

117TH CONGRESS
2D SESSION

H. R. 7424

To reduce instances of placement of inmates in restrictive housing, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2022

Mr. GOHMERT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reduce instances of placement of inmates in restrictive
housing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Solitary Confinement
5 Reform Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Restrictive housing takes many forms, and
9 the experience in segregation can vary considerably

1 depending on certain external factors, such as the
2 length of stay, conditions of confinement, and degree
3 of social isolation, as well as factors specific to each
4 confined person, such as age and psychological resili-
5 ency.

6 (2) Confined individuals located in restrictive
7 housing broadly express severe psychological disturb-
8 ances with lasting detrimental consequences as a re-
9 sult of their experience in security housing units.
10 The Stanford Lab’s interviews revealed a range of
11 common impairments and adverse consequences as-
12 sociated with long-term, indefinite incarceration.

13 (3) The majority of confined members endorsed
14 feeling mood symptoms consistent with the Diag-
15 nostic and Statistical Manual of Mental Disorders
16 (DSM 5) diagnosis of Major Depressive Disorder,
17 including depressed mood, hopelessness, anger, irri-
18 tability, anhedonia, anger, fatigue, feelings of guilt,
19 loss of appetite, and insomnia.

20 (4) Nearly all members also endorsed a sense of
21 anxiety symptoms characteristic of DSM 5 diagnoses
22 of panic disorder, traumatic stress disorders, and/or
23 obsessive-compulsive disorders, such as nervousness,
24 worry, increased heart rate and respiration, sweat-

1 ing, muscle tension, hyperarousal, paranoia, night-
2 mares, intrusive thoughts, and fear of losing control.

3 (5) Psychiatric symptoms and diminished ca-
4 pacity for socialization continue to cause psycho-
5 logical suffering and problems with social function
6 for most of the men now in general population.

7 (6) Confined members cited emotional numbing
8 and desensitization as some of the most common re-
9 sponses to living in SHU.

10 (7) This sense of emotional suppression and
11 dysregulation continues to be problematic for pris-
12 oners following the transition to the general popu-
13 lation. Class members also reported significant alter-
14 ations in cognition and perception.

15 (8) Problems with attention, concentration, and
16 memory were common, and described as persistent
17 and worsening.

18 (9) Some of the most pronounced and enduring
19 effects of long-term isolation appeared to have re-
20 sulted from relational estrangement and social isola-
21 tion; prisoners frequently reported losing, over time,
22 the motivation to seek social connection.

23 **SEC. 3. LIMITATIONS ON CONFINEMENT.**

24 (a) IN GENERAL.—Inmates shall be housed in the
25 least restrictive setting necessary to ensure their own safe-

1 ty, as well as the safety of staff, other inmates, and the
2 public.

3 (b) REASONING.—The head of a covered facility shall
4 clearly articulate each specific reason for an inmate’s
5 placement and retention in restrictive housing. Each such
6 reason shall be supported by objective evidence that such
7 placement and retention is necessary—

8 (1) for prison safety or order;

9 (2) to prevent gang influence;

10 (3) for inmate or staff protection; and

11 (4) such other penological purpose as the head
12 of such facility may determine is appropriate.

13 (c) PENOLOGICAL PURPOSE.—Restrictive housing
14 may only be used to eliminate or mitigate a specific facility
15 threat such as a fight between inmates or the threat of
16 imminent danger to inmates or staff.

17 (d) LIMITATION.—

18 (1) IN GENERAL.—Inmates shall remain in re-
19 strictive housing for no longer than necessary to ad-
20 dress each specific reason for such placement.

21 (2) PUNISHMENT.—Inmates may not be placed
22 in restrictive housing—

23 (A) as a form of punishment or deterrence;

24 (B) for low-level offenses that do not in-
25 volve physical violence to staff or inmates; or

1 (C) for more than 5 days as a part of a
2 routine investigation or more than 15 days as
3 part of a non-routine investigation, as deter-
4 mined by the Official concerned, absent docu-
5 mented extenuating circumstances.

6 **SEC. 4. REVIEW OF PLACEMENT.**

7 (a) IN GENERAL.—An institutional review panel of
8 a covered facility shall review the placement of an inmate
9 in restrictive housing not later than 15 days after such
10 placement and not less than every 15 days thereafter until
11 such time as the inmate is removed from restrictive hous-
12 ing.

13 (b) REMOVAL PLAN.—The head of each covered facil-
14 ity shall make a plan for the return of the inmate to less
15 restrictive conditions and shall share such plan with the
16 inmate, unless sharing such plan would put the health and
17 safety of the inmate, staff, other inmates, or the public
18 at risk.

19 **SEC. 5. EMPLOYEE TRAINING.**

20 (a) IN GENERAL.—The Official concerned shall en-
21 sure that the staff of each facility is trained on use of
22 force and restrictive housing policies not less than quar-
23 terly.

24 (b) HOUSING POLICY TRAINING.—The Official con-
25 cerned shall ensure that the staff of each covered facility

1 complies with restrictive housing policies and that such
2 policies are reflected in employee evaluation systems.

