

By: Representative Osborne

To: Corrections

HOUSE BILL NO. 1122

1 AN ACT TO CREATE THE "SOLITARY CONFINEMENT REFORM ACT"; TO
 2 PROVIDE CERTAIN DEFINITIONS; TO LIMIT THE PLACEMENT OF INMATES IN
 3 SOLITARY CONFINEMENT IF SUCH INMATES WHO ARE INCARCERATED BY THE
 4 MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO LIMIT THE USE OF
 5 SOLITARY CONFINEMENT FOR INMATES WHO HAVE UPCOMING RELEASE DATES;
 6 TO REQUIRE THE DEPARTMENT TO PROVIDE CERTAIN PROTECTIVE CUSTODY
 7 UNITS; TO PROVIDE THAT THE DEPARTMENT SHALL NOT PLACE VULNERABLE
 8 POPULATIONS IN SOLITARY CONFINEMENT IN MOST INSTANCES; TO REQUIRE
 9 THE DEPARTMENT TO PROVIDE SPECIAL HOUSING UNITS UNDER CERTAIN
 10 CIRCUMSTANCES; TO REQUIRE THE DEPARTMENT TO PROVIDE SPECIAL
 11 MANAGEMENT UNITS TO LIMIT SEGREGATION FOR CERTAIN INMATES; TO
 12 REQUIRE THE DEPARTMENT TO PROVIDE ADMINISTRATIVE MAXIMUM
 13 FACILITIES FOR INMATES WHO REQUIRE LIMITED SEGREGATION UNDER
 14 CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE COMMISSIONER SHALL
 15 PROVIDE CERTAIN NOTICE TO INMATES CONCERNING PLACEMENT IN SOLITARY
 16 CONFINEMENT; TO PROVIDE THAT THOSE INMATES WHO ARE PLACED IN
 17 SOLITARY CONFINEMENT SHALL RECEIVE CERTAIN MENTAL HEALTH CARE FOR
 18 INMATES; TO REQUIRE EMPLOYEES OF THE DEPARTMENT WHO INTERACT WITH
 19 INMATES SHALL RECEIVE CERTAIN TRAINING; TO REQUIRE THE DEPARTMENT
 20 TO HAVE AN OFFICE OF THE CIVIL RIGHTS OMBUDSMAN; TO REQUIRE THE
 21 DEPARTMENT TO REASSESS THE PLACEMENT OF INMATES ACCORDING TO THIS
 22 ACT AFTER A CERTAIN PERIOD; TO REQUIRE CERTAIN DATA TRACKING
 23 REGARDING THE USE OF SOLITARY CONFINEMENT BY THE DEPARTMENT; TO
 24 REQUIRE THE DEPARTMENT TO ENTER INTO AN AGREEMENT FOR THE PURPOSE
 25 OF ESTABLISHING A RESOURCE CENTER ON SOLITARY CONFINEMENT
 26 REDUCTION AND REFORM CENTER IN ORDER TO REDUCE THE USE OF SOLITARY
 27 CONFINEMENT; AND FOR RELATED PURPOSES.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

29 **SECTION 1. Short Title.**



30 This act shall be known and may be cited as the "Solitary
31 Confinement Reform Act."

32 **SECTION 2. Definitions.**

33 For purposes of this act, the following words and phrases
34 shall have the meanings ascribed unless the context clearly
35 requires otherwise:

36 (a) "Administrative maximum facility" means a maximum
37 security facility, including the administrative maximum facility
38 in Walnut Grove, Mississippi, designed to house inmates who
39 present an ongoing significant and serious threat to other
40 inmates, staff and the public.

41 (b) "Administrative segregation" means a nonpunitive
42 form of solitary confinement that removes an individual from the
43 general population of a correctional facility for:

44 (i) Investigative, protective, or preventative
45 reasons resulting in a substantial and immediate threat; or

46 (ii) Transitional reasons, including a pending
47 transfer, pending classification, or other temporary
48 administrative matter.

49 (c) "Appropriate level of care" means the appropriate
50 treatment setting for mental health care that an inmate with
51 mental illness requires, which may include outpatient care,
52 emergency or crisis services, day treatment, supported residential
53 housing, infirmary care, or inpatient psychiatric hospitalization
54 services.



55 (d) "Commissioner" means the Commissioner of the
56 Mississippi Department of Corrections.

57 (e) "Disciplinary hearing officer" means an employee of
58 the Mississippi Department of Corrections or an independent
59 hearing officer who is responsible for conducting disciplinary
60 hearings for which solitary confinement may be a sanction.

