

2016 -- H 8206 SUBSTITUTE A

=====
LC005963/SUB A/2
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

H O U S E R E S O L U T I O N

**CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ASSESS THE
USE OF SOLITARY CONFINEMENT IN THE RHODE ISLAND ACI**

Introduced By: Representatives Regunberg, Barros, McEntee, Ajello, and Craven

Date Introduced: May 12, 2016

Referred To: House Judiciary

1 WHEREAS, Evidence shows unlimited solitary confinement is inhumane and ineffective;

2 and

3 WHEREAS, Subjecting people to solitary confinement without meaningful human
4 contact, programming, services or therapy often causes deep and permanent psychological,
5 physical, and developmental harm; and

6 WHEREAS, This harm not only violates common values of decency, but also is
7 counterproductive because people often have more difficulty complying with prison rules after
8 being placed in solitary confinement; and

9 WHEREAS, Solitary confinement can be particularly devastating for certain vulnerable
10 people, including: the young and elderly pregnant women and persons with disabilities or
11 histories of addiction and trauma; and

12 WHEREAS, The United Nations Special Rapporteur on Torture concluded that solitary
13 confinement can amount to torture and recommended abolishing its use beyond fifteen days and
14 prohibiting any use of solitary confinement for vulnerable groups or for the purpose of
15 punishment; now, therefore be it

16 RESOLVED, That a special legislative commission be and the same is hereby created
17 consisting of nineteen (19) members: three (3) of whom shall be members of the Rhode Island
18 House of Representatives, not more than two (2) from the same political party, to be appointed by
19 the Speaker of the House; one of whom shall be the Director of the Rhode Island Department of

1 Corrections, or designee; one of whom shall be a Rhode Island Department of Corrections staff
2 member responsible for overseeing mental health services, to be appointed by the Director of the
3 Rhode Island Department of Corrections; one of whom shall be the President of the Rhode Island
4 Brotherhood of Correctional Officers (RIBCO), or designee; one of whom shall be a former
5 administrator of the Rhode Island Department of Corrections, to be appointed by the Speaker; one
6 of whom shall be a formerly incarcerated individual who has experienced solitary confinement in
7 Rhode Island, to be appointed by the Speaker; one of whom shall be the Executive Director of
8 Direct Action for Rights and Equality, or designee; one of whom shall be the Executive Director
9 of the Institute for the Study and Practice of Nonviolence, or designee; one of whom shall be the
10 chairperson of the Rhode Island Parole Board, or designee; one of whom shall be the Public
11 Defender, or designee; one of whom shall be the Rhode Island Mental Health Advocate, or
12 designee; one of whom shall be the Director of the Rhode Island Department of Health, or
13 designee; one of whom shall be a co-director of the Center for Prisoner Health and Human
14 Rights, or designee; one of whom shall be the Executive Director of the Rhode Island
15 Developmental Disabilities Council, or designee; one of whom shall be the Assistant Director of
16 Institutions and Operations, or designee; one of whom shall be a former administrator at the
17 Department of Corrections, designated by the Director of the Department of Corrections; and, one
18 of whom shall be a psychiatrist, designated by the Department of Corrections Director.

19 In lieu of any appointment of a member of the legislature to a permanent advisory
20 commission, a legislative study commission, or any commission created by a General Assembly
21 resolution, the appointing authority may appoint a member of the general public to serve in lieu
22 of a legislator, provided that the majority leader or the minority leader of the political party which
23 is entitled to the appointment consents to the member of the general public.

24 The purpose of said commission shall be to make a comprehensive study and assess the
25 use of solitary confinement in the Rhode Island ACI, including, but not limited to:

- 26 • Rate and length of solitary confinement sentences;
- 27 • Proportionality between disciplinary offenses and the solitary confinement sentences
28 they induce;
- 29 • Psychological impact of prolonged solitary confinement on inmates;
- 30 • Public safety implications of prolonged solitary confinement after inmates return to the
31 community;
- 32 • Extent to which solitary confinement has a particular impact on vulnerable populations,
33 such as youth, and those with disabilities;
- 34 • Fiscal impact of the current use of solitary confinement;

- 1 • Extent to which the Department of Corrections' current record-keeping policies on the
2 use of solitary confinement are adequate to making informed administrative decisions; and
3 • Alternatives to and best practices for reducing the use of solitary confinement, as
4 developed by other jurisdictions, and the extent to which these alternatives impact cost, behavior,
5 and other outcomes within prison systems.

6 Forthwith upon passage of this resolution, the members of the commission shall meet at
7 the call of the Speaker of the House and organize and shall select a chairperson from among the
8 legislators.

9 Vacancies in said commission shall be filled in like manner as the original appointment.

10 The membership of said commission shall receive no compensation for their services.

11 All departments and agencies of the state, shall furnish such advice and information,
12 documentary and otherwise, to said commission and its agents as is deemed necessary or
13 desirable by the commission to facilitate the purposes of this resolution.

14 The Speaker of the House is hereby authorized and directed to provide suitable quarters
15 for said commission; and be it further

16 RESOLVED, That the commission shall report its findings and recommendations to the
17 House of Representatives no later than January 27, 2017, and said commission shall expire on
18 March 27, 2017.

=====
LC005963/SUB A/2
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
HOUSE RESOLUTION
CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ASSESS THE
USE OF SOLITARY CONFINEMENT IN THE RHODE ISLAND ACI

- 1 This resolution would create a nineteen (19) member special legislative study
- 2 commission whose purpose it would be to make a comprehensive study and assess the use of
- 3 solitary confinement in the Rhode Island ACI, and who would report back to the House of
- 4 Representatives no later than January 27, 2017, and whose life would expire on March 27, 2017.

=====
LC005963/SUB A/2
=====