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**SENATE BILL 6112**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Wilson, C., Darneille, Nguyen, Cleveland, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Mullet, Pedersen, Randall, Salomon, Wellman, Carlyle, and Saldaña; by request of Attorney General

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1 AN ACT Relating to youth solitary confinement; adding a new  
2 chapter to Title 13 RCW; and providing expiration dates.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS. (1) The legislature  
5 finds that prolonged isolation for juveniles may cause long-term  
6 psychological and physical harm. Solitary confinement has also been  
7 shown as ineffective at reducing behavioral incidents, while also  
8 posing a risk of psychological and emotional harm, trauma,  
9 depression, anxiety, and increased risk of self-harm.

10 (2) Creating alternative solutions to solitary confinement for  
11 juveniles will further protect the well-being of juveniles in all  
12 detention facilities and institutions and enhance the rehabilitative  
13 goals of Washington's juvenile justice system. This act seeks to end  
14 the use of solitary confinement in juvenile facilities when used as a  
15 form of punishment or retaliation. This act also seeks to limit  
16 placement in isolation, except in the circumstances outlined in  
17 section 3 of this act. Juvenile institutions and detention facilities  
18 must implement a system of graduated interventions to avoid the use  
19 of solitary confinement. Less restrictive forms of confinement should  
20 be used to regulate the behavior of juveniles in institutions and  
21 detention facilities.

1 (3) The legislature intends to prevent the use of solitary  
2 confinement and, in the limited instances of isolation, ensure that  
3 the use advances the rehabilitative goals of Washington's juvenile  
4 justice system, and that it is not used as a punitive measure.

5 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
6 section apply throughout this chapter unless the context clearly  
7 requires otherwise.

8 (1) "Department" means the department of children, youth, and  
9 families.

10 (2) "Detention facility" has the same meaning as in RCW  
11 13.40.020.

12 (3) "Imminent harm" means immediate and impending threat of a  
13 person causing bodily injury to self or others.

14 (4) "Institution" has the same meaning as in RCW 13.40.020.

15 (5) "Isolation" means confinement that occurs (a) when a youth is  
16 separated from the youth population and placed in a room for longer  
17 than fifteen minutes, and (b) in a room other than the room assigned  
18 to the youth for sleeping. Juveniles are in isolation from the moment  
19 they are separated from others until they have rejoined the  
20 population.

21 (6) "Juvenile" has the same meaning as in RCW 13.40.020.

22 (7) "Room confinement" means a juvenile is separated from the  
23 youth population and placed in a room or cell that the juvenile is  
24 assigned to for sleeping, other than during normal sleeping hours.  
25 "Room confinement" does not include time a youth requests to spend in  
26 his or her room. Juveniles are in room confinement from the moment  
27 they are separated from others until they are permitted to rejoin the  
28 population.

29 (8) "Solitary confinement" means a youth is involuntarily  
30 separated from the youth population for longer than fifteen minutes  
31 for punitive purposes.

32 NEW SECTION. **Sec. 3.** PROCESS AND EXCEPTIONS. (1) The use of  
33 solitary confinement for juveniles is prohibited.

34 (2) A juvenile may only be placed in isolation or room  
35 confinement as authorized in this section.

36 (a) Total isolation and room confinement of a juvenile shall be  
37 limited in duration to no more than four hours in any twenty-four

1 hour period. Detention facilities and institutions can exceed those  
2 four hours, if the following requirements are met:

3 (i) The reason for isolation or room confinement is documented,  
4 including the basis for the extension, the date and time the juvenile  
5 was first placed in isolation or room confinement, and when the  
6 juvenile is eventually released from isolation or room confinement;

7 (ii) An individualized plan that includes the goals and  
8 objectives to be met in order to reintegrate the juvenile to the  
9 general population is developed; and

10 (iii) The detention facility or institution superintendent or his  
11 or her designee provides documented authorization every four hours  
12 thereafter.

13 (b) Each juvenile placed in isolation or room confinement shall  
14 be visually checked at least every thirty minutes, and staff shall  
15 attend to the needs of the juvenile at that time. Staff shall attempt  
16 to communicate with an awake juvenile during required checks to  
17 evaluate and encourage the juvenile on the goals and objectives the  
18 juvenile needs to achieve in order to be released from isolation or  
19 room confinement.