61 (f) "Disciplinary segregation" means a punitive form of
62 solitary confinement imposed only by a disciplinary hearing
63 officer as a sanction for committing a significant and serious
64 disciplinary infraction.

65 (g) "Intellectual disability" means a significant
66 mental impairment characterized by significant limitations in both
67 intellectual functioning and in adaptive behavior.

68 (h) "Multidisciplinary staff committee" means a
69 committee:

70 (i) Made up of staff at the facility where an
71 inmate resides who are responsible for reviewing the initial
72 placement of the inmate in solitary confinement and any extensions
73 of time in solitary confinement; and

74 (ii) Which shall include:

75 1. Not less than one (1) licensed mental
76 health professional;

77 2. Not less than one (1) medical
78 professional; and



79 3. Not less than one (1) member of the
80 leadership of the facility.

81 (i) "Ongoing significant and serious threat" means an
82 ongoing set of circumstances that require the highest level of
83 security and staff supervision for an inmate who, by the behavior
84 of the inmate:

85 (i) Has been identified as assaultive, predacious,
86 riotous or a serious escape risk; and

87 (ii) Poses a great risk to other inmates, staff
88 and the public.

89 (j) "Protection case" means an inmate who, by the
90 request of the inmate or through a staff determination, requires
91 protection, as described by Section 541.23(c) (3) of Title 28, Code
92 of Federal Regulations or regulations of the Mississippi
93 Department of Corrections, or any successor thereto.

94 (k) "Serious mental illness" means a substantial
95 disorder of thought or mood that significantly impairs judgment,
96 behavior, capacity to recognize reality or ability to cope with
97 the ordinary demands of life.

98 (l) "Significant and serious disciplinary infraction"
99 means:

100 (i) An act of violence that either:

101 1. Resulted in or was likely to result in
102 serious injury or death to another; or



103 2. Occurred in connection with any act of
104 nonconsensual sex;

105 (ii) An escape, attempted escape, or conspiracy to
106 escape from within a security perimeter or custody, or both; or

107 (iii) Possession of weapons, possession of illegal
108 narcotics with intent to distribute, or other similar, severe
109 threats to the safety of the inmate, other inmates, staff or the
110 public.

111 (m) "Solitary confinement" means confinement
112 characterized by substantial isolation in a cell, alone or with
113 other inmates, including administrative segregation, disciplinary
114 segregation, and confinement in any facility designated by the
115 Mississippi Department of Corrections as a special housing unit,
116 special management unit or administrative maximum facility.

117 (n) "Special administrative measures" means reasonably
118 necessary measures used to protect persons against the risk of
119 death or serious bodily injury, upon written notification to the
120 commissioner by a district attorney, or at the Mississippi
121 Attorney General's direction, by the head of any law enforcement
122 agency, or any law enforcement official that there is a
123 substantial risk that the communications of an inmate or contacts
124 by the inmate with other persons could result in death or serious
125 bodily injury to persons, or substantial damage to property that
126 would entail the risk of death or serious bodily injury to any
127 persons.



128 (o) "Special housing unit" means a housing unit in an
129 institution of the Mississippi Department of Corrections in which
130 inmates are securely separated from the general inmate population
131 for disciplinary or administrative reason.

132 (p) "Special management unit" means a nonpunitive
133 housing program with multiple, step-down phases for inmates whose
134 history, behavior, or situation requires enhanced management
135 approaches in order to ensure the safety of other inmates, the
136 staff and the public.

137 (q) "Substantial and immediate threat" means any set of
138 temporary and unforeseen circumstances that require immediate
139 action in order to combat a threat to the safety of an inmate,
140 other inmates, staff or the public.

141 **SECTION 3. Use of solitary confinement.**

142 The placement of an inmate in solitary confinement within the
143 Mississippi Department of Corrections or any facility that
144 contracts with the Mississippi Department of Corrections to
145 provide housing for inmates in state or local custody shall be
146 limited to situations in which such confinement:

147 (a) Is limited to the briefest term and the least
148 restrictive conditions practicable, including not less than four
149 (4) hours of out-of-cell time every day, unless the inmate poses a
150 substantial and immediate threat;

151 (b) Is consistent with the rationale for placement and
152 with the progress achieved by the inmate;



153 (c) Allows the inmate to participate in meaningful
154 programming opportunities and privileges as consistent with those
155 available in the general population as practicable, either
156 individually or in a classroom setting;

157 (d) Allows the inmate to have as much meaningful
158 interaction with others, such as other inmates, visitors, clergy,
159 or licensed mental health professionals, as practicable; and

160 (e) Complies with the provisions of this section.

