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**SENATE BILL 5135**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators C. Wilson, Frame, Hunt, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Saldaña, and Wellman

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1 AN ACT Relating to solitary confinement; amending RCW 72.09.015;  
2 adding new sections to chapter 72.09 RCW; creating new sections;  
3 providing an effective date; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
6 solitary confinement restriction act.

7 NEW SECTION. **Sec. 2.** The legislature finds that almost 600  
8 adults continue to be held in solitary confinement in state  
9 correctional facilities. Solitary confinement has been shown to  
10 create significant and lasting psychological impacts. Therefore, the  
11 legislature finds that the use of solitary confinement in state  
12 correctional facilities should be restricted to ensure the safe and  
13 humane operation of these facilities, consistent with the state and  
14 federal Constitutions, the laws and public policies of this state,  
15 the mission of the correctional system, evolving medical knowledge,  
16 and international human rights standards. The standards established  
17 in this act apply to all incarcerated persons in the custody of the  
18 department of corrections.

19 The legislature also finds that people are held in similar  
20 conditions in other facilities, including those operated by private

1 contractors for longer term detention. Due to the damage caused by  
2 solitary confinement over long periods, these facilities present  
3 similar risks to the safety and welfare of Washingtonians and  
4 solitary confinement within such facilities should be similarly  
5 restricted.

6 The legislature further finds that solitary confinement is  
7 occurring in local jails, and that additional data is needed in order  
8 to accurately assess the use of solitary confinement in these  
9 settings and what reforms may be needed in the future.

10 **Sec. 3.** RCW 72.09.015 and 2022 c 254 s 2 are each amended to  
11 read as follows:

12 The definitions in this section apply throughout this chapter.

13 (1) "Adult basic education" means education or instruction  
14 designed to achieve general competence of skills in reading, writing,  
15 and oral communication, including English as a second language and  
16 preparation and testing services for obtaining a high school diploma  
17 or a high school equivalency certificate as provided in RCW  
18 28B.50.536.

19 (2) "Base level of correctional services" means the minimum level  
20 of field services the department of corrections is required by  
21 statute to provide for the supervision and monitoring of offenders.

22 (3) "Civil judgment for assault" means a civil judgment for  
23 monetary damages awarded to a correctional officer or department  
24 employee entered by a court of competent jurisdiction against an  
25 inmate that is based on, or arises from, injury to the correctional  
26 officer or department employee caused by the inmate while the  
27 correctional officer or department employee was acting in the course  
28 and scope of his or her employment.

29 (4) "Community custody" has the same meaning as that provided in  
30 RCW 9.94A.030 and also includes community placement and community  
31 supervision as defined in RCW 9.94B.020.

32 (5) "Contraband" means any object or communication the secretary  
33 determines shall not be allowed to be: (a) Brought into; (b)  
34 possessed while on the grounds of; or (c) sent from any institution  
35 under the control of the secretary.

36 (6) "Correctional facility" means a facility or institution  
37 operated directly or by contract by the secretary for the purposes of  
38 incarcerating adults in total or partial confinement, as defined in  
39 RCW 9.94A.030.

1 (7) "County" means a county or combination of counties.

2 (8) "Department" means the department of corrections.

3 (9) "Earned early release" means earned release as authorized by  
4 RCW 9.94A.729.

5 (10) "Evidence-based" means a program or practice that has had  
6 multiple-site random controlled trials across heterogeneous  
7 populations demonstrating that the program or practice is effective  
8 in reducing recidivism for the population.

9 (11) "Extended family visit" means an authorized visit between an  
10 inmate and a member of his or her immediate family that occurs in a  
11 private visiting unit located at the correctional facility where the  
12 inmate is confined.

13 (12) "Good conduct" means compliance with department rules and  
14 policies.

15 (13) "Good performance" means successful completion of a program  
16 required by the department, including an education, work, or other  
17 program.

18 (14) "Immediate family" means the inmate's children,  
19 stepchildren, grandchildren, great grandchildren, parents,  
20 stepparents, grandparents, great grandparents, siblings, aunts,  
21 uncles, and a person legally married to or in a state registered  
22 domestic partnership with an inmate. "Immediate family" includes the  
23 immediate family of an inmate who was adopted as a child or an adult,  
24 but does not include an inmate adopted by another inmate.

