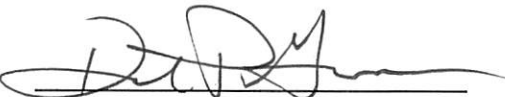
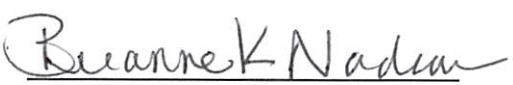


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2 Councilmember David Grosso


Councilmember Mary M. Cheh

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5 Councilmember Brianne Nadeau


Councilmember Anita Bonds

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12 A BILL
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17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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21 To require the Department of Corrections to perform regular mental health assessments on
22 individuals in segregated housing; to create minimum out-of-cell time for inmates in
23 segregated housing; to limit the use of disciplinary segregation to only the most serious
24 offenses; to limit the use of administrative segregation; to require periodic review for
25 inmates in administrative segregation; to require the Department of Corrections to create
26 a plan for alternatives to segregated housing, to provide a report to the Council on the use
27 of segregated housing, and to create, in conjunction with other District agencies, a
28 manual for families of incarcerated individuals.

29
30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
31 act may be cited as the “ Inmate Segregation Reduction Act of 2017”.

32 Sec. 2. Definitions

33 For the purposes of this act, the term:

34 (1) “Administrative segregation” means the placement of an inmate in segregated
35 housing based on reasons of safety or security.

36 (2) “Department” means the Department of Corrections, established by section 1
37 of An Act To create a Department of Corrections in the District of Columbia, approved June 27,
38 1946 (60 Stat. 320; D.C. Official Code § 24-211.01).

39 (3) “Disciplinary segregation” means the placement of an inmate in segregated
40 housing for the purpose of punishing an inmate upon a guilty finding for a rule violation under
41 the penal institution’s hearing procedures.

42 (4) “Penal institution” shall have the same meaning as provided in section 2(6) of
43 An Act To prohibit the introduction of contraband into the District of Columbia penal
44 institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(6)).

45 (5) “Segregated housing” means inmate housing with prolonged cell confinement
46 that is separate from the general inmate population, including administrative segregation and
47 disciplinary segregation.

48 (6) “Serious mental illness” means a substantial disorder of thought or mood that
49 significantly impairs judgment, behavior, capacity to recognize reality, or the ability to cope with
50 the ordinary demands of life.

51 Sec. 3. Limitations on the use of segregated housing.

52 (a)(1) A licensed mental health provider (“provider”) shall perform a mental health
53 assessment on an inmate placed in segregated housing within 24 hours of the placement.

54 (2) Once an inmate is placed in segregated housing, a provider shall provide
55 periodic mental health assessments to the inmate, but no less than once every 7 days. After each
56 assessment, the provider shall make a determination about the mental health condition of the
57 inmate. After an assessment, the Department shall provide appropriate mental health services to
58 the inmate as necessary.

59 (b) Segregated housing shall be used for the briefest term and under the least restrictive
60 conditions practicable and consistent with the individualized rationale for placement and with the
61 progress achieved by the inmate, including providing, as practicable, equivalent recreation,

62 exercise, social, educational, and other programming time provided to inmates in the general
63 population; provided, that an inmate shall have at least 2 hours out of every 24 hours to engage
64 in activities outside of the segregated housing unit.

65 Sec. 4. Disciplinary segregation.

66 (a) The Department shall only place an inmate in disciplinary segregation upon a guilty
67 finding of a Class I or Class II offense pursuant to Chapter Four of the District of Columbia
68 Department of Corrections Program Manual number 5300.1F. Disciplinary segregation shall not
69 be used for violation of a Class III or Class IV offense.

70 (1) A period of disciplinary segregation for a violation of a Class I offense shall
71 not exceed 60 days for all offenses arising out of a single incident.

72 (2) A period of disciplinary segregation for a violation of a Class II offense shall
73 not exceed 30 days for all offenses arising out of a single incident.

74 (b) The Department shall conduct a hearing for an inmate charged with a violation of a
75 Class I or Class II offense within 3 business days of the date an inmate is charged with the
76 alleged violation; provided, that an inmate may request a continuance. A continuance and its
77 length shall be granted at the discretion of the Department.

78 Sec. 5. Administrative segregation.

79 (a) The Department shall use administrative segregation only upon a specific finding of:

80 (1) Imminent harm to the inmate or another person;

81 (2) Imminent danger to the safe, secure, or orderly operation of the penal
82 institution; or

83 (3) Disruption of the integrity of a formal investigation.

84 (b) If any of the conditions in subsection (a) exist, the Department may use administrative
85 segregation; provided, that the Department has made a specific finding that there are no other
86 reasonable means to eliminate the condition and that administrative segregation is used only to
87 the extent necessary to eliminate the condition identified.

88 (c) The Department shall notify an inmate of the specific findings relied upon to make an
89 administrative segregation determination.

90 (d) The Department may grant an inmate's request for administrative segregation at its
91 discretion.

92 (e) The Department shall conduct a periodic review for an inmate placed in
93 administrative segregation, but no less than once every 7 days. At each review, the Department
94 shall, based on evidence, make a determination about whether the conditions that resulted in a
95 placement of administrative segregation persist. If the conditions have abated, the Department
96 shall make adjustments to the use of administrative segregation as soon as is practicable.

97 Sec. 6. Plan and report on the reduction and use of segregated housing.

98 (a) Within 180 days of the effective date of this act, the Department shall transmit to the
99 Council a plan to reduce the use of segregated housing and a description of alternatives to
100 segregated housing for inmates, which may include group programs, good behavior incentive
101 programs, step-down programs to reintegrate inmates into the penal institution general
102 population, and alternative housing.

103 (b) On March 1, 2017, and on an annual basis thereafter, the Department shall report the
104 following to the Council:

105 (1) The number of adult inmates held in segregated housing during the reporting
106 period, broken down by month and by type of segregated housing;

107 (2) The number of adult inmates held in segregated housing in the following
108 specified ranges, broken down by segregated housing category:

109 (A) Fewer than 10 days;

110 (B) Between 10 and 30 days; and

111 (C) Between 31 and 60 days; and

112 (3) The shortest, longest, and average length of time that an inmate was held in
113 segregated housing during the reporting period.

114 Sec. 7. Manual for families of incarcerated individuals.

115 Within 180 days of the effective date of this act, the Department, in conjunction with
116 other appropriate District agencies, shall create a manual for families of incarcerated individuals,
117 which shall include, at a minimum, information on the operation of the penal institution as it
118 relates to families of incarcerated individuals, information on government and community
119 resources available for families of incarcerated individuals, and information and resources
120 available for returning citizens.

121 Sec. 8. Fiscal impact statement.

122 The Council adopts the fiscal impact statement in the committee report as the fiscal
123 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
124 approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(3)).

125 Sec. 10. Effective date.

126 This act shall take effect following approval by the Mayor (or in the event of veto by the
127 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
128 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

129 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
130 Columbia Register.