “restrictive housing” and inserting in place
182 thereof the following words:- segregated confinement

183 SECTION 32. Said section 39D of said chapter 127, as so appearing, is hereby amended
184 by striking out subsection (b) and inserting in place thereof the following subsection:- (b)
185 The commissioner shall publish a report quarterly and provide directly to the segregated
186 confinement oversight committee and to the special commission to study the health and safety of
187 lesbian, gay, bisexual, transgender, queer and intersex prisoners in correctional institutions, jails
188 and houses of correction, as to each segregated confinement unit within each state correctional
189 facility, and every 6 months as to each segregated confinement unit within each county
190 correctional facility, in aggregated and disaggregated formats:

191 (i) the number of prisoners as to whom a finding of serious mental illness has been
192 delineated by diagnosis and the number of such prisoners held for more 190 than 15 days;

193 (ii) the number of prisoners who have committed suicide or committed non-lethal acts of
194 self-harm;

195 (iii) the number of prisoners according to the reason for their segregated confinement;

196 (iv) a listing of prisoners with names redacted, including an anonymized identification
197 number that shall be consistent across reports, age, race, gender and ethnicity and, if known, the
198 voluntary self-identified sexual orientation, as defined in section 3 of chapter 151B, and gender
199 identity, as defined in section 7 of chapter 4, of each prisoner subjected to segregated
200 confinement, whether the prisoner was pregnant during time spent in restrictive housing, whether
201 the prisoner has an open mental health case, the date of the prisoner's commitment to segregated
202 confinement, the length of the prisoner's disciplinary term, if applicable and a summary of the
203 reason for the prisoner's commitment;

204 (v) the number of placement reviews conducted for each type of segregated confinement
205 and the number of prisoners released from each type of segregated confinement as a result of
206 such placement reviews;

207 (vi) the length of original assignment to and total time served in segregated confinement
208 for disciplinary purposes for each prisoner released from said confinement as a result of a
209 placement review;

210 (vii) the count of prisoners released to the community directly or within 30 days of
211 release from segregated confinement;

212 (viii) the known disabilities of every prisoner who was placed in segregated confinement
213 during the previous 3 months;

214 (ix) the number of mental health professionals who work directly with prisoners in
215 segregated confinement;

216 (x) the number of transfers to outside hospitals directly from segregated confinement;

217 (xi) such additional information as the commissioner may determine;

218 (xii) the number of prisoners subjected to each type of segregated confinement;

219 (xiii) the number of prisoners held in segregated confinement for more than 15 days;

220 (xiv) the number of prisoners 21 years of age or younger subjected to each type of
221 segregated confinement;

222 (xv) the number of pregnant prisoners subjected to each type of segregated confinement;

223 (xvi) the racial and ethnic composition of prisoners subjected to each type of segregated
224 confinement;

225 (xvii) the sexual orientation and gender identity composition of prisoners subjected to
226 each type of segregated confinement who have voluntarily disclosed during Prison Rape
227 Elimination Act screenings or voluntarily disclose and self-identify at any other time during their
228 incarceration their sexual orientation, as defined in section 3 of chapter 151B or gender identity,
229 as defined in section 7 of chapter 4;

230 (xviii) the number of prisoners subjected to multiple stays in each type of segregated
231 confinement in a given reporting period;

232 (xix) the rate of recidivism for individuals that were subject to segregated confinement.

233 The information shall be published in a commonly available electronic, machine readable format.

234 SECTION 33. Said section 39D of said chapter 127, as so appearing, is hereby amended
235 by inserting the following subsection:- (d) The commissioner with consultation from the
236 administrators of county correctional facilities, the department of public health, the department
237 of youth services, the Fenway Institute and input from other stakeholders shall develop policies
238 and procedures for prisoners to voluntarily disclose their sexual orientation or gender identity
239 during initial intake to state and county correctional facilities and upon placement in segregated
240 confinement. The collection of sexual orientation or gender identity information voluntarily
241 provided by prisoners placed in or currently held in segregated confinement must be collected by
242 members of the special commission on the health and safety of lesbian, gay, bisexual,
243 transgender, queer and intersex prisoners.