25 (15) "Indigent inmate," "indigent," and "indigency" mean an  
26 inmate who has less than a \$25 balance of disposable income in his or  
27 her institutional account on the day a request is made to utilize  
28 funds and during the 30 days previous to the request.

29 (16) "Individual reentry plan" means the plan to prepare an  
30 offender for release into the community. It should be developed  
31 collaboratively between the department and the offender and based on  
32 an assessment of the offender using a standardized and comprehensive  
33 tool to identify the offender's risks and needs. The individual  
34 reentry plan describes actions that should occur to prepare  
35 individual offenders for release from prison or jail, specifies the  
36 supervision and services they will experience in the community, and  
37 describes an offender's eventual discharge to aftercare upon  
38 successful completion of supervision. An individual reentry plan is  
39 updated throughout the period of an offender's incarceration and  
40 supervision to be relevant to the offender's current needs and risks.

1 (17) "Inmate" (~~means~~) and "incarcerated person" mean a person  
2 committed to the custody of the department, including but not limited  
3 to persons residing in a correctional institution or facility and  
4 persons released from such facility on furlough, work release, or  
5 community custody, and persons received from another state, state  
6 agency, county, federally recognized tribe, or federal jurisdiction.

7 (18) "Labor" means the period of time before a birth during which  
8 contractions are of sufficient frequency, intensity, and duration to  
9 bring about effacement and progressive dilation of the cervix.

10 (19) "Physical restraint" means the use of any bodily force or  
11 physical intervention to control an offender or limit an offender's  
12 freedom of movement in a way that does not involve a mechanical  
13 restraint. Physical restraint does not include momentary periods of  
14 minimal physical restriction by direct person-to-person contact,  
15 without the aid of mechanical restraint, accomplished with limited  
16 force and designed to:

17 (a) Prevent an offender from completing an act that would result  
18 in potential bodily harm to self or others or damage property;

19 (b) Remove a disruptive offender who is unwilling to leave the  
20 area voluntarily; or

21 (c) Guide an offender from one location to another.

22 (20) "Postpartum recovery" means (a) the entire period a woman or  
23 youth is in the hospital, birthing center, or clinic after giving  
24 birth and (b) an additional time period, if any, a treating physician  
25 determines is necessary for healing after the woman or youth leaves  
26 the hospital, birthing center, or clinic.

27 (21) "Privilege" means any goods or services, education or work  
28 programs, or earned early release days, the receipt of which are  
29 directly linked to an inmate's (a) good conduct; and (b) good  
30 performance. Privileges do not include any goods or services the  
31 department is required to provide under the state or federal  
32 Constitution or under state or federal law.

33 (22) "Promising practice" means a practice that presents, based  
34 on preliminary information, potential for becoming a research-based  
35 or consensus-based practice.

36 (23) "Research-based" means a program or practice that has some  
37 research demonstrating effectiveness, but that does not yet meet the  
38 standard of evidence-based practices.

39 (24) "Restraints" means anything used to control the movement of  
40 a person's body or limbs and includes:

1 (a) Physical restraint; or

2 (b) Mechanical device including but not limited to: Metal  
3 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
4 hospital-type restraints, tasers, or batons.

5 (25) "Secretary" means the secretary of corrections or his or her  
6 designee.

7 (26) "Significant expansion" includes any expansion into a new  
8 product line or service to the class I business that results from an  
9 increase in benefits provided by the department, including a decrease  
10 in labor costs, rent, or utility rates (for water, sewer,  
11 electricity, and disposal), an increase in work program space, tax  
12 advantages, or other overhead costs.

13 (27) (a) "Superintendent" means the superintendent of a  
14 correctional facility under the jurisdiction of the Washington state  
15 department of corrections, or his or her designee.

16 (b) For purposes of sections 4 through 9 of this act, the  
17 superintendent's designee may only be the secretary, the deputy  
18 secretary, the chief of staff, or the assistant secretary of the  
19 prisons division.

20 (28) "Transportation" means the conveying, by any means, of an  
21 incarcerated pregnant woman or youth from the correctional facility  
22 to another location from the moment she leaves the correctional  
23 facility to the time of arrival at the other location, and includes  
24 the escorting of the pregnant incarcerated woman or youth from the  
25 correctional facility to a transport vehicle and from the vehicle to  
26 the other location.

