
HOUSE BILL 2080

State of Washington

66th Legislature

2019 Regular Session

By Representatives Peterson, Davis, Frame, and Macri

Read first time 02/18/19. Referred to Committee on Public Safety.

1 AN ACT Relating to solitary confinement; adding new sections to
2 chapter 13.40 RCW; adding new sections to chapter 70.48 RCW; adding a
3 new section to chapter 72.09 RCW; adding a new section to chapter
4 36.28A RCW; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40
7 RCW to read as follows:

8 (1) It is the policy of the state of Washington that the solitary
9 confinement of juveniles shall occur rarely and only in the limited
10 circumstances authorized in this section. The requirements of this
11 section are intended to prevent this use of solitary confinement and,
12 in the limited instances of its use, ameliorate and mitigate the
13 harms that result from solitary confinement of juveniles.

14 (2) The solitary confinement of juveniles is prohibited in all
15 detention facilities and institutions, except when, based on the
16 person's behavior, solitary confinement is necessary to prevent
17 imminent and significant physical harm to the person detained or to
18 others, and less restrictive alternatives were unsuccessful. Solitary
19 confinement of juveniles may not be used for disciplinary or
20 punishment purposes.

1 (3) The department shall, by December 1, 2019, develop policies
2 and procedures for solitary confinement of juveniles in detention
3 facilities and institutions with the goal of limiting its use and
4 duration. In determining the solitary confinement policies and
5 procedures, the department must be consistent with nationally
6 accepted best practices, and include:

7 (a) Preventative measures to protect the safety and security of
8 incarcerated juveniles and their peers, the staff of the detention
9 facilities and institutions, other persons who work in the detention
10 facilities and institutions, and visitors;

11 (b) A requirement that solitary confinement ends as soon as the
12 juvenile demonstrates physical and emotional control, and a limit on
13 the duration of any solitary confinement to no more than four hours
14 in any twenty-four hour period;

15 (c) A requirement that any use of solitary confinement be subject
16 to review by supervisors;

17 (d) A requirement that medical professionals assess or evaluate
18 any juvenile in solitary confinement as soon as possible after the
19 juvenile is placed in solitary confinement, and that qualified mental
20 health professionals evaluate and develop a care plan, that may
21 include hospitalization, for juveniles who are placed in solitary
22 confinement to prevent self-harm; and

23 (e) Procedures to ensure juveniles' continued access to
24 education, programming, and ordinary necessities, such as medication,
25 meals, and reading material, when in solitary confinement.

26 (4) Detention facilities and institutions shall fully comply with
27 the policies and procedures established in subsection (3) of this
28 section by July 1, 2020.

29 (5) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise.

31 (a) "Detention facilities and institutions" include detention
32 facilities and juvenile rehabilitation facilities organized under
33 this chapter, and jails organized under chapter 70.48 RCW.

34 (b) "Juvenile" means a person incarcerated for an offense that
35 occurred or is alleged to have occurred before the person turned age
36 eighteen.

37 (c) "Solitary confinement" means the placement of a juvenile in a
38 locked room or cell alone with minimal or no contact with persons
39 other than guards, correctional facility staff, and attorneys. Using
40 different terminology for this practice, such as room confinement,

1 administrative segregation, segregated housing, protective custody,
2 restrictive housing, restricted housing, restricted engagement, close
3 confinement, special management unit, intensive management unit,
4 administrative detention, nonpunitive isolation, temporary isolation
5 reflection cottage, or maximum custody, among others, does not exempt
6 a practice from being solitary confinement. The use of single person
7 sleeping rooms, during ordinary sleeping or rest periods, does not
8 constitute solitary confinement. The short-term placement of
9 juveniles in individual cells for purposes of facility or living unit
10 security issues, or for other short-term facility physical plant
11 safety and maintenance issues, does not constitute solitary
12 confinement.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.48
14 RCW to read as follows:

