

117TH CONGRESS  
2D SESSION

# H. R. 7424

To reduce instances of placement of inmates in restrictive housing, and  
for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2022

Mr. GOHMERT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To reduce instances of placement of inmates in restrictive  
housing, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Solitary Confinement  
5       Reform Act of 2022”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Restrictive housing takes many forms, and  
9       the experience in segregation can vary considerably

1 depending on certain external factors, such as the  
2 length of stay, conditions of confinement, and degree  
3 of social isolation, as well as factors specific to each  
4 confined person, such as age and psychological resiliency.  
5

6 (2) Confined individuals located in restrictive  
7 housing broadly express severe psychological disturbances  
8 with lasting detrimental consequences as a result  
9 of their experience in security housing units.  
10 The Stanford Lab's interviews revealed a range of  
11 common impairments and adverse consequences associated  
12 with long-term, indefinite incarceration.

13 (3) The majority of confined members endorsed  
14 feeling mood symptoms consistent with the Diagnostic  
15 and Statistical Manual of Mental Disorders  
16 (DSM 5) diagnosis of Major Depressive Disorder,  
17 including depressed mood, hopelessness, anger, irritability,  
18 anhedonia, anger, fatigue, feelings of guilt, loss of  
19 appetite, and insomnia.

20 (4) Nearly all members also endorsed a sense of  
21 anxiety symptoms characteristic of DSM 5 diagnoses  
22 of panic disorder, traumatic stress disorders, and/or  
23 obsessive-compulsive disorders, such as nervousness,  
24 worry, increased heart rate and respiration, sweat-

1 ing, muscle tension, hyperarousal, paranoia, night-  
2 mares, intrusive thoughts, and fear of losing control.

3 (5) Psychiatric symptoms and diminished ca-  
4 pacity for socialization continue to cause psycho-  
5 logical suffering and problems with social function  
6 for most of the men now in general population.

7 (6) Confined members cited emotional numbing  
8 and desensitization as some of the most common re-  
9 sponses to living in SHU.

10 (7) This sense of emotional suppression and  
11 dysregulation continues to be problematic for pris-  
12 oners following the transition to the general popu-  
13 lation. Class members also reported significant alter-  
14 ations in cognition and perception.

15 (8) Problems with attention, concentration, and  
16 memory were common, and described as persistent  
17 and worsening.

18 (9) Some of the most pronounced and enduring  
19 effects of long-term isolation appeared to have re-  
20 sulted from relational estrangement and social isola-  
21 tion; prisoners frequently reported losing, over time,  
22 the motivation to seek social connection.

23 **SEC. 3. LIMITATIONS ON CONFINEMENT.**

24 (a) IN GENERAL.—Inmates shall be housed in the  
25 least restrictive setting necessary to ensure their own safe-

1 ty, as well as the safety of staff, other inmates, and the  
2 public.

3 (b) REASONING.—The head of a covered facility shall  
4 clearly articulate each specific reason for an inmate’s  
5 placement and retention in restrictive housing. Each such  
6 reason shall be supported by objective evidence that such  
7 placement and retention is necessary—

8 (1) for prison safety or order;

9 (2) to prevent gang influence;

10 (3) for inmate or staff protection; and

11 (4) such other penological purpose as the head  
12 of such facility may determine is appropriate.

13 (c) PENOLOGICAL PURPOSE.—Restrictive housing  
14 may only be used to eliminate or mitigate a specific facility  
15 threat such as a fight between inmates or the threat of  
16 imminent danger to inmates or staff.

17 (d) LIMITATION.—

18 (1) IN GENERAL.—Inmates shall remain in re-  
19 strictive housing for no longer than necessary to ad-  
20 dress each specific reason for such placement.

21 (2) PUNISHMENT.—Inmates may not be placed  
22 in restrictive housing—

23 (A) as a form of punishment or deterrence;

24 (B) for low-level offenses that do not in-  
25 volve physical violence to staff or inmates; or

1 (C) for more than 5 days as a part of a  
2 routine investigation or more than 15 days as  
3 part of a non-routine investigation, as deter-  
4 mined by the Official concerned, absent docu-  
5 mented extenuating circumstances.