27 (29) "Unfair competition" means any net competitive advantage  
28 that a business may acquire as a result of a correctional industries  
29 contract, including labor costs, rent, tax advantages, utility rates  
30 (water, sewer, electricity, and disposal), and other overhead costs.  
31 To determine net competitive advantage, the department of corrections  
32 shall review and quantify any expenses unique to operating a for-  
33 profit business inside a prison.

34 (30) "Vocational training" or "vocational education" means  
35 "vocational education" as defined in RCW 72.62.020.

36 (31) "Washington business" means an in-state manufacturer or  
37 service provider subject to chapter 82.04 RCW existing on June 10,  
38 2004.

39 (32) "Work programs" means all classes of correctional industries  
40 jobs authorized under RCW 72.09.100.

1 (33) "Qualified medical provider" means a physician, physician  
2 assistant, advanced registered nurse practitioner, clinical nurse  
3 specialist, or other comparably credentialed employee or contractor  
4 employed to provide health care, or for mental health evaluations or  
5 decisions, a state licensed psychiatrist or psychologist, a  
6 registered nurse, or other comparably credentialed employee or  
7 contractor employed to provide mental health care.

8 (34) "Less restrictive intervention" means a placement or  
9 conditions of confinement, or both, in the current or an alternative  
10 correctional facility or detention facility, under conditions less  
11 restrictive of an incarcerated or detained person's movement,  
12 privileges, activities, or social interactions than solitary  
13 confinement.

14 (35) "Solitary confinement" means the confinement of an  
15 incarcerated person or detained person alone in a cell or similarly  
16 confined holding or living space for 20 hours or more per day under  
17 circumstances other than a partial or facility-wide lockdown.

18 (36) "Vulnerable person" means any incarcerated person or  
19 detained person who:

20 (a) Has a mental disorder, as defined in RCW 71.05.020, or where  
21 there is evidence of a diagnosis of a serious mental illness, a  
22 history of psychiatric hospitalization, or a history of disruptive or  
23 self-injurious behavior including, but not limited to, serious and/or  
24 repeated self-harm, that may be the result of a mental disorder or  
25 condition;

26 (b) Has a developmental disability, as defined in RCW 71A.10.020;

27 (c) Has a serious medical condition that cannot effectively be  
28 treated in solitary confinement;

29 (d) Is pregnant, in the postpartum period, or has recently  
30 suffered a miscarriage or terminated a pregnancy;

31 (e) Has needs related to a physical disability that cannot be  
32 accommodated in solitary confinement;

33 (f) Has a significant auditory or visual impairment; or

34 (g) Has a record of dementia, traumatic brain injury, or other  
35 cognitive condition that makes the person more vulnerable to the  
36 harms of isolation.

37 (37) "Long-term private detention facility" and "detention  
38 facility" mean a private detention facility as defined in RCW  
39 70.395.020 where individuals may be confined for time periods greater  
40 than one year.

1       (38) "Detained person" means a person confined in a long-term  
2 private detention facility.

3       NEW SECTION. Sec. 4. A new section is added to chapter 72.09  
4 RCW to read as follows:

5       RESTRICTIONS ON SOLITARY CONFINEMENT. An incarcerated or detained  
6 person may not be placed in solitary confinement except when  
7 necessary for emergency purposes in section 5 of this act, medical  
8 isolation in section 6 of this act, or when the incarcerated or  
9 detained person voluntarily requests such confinement conditions in  
10 section 7 of this act.

11       NEW SECTION. Sec. 5. A new section is added to chapter 72.09  
12 RCW to read as follows:

13       (1) SOLITARY CONFINEMENT FOR EMERGENCY PURPOSES. An incarcerated  
14 or detained person may be placed in solitary confinement for  
15 emergency purposes if: The person has not been determined to be a  
16 vulnerable person; the superintendent of the correctional facility or  
17 the person in charge of the detention facility finds that there is  
18 reasonable cause to believe that the solitary confinement is  
19 necessary to reduce or protect against a substantial risk of  
20 immediate serious harm to the person or another person, as evidenced  
21 by recent threats or conduct; and the superintendent of the  
22 correctional facility or the person in charge of the detention  
23 facility finds that a less restrictive intervention would  
24 insufficiently reduce this risk.

25       (2) INITIAL MEDICAL EVALUATION. (a)(i) Except as provided in  
26 (a)(ii) of this subsection, a qualified medical provider shall  
27 conduct a personal and comprehensive medical and mental health  
28 examination of the incarcerated or detained person within 24 hours of  
29 the person being placed in solitary confinement under this section.

