

# END ISOLATED CONFINEMENT IN NEW JERSEY

## THE FACTS:

- “Isolated confinement,” also called “solitary confinement,” “segregation,” “close custody,” and other terms, refers to the housing of prisoners alone or with another person, for 23 hours a day in small, closet-sized cells. Many prisoners remain in solitary confinement for months or years at a time. In New Jersey, an estimated 1,500 prisoners are housed in these conditions, for reasons ranging from disciplinary sanctions to the maintenance of institutional order.
- Evidence has been mounting for decades about the devastating, sometimes irreparable, trauma that results from prolonged isolation. This practice has been condemned by dozens of organizations, including but not limited to:
  - The American Psychiatric Association
  - Amnesty International
  - The Inter-American Commission on Human Rights
  - The National Alliance on Mental Illness
  - The National Religious Campaign Against Torture
  - Religious leaders, including Pope Francis
  - The United Nations (which considers more than 15 days to be torture)
- New Jersey was the first state to routinize the practice of isolation as a means of “breaking down” political dissidents in Trenton State Prison in the 1960s and 1970s.
- By all research estimates, isolated housing is more expensive than general population. Meanwhile, humane and cost-saving alternatives to isolation are being developed and implemented in other states, including Colorado, Maine, Mississippi, New York, Pennsylvania, and Washington.
- New Jersey currently ranks last among all states in racially disproportionate criminal sentencing, and the use of isolation is accordingly skewed along racial lines. In 2018, Yale Law School (Arthur Liman Program) and the Association of State Correctional Administrators (ASCA) reported that, in New Jersey, 2/3 of women and 3/4 of men held in solitary are people of color (“Black” and “Hispanic”).
- In 2016, New Jersey legislators and advocates worked together to pass the *Isolated Confinement Restriction Act (S.51/A.547)*, modeling legislation using international human rights standards and research-based models. It passed quickly through both houses of the New Jersey legislature, but was vetoed by Governor Christie. It has been reintroduced in 2018 as A.314/S.3261, and is working its way through both houses of the legislature currently.

**In short, Isolated Confinement is cruel, dangerous, unnecessary, expensive, and antithetical to humane correctional goals. It is time for New Jersey to become a true leader in correctional reform by replacing harmful housing practices with humane alternatives.**

*For more info, or to participate in this statewide campaign, visit [www.NJCAIC.org](http://www.NJCAIC.org)*



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# **A.314/S.3261: The Isolated Confinement Restriction Act**

## **Frequently Asked Questions**

### *What is the purpose of this bill?*

This bill limits the use of prisoner isolation to circumstances when it is necessary and safe, both for the incarcerated person and the operations of the facility.

### *Why is the bill necessary?*

At present, there are very few rules that govern the use of prisoner isolation, and those that exist are not fashioned in accordance with the current research on psychological trauma, institutional and public safety, and national and international human rights standards. As a result, many prisoners are housed in isolation from human or therapeutic contact for much longer than is necessary or responsible—sometimes spanning years or decades at a time.

### *What are the significant features of the bill?*

Under A.314/S.3261, prisoner isolation is prohibited unless there is reasonable cause to believe that an inmate poses a serious and immediate risk of harm to self or others, and only when all less restrictive interventions are insufficient. This means:

- Anyone being placed in isolation must undergo clinically conducted medical and mental health examinations, be provided access to due process, and must be kept in safe, sanitary, and humane conditions.
- Excepting emergencies, no inmate can be placed in isolation for more than 15 consecutive days, and no more than 20 days per 60-day period.
- Any member of vulnerable populations, as classified by clinical staff, can not be placed in isolation. Vulnerable populations include people aged 21 and younger, people aged 65 and older, people with developmental disability, people with a disability based on mental illness, people with serious medical conditions, and people who are pregnant.
- Emergency confinement must be directed by facility administrators and cannot exceed 24-hours in duration. Initial clinical evaluations must occur within 2 hours of emergency isolation, and again within 24 hours.
- Inmates will continue to have access to voluntary isolation in situations where they are in clear, imminent danger.
- The Department of Corrections must develop a plan for implementation of these reforms, which must also include comprehensive training for staff and administrators as well as thorough documentation and reporting procedures.

### *What facilities would be required to comply with the bill's reforms?*

All correctional facilities operated directly under or through contract with the Department of Corrections (excepting federally operated facilities) is subject to the reforms of the Isolated Confinement Restriction Act, and each must comply with the policies and procedures developed by the Department of Corrections thereafter.

### *What can I do to support this bill?*

Call your legislator, host an education event, visit [www.njcaic.org](http://www.njcaic.org) for resources.