6 **SEC. 4. REVIEW OF PLACEMENT.**

7 (a) IN GENERAL.—An institutional review panel of  
8 a covered facility shall review the placement of an inmate  
9 in restrictive housing not later than 15 days after such  
10 placement and not less than every 15 days thereafter until  
11 such time as the inmate is removed from restrictive hous-  
12 ing.

13 (b) REMOVAL PLAN.—The head of each covered facil-  
14 ity shall make a plan for the return of the inmate to less  
15 restrictive conditions and shall share such plan with the  
16 inmate, unless sharing such plan would put the health and  
17 safety of the inmate, staff, other inmates, or the public  
18 at risk.

19 **SEC. 5. EMPLOYEE TRAINING.**

20 (a) IN GENERAL.—The Official concerned shall en-  
21 sure that the staff of each facility is trained on use of  
22 force and restrictive housing policies not less than quar-  
23 terly.

24 (b) HOUSING POLICY TRAINING.—The Official con-  
25 cerned shall ensure that the staff of each covered facility

1 complies with restrictive housing policies and that such  
2 policies are reflected in employee evaluation systems.

3 (c) STANDING COMMITTEES.—

4 (1) IN GENERAL.—The Official concerned shall  
5 establish in each covered facility a standing com-  
6 mittee, consisting of high-level correctional officials,  
7 active or retired, to regularly evaluate existing re-  
8 strictive housing policies.

9 (2) DUTIES.—Each standing committee shall—

10 (A) review use of force and abuse allega-  
11 tions to include body cam footage and closed-  
12 circuit video footage of any use of force or  
13 abuse allegation;

14 (B) submit redacted written recommenda-  
15 tions on preventing unlawful use of force or  
16 abuse to—

17 (i) the Department of Justice;

18 (ii) the Committees on the Judiciary  
19 of the House of Representatives and the  
20 Senate; and

21 (iii) the Committees on Armed Serv-  
22 ices of the House of Representatives and  
23 the Senate; and

24 (C) assist covered facilities in developing  
25 safe and effective alternatives to restrictive

1 housing and share with other covered facilities  
2 and State prison facilities best practices for use  
3 of force to ensure safety for staff and confined  
4 individuals.

5 **SEC. 6. GRADUAL RETURN TO GENERAL POPULATION.**

6 (a) IN GENERAL.—Absent a compelling reason as de-  
7 termined by the Official concerned, the head of a covered  
8 facility may not release inmates directly from restrictive  
9 housing to the general inmate population.

10 (b) GRADUATED SYSTEM.—The head of a covered fa-  
11 cility shall consult with mental health professionals to en-  
12 sure that shock of removal from isolation will not cause  
13 harm to the confined individual or the general inmate pop-  
14 ulation.

15 **SEC. 7. ENRICHMENT OPPORTUNITIES.**

16 (a) IN GENERAL.—Not later than 180 days after the  
17 date of the enactment of this Act, each Official concerned  
18 shall establish policies to increase the minimum amount  
19 of time inmates in restrictive housing spend outside their  
20 cells to 3 hours per day, including weekends and holidays,  
21 and to offer enhanced in-cell opportunities.

22 (b) MINIMUM RESTRAINT.—The Official concerned  
23 shall afford to individuals in restrictive housing edu-  
24 cational opportunities, using the minimum amount of pro-

1 tective restraint necessary to ensure safety of staff, popu-  
2 lation, and educational professionals.

3 (c) OUT-OF-CELL TIME.—The Official concerned  
4 shall make available to the inmates opportunities for  
5 recreation, education, clinically appropriate treatment  
6 therapies, skill-building, and social interaction with staff  
7 and other inmates.

8 (d) LOWER-RISK INDIVIDUALS.—The Official con-  
9 cerned shall ensure that lower-risk individuals may con-  
10 duct recreation time in such group size as the facility de-  
11 termines appropriate.