161 **SECTION 4. Inmates with upcoming release dates.**

162 (1) The commissioner shall establish the following for
163 inmates with upcoming release dates:

164 (a) Policies to ensure that an inmate with an
165 anticipated release date of one hundred eighty (180) days or less
166 is not housed in solitary confinement, unless:

167 (i) Such confinement is limited to not more than
168 five (5) days of administrative segregation relating to the
169 upcoming release of the inmate; or

170 (ii) The inmate poses a substantial and immediate
171 threat; and

172 (b) A transitional process for each inmate with an
173 anticipated release date of one hundred eighty (180) days or less
174 who is held in solitary confinement under this section, which
175 shall include:

176 (i) Substantial re-socialization programming in a
177 group setting;



178 (ii) Regular mental health counseling to assist
179 with the transition; and

180 (iii) Re-entry planning services offered to
181 inmates in a general population setting.

182 (2) The commissioner shall establish a transitional process
183 for each inmate who has been held in solitary confinement for more
184 than thirty (30) days and who will transition into a general
185 population unit, which shall include:

186 (a) Substantial re-socialization programming in a group
187 setting; and

188 (b) Regular mental health counseling to assist with the
189 transition.

190 **SECTION 5. Protective custody units.**

191 The commissioner shall:

192 (a) Shall establish within the Mississippi Department
193 of Corrections system additional general population protective
194 custody units that provide sheltered general population housing to
195 protect inmates from harm that they may otherwise be exposed to in
196 a typical general population housing unit;

197 (b) Shall establish policies to ensure that an inmate
198 who is considered a protection case shall, upon request of the
199 inmate, be placed in a general population protective custody unit;

200 (c) Shall create an adequate number of general
201 population protective custody units to:



202 (i) Accommodate the requests of inmates who are
203 considered to be protection cases; and

204 (ii) Ensure that inmates who are considered to be
205 protection cases are placed in facilities as close to their homes
206 as practicable; and

207 (d) May not place an inmate who is considered to be a
208 protection case in solitary confinement due to the status of the
209 inmate as a protection case unless:

210 (i) The inmate requests to be placed in solitary
211 confinement, in which case, at the request of the inmate the
212 inmate shall be transferred to a general population protective
213 custody unit or, if appropriate, a different general population
214 unit; or

215 (ii) Such confinement is limited to:

216 1. Not more than five (5) days of
217 administrative segregation; and

218 2. Is necessary to protect the inmate during
219 preparation for transfer to a general population protective
220 custody unit or a different general population unit.

221 **SECTION 6. Vulnerable populations.**

222 The Mississippi Department of Corrections or any facility
223 that contracts with the Mississippi Department of Corrections
224 shall not place an inmate in solitary confinement if:

225 (a) The inmate has a serious mental illness, has an
226 intellectual disability, has a physical disability that a licensed



227 medical professional finds is likely to be exacerbated by
228 placement in solitary confinement, is pregnant or in the first
229 eight (8) weeks of the postpartum recovery period after giving
230 birth, or has been determined by a licensed mental health
231 professional to likely be significantly adversely affected by
232 placement in solitary confinement, unless:

233 (i) The inmate poses a substantial and immediate
234 threat;

235 (ii) All other options to de-escalate the
236 situation have been exhausted, including less restrictive
237 techniques such as:

238 1. Penalizing the inmate through loss of
239 privileges;

240 2. Speaking with the inmate in an attempt to
241 de-escalate the situation; and

242 3. A licensed mental health professional
243 providing an appropriate level of care;

244 (iii) Such confinement is limited to the briefest
245 term and the least restrictive conditions practicable, including
246 access to medical and mental health treatment;

247 (iv) Such confinement is reviewed by a
248 multidisciplinary staff committee for appropriateness every
249 twenty-four (24) hours; and



250 (v) As soon as practicable, but not later than
251 five (5) days after such confinement begins, the inmate is
252 diverted, upon release from solitary confinement, to:

- 253 1. A general population unit;
254 2. A protective custody unit described in
255 Section 3 of this act; or
256 3. A mental health treatment program as
257 described in this subsection;

258 (b) The inmate is lesbian, gay, bisexual, transgender
259 (as defined in Section 115.5 of Title 28, Code of Federal
260 Regulations, or any successor thereto), intersex (as defined in
261 Section 115.5 of Title 28, Code of Federal Regulations, or any
262 successor thereto), or gender nonconforming (as defined in Section
263 115.5 of Title 28, Code of Federal Regulations, or any successor
264 thereto), when such placement is solely on the basis of such
265 identification or status; or

266 (c) The inmate is HIV positive, if the placement is
267 solely on the basis of the HIV positive status of the inmate.

