A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the Department of Corrections to perform regular mental health assessments on individuals in segregated housing; to create minimum out-of-cell time for inmates in segregated housing; to limit the use of disciplinary segregation to only the most serious offenses; to limit the use of administrative segregation; to require periodic review for inmates in administrative segregation; to require the Department of Corrections to create a plan for alternatives to segregated housing, to provide a report to the Council on the use of segregated housing, and to create, in conjunction with other District agencies, a manual for families of incarcerated individuals.

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

Sec. 2. Definitions

For the purposes of this act, the term:

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

(2) “Department” means the Department of Corrections, established by section 1 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01).
(3) “Disciplinary segregation” means the placement of an inmate in segregated housing for the purpose of punishing an inmate upon a guilty finding for a rule violation under the penal institution’s hearing procedures.

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

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

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

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

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

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

(b) Segregated housing shall be used for the briefest term and under the least restrictive conditions practicable and consistent with the individualized rationale for placement and with the progress achieved by the inmate, including providing, as practicable, equivalent recreation,
exercise, social, educational, and other programming time provided to inmates in the general
population; provided, that an inmate shall have at least 2 hours out of every 24 hours to engage
in activities outside of the segregated housing unit.

Sec. 4. Disciplinary segregation.

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

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

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

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

Sec. 5. Administrative segregation.

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

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

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

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

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

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

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

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

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

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

(1) The number of adult inmates held in segregated housing during the reporting
period, broken down by month and by type of segregated housing;
(2) The number of adult inmates held in segregated housing in the following specified ranges, broken down by segregated housing category:

(A) Fewer than 10 days;
(B) Between 10 and 30 days; and
(C) Between 31 and 60 days; and

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

Sec. 7. Manual for families of incarcerated individuals.

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

Sec. 8. Fiscal impact statement.

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

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.