

PETITION TO THE BOARD OF ELECTIONS OF ALLEGHENY COUNTY, PENNSYLVANIA

We the undersigned, all of whom are qualified electors of the **County of Allegheny**, hereby petition the County Board of Elections of Allegheny County to place the following question on the official ballot for the Election to be held on May 18, 2021.

QUESTION

Shall the Allegheny County Code, Chapter 205. Allegheny County Jail, be amended and supplemented to include a new Article III, as set forth below, which shall set forth standards governing conditions of confinement in the Allegheny County Jail:

SIGNERS ARE CAUTIONED TO AVOID THE USE OF 'DITTO' MARKS (" ")

SIGNATURE OF ELECTOR	PRINTED NAME OF ELECTOR	PLACE OF RESIDENCE			DATE OF SIGNING
		HOUSE NUMBER	STREET or ROAD	MUNICIPALITY	
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The Allegheny County Code, Chapter 205 is hereby amended by adding the following:

Chapter 205 Allegheny County Jail

§ 205-30 Solitary confinement prohibited except in emergencies.

- A. Solitary confinement, meaning the confinement of a detainee or inmate in a cell or other living space for more than 20 hours a day, has devastating and lasting psychological consequences on all persons, but especially for vulnerable populations, including youth and persons with diagnosed or undiagnosed cognitive or emotional disabilities.
- B. No person being held in the Allegheny County Jail for any reason shall be subjected to solitary confinement except as set forth below.
- C. Solitary confinement is never to be used as punishment.
- D. If, in accordance with this Article, solitary confinement is permitted, every effort must be made to ensure that every detainee and inmate has the daily opportunity to leave their cell for hygiene and exercise.
- E. When solitary confinement is authorized:
 - a. A person held in solitary confinement may not be denied access to food, water or any other basic necessity.
 - b. A person held in solitary confinement may not be denied access to appropriate medical care, including emergency medical care.
- F. A restraint chair, chemical agents or leg shackles may not be used on any person in the custody of the Allegheny County Jail.

§ 205-31 Exceptions to the rule against solitary confinement.

A. Facility-wide lockdown

If the facility warden determines that a facility-wide lock down is required to ensure the safety of persons held in the facility, the prohibition on solitary confinement shall not apply until the warden determines that these circumstances no longer exist. The facility warden shall document specific reasons why any lockdown is necessary for more than 24 hours, and why less restrictive interventions are insufficient to accomplish the facility's safety goals. Even during lockdown, every effort must be made to ensure that every detainee and inmate has the daily opportunity to leave their cell for hygiene and exercise, to the extent that is possible given the reason for the lockdown.

B. Emergency use of short-term solitary confinement for individuals

- a. A person may be held in solitary confinement for a period of 24 hours, but no longer than necessary to determine whether that person should be isolated from other detainees and/or inmates for medical reasons or in order to ensure the safety of other detainees or inmates, and, if so determined, to make arrangements to house that person in a manner that protects them and other inmates while allowing them to spend 4 hours or more outside their cell each day.
- b. No person may be held in emergency or short-term solitary confinement unless:
 - i. The warden has made and documented an individualized determination of the necessity for that person's confinement; and
 - ii. The person has received a personal and comprehensive medical and mental health examination conducted by licensed professionals, and that professional or professionals have certified that the person's confinement is necessary for medical reasons or to ensure the safety of others;
 - iii. The medical and mental health professionals have set forth any condition or conditions they believe, in their clinical judgment, are necessary to protect the person being confined from undue physical or mental health adverse consequences from the confinement.
- c. Request for protective custody: Any person who requests separation from other detainees or inmates because that person fears for their safety may be placed in short-term solitary confinement for a period not to exceed 72 hours by signing a voluntary consent form. The purpose of such short-term confinement is to ensure there are less restrictive arrangements that will keep the person safe, and the person shall be entitled to those less restrictive arrangements as soon as they are available. Any person who requests protective custody shall have the medical and mental health evaluation required for short-term solitary confinement within 24 hours of being placed in that status. Any person who requests protective custody may rescind that request at any time, by signing a consent form. The jail shall keep copies of all consent forms executed under this subsection.

C. Reporting

The warden shall be responsible for collecting the following information on the use of lock-downs and solitary confinement at the Allegheny County Jail, which shall be compiled into a report on a monthly basis and provided to the Jail oversight Board and posted on the Jail's website:

- a. The dates and reasons for any lockdown of the Jail, or any section of the jail
 - b. The number of times any person has been subjected to temporary solitary confinement, with the duration and reason for each confinement, as well as the number of instances of the same person being held in solitary confinement more than once in the calendar month.
 - c. The age, sex, gender identity, race and ethnicity of each person held in solitary confinement during the month.
- D. Violation of this Article**
- a. A person held in solitary confinement in violation of this Article may bring a habeas petition to end the confinement in any court of competent jurisdiction. A petition under this section shall be heard on an emergency basis.
- E. Effective date**

The reporting requirements set forth in Section C of this Article shall become effective 30 days after its adoption, with the first reports due on the fifth day of the following calendar month. All other provisions of this Article shall take effect 180 days after the adoption of the Article.

STATEMENT OF CIRCULATOR

I state that my residence is as set forth below; that the signers to the foregoing nomination paper signed the same with full knowledge of the contents thereof; that their residences are correctly stated therein; that they all reside in the county specified below; that each signed on the date set opposite his or her name; and that to the best of my knowledge and belief, the signers are qualified electors of the electoral districts designated in this nomination paper.

By signing below, I agree to submit to the jurisdiction of the Commonwealth of Pennsylvania, regarding any case or controversy arising out of my activities while circulating papers, which shall be governed by the laws of the Commonwealth of Pennsylvania.

_____ County
County of Paper Signers' Resident

I, _____, state that I am the person whom I represent myself to be herein, and I state that the Printed Name of Circulator information set forth in this section is true and accurate and made subject to the criminal penalties imposed by law for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signature: _____ Date: _____

Address of Circulator: _____ City: _____ State: _____ Zip: _____

NOTE: THIS STATEMENT MUST BE COMPLETED AFTER ALL SIGNATURES HAVE BEEN OBTAINED