

Executive Summary: Health Impact Review of HB 1312

Concerning solitary confinement (2021 Legislative Session)

Evidence indicates that HB 1312 would likely decrease the use of solitary confinement in DOC state prisons for some people, which would likely decrease reincarceration and improve health outcomes for some people who are incarcerated or who were formerly incarcerated. The impacts of potential alternatives to solitary confinement and the impacts on equity are unclear.

BILL INFORMATION

Sponsors: Peterson, Simmons, Ramel, Ryu, Fitzgibbon, Hackney, Gregerson, Santos, Senn, Ortiz-Self, Dolan, Davis, Valdez, Bateman, Johnson, J., Ormsby, Bergquist, Morgan, Lekanoff, Frame, Harris-Talley, Leavitt, Pollet, Callan, Macri

Summary of Bill:

- Restricts the use of solitary confinement^A in Washington State Department of Corrections (DOC) state prisons, except in limited circumstances.
- Requires the Secretary of DOC to adopt certain regulations, policies, and procedures.
- Directs cities and counties that operate jails to compile specific information on the use of solitary confinement at each jail and to submit information to the Washington Association of Sheriffs and Police Chiefs (WASPC). Requires WASPC to submit reports to the Legislature.

HEALTH IMPACT REVIEW

Summary of Findings:

This Health Impact Review found the following evidence for relevant provisions in HB 1312:

Pathway 1: Restrictions to solitary confinement

- **Informed assumption** that restricting the use of solitary confinement in DOC state prisons, except in limited circumstances, would decrease the use of solitary confinement for some people who are incarcerated. This informed assumption is based on past and current DOC reform efforts, bill provisions, and information from key informants.
- **Strong evidence** that decreased use of solitary confinement would improve health outcomes for some people who are incarcerated or were formerly incarcerated.
- **Strong evidence** that decreased use of solitary confinement would decrease reincarceration.
- **Very strong evidence** that decreased reincarceration would improve health outcomes.

^A Prison systems use various terms to refer to segregation (restricted/restrictive housing; administrative segregation; disciplinary segregation; maximum custody; supermax; protective custody; special housing units; security housing units; special management units; intensive management; etc.); solitary confinement is typically used as an umbrella term to refer to all forms of segregation.^{2,3} This report uses the term solitary confinement to refer to all forms of segregation in alignment with language in HB 1312, the published literature, and recommendations from key informants, unless discussing specific DOC housing types or policies.

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Pathway 2: Alternatives to solitary confinement

- **Informed assumption** that requiring DOC to undertake rulemaking to establish alternatives to solitary confinement would result in DOC undertaking rulemaking and developing and implementing such alternatives. This informed assumption is based on information from key informants representing DOC.
- **Informed assumption** that DOC undertaking rulemaking and developing and implementing alternatives to solitary confinement would result in some number of people experiencing such alternatives while incarcerated. This informed assumption is based on information from key informants.
- **Unclear evidence** of how potential alternatives to solitary confinement would impact conditions of confinement for people who are incarcerated and DOC staff, since restrictions to solitary confinement may be implemented before alternatives to solitary confinement are in place, and since conditions of and effects of alternative interventions compared to those of solitary confinement are unknown.
- **Unclear evidence** of how improved health outcomes would impact health equity for people who are incarcerated or were formerly incarcerated due to limited research on how restricting solitary confinement may impact different groups; the intersectionality of overlapping identities; current inequities due to racism in the criminal legal system; and continued opportunities for people to be held in solitary confinement.

FULL REVIEW

For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2021-09-HB1312..pdf>

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