268 **SECTION 7. Special housing units.**

269 The commissioner shall:

270 (a) Limit administrative segregation as follows:

271 (i) To situations in which such segregation is
272 necessary to:

- 273 1. Control a substantial and immediate threat
274 that cannot be addressed through alternative housing; or



275 2. Temporarily house an inmate pending
276 transfer, pending classification, or pending resolution of another
277 temporary administrative matter; and

278 3. To a duration of not more than fifteen
279 (15) consecutive days, and not more than twenty (20) days in a
280 sixty-day period, unless:

281 a. The inmate requests to remain in
282 administrative segregation under Section 5(d)(i); or

283 b. In order to address the continued
284 existence of a substantial and immediate threat, a
285 multidisciplinary staff committee approves a temporary extension,
286 which:

287 A. May not be longer than fifteen
288 (15) days; and

289 B. Shall be reviewed by the
290 multidisciplinary staff committee every three (3) days during the
291 period of the extension, in order to confirm the continued
292 existence of the substantial and immediate threat;

293 (b) Limit disciplinary segregation to the following:

294 (i) To situations in which such segregation is
295 necessary to punish an inmate who has been found to have committed
296 a significant and serious disciplinary infraction by a
297 disciplinary hearing officer and alternative sanctions would not
298 adequately regulate the behavior of the inmate; and



299 (ii) To a duration of not more than thirty (30)
300 consecutive days, and not more than forty (40) days in a sixty-day
301 period, unless a multidisciplinary staff committee, in
302 consultation with the disciplinary hearing officer who presided
303 over the inmate's disciplinary hearing, determines that the
304 significant and serious disciplinary infraction of which the
305 inmate was found guilty is of such an egregious and violent nature
306 that a longer sanction is appropriate and approves a longer
307 sanction, which:

308 1. May be not more than sixty (60) days in a
309 special housing unit if the inmate has never before been found
310 guilty of a similar significant and serious disciplinary
311 infraction; or

312 2. May be not more than ninety (90) days in a
313 special housing unit if the inmate has previously been found
314 guilty of a similar significant and serious disciplinary
315 infraction;

316 (c) Ensure that any time spent in administrative
317 segregation during an investigation into an alleged offense is
318 credited as time served for a disciplinary segregation sentence;

319 (d) Ensure that concurrent sentences are imposed for
320 disciplinary violations arising from the same episode; and

321 (e) Ensure that an inmate may be released from
322 disciplinary segregation for good behavior before completing the
323 term of the inmate, unless the inmate poses a substantial and



324 immediate threat to the safety of other inmates, staff, or the
325 public.

326 **SECTION 8. Special management units.**

327 The commissioner shall do the following:

328 (a) Limit segregation in a special management unit to
329 situations in which such segregation is necessary to temporarily
330 house an inmate whose history, behavior, or circumstances require
331 enhanced management approaches that cannot be addressed through
332 alternative housing;

333 (b) Evaluate whether further reductions to the minimum
334 and maximum number of months an inmate may spend in a special
335 management unit are appropriate on an annual basis;

336 (c) Ensure that each inmate understands the status of
337 the inmate in the special management unit program and how the
338 inmate may progress through the program; and

339 (d) Further reduce the minimum and maximum number of
340 months an inmate may spend in a special management unit if the
341 commissioner determines such reductions are appropriate after
342 evaluations are performed under paragraph (b).

343 **SECTION 9. Administrative maximum facilities.**

344 The commissioner shall do the following:

345 (a) Limit segregation in an administrative maximum
346 facility to situations in which such segregation is necessary to:

347 (i) Implement special administrative measures, as
348 directed by medical or mental health professionals; or



349 (ii) House an inmate who poses an ongoing
350 significant and serious threat to the safety of other inmates,
351 staff, or the public that cannot be addressed through alternative
352 housing; and

353 (b) Issue final approval of referral of any inmate who
354 poses an ongoing significant and serious threat for placement in
355 an administrative segregated housing or facility.

356 **SECTION 10. Right to review placement in solitary**
357 **confinement.**

358 The commissioner shall ensure that each inmate placed in
359 solitary confinement has access to the following:

360 (a) Written notice thoroughly detailing the basis for
361 placement or continued placement in solitary confinement not later
362 than six (6) hours after the beginning of such placement,
363 including:

364 (i) Thorough documentation explaining why such
365 confinement is permissible and necessary under Section 3; and

366 (ii) If an exception under paragraph Section 3 is
367 used to justify placement in solitary confinement or to justify
368 increased restrictive conditions in solitary confinement, thorough
369 documentation explaining why such an exception applied;

370 (b) A timely, thorough, and continuous review process
371 that:

