

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
  
12  
13  
  
14  
15  
16  
17  
18  
19  
20

H.245

Introduced by Representatives Walz of Barre City, Burke of Brattleboro,  
Gonzalez of Winooski, Head of South Burlington, O’Sullivan  
of Burlington, and Willhoit of St. Johnsbury

Referred to Committee on

Date:

Subject: Department of Corrections; segregation of inmates

Statement of purpose of bill as introduced: This bill proposes to limit the time  
inmates designated with a serious functional impairment can spend in  
segregation and to allocate funds for an additional residential treatment unit  
within the Department of Corrections.

An act relating to residential treatment units within the Department of  
Corrections

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 28 V.S.A. § 701a is amended to read:

§ 701a. SEGREGATION OF INMATES WITH A SERIOUS FUNCTIONAL  
IMPAIRMENT

(a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25  
regarding the classification, treatment, and segregation of an inmate with a  
serious functional impairment as defined and identified under subchapter 6 of

1 this chapter; provided that the length of ~~stay in segregation for an inmate with~~  
2 ~~a serious functional impairment:~~

3 (1) ~~Shall not exceed 15 days if the inmate is segregated for disciplinary~~  
4 ~~reasons.~~

5 (2) ~~Shall not exceed 30 days if the inmate requested the segregation,~~  
6 ~~except that the inmate may remain segregated for successive 30-day periods~~  
7 ~~following assessment by a qualified mental health professional and approval of~~  
8 ~~a physician for each extension.~~

9 (3) ~~Shall not exceed 30 days if the inmate is segregated for any reason~~  
10 ~~other than the reasons set forth in subdivision (1) or (2) of this subsection,~~  
11 ~~except that the inmate may remain segregated for successive 30-day periods~~  
12 ~~following a due process hearing for each extension, which shall include~~  
13 ~~assessment by a qualified mental health professional and approval of a~~  
14 ~~physician~~ time an inmate with a serious functional impairment spends in  
15 segregation shall not exceed one 24-hour period within any given seven-day  
16 period for any reason, including administrative segregation, disciplinary  
17 segregation, and close custody.

18 (b) ~~For purposes of~~ As used in this title, and despite other names this  
19 concept has been given in the past or may be given in the future, “segregation”  
20 means a form of separation from the general population ~~which~~ that may or may

1 not include placement in a single occupancy cell and ~~which~~ that is used for  
2 disciplinary, administrative, or other reasons.

3 (c) On or before the 15th day of each month, the Department's Health  
4 Services Director shall provide to the Joint Legislative Corrections Justice  
5 Oversight Committee a report that, while protecting inmate confidentiality,  
6 lists each inmate who was in segregation during the preceding month by a  
7 unique indicator and identifies the reason the inmate was placed in segregation,  
8 the length of the inmate's stay in segregation, and whether the inmate has a  
9 serious functional impairment. The report shall also indicate any incident of  
10 self harm or attempted suicide by inmates in segregation. The Department  
11 shall ensure that a copy of the report is forwarded to the Vermont Defender  
12 General and the Executive Director of Vermont Protection and Advocacy, Inc.  
13 on a monthly basis. At the request of the Committee, the Director shall also  
14 provide information about the nature of the functional impairments of inmates  
15 placed in segregation or services provided to these inmates. In addition, at  
16 least annually, the Department shall provide a report on all inmates placed in  
17 segregation who were receiving mental health services.

18 Sec. 2. DEPARTMENT OF CORRECTIONS; RESIDENTIAL

19 TREATMENT UNIT; ALLOCATION OF FUNDING

20 (a) The General Assembly shall allocate sufficient funds to allow the  
21 Commissioner of Corrections to create an additional residential treatment unit

1 to accommodate a minimum of 12 beds. The residential treatment unit shall  
2 accommodate the needs of inmates identified as seriously functionally  
3 impaired and requiring special placement or consequences for inappropriate  
4 behavior as an alternative to segregation.

5 (b) The residential treatment unit beds shall:

6 (1) exist in a separate unit, staffed by mental health professionals and  
7 specially trained correctional officers;

8 (2) provide freedom of movement within the unit;

9 (3) provide intensive individual and group mental health treatment  
10 similar to other licensed residential treatment programs; and

11 (4) have the ability to transfer those inmates unable to benefit from the  
12 treatment unit due to symptoms of their serious functional impairment to an  
13 appropriate treatment facility outside the correctional facility.

14 (c) The Commissioner shall create policies and procedures to ensure that  
15 inmates designated as seriously functionally impaired are diverted to the  
16 residential treatment unit if they incur disciplinary violations or would  
17 otherwise be placed in administrative or disciplinary segregation.

18 (d) If the Commissioner determines that an inmate with a serious functional  
19 impairment is too dangerous to himself or herself or others to be placed in the  
20 residential treatment unit, the Commissioner shall transfer the inmate to  
21 another treatment setting to stabilize the inmate so that he or she can return to

1 and participate in the residential treatment unit. An inmate with a serious  
2 functional impairment determined to be dangerous to himself or herself or  
3 others as a result of his or her serious functional impairment shall not be  
4 maintained in segregation for more than 24 consecutive hours.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on July 1, 2017.