15 Any jail housing one or more juvenile offenders must adhere to
16 the requirements under section 1 of this act. For purposes of this
17 section, "juvenile offenders" are persons incarcerated for an offense
18 that occurred or is alleged to have occurred before the person turned
19 age eighteen.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40
21 RCW to read as follows:

22 (1) The department must compile, on a monthly basis until June 1,
23 2020, the following information with respect to all state
24 institutions and facilities used for juvenile rehabilitation:

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

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

27 (c) A determination of whether, for each instance of solitary
28 confinement, the use of solitary confinement lasted more or less than
29 four hours within a twenty-four hour period and, for instances
30 lasting more than four hours, the length of time the youth remained
31 in solitary confinement;

32 (d) For each instance of solitary confinement, whether or not
33 supervisory review of the solitary confinement occurred and was
34 documented;

35 (e) For each instance of solitary confinement, whether or not a
36 medical assessment or review and a mental health assessment or review
37 were conducted and documented; and

1 (f) For each instance of solitary confinement, whether or not the
2 affected youth was afforded full access to education, programming,
3 and ordinary necessities such as medication, meals, and reading
4 material during the term of solitary confinement.

5 (2) Information collected under subsection (1) of this section
6 must be compiled into a report and submitted, in compliance with RCW
7 43.01.036, to the appropriate committees of the legislature. An
8 initial report must be submitted by December 1, 2019, and an updated
9 report must be submitted by June 1, 2020.

10 (3) For the purposes of this section, "solitary confinement"
11 means the placement of an incarcerated or detained youth in a locked
12 room or cell alone with minimal or no contact with persons other than
13 guards, facility staff, and attorneys. Using different terminology
14 for this practice, such as room confinement, administrative
15 segregation, segregated housing, protective custody, restrictive
16 housing, restricted housing, restricted engagement, close
17 confinement, special management unit, intensive management unit,
18 administrative detention, nonpunitive isolation, temporary isolation,
19 reflection cottage, or maximum custody, among others, does not exempt
20 a practice from being solitary confinement. The short-term placement
21 of youth in individual cells for purposes of facility or living unit
22 security issues or for other short-term facility physical plan safety
23 and maintenance issues does not constitute solitary confinement.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40
25 RCW to read as follows:

26 (1) A county operating a detention facility must compile, on a
27 monthly basis until June 1, 2020, the following information with
28 respect to the detention facility:

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

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

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

36 (d) For each instance of solitary confinement, whether or not
37 supervisory review of the solitary confinement occurred and was
38 documented;

1 (e) For each instance of solitary confinement, whether or not a
2 medical assessment or review and a mental health assessment or review
3 were conducted and documented; and

4 (f) For each instance of solitary confinement, whether or not the
5 affected youth was afforded full access to education, programming,
6 and ordinary necessities such as medication, meals, and reading
7 material during the term of solitary confinement.

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

11 (3) For purposes of this section, "solitary confinement" means
12 the placement of an incarcerated or detained youth in a locked room
13 or cell alone with minimal or no contact with persons other than
14 guards, facility staff, and attorneys. Using different terminology
15 for this practice, such as room confinement, administrative
16 segregation, segregated housing, protective custody, restrictive
17 housing, restricted housing, restricted engagement, close
18 confinement, special management unit, intensive management unit,
19 administrative detention, nonpunitive isolation, temporary isolation,
20 reflection cottage, or maximum custody, among others, does not exempt
21 a practice from being solitary confinement. The short-term placement
22 of youth in individual cells for purposes of facility or living unit
23 security issues, or for other short-term facility physical plan
24 safety and maintenance issues, does not constitute solitary
25 confinement.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.48
27 RCW to read as follows:

28 (1) A governing unit operating one or more jails must compile, on
29 a monthly basis until June 1, 2020, the following information with
30 respect to each jail operated by the governing unit:

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

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

33 (c) For each instance of solitary confinement, the length of time
34 the individual remained in solitary confinement. If a juvenile under
35 the age of eighteen, or a person who is detained pursuant to an
36 offense committed or alleged to have occurred before the person
37 turned eighteen, is housed in the jail and is placed in solitary
38 confinement, the governing unit must include information as to
39 whether, for each instance of solitary confinement concerning such