12 (e) EXPANSION.—The Official concerned shall in-  
13 crease the ability of covered facilities to divert inmates  
14 with serious mental illness to mental health treatment pro-  
15 grams or facilities when needed to serve the interest of  
16 the facility and the inmate.

17 (f) FINAL DAYS OF IMPRISONMENT.—The Official  
18 concerned shall establish policies to—

19 (1) prohibit the placement of inmates in restric-  
20 tive housing during the final 180 days of the term  
21 of imprisonment of such inmate; and

22 (2) provide targeted re-entry programming for  
23 inmates who require restrictive housing during the  
24 such final 180-day period.



1 (g) POSTING POLICIES.—The head of each covered  
2 facility shall post the policies established under subsection  
3 (a) in an area of the facility that is frequented by inmates  
4 and staff.

5 (h) STATISTICS.—The Official concerned shall pub-  
6 lish system-wide restrictive housing statistics on a monthly  
7 basis on the website of the agency under that Official's  
8 jurisdiction and on websites for effected covered facilities.  
9 The statistics shall include the total number of inmates  
10 in restrictive housing, disaggregated by—

11 (1) the number of inmates who—

12 (A) remained in such housing for more  
13 than 90 days;

14 (B) remained in such housing for more  
15 than 180 days; and

16 (C) remained in such housing for more  
17 than 364 days; and

18 (2) the number of inmates in disciplinary seg-  
19 regation and the number of inmates in administra-  
20 tive detention.

21 **SEC. 8. CONFINEMENT REQUIREMENTS.**

22 (a) IN GENERAL.—The Official concerned and the  
23 head of any State prison used for the detention of persons  
24 held under authority of any Act of Congress, shall—

1           (1) submit data on restrictive housing to the  
2       Department of Justice and the Committees on  
3       Armed Services and on the Judiciary of the Senate  
4       and the House of Representatives on a quarterly  
5       basis;

6           (2) finalize upgrades in data collection software  
7       to improve tracking of restrictive housing inmates;  
8       and

9           (3) require body cams to be worn by correc-  
10      tional staff interacting with confined population in  
11      restrictive housing for any forced movement or phys-  
12      ical interaction.

13       (b) PRESUMPTION.—In determining whether place-  
14      ment in restrictive housing is appropriate, it shall be pre-  
15      sumed that an inmate shall be housed in the least restric-  
16      tive setting necessary to ensure safety, and that inmates  
17      in restrictive housing shall be returned to general popu-  
18      lation as soon as it is safe to do so.

19   **SEC. 9. VIOLATIONS.**

20       (a) IN GENERAL.—

21           (1) BOP VIOLATIONS.—In the case of a Bureau  
22      of Prisons facility that violates the policy established  
23      by the Attorney General under section 7, the Attor-  
24      ney General may—

1           (A) reduce the funding provided to the vio-  
2           lating facility by such amount as the Attorney  
3           General determines appropriate and increase  
4           the amount provided to facilities in compliance  
5           by an amount that is equal to the amount of  
6           such reduction;

7           (B) suspend staff found to be involved in  
8           a violation of such policy with or without pay;  
9           or

10          (C) terminate staff found to be involved in  
11          a violation of such policy if such violation is  
12          considered substantially detrimental to the  
13          goals of such policy.

14          (2) DOD VIOLATIONS.—In the case of a prison  
15          facility of the Department of Defense that violates  
16          the policy established by the Secretary of Defense  
17          under section 7, the Secretary may—

18               (A) reduce the funding provided to the vio-  
19               lating facility by such amount as the Secretary  
20               determines appropriate and increase the  
21               amount provided to facilities in compliance by  
22               an amount that is equal to the amount of such  
23               reduction;

1 (B) suspend staff found to be involved in  
2 a violation of such policy with or without pay;  
3 or

4 (C) terminate staff found to be involved in  
5 a violation of such policy if such violation is  
6 considered substantially detrimental to the  
7 goals of such policy.

