

1 H.684

2 Introduced by Representative Walz of Barre City

3 Referred to Committee on

4 Date:

5 Subject: Department of Corrections; segregation of inmates

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

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

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

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

14 § 701a. SEGREGATION OF INMATES WITH A SERIOUS FUNCTIONAL
15 IMPAIRMENT

16 (a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25
17 regarding the classification, treatment, and segregation of an inmate with a
18 serious functional impairment as defined and identified under subchapter 6 of
19 this chapter; provided that the length of ~~stay in segregation for an inmate with~~
20 ~~a serious functional impairment:~~

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

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

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

16 (b) For purposes of this title, and despite other names this concept has been
17 given in the past or may be given in the future, “segregation” means a form of
18 separation from the general population which may or may not include
19 placement in a single occupancy cell and which is used for disciplinary,
20 administrative, or other reasons.

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

16 Sec. 2. DEPARTMENT OF CORRECTIONS; RESIDENTIAL
17 TREATMENT UNIT; ALLOCATION OF FUNDING

18 (a) The General Assembly shall allocate sufficient funds to allow the
19 Commissioner of the Department of Corrections to create an additional
20 residential treatment unit to accommodate a minimum of 12 beds. The
21 residential treatment unit shall accommodate the needs of inmates identified as

1 seriously functionally impaired and requiring special placement or
2 consequences for inappropriate behavior as an alternative to segregation.

3 (b) The residential treatment unit beds shall:

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

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

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

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

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

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

1 as a result of his or her serious functional impairment shall not be maintained
2 in segregation for more than 24 consecutive hours.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2016.