30       (ii) A person who has been involved in an altercation or use of  
31 force must be examined by a qualified medical provider prior to being  
32 placed in solitary confinement.

33       (b) The comprehensive medical and mental health examination must  
34 include an assessment as to whether the person is a vulnerable person  
35 and whether the person's age or circumstance makes them particularly  
36 vulnerable to the harm of isolation, such that the person should be  
37 considered a vulnerable person. The examining qualified medical  
38 provider shall immediately report to the superintendent of the

1 correctional facility or the person in charge of the detention  
2 facility if he or she makes any finding indicating that the person is  
3 vulnerable or that for any other reason continued placement in  
4 solitary confinement would be a risk to the person's health.

5 (c) A report of the qualified medical provider's conclusions  
6 based on the examination must be provided to the superintendent of  
7 the correctional facility and the secretary, or, if the person is  
8 detained in a detention facility, to the person in charge of the  
9 facility, as soon as possible and no later than the next business  
10 day.

11 (3) (a) 24-HOUR LIMIT. Except for extended solitary confinement as  
12 provided in (b) of this subsection, a person may not be held in  
13 solitary confinement for emergency purposes under this section for  
14 more than 24 consecutive hours and for more than 72 cumulative hours  
15 in any 30-day period.

16 (b) EXTENDED SOLITARY CONFINEMENT AND ONGOING REVIEW. An  
17 incarcerated or detained person may not be placed in extended  
18 solitary confinement for more than 15 consecutive days and for more  
19 than 45 cumulative days during a single fiscal year. For a person in  
20 extended solitary confinement:

21 (i) A qualified medical provider shall, every seven days, conduct  
22 a mental health and physical health status examination of the person,  
23 in a confidential setting outside of the cell unless doing so would  
24 present a substantial threat to security or safety or the person  
25 refuses to leave the cell. These examinations must be more frequent  
26 if indicated by the person's documented clinical needs pertaining to  
27 his or her identified health or health care concerns; and

28 (ii) The department or the detention facility shall provide the  
29 incarcerated or detained person with timely, fair, and meaningful  
30 opportunities to contest the extended solitary confinement,  
31 including: An initial hearing within 72 hours of placement, unless  
32 emergency circumstances require a continuance which may be up to an  
33 additional 48 hours; the right to appear at the hearing; the right to  
34 request assistance at the hearing by a lay advisor or other person of  
35 the incarcerated or detained person's choosing, including but not  
36 limited to other incarcerated or detained individuals when such  
37 individuals do not present an individualized and specific risk if  
38 permitted to participate, outside advocates, or retained counsel; an  
39 independent hearing officer; a written statement of reasons for the



1 decision made at the hearing; and a written statement on how to  
2 appeal a hearing determination.

3 (4) VULNERABLE PERSONS. If the incarcerated or detained person is  
4 determined to be a vulnerable person during the initial examination  
5 under subsection (2) of this section or any status examination under  
6 subsection (3)(b) of this section, then the person must not be placed  
7 in solitary confinement or must be removed from solitary confinement  
8 and, if necessary, transferred to an appropriate residential  
9 treatment unit, medical unit, or other appropriate or specialized  
10 unit designated by the secretary or the person in charge of the  
11 detention facility. If the person is identified as a vulnerable  
12 person due to having a mental disorder or developmental disability,  
13 as identified in RCW 72.09.015, the person may also be screened by a  
14 qualified medical provider for transfer to the least restrictive  
15 appropriate short-term care or psychiatric facility designated by the  
16 department of social and health services and transferred to such  
17 facility if the requirements in RCW 72.68.031 have been met.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.09  
19 RCW to read as follows:

20 SOLITARY CONFINEMENT FOR MEDICAL ISOLATION. (1) An incarcerated  
21 or detained person may be placed in solitary confinement for medical  
22 isolation if the facility medical director determines, based on a  
23 personal examination, that such confinement is necessary for medical  
24 reasons, which may include, but are not limited to, responding to a  
25 medical or mental health emergency, and no less restrictive  
26 intervention is sufficient to protect health and safety. Conditions  
27 of solitary confinement under this section must be the least  
28 restrictive possible and must be in compliance with prevailing public  
29 health guidance including, but not limited to, guidance from the  
30 United States centers for disease control and prevention and the  
31 Washington state department of health.

