

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/02/25/montana-legislature-considers-solitary-confinement-reform/>

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by [Sal Rodriguez](#) | February 25, 2013

On Friday, February 22nd, the Montana House Judiciary Committee held a hearing on [House Bill 536](#), entitled the Montana Solitary Confinement Act, sponsored by legislator Franke Wilmer. The bill, which the National Religious Campaign Against Torture calls a critical opportunity to lead the way nationally in increasing access to rehabilitation and reducing harm, would place limits on the use of solitary confinement in the Montana prison system.

Under the bill, juveniles and prisoners diagnosed as seriously mentally ill would not be held in solitary confinement for more than three consecutive days. In addition, prisoners within one year of their release would not be subject to solitary confinement beyond three consecutive days unless the director of the Department of Corrections provides written permission.

According to the ACLU of Montana, Montana currently has two locked housing units at Montana State Prison, which consist of 80 cells each, in which inmates may be held in solitary confinement for 23-24 hours a day.

The hearing can be viewed at this [link](#) (Session Year: 63rd ; Committee Type: House; House Committees: Judiciary ; February 22nd; 2 hours in).

Bill sponsor Wilmer spoke first, arguing that solitary confinement represents a form of sensory deprivation that harms prisoners with mental health problems. She argued that mental health problems are similar to cancer, in that both have physiological sources, and that to place prisoners diagnosed with mental health problems in isolation is to effectively punish people for having a disease.

Patty Jacques told of her son, who has a long record of mental health problems, who spent four months in isolation at Montana State Prison upon his transfer from a psychiatric institution. He was placed in isolation as a way to stabilize him, Jacques recalls the warden telling her, who told her the prison was taking really good care of my son.

He has never been the same, extreme high anxiety, PTSD, it has made his mental health worse, Jacque told the committee.

Montana State Prison Warden Leroy Kirkegard told the committee that: Solitary confinement is not a tool employed today nor will it be in the future. Warden Kirkegard dismissed the use of the term solitary confinement as dated, as prisoners in segregation units do receive regular contact from correctional and mental health workers. This dismissal of the concept of solitary confinement received a tongue in cheek [blog post](#) by the ACLU of Montana.

Writes Anna Conley in the post: Wait a minute as I recall, there are two locked housing units at Montana State Prison with more than 80 single cells each in which inmates are locked down in isolation 23 hours a day. Isn't this solitary confinement?

Kirkegard had more specific critiques of the bill. It defines long-term as longer than three days, he said, arguing that investigations of prison rules violations often take longer than that. Further, he critiqued the language of the bill that leaves a definition of severe mental illness different than current law defines it.

Kirkegard stated that there were, respectively, 51 and 63 prisoners in the two locked housing units. When asked how many juveniles were held in segregation, he stated he believed the number was less than ten.

Colleen Ambrose, Legal Services Bureau Chief of the Montana Department of Corrections, argued that prisoners in segregation receive 1 hour of outdoor exercise, limited visitation and mail privileges, library books. Further, she noted that the bill defines pre-hearing detention as solitary confinement, which may hinder investigations. The bill does not, she argued, differentiate between disciplinary hearing time periods for murder or possession of pruno (prison wine).

The hearing revealed a lack of capacity in the prison to handle prisoners with mental health problems. While there are 300 prisoners deemed to have a serious mental illness, there only 25 mental health beds in the Montana State Prison.

In 2009, the ACLU successfully filed suit against the Montana Department of Corrections on behalf of juvenile prisoner [Raistlen Katka](#).

Katka was at the time a 17-year old who spent 10 months in solitary confinement and twice attempted suicide by biting his wrist to puncture veins. In a settlement, in 2012, the Department of Corrections agreed to limit the use of solitary confinement against both juveniles and prisoners with mental health problems, with written approval by the Director of the Department of Corrections required for keeping prisoners in segregation longer than 72 hours.

According to the National Religious Campaign Against Torture, which [supports the bill](#), a committee vote can be expected as early as the beginning of this week.

Sal Rodriguez was Solitary Watch's first and most prolific intern. Based in Los Angeles, he served as an editorial writer and columnist for the Orange County Register and the Press-Enterprise, and is now the opinion editor for the Southern California News Group.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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Mandatory sentencing guidelines should be banned. Snitch new movie shows how the system works against poor, mentally ill and retarded. Families against Mandatory Sentences is another group pushing for reform. You can find a real solution to the issue at: [deinformedvoters.org](#) (click on justice). This is real reform, and peer reviewed by a non-partisan organization.

The news is replete with stories of the mentally ill committing violent crimes as of late. I read about the following horrible example and the efforts to prevent such cases in the future. Doing so could keep reduce the probability that these people would end up in prison for their crimes and winding up in the hole once there.

However one can imagine how such power could be misused.

http://www.nytimes.com/2013/02/24/us/advocates-seek-mental-health-changes-including-power-to-detain.html?partner=rss&emc=rss&_r=0

Advocates Seek Mental Health Changes, Including Power to Detain

Excerpts:

Hospitals do not have legal authority to detain people who voluntarily enter their facilities in search of mental health care but then decide to leave. It is one of many holes in the states nearly 30-year-old mental health code that advocates, police officers and judges say lawmakers need to fix. In a report last year, Texas Appleseed, a nonprofit advocacy organization, called on lawmakers to replace the existing code with one that reflects contemporary mental health needs.

It was last fully revised in 1985, and clearly the mental health system has changed drastically since then, said Susan Stone, a lawyer and psychiatrist who led the two-year Texas Appleseed project to study and recommend reforms to the code. Lawmakers have said that although the code may need to be revamped, it will not happen in this year's legislative session. Such an undertaking requires legislative studies that have not been conducted. But advocates are urging legislators to make a few critical changes that they say could prevent tragedies, including giving hospitals the right to detain someone who is having a mental health crisis.

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