1 person, the use of solitary confinement lasted more or less than four
2 hours within a twenty-four hour period and, for instances lasting
3 more than four hours, the length of time the individual remained in
4 solitary confinement;

5 (d) For each instance of solitary confinement, whether or not
6 supervisory review of the solitary confinement occurred and was
7 documented;

8 (e) For each instance of solitary confinement, whether or not a
9 medical assessment or review and a mental health assessment or review
10 were conducted and documented; and

11 (f) For each instance of solitary confinement, whether or not the
12 affected person was afforded full access to education, programming,
13 and ordinary necessities such as medication, meals, and reading
14 material during the term of solitary confinement.

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

18 (3) For purposes of this section, "solitary confinement" means
19 the placement of an incarcerated or detained person in a locked room
20 or cell alone with minimal or no contact with persons other than
21 guards, facility staff, and attorneys. Using different terminology
22 for this practice, such as room confinement, administrative
23 segregation, segregated housing, protective custody, restrictive
24 housing, restricted housing, restricted engagement, close
25 confinement, special management unit, intensive management unit,
26 administrative detention, nonpunitive isolation, temporary isolation,
27 reflection cottage, or maximum custody, among others, does not exempt
28 a practice from being solitary confinement. The short-term placement
29 of incarcerated or detained persons in individual cells for purposes
30 of facility or living unit security issues, or for other short-term
31 facility physical plan safety and maintenance issues, does not
32 constitute solitary confinement.

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

35 (1) The department must compile, on a monthly basis until June 1,
36 2020, the following information with respect to each state
37 correctional institution:

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

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

1 (c) For each instance of solitary confinement, the length of time
2 the offender remained in solitary confinement;

3 (d) For each instance of solitary confinement, whether or not
4 supervisory review of the solitary confinement occurred and was
5 documented;

6 (e) For each instance of solitary confinement, whether or not a
7 medical assessment or review and a mental health assessment or review
8 were conducted and documented; and

9 (f) For each instance of solitary confinement, whether or not the
10 affected offender was afforded full access to education, programming,
11 and ordinary necessities such as medication, meals, and reading
12 material during the term of solitary confinement.

13 (2) Information collected under subsection (1) of this section
14 must be compiled into a report and submitted, in compliance with RCW
15 43.01.036, to the appropriate committees of the legislature. An
16 initial report must be submitted by December 1, 2019, and an updated
17 report must be submitted by June 1, 2020.

18 (3) For purposes of this section, "solitary confinement" means
19 the placement of an offender in a locked room or cell alone with
20 minimal or no contact with persons other than guards, facility staff,
21 and attorneys. Using different terminology for this practice, such as
22 room confinement, administrative segregation, segregated housing,
23 protective custody, restrictive housing, restricted housing,
24 restricted engagement, close confinement, special management unit,
25 intensive management unit, administrative detention, nonpunitive
26 isolation, temporary isolation, reflection cottage, or maximum
27 custody, among others, does not exempt a practice from being solitary
28 confinement. The short-term placement of offenders in individual
29 cells for purposes of facility or living unit security issues, or for
30 other short-term facility physical plan safety and maintenance
31 issues, does not constitute solitary confinement.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.28A
33 RCW to read as follows:

34 (1) The Washington association of sheriffs and police chiefs must
35 collect, on a monthly basis, the information submitted under sections
36 4 and 5 of this act.

37 (2) The collected information must be compiled into a report
38 summarizing the information by county and type of facility.

1 (3) An initial report must be submitted, in compliance with RCW
2 43.01.036, to the appropriate committees of the legislature by
3 December 1, 2019. An updated report must be submitted, in compliance
4 with RCW 43.01.036, to the appropriate committees of the legislature
5 by June 1, 2020.

6 NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act expire
7 July 1, 2021.

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