372 (i) Occurs within not less than three (3) days of
373 placement in solitary confinement, and thereafter at least:



374 1. On a weekly basis for inmates in special
375 housing units;

376 2. On a monthly basis for inmates in special
377 management units; and

378 3. On a monthly basis for inmates at an
379 administrative maximum facility;

380 (ii) Includes private, face-to-face interviews
381 with a multidisciplinary staff committee; and

382 (iii) Examines whether:

383 1. Placement in solitary confinement was and
384 remains necessary;

385 2. The conditions of confinement comply with
386 this section; and

387 3. Whether any exception under Section 3 is
388 used to justify placement in solitary confinement or to justify
389 increased restrictive conditions in solitary confinement was and
390 remains warranted;

391 (c) A process to appeal the initial placement or
392 continued placement of the inmate in solitary confinement;

393 (d) Prompt and timely written notice of the appeal
394 procedures to the inmate and his/her legal counsel if represented
395 by an attorney; and

396 (e) Copies of all documents, files, and records
397 relating to the inmate's placement in solitary confinement, unless



398 such documents contain contraband, classified information, or
399 sensitive security-related information.

400 **SECTION 11. Mental health care for inmates in solitary**
401 **confinement.**

402 (1) Not later than six (6) hours after an inmate in the
403 custody of the Mississippi Department of Corrections or any
404 facility that contracts with the Mississippi Department of
405 Corrections to provide housing for inmates in state or local
406 custody is placed in solitary confinement, the inmate shall
407 receive a comprehensive, face-to-face mental health evaluation by
408 a licensed mental health professional in a confidential setting.

409 (2) An inmate diagnosed with a serious mental illness after
410 an evaluation required under subsection (1) of this section:

411 (a) Shall not be placed in solitary confinement; and

412 (b) May be diverted to a mental health treatment
413 program within the Bureau of Prisons that provides an appropriate
414 level of care to address the inmate's mental health needs.

415 (3) After each fourteen-calendar-day period an inmate is
416 held in continuous placement in solitary confinement the following
417 shall occur:

418 (a) A licensed mental health professional shall conduct
419 a comprehensive, face-to-face, out-of-cell mental health
420 evaluation of the inmate in a confidential setting; and

421 (b) The director shall adjust the placement of the
422 inmate in accordance with this subsection.



423 (4) The commissioner shall operate mental health treatment
424 programs in order to ensure that inmates of all security levels
425 with serious mental illness have access to an appropriate level of
426 care.

427 **SECTION 12. Training for Mississippi Department of**
428 **Corrections Staff.**

429 (1) All employees of the Mississippi Department of
430 Corrections or any facility that contracts with the Mississippi
431 Department of Corrections to provide housing for inmates in state
432 or local custody who interact with inmates on a regular basis
433 shall be required to complete training in:

434 (a) The recognition of symptoms of mental illness;

435 (b) The potential risks and side effects of psychiatric
436 medications;

437 (c) De-escalation techniques for safely managing
438 individuals with mental illness;

439 (d) Consequences of untreated mental illness;

440 (e) The long- and short-term psychological effects of
441 solitary confinement; and

442 (f) De-escalation and communication techniques to
443 divert inmates from situations that may lead to the inmate being
444 placed in solitary confinement.

445 (2) An employee of the Mississippi Department of Corrections
446 shall immediately notify a member of the medical or mental health
447 staff if the employee:



448 (a) Observes an inmate with signs of mental illness,
449 unless such employee has knowledge that the inmate's signs of
450 mental illness have previously been reported; or

451 (b) Observes an inmate with signs of mental health
452 crisis.

453 **SECTION 13. Civil rights ombudsman.**

454 (1) Within the Mississippi Department of Corrections, there
455 shall be a position of the civil rights ombudsman (referred to in
456 this section as the "ombudsman") and an Office of the Civil Rights
457 Ombudsman.

458 (2) The ombudsman shall be appointed by the Mississippi
459 Attorney General and shall report directly to the commissioner.
460 The ombudsman shall have a background in corrections and civil
461 rights and shall have expertise on the effects of prolonged
462 solitary confinement.

463 (3) The commissioner shall ensure that each Mississippi
464 Department of Corrections facility or any facility that contracts
465 with the Department of Corrections provides multiple internal ways
466 for inmates and others to promptly report civil rights violations
467 and violations of this section to the ombudsman, including:

468 (a) Not less than two (2) procedures for inmates and
469 others to report civil rights violations and violations of this
470 section to an entity or office that is not part of the facility,
471 and that is able to receive and immediately forward inmate reports



472 to the ombudsman, allowing the inmate to remain anonymous upon
473 request; and

474 (b) Not less than two (2) procedures for inmates and
475 others to report civil rights abuses and violations of this
476 section to the ombudsman in a confidential manner, allowing the
477 inmate to remain anonymous upon request.

