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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Rep. Antonio “Moe” Maestas, Rep. Patty Lundstrom, Rep. Elizabeth “Liz” Thomson, Sen. Mary Kay Papen

**SHORT TITLE:** Isolated Confinement Act

**SYNOPSIS OF BILL:** Defines solitary confinement as confining a prisoner in a cell for 22 or more hours per day or “with minimal meaningful interaction with another person and limited or no opportunities to participate in educational, vocational or rehabilitative programs.” Bans the use of solitary confinement on children, pregnant women and prisoners with a serious mental illness. Requires all detention facilities in New Mexico to report on their use of solitary confinement.

**STRENGTHS:** Decades of research have shown that confining prisoners in conditions of isolation generally has an extremely negative impact on their mental health.<sup>1</sup> According to one report, “[n]early every scientific inquiry into the effects of solitary confinement over the past 150 years has concluded that subjecting an individual to more than 10 days of involuntary segregation results in a distinct set of emotional, cognitive, social, and physical pathologies.”<sup>2</sup> Solitary confinement is also considerably more expensive than less restrictive housing and safe alternatives to this dangerous practice have been developed.<sup>3</sup> Yet New Mexico continues to overuse and misuse solitary confinement on a regular basis. Our state seems to experience more high-profile instances of prisoners being placed in solitary confinement under horrendous conditions than other states, and the resulting litigation is costing us dearly.

A particularly notorious example occurred when former prisoner Stephen Slevin was awarded \$22 million after being placed in solitary confinement in the Doña Ana County Detention Center for almost two years. He settled for \$15.5 million on appeal. This was one of the highest settlements in a prisoner rights case in the history of the United States. Unfortunately, this type of high-dollar solitary confinement settlement occurs regularly in New Mexico.

**ADDITIONAL INFORMATION:** A report released last year by the Marshall Project found that New Mexico has the fourth highest percentage of prisoners in solitary confinement of any state in the country. It’s worth noting that New Mexico is one of the few states in which the county jail population is often roughly equal to the state prison population. In addition, county jails often cater to a prison population with a very high incidence of mental illness. For this reason, perhaps, some of the most shocking examples of solitary confinement occur in jails.

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1 See, for example, “Psychiatric Effects of Solitary Confinement,” Stuart Grassian, Washington University Journal of Law and Policy, 2006.

2 “Public Health and Solitary Confinement in the United States,” David H. Cloud, Ernest Drucker, Angela Browne, and Jim Parsons, American Journal of Public Health, 2015.

3 “Solitary Confinement: Common Misconceptions and Emerging Safe Alternatives,” Vera Institute for Justice, 2015.

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<p>Solitary confinement is regularly used as a short-term fix for prisoner management issues. In the long-term, it makes both our detention facilities and our communities less safe. HB175 is necessary to regulate the misuse and overuse of solitary confinement in New Mexico.</p>	<p>N/A</p>	<p>Solitary confinement is considerably more expensive than less restrictive housing. New Mexico also regularly pays out millions of dollars in legal settlements brought by former prisoners who were placed in solitary confinement.</p>	<p>Overwhelming research indicates that solitary confinement has a dramatically negative effect on prisoners' mental health, especially on vulnerable prison populations. (See "Keeping Vulnerable Populations Safe Under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails," Allison Hastings, Angela Browne, Kaitlin Kall, and Margaret DiZerega, National PREA Resource Center, 2015.) With upwards of 90 percent of New Mexico prisoners eventually being released back into our communities, it makes sense to place sensible restrictions on this dangerous practice.</p>	<p><b>A</b></p>