20 (c) Every instance of isolation and room confinement shall be  
21 documented in accordance with section 5, 6, or 7 of this act.

22 (d) When a juvenile is placed in isolation or under room  
23 confinement, the juvenile must have access to:

24 (i) Clothing;

25 (ii) Mattress and bedding;

26 (iii) Medication under staff supervision;

27 (iv) A toilet and sink at least hourly;

28 (v) A bath or shower at least daily;

29 (vi) Necessary mental health services; and

30 (vii) Reading material, paper, writing material, envelopes, and  
31 treatment material, unless precluded by suicide precaution level or  
32 the items would hinder staff efforts to resolve the problems that  
33 caused isolation or room confinement.

34 (e) Staff must remove the juvenile from isolation and room  
35 confinement when one of the following requirements is met:

36 (i) The purpose of the confinement is met;

37 (ii) The desired behavior is evident; or

38 (iii) The juvenile has been evaluated by a professional who has  
39 determined the juvenile is no longer an imminent risk to self, staff,  
40 or the general population.

1 (f) Isolation can be used when:

2 (i) Isolation is necessary to prevent imminent harm based on the  
3 juvenile's behavior, and less restrictive alternatives were  
4 unsuccessful;

5 (ii) The juvenile needs to be held in isolation awaiting transfer  
6 of facilities;

7 (iii) The juvenile needs to be placed in isolation overnight due  
8 to disruptive behavior that prevents the nighttime routine of other  
9 juvenile residents; or

10 (iv) It is necessary to respond to an escape attempt.

11 (g) Room confinement can be used when:

12 (i) There is a repeated violation of facility or living unit  
13 rules;

14 (ii) There is a refusal to follow staff directives;

15 (iii) It is necessary to manage behavior that does not rise to  
16 the level of imminent harm including, but not limited to, behavior  
17 that may constitute a violation of law.

18 NEW SECTION. **Sec. 4.** MODEL POLICY. (1) The department shall, by  
19 July 1, 2021, adopt a model policy prohibiting the use of solitary  
20 confinement of juveniles in detention facilities and institutions,  
21 with the goal of also limiting the use and duration of isolation and  
22 room confinement. In determining the model policy, the department  
23 must consult with appropriate stakeholders. At a minimum, the model  
24 policy must include:

25 (a) Isolation. Isolation may only be used as a last resort when  
26 less restrictive methods have not been effective. Where needed,  
27 medical professionals must assess or evaluate any juvenile in  
28 isolation as soon as possible after the juvenile is placed in  
29 isolation, and qualified mental health professionals must evaluate  
30 and develop a care plan for juveniles placed in isolation to prevent  
31 self-harm. The model policy must include measures to prevent the use  
32 of isolation, while protecting the safety and security of  
33 incarcerated juveniles and their peers, the staff of the detention  
34 facilities and institutions, other persons who work in the detention  
35 facilities and institutions, and visitors.

36 (b) Room confinement. Room confinement is the preferred option  
37 for maladaptive or negative behavior. Staff will use the least amount  
38 of time to meet the purpose of the intervention. The model policy  
39 must include measures to prevent the use of room confinement, while

1 protecting the safety and security of incarcerated juveniles and  
2 their peers, the staff of the detention facilities and institutions,  
3 other persons who work in the detention facilities and institutions,  
4 and visitors.

5 (2) By December 1, 2021, the detention facility or institution  
6 shall review and either (a) adopt the model policy established in  
7 this section or (b) notify the department of the reasons the  
8 detention facility or institution will not adopt the model policy,  
9 including how the detention facility or institution's policies and  
10 procedures differ from the model policy.

11 (3) This section expires June 1, 2022.

12 NEW SECTION. **Sec. 5.** REPORTING REQUIREMENTS FOR THE DEPARTMENT.

13 (1) The department must compile, on a monthly basis until June 1,  
14 2022, the following information with respect to juveniles confined in  
15 all state institutions and facilities used for juvenile  
16 rehabilitation:

17 (a) The number of times isolation and room confinement were used;

18 (b) The circumstances leading to the use of isolation and room  
19 confinement;

20 (c) The duration of each use of isolation and whether, for each  
21 instance of isolation, the use of isolation lasted more or less than  
22 six hours within a twenty-four hour period;

23 (d) Whether or not supervisory review occurred and was documented  
24 for each instance of isolation and room confinement;

25 (e) The race and age of the juvenile for each instance of  
26 isolation and room confinement;

27 (f) Whether or not a medical assessment or review and a mental  
28 health assessment or review were conducted and documented for each  
29 instance of isolation; and

30 (g) Whether or not the affected juvenile was afforded access to  
31 medication, meals, and reading material during the term of  
32 confinement for each instance of isolation and room confinement.