478 (4) The commissioner shall ensure that each Mississippi
479 Department of Corrections facility or any facility that contracts
480 with the Mississippi Department of Corrections provides inmates
481 with the following:

482 (a) Notice of how to report civil rights violations and
483 violations of this section in accordance with subsection (3),
484 including:

485 (i) Notice prominently posted in the living and
486 common areas of each such facility;

487 (ii) Individual notice to inmates at initial
488 intake into the Mississippi Department of Corrections, when
489 transferred to a new facility, and when placed in solitary
490 confinement;

491 (iii) Notice to inmates with disabilities in
492 accessible formats; and

493 (iv) Written or verbal notice in a language the
494 inmate understands; and



495 (b) Notice of permissible practices related to solitary
496 confinement in the Mississippi Department of Corrections,
497 including the requirements of this section.

498 (5) The ombudsman shall:

499 (a) Review all complaints the ombudsman receives;

500 (b) Investigate all complaints that allege a civil
501 rights violation or violation of this section;

502 (c) Refer all possible violations of law to the
503 Mississippi Attorney General;

504 (d) Refer to the commissioner allegations of misconduct
505 involving Mississippi Department of Corrections staff;

506 (e) Identify areas in which the commissioner can
507 improve the Mississippi Department of Corrections' policies and
508 practices to ensure that the civil rights of inmates are
509 protected;

510 (f) Identify areas in which the commissioner can
511 improve the Mississippi Department of Corrections to mitigate
512 problems and address issues the ombudsman identifies, regarding
513 the abuse of solitary confinement policies and practices to reduce
514 the use of solitary confinement; and

515 (g) Propose changes to the policies and practices of
516 the Mississippi Department of Corrections.

517 (6) The ombudsman shall have unrestricted access to
518 Mississippi Department of Corrections facilities and any facility



519 that contracts with the Mississippi Department of Corrections and
520 shall be able to speak privately with inmates and staff.

521 (7) (a) Not later than December 31 of each year, the
522 ombudsman shall submit to the Committee on the Judiciary of the
523 Senate and the Committee on the Judiciary of the House of
524 Representatives a report on the activities of the Office of the
525 Ombudsman for the fiscal year ending in such calendar year.

526 (b) Each report submitted under paragraph (a) shall:

527 (i) Contain full and substantive analysis, in
528 addition to statistical information;

529 (ii) Identify the recommendations the Office of
530 the Ombudsman has made on addressing reported civil rights
531 violations and violations of this section and reducing the use and
532 improving the practices of solitary confinement in the Mississippi
533 Department of Corrections;

534 (iii) Contain a summary of problems relating to
535 reported civil rights violations and violations of this section,
536 including a detailed description of the nature of such problems
537 and a breakdown of where the problems occur among Mississippi
538 Department of Corrections facilities and facilities that contract
539 with the Mississippi Department of Corrections;

540 (iv) Contain an inventory of the items described
541 in subparagraphs (ii) and (iii) for which action has been taken
542 and the result of such action;



543 (v) Contain an inventory of the items described in
544 subparagraphs (ii) and (iii) for which action remains to be
545 completed and the period during which each item has remained on
546 such inventory;

547 (vi) Contain an inventory of the items described
548 in subparagraphs (ii) and (iii) for which no action has been
549 taken, the period during which each item has remained on such
550 inventory, the reasons for the inaction, and shall identify any
551 official of the Mississippi Department of Corrections who is
552 responsible for such inaction;

553 (vii) Contain recommendations for such legislative
554 or administrative action as may be appropriate to resolve problems
555 identified in subparagraph (iii); and

556 (viii) Include such other information as the
557 ombudsman determines necessary.

558 (c) Each report required under this paragraph shall be
559 provided directly to the committees described in paragraph (a)
560 without any prior review, comment, or amendment from the
561 commissioner or any other officer or employee of the Mississippi
562 Department of Corrections.

563 (8) The ombudsman shall meet regularly with the commissioner
564 to identify problems with reported civil rights violations and the
565 solitary confinement policies and practices of the Mississippi
566 Department of Corrections, including overuse of solitary
567 confinement, and to present recommendations for such



568 administrative action as may be appropriate to resolve problems
569 relating to reported civil rights violations and the solitary
570 confinement policies and practices of the Mississippi Department
571 of Corrections.

572 (9) The commissioner shall establish procedures requiring
573 that, not later than three (3) months after the date on which a
574 recommendation is submitted to the commissioner by the ombudsman,
575 the commissioner or other appropriate employee of the Mississippi
576 Department of Corrections shall issue a formal response to the
577 recommendation.

