

1 SENATE JOINT RESOLUTION NO. 34

2 INTRODUCED BY S. O'BRIEN

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY ON ALTERNATIVES TO SOLITARY CONFINEMENT IN
6 STATE AND COUNTY INSTITUTIONS IN MONTANA.

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8 WHEREAS, solitary confinement means to house an adult or juvenile with minimal or rare meaningful
9 contact with other individuals; and

10 WHEREAS, solitary confinement is referred to in a variety of ways, including administrative, protective,
11 or disciplinary segregation, lockdown, and secure housing; and

12 WHEREAS, there has been increased controversy about the use of solitary confinement in the nation's
13 jails, prisons, and juvenile detention facilities; and

14 WHEREAS, the National Commission on Correctional Health Care found that "it is well established that
15 persons with mental illness are particularly vulnerable to the harms of solitary confinement"; and

16 WHEREAS, a task force appointed by the United States Attorney General found in 2012 that solitary
17 confinement of juveniles produces symptoms of "paranoia, anxiety and depression even after very short periods
18 of isolation" and that these youth who spend extended time in isolation are most likely to attempt or actually
19 commit suicide; and

20 WHEREAS, the National Commission on Correctional Health Care has found that solitary confinement
21 that lasts more than 15 days is cruel, inhumane, and degrading treatment and harmful to an individual's health
22 and recommends that solitary confinement be eliminated for juveniles and the mentally ill; and

23 WHEREAS, solitary confinement is a practice that is currently used in Montana with individuals who are
24 detained by the state for various offenses; and

25 WHEREAS, from 2017 to 2018, the Legislature commissioned and completed a study documenting the
26 extent of the use of this practice in Montana with juveniles and adults; and

27 WHEREAS, studies released after Montana's last study have documented that solitary confinement
28 can result in "paranoia, hallucination, suicidal ideation, feelings of impending doom, decline in mental

1 functioning, insomnia, nightmares, and many other symptoms related to severe depression and anxiety"; and
2 WHEREAS, a federal judge in the Third Circuit Court of Appeals explained that "there is not a single
3 study of solitary confinement wherein nonvoluntary confinement that lasted for longer than 10 days failed to
4 result in negative psychological effects"; and

5 WHEREAS, in February 2021, a federal judge in the Second Circuit Court of Appeals stated that
6 "[p]rolonged solitary confinement is one of the true horrors of the modern-day penal system"; and

7 WHEREAS, correctional systems must not engage in practices that alter offenders' mental health to
8 make it more difficult for them to integrate successfully into law-abiding individuals on their release from jail or
9 prison.

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11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
12 THE STATE OF MONTANA:

13 That the Legislative Council be requested to designate an appropriate interim committee or statutory
14 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine alternatives to the
15 use of solitary confinement in state and county institutions in Montana.

16 BE IT FURTHER RESOLVED, that the study review:

- 17 (1) existing solitary confinement practices in Montana jails, prisons, and juvenile detention facilities;
18 (2) the reasons that solitary confinement is utilized in each institution;
19 (3) facility, state, or county policies in place regarding the use of solitary confinement for juveniles and
20 individuals with mental illness;
21 (4) changes that can be made to reduce or eliminate the use of solitary confinement for juveniles and
22 individuals with mental illness;
23 (5) methods used in other states that have effectively reduced or eliminated the use of solitary
24 confinement for juveniles, individuals with mental illness, and all adults; and
25 (6) methods used in other countries that have effectively reduced or eliminated the use of solitary
26 confinement for juveniles, individuals with mental illness, and all adults; and
27 (7) the recidivism rates of those placed in solitary confinement in Montana jails, prisons, and juvenile
28 detention facilities as opposed to those who have not been placed in solitary confinement;

1 (8) the recidivism rates of offenders from jurisdictions who do not use solitary confinement in their
2 jails, prisons, and juvenile detention facilities; and

3 (9) other related topics that the committee considers relevant to a better understanding of the topic.

4 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
5 presented to and reviewed by an appropriate committee designated by the Legislative Council.

6 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
7 requirements, be concluded prior to September 15, 2022.

8 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
9 comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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