8 (3) OTHER PRISON FACILITY VIOLATIONS.—In  
9 the case of a covered facility described in section  
10 11(1)(C) that violates the policy established by the  
11 Director of the Bureau of Prisons under section 7,  
12 the Attorney General may—

13 (A) in the case of—

14 (i) a facility described in clause (i) of  
15 such section, decline to extend or renew  
16 any contract or agreement with the prison  
17 facility or condition such an extension or  
18 renewal on compliance with such policy; or

19 (ii) a facility described in clause (ii) of  
20 such section, reduce the funding provided  
21 to the violating facility by such amount as  
22 the Attorney General determines appro-  
23 priate and increase the amount provided to  
24 facilities in compliance by an amount that  
25 is equal to the amount of such reduction;

1 (B) call for the suspension of staff found  
2 to be involved in a violation of such policy with  
3 or without pay; or

4 (C) call for the termination of staff found  
5 to be involved in a violation of such policy if  
6 such violation is considered substantially detri-  
7 mental goals of such policy.

8 (b) ADJUDICATION.—Any covered facility or em-  
9 ployee accused of a violation of the policy established by  
10 the Official concerned under section 7 shall, after notice  
11 and an opportunity to be heard by the standing committee  
12 of such facility and subject to approval by such Official,  
13 be subject to the penalties under subsection (a).

14 (c) CONFLICT OF INTEREST.—Any conflicted parties  
15 shall recuse themselves from the proceeding before the  
16 standing committee and a new impartial member shall be  
17 appointed to the committee to serve in this capacity for  
18 the duration of the proceeding. Any conflict of interest  
19 shall be disclosed in writing and preserved within the rec-  
20 ommendation notes.

21 **SEC. 10. REVISION OF DEPARTMENT OF DEFENSE POLICIES**  
22 **AND GUIDANCE.**

23 As soon as practicable after the date of the enactment  
24 of this Act, the Secretary of Defense shall revise Depart-  
25 ment of Defense Instruction 1325.07 (Administration of

1 Military Correctional Facilities and Clemency and Parole  
2 Authority), and any related policies and guidance of the  
3 Department, to conform to the requirements of this Act.

4 **SEC. 11. DEFINITIONS.**

5 In this Act:

6 (1) COVERED FACILITY.—The term “covered  
7 facility” means—

8 (A) a prison facility under the jurisdiction  
9 of the Bureau of Prisons;

10 (B) a prison facility under the jurisdiction  
11 of the Department of Defense; and

12 (C) any prison facility under the jurisdic-  
13 tion of a State or unit of local government—

14 (i) in which persons are held in cus-  
15 tody pursuant to a contract or agreement  
16 with the Federal Government; and

17 (ii) that receives Federal funds for  
18 law enforcement purposes.

19 (2) INMATE.—The term “inmate” means an in-  
20 mate serving a term of imprisonment in a covered  
21 facility.

22 (3) INSTITUTIONAL REVIEW PANEL.—The term  
23 “institutional review panel” means a panel composed  
24 of—

25 (A) the leadership of a covered facility; and

1 (B) medical professionals and mental  
2 health professionals who are employed by and  
3 work outside of such facility.

4 (4) NON-ROUTINE INVESTIGATION.—The term  
5 “non-routine investigation” means any investigation  
6 that addresses a grave risk of safety and security of  
7 the facility, such as a riot, killing, or terror attack.

8 (5) OFFICIAL CONCERNED.—The term “Official  
9 concerned” means—

10 (A) the Attorney General, acting through  
11 the Director of the Bureau of Prisons, with re-  
12 spect to prison facilities under the jurisdiction  
13 of the Bureau of Prisons;

14 (B) the Secretary of Defense, with respect  
15 to prison facilities under the jurisdiction of the  
16 Department of Defense;

17 (C) the chief executive of a State or unit  
18 of local government, with respect to prison fa-  
19 cilities under the jurisdiction of such State or  
20 unit of local government.

21 (6) RESTRICTIVE HOUSING.—The term “re-  
22 strictive housing” means any housing in which an  
23 inmate is removed from general population housing

- 1 to housing with little to no contact with others for
- 2 a disciplinary purpose.