578 (10) Inmate reports sent to the ombudsman shall not be
579 considered an administrative remedy under Section 7(a) of the
580 Civil Rights of Institutionalized Persons Act (42 USC 1977 e (a)),
581 Mississippi Laws of policies and procedures of the Mississippi
582 Department of Corrections.

583 **SECTION 14. Reassessment of inmate mental health.**

584 Not later than one hundred eighty (180) days after the
585 effective date of this act, the commissioner shall:

586 (a) Assemble a team of licensed mental health
587 professionals, which may include licensed mental health
588 professionals who are not employed by the Mississippi Department
589 of Corrections, to conduct a comprehensive mental health
590 reevaluation for each inmate held in solitary confinement for more
591 than thirty (30) days as of the date of enactment of this act,



592 including a confidential, face-to-face, out-of-cell interview by a
593 licensed mental health professional; and

594 (b) Adjust the placement of each inmate in accordance
595 with this act.

596 **SECTION 15. Required meetings with the ombudsman and the**
597 **Mississippi Department of Corrections.**

598 The Mississippi Department of Corrections shall:

599 (a) Meet regularly with the ombudsman appointed under
600 this law to identify how the Mississippi Department of Corrections
601 can address reported civil rights violations and reduce the use of
602 solitary confinement and correct problems in the solitary
603 confinement policies and practices of the Mississippi Department
604 of Corrections;

605 (b) Conduct a prompt and thorough investigation of each
606 referral from the ombudsman and after each such investigation take
607 appropriate disciplinary action against any Mississippi Department
608 of Corrections employee who is found to have engaged in misconduct
609 or to have violated Mississippi Department of Corrections policy,
610 and notify the ombudsman of the outcome of each such
611 investigation; and

612 (c) Establish procedures requiring a formal response by
613 the Mississippi Department of Corrections to any recommendation of
614 the ombudsman in the annual report submitted under this section
615 not later than ninety (90) days after the date on which the report
616 is submitted to the Mississippi Legislature.



617 **SECTION 16. Data tracking of use of solitary confinement.**

618 (1) Not later than March 31 of each year, the commissioner
619 shall prepare and transmit to the Committee on Corrections of the
620 Mississippi House of Representatives and the Mississippi Senate
621 the Judiciary A and B Committees of the Mississippi House of
622 Representatives and the Mississippi Senate an annual assessment of
623 the use of solitary confinement by the Mississippi Department of
624 Corrections.

625 (2) Each assessment submitted under subsection (1) shall
626 include the following:

627 (a) The policies and regulations of the Mississippi
628 Department of Corrections, including any changes in policies and
629 regulations, for determining which inmates are placed in each form
630 of solitary confinement, or housing in which an inmate is
631 separated from the general population in use during the reporting
632 period, and a detailed description of each form of solitary
633 confinement in use, including all maximum and high security
634 facilities, all special housing units, all special management
635 units, all administrative maximum facilities;

636 (b) The number of inmates in the custody of the
637 Mississippi Department of Corrections who are housed in each type
638 of solitary confinement for any period and the percentage of all
639 inmates who have spent at least some time in each form of solitary
640 confinement during the reporting period;



641 (c) The demographics of all inmates housed in each type
642 of solitary confinement described in subparagraph (a), including
643 race, ethnicity, religion, age, and gender;

644 (d) The policies and regulations of the Mississippi
645 Department of Corrections, including any updates in policies and
646 regulations, for subsequent reviews or appeals of the placement of
647 an inmate into or out of solitary confinement;

648 (e) The number of reviews of and challenges to each
649 type of solitary confinement placement described in subparagraph
650 (a) conducted during the reporting period and the number of
651 reviews or appeals that directly resulted in a change of
652 placement;

653 (f) The general conditions and restrictions for each
654 type of solitary confinement described in subparagraph (a),
655 including the number of hours spent in isolation, or restraint,
656 for each, and the percentage of time these conditions involve
657 single-inmate housing;

658 (g) The mean and median length of stay in each form of
659 solitary confinement described in subparagraph (a), based on all
660 individuals released from solitary confinement during the
661 reporting period, including maximum and high security facilities,
662 special housing units, special management units, the
663 administrative maximum facilities, including and any other unit
664 used for solitary confinement and any maximum length of stay
665 during the reporting period;



666 (h) The number of inmates who, after a stay of five (5)
667 or more days in solitary confinement, were released directly from
668 solitary confinement to the public during the reporting period;

