



June 25, 2021

Senator Julian Cyr
Representative Adrian C. Madaro
Massachusetts State House
Joint Committee on Mental Health, Substance Use and Recovery

Re: Support for S. 1283, An Act to ensure the constitutional rights and human dignity of prisoners on mental health watch

Dear Senator Cyr, Representative Madaro, and Members of the Joint Committee on Mental Health, Substance Use and Recovery:

I apologize that I will be away and unable to attend the hearing on this important bill. I am writing to convey the strong support of GLBTQ Legal Advocates & Defenders (GLAD) for S. 1283 which would address the severe constitutional violations and disregard for prisoners' mental health outlined in the Investigation of the Massachusetts Department of Correction (DOC) by the United States Department of Justice Civil Rights Division. The report is the result of a two-year investigation that focused on prisoners with serious mental illness and DOC's response to the mental health crises that these individuals face.¹

The DOJ Report revealed the harrowing consequences of DOC's policy of placing individuals under mental health watch in solitary confinement (restrictive housing) for long periods of time. Solitary confinement has been defined as torture by the United National and inflicts profound and lasting psychological harm. The DOJ Report revealed that DOC's policies are utterly lacking in clinically appropriate standard of care treatment for those with mental illness or who are at risk of suicide.

These concerns are especially pertinent to the LGBTQ community, which experiences higher rates of mental illness and suicidality than the general population. According to the National Alliance on Mental Health, LGB adults are more than twice as likely as heterosexual adults to experience a mental health condition, and transgender individuals are nearly four times as likely as cisgender individuals to experience a mental health condition.² Even more staggering, approximately 40% of transgender adults have attempted suicide, in comparison to less than 5% of the general population.³

The consequences of MDOC's abject failure to provide appropriate health care for individuals in its custody with mental health conditions and those at risk for suicide was

¹ U.S. Dep't. of Justice, *Investigation of the Massachusetts Department of Correction 3* (2020).

² National Alliance on Mental Health, *LGBTQI*, Identity and Cultural Dimensions, <https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/LGBTQI>.

³ Id.



demonstrated in the DOJ Report. In 2019, two LGBTQ men committed suicide while in DOC custody, one while on mental health watch⁴ and one not long after he was released from a nine-day mental health watch stay.⁵ Despite a warning from a mental health staff member that placement in restrictive housing would endanger the mental health of one of the men as well as statements from the two men themselves that they were going to commit suicide, both men were placed in Restrictive Housing Units and neither received adequate mental health treatment before their deaths.⁶

This bill would take strong steps to remedy these inhumane practices by limiting the duration of placement in mental health watch for individuals with mental illnesses or at suicide risk, requiring placement of those with extended mental health watch needs in appropriate psychiatric hospital settings, and requiring a range of regulations and policies intended to ensure that those with mental health needs receive medically sound treatment and protection.

The Commonwealth's failure to provide for the most basic needs of those it locks up is profoundly harmful and undermines social progress for the LGBTQ community and beyond. Through this bill, Massachusetts will ensure that prisoners experiencing a mental health crisis are provided the care they need while simultaneously avoiding unnecessary and potentially harmful restrictions. GLAD strongly supports this bill, and we urge the Committee to report it out favorably.

Please do not hesitate to contact me with any questions.

Sincerely,

Bennett H. Klein
Senior Attorney and
AIDS Law Project Director

Morgan Edmonds
Legal Assistant

⁴ U.S. Dep't. of Justice, *Investigation of the Massachusetts Department of Correction* 20 (2020).

⁵ *Id.* at 21.

⁶ *Id.*