32 (2) For any person placed in solitary confinement under this  
33 section, an in-person clinical assessment must be conducted at  
34 clinically appropriate intervals as determined by a qualified medical  
35 provider, provided such assessments occur no less frequently than  
36 every 12 hours. A person in solitary confinement under this section  
37 must be placed in a general population living unit, a residential  
38 treatment unit, a close observation unit, or a medical unit  
39 designated by the secretary, as deemed clinically appropriate by the

1 attending qualified medical provider in consultation with the  
2 facility medical director.

3 (3) A person may not be placed in solitary confinement under this  
4 section for more than 15 consecutive days and for more than 45  
5 cumulative days during a single fiscal year, unless a qualified  
6 medical provider determines that additional time is necessary: To  
7 prevent the spread of a disease and continued medical isolation is  
8 consistent with applicable United States centers for disease control  
9 and prevention or Washington state department of health guidelines;  
10 to facilitate the provision of medical treatment to the person; or  
11 for some other clearly stated medical purpose. If additional time is  
12 deemed necessary, the medical provider shall document specific  
13 reasons why the isolation is required and why less restrictive  
14 interventions are insufficient to accomplish the safety of  
15 incarcerated or detained persons in the facility. Such notice must be  
16 forwarded to the facility medical director and superintendent of the  
17 correctional facility or person in charge of the detention facility  
18 for consideration and final approval.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.09  
20 RCW to read as follows:

21 VOLUNTARY SOLITARY CONFINEMENT. (1) An incarcerated or detained  
22 person may be voluntarily placed in solitary confinement if: The  
23 person has capacity to make an informed decision about placement in  
24 solitary confinement; there is reasonable cause to believe that  
25 solitary confinement is necessary to prevent reasonably foreseeable  
26 harm; and the person voluntarily requests such confinement  
27 conditions.

28 (2) A person may be placed in solitary confinement under this  
29 section only if the person provides informed consent. Whenever  
30 possible, a person's request for placement in solitary confinement  
31 must be in the form of a written request. If an incarcerated or  
32 detained person initiates an informed request for solitary  
33 confinement under this section, the correctional or detention  
34 facility must document the request and has the burden of establishing  
35 a basis for refusing the request. The department or the detention  
36 facility shall maintain a written record of any request provided  
37 under this section. Prior to declining a request or removing a person  
38 who previously requested solitary confinement under this section, the  
39 department or the detention facility shall provide the incarcerated

1 or detained person with a timely, fair, and meaningful opportunity to  
2 contest the decision. A person in solitary confinement under this  
3 section may revoke his or her request to such confinement conditions,  
4 in which case the correctional or detention facility must document  
5 the request and the person must be transferred to a less restrictive  
6 intervention or other appropriate setting within 15 days.

7 (3) LESS RESTRICTIVE INTERVENTION. The department or the  
8 detention facility shall make a less restrictive intervention  
9 available to any incarcerated or detained person requesting solitary  
10 confinement who meets the standard under subsection (1) of this  
11 section, which may include provision of accommodations in the general  
12 population, a transfer to the general population of another  
13 institution or to a unit designated for persons who face similar  
14 threats, or other specialized housing, as appropriate. A transfer to  
15 an out-of-state facility is not a less restrictive intervention under  
16 this section unless such a transfer is requested by the incarcerated  
17 or detained person. The department or the detention facility shall  
18 notify the incarcerated or detained person of the available less  
19 restrictive intervention when receiving any request under subsection  
20 (1) of this section and shall formulate an individualized  
21 intervention plan that addresses the support or services the person  
22 may need to move to a less restrictive intervention.

23 (4) A person who has requested solitary confinement under this  
24 section must be assessed by a qualified medical provider every 90  
25 days. If the qualified medical provider finds that continued  
26 placement in solitary confinement would be detrimental to the health  
27 or well-being of the person, the person must be transferred to a less  
28 restrictive intervention.

29 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09  
30 RCW to read as follows:

31 CONDITIONS OF SOLITARY CONFINEMENT. (1) The department and long-  
32 term private detention facilities shall maximize the amount of time  
33 that any incarcerated or detained person held in solitary confinement  
34 spends outside of the cell by providing outdoor and indoor  
35 recreation, education, clinically appropriate treatment therapies,  
36 and skill-building activities. Cells or other holding or living  
37 spaces used for solitary confinement must be properly ventilated,  
38 appropriately lit according to the time of day, temperature-

1 monitored, clean, and equipped with properly functioning sanitary  
2 fixtures.