33 (2) Information collected under subsection (1) of this section  
34 must be compiled into a report and submitted in compliance with  
35 section 8(1) of this act.

36 (3) This section expires June 1, 2022.

37 NEW SECTION. **Sec. 6.** REPORTING REQUIREMENTS FOR A COUNTY. (1) A  
38 county operating a detention facility must compile, on a monthly

1 basis until June 1, 2022, the following information with respect to  
2 the detention facility:

3 (a) The number of times isolation and room confinement were used;

4 (b) The circumstances leading to the use of isolation and room  
5 confinement;

6 (c) The duration of each use of isolation and whether, for each  
7 instance of isolation, the use of isolation lasted more or less than  
8 four hours within a twenty-four hour period, and, for instances  
9 lasting more than four hours, the length of time the juvenile  
10 remained in isolation;

11 (d) Whether or not supervisory review occurred and was documented  
12 for each instance of isolation and room confinement;

13 (e) The race and age of the juvenile for each instance of  
14 isolation and room confinement;

15 (f) Whether or not a medical assessment or review and a mental  
16 health assessment or review were conducted and documented for each  
17 instance of isolation; and

18 (g) Whether or not the affected juvenile was afforded access to  
19 medication, meals, and reading material during the term of  
20 confinement for each instance of isolation and room confinement.

21 (2) Information collected under subsection (1) of this section  
22 must be compiled into a report and submitted in compliance with  
23 section 8(1) of this act.

24 (3) This section expires June 1, 2022.

25 NEW SECTION. **Sec. 7.** REPORTING REQUIREMENTS FOR A GOVERNING  
26 UNIT. (1) A governing unit operating one or more jails must compile,  
27 on a monthly basis until June 1, 2022, the following information with  
28 respect to each jail operated by the governing unit:

29 (a) The number of times isolation and room confinement were used;

30 (b) The circumstances leading to the use of isolation and room  
31 confinement;

32 (c) A determination of whether, for each instance of isolation,  
33 the use of isolation lasted more or less than four hours within a  
34 twenty-four hour period, and, for instances lasting more than four  
35 hours, the length of time the juvenile remained in isolation;

36 (d) Whether or not supervisory review occurred and was documented  
37 for each instance of isolation and room confinement;

38 (e) The race and age of the juvenile for each instance of  
39 isolation and room confinement;

1 (f) Whether or not a medical assessment or review and a mental  
2 health assessment or review were conducted and documented for each  
3 instance of isolation; and

4 (g) Whether or not the affected juvenile was afforded full access  
5 to education, programming, and ordinary necessities such as  
6 medication, meals, and reading material during the term of  
7 confinement.

8 (2) Information collected under subsection (1) of this section  
9 must be compiled into a report and submitted in compliance with  
10 section 8(1) of this act.

11 (3) This section expires June 1, 2022.

12 NEW SECTION. **Sec. 8.** OVERSIGHT. (1) Information collected under  
13 sections 5(2), 6(2), and 7(2) of this act must be reported to the  
14 department of children, youth, and families by December 1, 2021, and  
15 an updated report must be submitted to the department by June 1,  
16 2022. The department must compile the reported data and, in  
17 compliance with RCW 43.01.036, provide a report to the appropriate  
18 committees of the legislature by December 1, 2022.

19 (2) Beginning in January 2023, the department shall conduct  
20 periodic reviews of juvenile detention policies, procedures, and use  
21 of solitary confinement, isolation, and room confinement. The  
22 department shall review each facility at least once every three  
23 years. At the end of each three-year cycle, the department shall  
24 prepare a report to the legislature summarizing its reviews.

25 (3) Each facility subject to periodic reviews under subsection  
26 (2) of this section must provide the department with full and  
27 complete access to all records and documents that the department  
28 requests to carry out the requirements of this section. Further, each  
29 facility must provide access to its facility for site visits, to the  
30 extent requested by the department in carrying out the requirements  
31 of this section.

32 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act  
33 constitute a new chapter in Title 13 RCW.

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