244 SECTION 34. Section 39E of said chapter 127, as so appearing, is hereby amended by
245 striking out, in line 2, the words “restrictive housing” and inserting in place thereof the following
246 words:- segregated confinement

247 SECTION 35. Section 39F of said chapter 127, as so appearing, is hereby amended by
248 striking out, in lines 3 and 8, the words “restrictive housing” and inserting in place
249 thereof the following words:- segregated confinement other than mental health watch

250 SECTION 36. Said section 39F of said chapter 127, as so appearing, is hereby amended
251 by striking out, in line 4, the words “restrictive housing” and inserting in place thereof the
252 following words:- segregated confinement

253 SECTION 37. Section 39G of said chapter 127, as so appearing, is hereby amended by
254 striking out, in lines 1, 26, 27, 36, 40, 41, 42, 43, 44, 45 and 47, the words “restrictive
255 housing” and inserting in place thereof the following words:- segregated confinement

256 SECTION 38. Said section 39G of said chapter 127, as so appearing, is hereby amended
257 by striking out, in line 6, the word “9” and inserting in place thereof the following word:- 10

258 SECTION 39. Said section 39G of said chapter 127, as so appearing, is hereby amended
259 by inserting after the word “designee”, in line 18, the following words:- , 1 of whom shall be an
260 individual who has personally experienced segregated confinement. A member who has
261 personally experienced segregated confinement or otherwise been incarcerated in a penal facility
262 shall be considered a full member of the committee and shall have the same rights, benefits, and
263 responsibilities as any other member including the right to visit facilities and to access to records.

264 SECTION 40. Said section 39G of said chapter 127, as so appearing, is hereby amended
265 by striking out, in line 29, the word “The” and inserting in place thereof the following
266 words:- All members of the

267 SECTION 41. Said section 39G of said chapter 127, as so appearing, is hereby amended
268 by inserting after the word “institutions” in lines 29 and 30, the following words:- , including for
269 inspections without prior notice,

270 SECTION 42. Subsection (c) of said section 39G of said chapter 127, as so appearing, is
271 hereby amended by inserting after the first sentence the following four sentences:- No
272 restrictions shall be placed on the ability of members of the committee to speak with the public
273 or the press about public aspects of the committee’s work. The committee may ask the
274 department and sheriff’s departments to develop new data and information relating to the use of
275 segregated confinement. The committee shall be entitled to review nonpublic information and
276 records, including, but not limited to, personnel records and, with the permission of the prisoner,
277 prisoner records. The committee shall be entitled to review and obtain copies of all public
278 information and records, including all public information that is segregable from non-public
279 information and records.

280 SECTION 43. Said chapter 127, as so appearing, is hereby amended by inserting after
281 section 39H the following section:- Section 39I. (a) A prisoner may be placed on mental health
282 watch only if it is determined by a qualified mental health professional’s clinical judgment that
283 the prisoner requires observation to protect the prisoner from an imminent risk of serious self-
284 harm. A qualified mental health professional shall assess the need for continued mental health

285 watch after six hours, after 12 hours and then at least once every 12 hours thereafter. Each such
286 assessment shall include an in person interview with the prisoner.

287 (b) A prisoner who has been placed on mental health watch for more than 72 hours and
288 continues to require observation due to a serious a risk of imminent serious self-harm, as
289 determined by a qualified mental health professional's clinical judgment, shall be transferred to a
290 suitable facility or unit licensed or operated by the department of mental health.

291 (c) All prisoners who have been placed on mental health watch shall be fully clothed.
292 Clothing shall be substantially similar to that which is worn in general population, and any
293 limitations to clothing shall be determined only by a qualified clinical mental health professional.

294 (d) All menstruating prisoners shall be provided with appropriate personal hygiene
295 supplies throughout the duration of their menstrual cycle.

296 (e) All prisoners who have been placed on mental health watch shall be provided a
297 minimum of 2 blankets of the same or of substantially similar quality to blankets provided in
298 general population.

299 (f) All prisoners who have been placed on mental health watch shall be offered time out
300 of cell indoors or outdoors, in accordance with the prisoner's preference, at least once daily
301 unless contraindicated by qualified clinical mental health providers.

302 SECTION 44. Chapter 127 of the General Laws is hereby amended by inserting after
303 section 48B the following section:-

304 Section 48C: The commissioner and administrators of state prisons and county facilities
305 shall maximize out of cell time and opportunities for prisoner participation in education, training,

306 employment and all other programming including programming related to rehabilitation, health
307 care and substance use. All prisoners shall have the opportunity to access at least 1 hour of
308 structured programming daily at least 5 days per week. With the exception of restrictive housing
309 and security or operational emergencies, no prisoner shall be locked into a cell for more than 16
310 hours daily.

311 SECTION 45: Section 48 of Chapter 127 is hereby amended by adding after the first
312 sentence of the second paragraph the following sentence:- Every state and county correctional
313 facility must have at least one general high school equivalency class available and shall ensure
314 access to higher education.