3 (2) The department and any long-term private detention facility  
4 may not deny an incarcerated or detained person held in solitary  
5 confinement access to food, water, or any other basic necessity, or  
6 access to appropriate medical care, including emergency medical care.

7 (3) The department and any long-term private detention facility  
8 may not deny an incarcerated or detained person held in solitary  
9 confinement access to the telephone, personal communication or media  
10 devices, reading materials, or personal hygiene items unless an  
11 individualized assessment determines that limitation of such items is  
12 directly necessary for the safety of the person or others. The  
13 department and any long-term private detention facilities may use  
14 restraints upon a person in solitary confinement to facilitate  
15 movement or programming if an individualized assessment determines  
16 such restraint is directly necessary for the safety of the  
17 incarcerated or detained person or others.

18 (4) The department and any long-term private detention facility  
19 may not directly release an incarcerated or detained person from  
20 solitary confinement to the community, unless it is necessary for the  
21 safety of the person, staff, other incarcerated or detained persons,  
22 or the public, or in circumstances in which the person requires an  
23 immediate release due to resentencing.

24 (5) The department and any long-term private detention facility  
25 may not place an incarcerated or detained person in solitary  
26 confinement based on the person's race, creed, color, national  
27 origin, nationality, ancestry, age, marital status, domestic  
28 partnership or civil union status, affectional or sexual orientation,  
29 genetic information, pregnancy or breastfeeding status, sex, gender  
30 identity or expression, disability, or atypical hereditary cellular  
31 or blood trait.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.09  
33 RCW to read as follows:

34 SOLITARY CONFINEMENT POLICIES AND PROCEDURES. (1) By April 1,  
35 2024, the department and all long-term private detention facilities  
36 shall review the status of each incarcerated or detained person in  
37 solitary confinement. The department and detention facilities shall  
38 develop a plan to transition those incarcerated or detained persons  
39 to less restrictive interventions or other appropriate settings. Any

1 person who has been in solitary confinement for longer than 120 days  
2 in the prior 12 months as of July 1, 2024, must have a trauma-  
3 informed, culturally appropriate individualized intervention plan to  
4 facilitate a transition to a less restrictive intervention, which may  
5 include an evaluation for possible single cell placement, access to  
6 and treatment by medical and mental health providers, peer supports,  
7 substance abuse programming, restorative justice programming,  
8 behavioral programming, or other individualized interventions or  
9 accommodations.

10 (2) By January 1, 2024, the secretary shall adopt any rules or  
11 policies necessary to implement sections 4 through 8 of this act,  
12 including for the purposes of:

13 (a) Establishing less restrictive interventions to solitary  
14 confinement, including means of separating or protecting incarcerated  
15 persons without use of solitary confinement;

16 (b) Establishing that restrictions on religious, mail, and  
17 telephone privileges, visit contacts, and outdoor and indoor  
18 recreation may be imposed only after an individualized assessment  
19 that determines restrictions are directly necessary for the safety of  
20 the incarcerated person or others, and that there may not be  
21 restrictions on access to food, basic necessities, or legal access;

22 (c) Requiring training of staff working with incarcerated persons  
23 in solitary confinement and requiring that this training include:  
24 Assistance from appropriate professionals to periodically train all  
25 staff working with incarcerated persons in solitary confinement and  
26 alternatives to such confinement; and the identification and response  
27 to incarcerated persons in need of physical accommodations who have  
28 been referred to solitary confinement;

29 (d) Requiring documentation of all decisions, procedures, and  
30 reviews of incarcerated persons placed in solitary confinement;

31 (e) Requiring monitoring of compliance with all rules and  
32 policies governing cells, units, and other places where incarcerated  
33 persons are placed in solitary confinement;

34 (f) Establishing procedures for hearings under section 5(3)(b) of  
35 this act; and

36 (g) Requiring posting on the official website of the department  
37 monthly reports, beginning April 1, 2024, on the use of solitary  
38 confinement, including: The rate of solitary confinement by category,  
39 age, sex, gender identity, ethnicity, or incidence of a mental  
40 disorder; the number of people released from solitary confinement

1 directly to the community; the mean and median period of solitary  
2 confinement at each facility, including the population on the last  
3 day of each quarter and a nonduplicative cumulative count of people  
4 exposed to solitary confinement for each fiscal year; the incidence  
5 of self-harm, suicide, and assault in any solitary confinement unit;  
6 and the number of people held in medical isolation. Reports may not  
7 include personally identifiable information regarding any  
8 incarcerated person.

