

# ACLU Nevada

## SENATE BILL 187

### OVERVIEW OF SENATE BILL 187:

In 2017, with funding from the U.S. Department of Justice's Bureau of Justice Assistance, the Vera Institute of Justice partnered with the Nevada Department of Corrections (NDOC) to help the agency better understand and reduce its use of solitary confinement. Vera's assistance included an in-depth assessment of segregation use in NDOC facilities and the identification of opportunities for reform and innovation. Vera's findings and recommendations were published in a 2019 report.

SB187 seeks to require the NDOC to adopt regulations to meet Vera's best practice recommendations. SB187 also requires the NDOC to collect data on its use of solitary confinement so the Legislature, governmental agencies, advocacy organizations, and the public can effectively monitor the use of solitary confinement in the NDOC.

### WHY FIGHT TO REFORM SOLITARY?

The United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules, consider solitary confinement of more than 15 days torture and a human rights abuse. While this bill does not limit the use of solitary to less than 15 days, it is a step in that direction. There is a common saying among advocates, survivors, and mental health professionals: If you didn't have a mental illness before entering solitary, you will when you leave.

Dr. Craig Hanney, a subject expert testified to the California Assembly, saying, "In short, prisoners in [solitary units] complain of chronic and overwhelming feelings of sadness, hopelessness, and depression. Rates of suicide in the [solitary] units are by far the highest in any prison housing units anywhere in the country. Many people held in [solitary] become deeply and unshakably paranoid and are profoundly anxious around and afraid of people (on those rare occasions when they are allowed contact with them). Some begin to lose their grasp on their sanity and badly decompensate."

Solitary hinders reentry and creates lasting negative mental health issues for those who are subjected to it. While the NDOC has taken important steps to reduce solitary in the last five years there is still a long way to go to end this torturous practice in the state.

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## ISSUES THIS BILL SEEKS TO ADDRESS

- A high number of people in segregation units (solitary confinement) had mental health needs.
- People who have been cleared for release from segregation often spend long periods waiting for transfer to general population due to limited bed space.
- A significant number of people were released from NDOC custody to the community directly from administrative segregation or within 30 days of having been in segregation.
- Placement in administrative segregation is indefinite, with no clear pathway back to less restrictive settings.
- Conditions in segregation are highly restrictive and allow very limited out-of-cell time and little to no programming or congregate activity.
- The number and percentage of women in administrative segregation, as well as their average length of stay, decreased, but their length of stay still remained higher than men's.

## CONCLUSION

SB187 is simply asking the NDOC to adopt regulations to meet the recommendations of a report they helped produce and asked for. As leadership changes, so do agency priorities. That is why it is important to mandate the adoption of these regulations. The NDOC made the right choice when they partnered with Vera to find ways to reduce their use of solitary confinement, and we hope to build on that progress by ensuring that the recommendations are implemented and stand the test of time.