669 (i) The cost for each form of solitary confinement
670 described in subparagraph (a) in use during the reporting period,
671 including as compared with the average daily cost of housing an
672 inmate in the general population;

673 (j) Statistics for inmate assaults on correctional
674 officers and staff of the Mississippi Department of Corrections
675 inmate-on-inmate assaults, and staff-on-inmate use of force
676 incidents in the various forms of solitary confinement described
677 in subparagraph (a) and statistics for such assaults in the
678 general population;

679 (k) The policies for mental health screening, mental
680 health treatment, and subsequent mental health reviews for all
681 inmates, including any update to the policies, and any additional
682 screening, treatment, and monitoring for inmates in solitary
683 confinement;

684 (l) A statement of the types of mental health staff
685 that conducted mental health assessments for the Mississippi
686 Department of Corrections during the reporting period, a
687 description of the different positions in the mental health staff
688 of the Mississippi Department of Corrections, and the number of
689 part- and full-time psychologists and psychiatrists employed by



690 the Mississippi Department of Corrections during the reporting
691 period;

692 (m) Data on mental health and medical indicators for
693 all inmates in solitary confinement, including:

694 (i) The number of inmates requiring medication for
695 mental health conditions;

696 (ii) The number diagnosed with an intellectual
697 disability;

698 (iii) The number diagnosed with serious mental
699 illness;

700 (iv) The number of suicides;

701 (v) The number of attempted suicides and number of
702 inmates placed on suicide watch;

703 (vi) The number of instances of self-harm
704 committed by inmates;

705 (vii) The number of inmates with physical
706 disabilities, including blind, deaf and mobility-impaired inmates;

707 (viii) The number of instances of forced feeding
708 of inmates; and

709 (ix) Any other relevant data.

710 **SECTION 17. Resource Center on Solitary Confinement**

711 **Reduction and Reform.**

712 (1) As used in this section the term "eligible entity" means
713 an entity, or a partnership of entities, that has demonstrated
714 expertise in the following fields:



715 (a) Solitary confinement, including the reduction and
716 reform of its use; and

717 (b) Providing technical assistance to corrections
718 agencies on how to reduce and reform solitary confinement.

719 (2) Not later than one hundred eighty (180) days after the
720 date of enactment of this act, the Mississippi Department of
721 Corrections shall enter into a cooperative agreement, on a
722 competitive basis, with an eligible entity for the purpose of
723 establishing a coordinating center for state and local, systems,
724 which shall conduct activities such as the following:

725 (a) Provide on-site technical assistance and
726 consultation to state, and local corrections agencies to safely
727 reduce the use of solitary confinement;

728 (b) Act as a clearinghouse for research, data, and
729 information on the safe reduction of solitary confinement in
730 prisons and other custodial settings, including facilitating the
731 exchange of information between federal, state, and local
732 practitioners, national experts, and researchers;

733 (c) Create a minimum of ten (10) learning sites in
734 state, and local jurisdictions that have already reduced their use
735 of solitary confinement and work with other federal, state, and
736 local agencies to participate in training, consultation, and other
737 forms of assistance and partnership with these learning sites;



738 (d) Conduct evaluations of jurisdictions that have
739 decreased their use of solitary confinement to determine best
740 practices;

741 (e) Conduct research on the effectiveness of
742 alternatives to solitary confinement, such as step-down or
743 transitional programs, strategies to reintegrate inmates into
744 general population, the role of officers and staff culture in
745 reform efforts, and other research relevant to the safe reduction
746 of solitary confinement;

747 (f) Develop and disseminate a toolkit for systems to
748 reduce the excessive use of solitary confinement;

749 (g) Develop and disseminate an online self-assessment
750 tool for state and local jurisdictions to assess their own use of
751 solitary confinement and identify strategies to reduce its use;
752 and

753 (h) Conduct public webinars to highlight new and
754 promising practices.

755 (3) The program under this section shall be administered by
756 the Mississippi Department of Corrections or its designee.

757 (4) On an annual basis, the coordinating center shall report
758 to the Corrections Committees and the Judiciary A and B Committees
759 of the Mississippi Senate and Judiciary A and B of the Mississippi
760 House of Representatives on its activities and any changes in
761 solitary confinement policy at the state or local level that have
762 resulted from its activities.



763 **SECTION 18.** There is authorized to be appropriated the
764 Mississippi Department of Corrections such sums as may be
765 necessary to carry out this act.

766 **SECTION 19.** The commissioner of the Mississippi Department
767 of Corrections shall prescribe rules, in accordance with
768 Mississippi law, and shall prescribe rules to carry out this act.

769 **SECTION 20.** This act shall take effect and be in force from
770 and after July 1, 2024.