3 (c) STANDING COMMITTEES.—

4 (1) IN GENERAL.—The Official concerned shall
5 establish in each covered facility a standing com-
6 mittee, consisting of high-level correctional officials,
7 active or retired, to regularly evaluate existing re-
8 strictive housing policies.

9 (2) DUTIES.—Each standing committee shall—

10 (A) review use of force and abuse allega-
11 tions to include body cam footage and closed-
12 circuit video footage of any use of force or
13 abuse allegation;

14 (B) submit redacted written recommenda-
15 tions on preventing unlawful use of force or
16 abuse to—

17 (i) the Department of Justice;

18 (ii) the Committees on the Judiciary
19 of the House of Representatives and the
20 Senate; and

21 (iii) the Committees on Armed Serv-
22 ices of the House of Representatives and
23 the Senate; and

24 (C) assist covered facilities in developing
25 safe and effective alternatives to restrictive

1 housing and share with other covered facilities
2 and State prison facilities best practices for use
3 of force to ensure safety for staff and confined
4 individuals.

5 **SEC. 6. GRADUAL RETURN TO GENERAL POPULATION.**

6 (a) IN GENERAL.—Absent a compelling reason as de-
7 termined by the Official concerned, the head of a covered
8 facility may not release inmates directly from restrictive
9 housing to the general inmate population.

10 (b) GRADUATED SYSTEM.—The head of a covered fa-
11 cility shall consult with mental health professionals to en-
12 sure that shock of removal from isolation will not cause
13 harm to the confined individual or the general inmate pop-
14 ulation.

15 **SEC. 7. ENRICHMENT OPPORTUNITIES.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, each Official concerned
18 shall establish policies to increase the minimum amount
19 of time inmates in restrictive housing spend outside their
20 cells to 3 hours per day, including weekends and holidays,
21 and to offer enhanced in-cell opportunities.

22 (b) MINIMUM RESTRAINT.—The Official concerned
23 shall afford to individuals in restrictive housing edu-
24 cational opportunities, using the minimum amount of pro-

1 tective restraint necessary to ensure safety of staff, popu-
2 lation, and educational professionals.

3 (c) OUT-OF-CELL TIME.—The Official concerned
4 shall make available to the inmates opportunities for
5 recreation, education, clinically appropriate treatment
6 therapies, skill-building, and social interaction with staff
7 and other inmates.

8 (d) LOWER-RISK INDIVIDUALS.—The Official con-
9 cerned shall ensure that lower-risk individuals may con-
10 duct recreation time in such group size as the facility de-
11 termines appropriate.

12 (e) EXPANSION.—The Official concerned shall in-
13 crease the ability of covered facilities to divert inmates
14 with serious mental illness to mental health treatment pro-
15 grams or facilities when needed to serve the interest of
16 the facility and the inmate.

17 (f) FINAL DAYS OF IMPRISONMENT.—The Official
18 concerned shall establish policies to—

19 (1) prohibit the placement of inmates in restric-
20 tive housing during the final 180 days of the term
21 of imprisonment of such inmate; and

22 (2) provide targeted re-entry programming for
23 inmates who require restrictive housing during the
24 such final 180-day period.

1 (g) POSTING POLICIES.—The head of each covered
2 facility shall post the policies established under subsection
3 (a) in an area of the facility that is frequented by inmates
4 and staff.

5 (h) STATISTICS.—The Official concerned shall pub-
6 lish system-wide restrictive housing statistics on a monthly
7 basis on the website of the agency under that Official’s
8 jurisdiction and on websites for effected covered facilities.
9 The statistics shall include the total number of inmates
10 in restrictive housing, disaggregated by—

11 (1) the number of inmates who—

12 (A) remained in such housing for more
13 than 90 days;

14 (B) remained in such housing for more
15 than 180 days; and

16 (C) remained in such housing for more
17 than 364 days; and

18 (2) the number of inmates in disciplinary seg-
19 regation and the number of inmates in administra-
20 tive detention.

21 **SEC. 8. CONFINEMENT REQUIREMENTS.**

22 (a) IN GENERAL.—The Official concerned and the
23 head of any State prison used for the detention of persons
24 held under authority of any Act of Congress, shall—

1 (1) submit data on restrictive housing to the
2 Department of Justice and the Committees on
3 Armed Services and on the Judiciary of the Senate
4 and the House of Representatives on a quarterly
5 basis;

6 (2) finalize upgrades in data collection software
7 to improve tracking of restrictive housing inmates;
8 and

9 (3) require body cams to be worn by correc-
10 tional staff interacting with confined population in
11 restrictive housing for any forced movement or phys-
12 ical interaction.

13 (b) PRESUMPTION.—In determining whether place-
14 ment in restrictive housing is appropriate, it shall be pre-
15 sumed that an inmate shall be housed in the least restric-
16 tive setting necessary to ensure safety, and that inmates
17 in restrictive housing shall be returned to general popu-
18 lation as soon as it is safe to do so.