9 (3) Prior to April 1, 2024, long-term private detention  
10 facilities must implement policies modeled off of the rules adopted  
11 by the department under this section.

12 NEW SECTION. **Sec. 10.** (1) Beginning August 1, 2023, a governing  
13 unit of a city or county operating one or more jails shall compile on  
14 a monthly basis through July 31, 2024, the following information with  
15 respect to each jail operated by the governing unit:

16 (a) The number of times solitary confinement was used;

17 (b) The circumstances leading to the use of solitary confinement;

18 and

19 (c) For each instance of solitary confinement:

20 (i) Whether the imposition of solitary confinement was the result  
21 of a disciplinary segregation, administrative segregation, or  
22 protective custody;

23 (ii) The length of time the individual remained in solitary  
24 confinement;

25 (iii) Whether a supervisory review of the solitary confinement  
26 occurred and was documented;

27 (iv) For disciplinary segregation, whether a due process hearing  
28 was conducted and the results;

29 (v) Whether a medical assessment or review and a mental health  
30 assessment or review were conducted and documented; and

31 (vi) Whether the affected person was afforded meaningful access  
32 to education, programming, and ordinary necessities such as  
33 medication, meals, and reading material during the term of solitary  
34 confinement.

35 (2) Information collected under subsection (1) of this section  
36 must be compiled into a monthly report and submitted to the  
37 Washington association of sheriffs and police chiefs.

38 (3) For the purposes of this section, "solitary confinement"  
39 means confinement of an incarcerated person alone in a cell or

1 similarly confined holding or living space for 20 hours or more per  
2 day under circumstances other than a partial or facility-wide  
3 lockdown.

4 (4) This section expires December 31, 2024.

5 NEW SECTION. **Sec. 11.** (1) Subject to the availability of  
6 amounts appropriated for this specific purpose, the Washington  
7 association of sheriffs and police chiefs shall collect, on a monthly  
8 basis, the information submitted under section 10 of this act. The  
9 collected information must be compiled into a report summarizing the  
10 information by county and type of facility. An initial report must be  
11 submitted, in compliance with RCW 43.01.036, to the governor and the  
12 appropriate committees of the legislature by December 1, 2023. A  
13 final report must be submitted, in compliance with RCW 43.01.036, to  
14 the governor and the appropriate committees of the legislature by  
15 December 1, 2024.

16 (2) This section expires December 31, 2024.

17 NEW SECTION. **Sec. 12.** (1) The department of corrections shall:

18 (a) Develop a staffing needs assessment, detailing the number of  
19 personnel that will be needed to provide adequate security for all  
20 incarcerated persons, correctional officers and other staff, and  
21 outside visitors, when the restrictions on solitary confinement are  
22 imposed under this act;

23 (b) Develop a corrections capital facilities master plan that  
24 outlines the capital investments needed to accommodate the objectives  
25 of this act, while providing for the health and safety of all  
26 incarcerated persons, correctional officers and other staff, and  
27 outside visitors, when the restrictions on solitary confinement are  
28 imposed under this act;

29 (c) Provide a profile of currently incarcerated persons who are  
30 or have been housed in restrictive housing during the 2023-2025  
31 fiscal biennium, including information regarding their underlying  
32 offenses and any sanctions imposed during their incarceration, and  
33 the amount of time they have remaining in total confinement;

34 (d) Document any attempted suicides by individuals in restrictive  
35 housing over the past ten years and the reason, if known; and

36 (e) Provide an inventory of currently incarcerated persons who  
37 are or have been housed in restrictive housing and who have been

1 transferred or have been considered for transfer to an out-of-state  
2 correctional facility.

3 (2) The department of corrections must compile the information  
4 detailed in subsection (1) of this section into a report which must  
5 be submitted, in compliance with RCW 43.01.036, to the governor and  
6 the appropriate committees of the legislature by December 1, 2023.

7 (3) This section expires December 31, 2024.

8 NEW SECTION. **Sec. 13.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 14.** The secretary of the department of  
13 corrections may adopt rules to implement this act.

14 NEW SECTION. **Sec. 15.** Sections 1 through 8 of this act take  
15 effect July 1, 2024.

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