19 **SEC. 9. VIOLATIONS.**

20 (a) IN GENERAL.—

21 (1) BOP VIOLATIONS.—In the case of a Bureau
22 of Prisons facility that violates the policy established
23 by the Attorney General under section 7, the Attor-
24 ney General may—

1 (A) reduce the funding provided to the vio-
2 lating facility by such amount as the Attorney
3 General determines appropriate and increase
4 the amount provided to facilities in compliance
5 by an amount that is equal to the amount of
6 such reduction;

7 (B) suspend staff found to be involved in
8 a violation of such policy with or without pay;
9 or

10 (C) terminate staff found to be involved in
11 a violation of such policy if such violation is
12 considered substantially detrimental to the
13 goals of such policy.

14 (2) DOD VIOLATIONS.—In the case of a prison
15 facility of the Department of Defense that violates
16 the policy established by the Secretary of Defense
17 under section 7, the Secretary may—

18 (A) reduce the funding provided to the vio-
19 lating facility by such amount as the Secretary
20 determines appropriate and increase the
21 amount provided to facilities in compliance by
22 an amount that is equal to the amount of such
23 reduction;

1 (B) suspend staff found to be involved in
2 a violation of such policy with or without pay;
3 or

4 (C) terminate staff found to be involved in
5 a violation of such policy if such violation is
6 considered substantially detrimental to the
7 goals of such policy.

8 (3) OTHER PRISON FACILITY VIOLATIONS.—In
9 the case of a covered facility described in section
10 11(1)(C) that violates the policy established by the
11 Director of the Bureau of Prisons under section 7,
12 the Attorney General may—

13 (A) in the case of—

14 (i) a facility described in clause (i) of
15 such section, decline to extend or renew
16 any contract or agreement with the prison
17 facility or condition such an extension or
18 renewal on compliance with such policy; or

19 (ii) a facility described in clause (ii) of
20 such section, reduce the funding provided
21 to the violating facility by such amount as
22 the Attorney General determines appro-
23 priate and increase the amount provided to
24 facilities in compliance by an amount that
25 is equal to the amount of such reduction;

1 (B) call for the suspension of staff found
2 to be involved in a violation of such policy with
3 or without pay; or

4 (C) call for the termination of staff found
5 to be involved in a violation of such policy if
6 such violation is considered substantially detri-
7 mental goals of such policy.

8 (b) ADJUDICATION.—Any covered facility or em-
9 ployee accused of a violation of the policy established by
10 the Official concerned under section 7 shall, after notice
11 and an opportunity to be heard by the standing committee
12 of such facility and subject to approval by such Official,
13 be subject to the penalties under subsection (a).

14 (c) CONFLICT OF INTEREST.—Any conflicted parties
15 shall recuse themselves from the proceeding before the
16 standing committee and a new impartial member shall be
17 appointed to the committee to serve in this capacity for
18 the duration of the proceeding. Any conflict of interest
19 shall be disclosed in writing and preserved within the rec-
20 ommendation notes.

21 **SEC. 10. REVISION OF DEPARTMENT OF DEFENSE POLICIES**
22 **AND GUIDANCE.**

23 As soon as practicable after the date of the enactment
24 of this Act, the Secretary of Defense shall revise Depart-
25 ment of Defense Instruction 1325.07 (Administration of

1 Military Correctional Facilities and Clemency and Parole
2 Authority), and any related policies and guidance of the
3 Department, to conform to the requirements of this Act.

4 **SEC. 11. DEFINITIONS.**

5 In this Act:

6 (1) COVERED FACILITY.—The term “covered
7 facility” means—

8 (A) a prison facility under the jurisdiction
9 of the Bureau of Prisons;

10 (B) a prison facility under the jurisdiction
11 of the Department of Defense; and

12 (C) any prison facility under the jurisdic-
13 tion of a State or unit of local government—

14 (i) in which persons are held in cus-
15 tody pursuant to a contract or agreement
16 with the Federal Government; and

17 (ii) that receives Federal funds for
18 law enforcement purposes.

19 (2) INMATE.—The term “inmate” means an in-
20 mate serving a term of imprisonment in a covered
21 facility.

22 (3) INSTITUTIONAL REVIEW PANEL.—The term
23 “institutional review panel” means a panel composed
24 of—

25 (A) the leadership of a covered facility; and

1 (B) medical professionals and mental
2 health professionals who are employed by and
3 work outside of such facility.

4 (4) NON-ROUTINE INVESTIGATION.—The term
5 “non-routine investigation” means any investigation
6 that addresses a grave risk of safety and security of
7 the facility, such as a riot, killing, or terror attack.

8 (5) OFFICIAL CONCERNED.—The term “Official
9 concerned” means—

10 (A) the Attorney General, acting through
11 the Director of the Bureau of Prisons, with re-
12 spect to prison facilities under the jurisdiction
13 of the Bureau of Prisons;

14 (B) the Secretary of Defense, with respect
15 to prison facilities under the jurisdiction of the
16 Department of Defense;

17 (C) the chief executive of a State or unit
18 of local government, with respect to prison fa-
19 cilities under the jurisdiction of such State or
20 unit of local government.

21 (6) RESTRICTIVE HOUSING.—The term “re-
22 strictive housing” means any housing in which an
23 inmate is removed from general population housing

- 1 to housing with little to no contact with others for
- 2 a disciplinary purpose.

