
SENATE BILL 5639

State of Washington

67th Legislature

2022 Regular Session

By Senator C. Wilson

Prefiled 01/04/22.

1 AN ACT Relating to solitary confinement; amending RCW 72.68.010
2 and 72.09.015; adding new sections to chapter 72.09 RCW; creating new
3 sections; providing effective dates; 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.** (1) The legislature finds that more than
8 700 adults continue to be held in solitary confinement in state
9 correctional facilities. Solitary confinement has been shown to
10 create devastating and lasting psychological impacts. Recent studies
11 have shown that persons placed in solitary confinement have higher
12 rates of medical concerns and a shorter life expectancy once released
13 to the community. Studies have also shown that persons released to
14 the community directly from solitary confinement have higher
15 recidivism rates. Further, solitary confinement is disproportionately
16 imposed upon Black, indigenous, and Hispanic people in state
17 correctional facilities.

18 (2) Therefore, the legislature finds that the use of solitary
19 confinement in state correctional facilities should be restricted to
20 ensure the safe and humane operation of these facilities, consistent

1 with the state and federal Constitutions, the laws and public
2 policies of this state, the mission of the correctional system,
3 evolving medical knowledge, and international human rights standards
4 that have recognized prolonged solitary confinement as torture.
5 Solitary confinement should only be used when necessary, and should
6 not be used against vulnerable populations or under conditions or for
7 time periods that foster psychological trauma, psychiatric disorders,
8 or serious, long-term damage to a person's brain. The standards
9 established in this act apply to all incarcerated persons in the
10 custody of the department of corrections.

11 **Sec. 3.** RCW 72.68.010 and 2021 c 200 s 7 are each amended to
12 read as follows:

13 (1) Whenever in its judgment the best interests of the state or
14 the welfare of any incarcerated individual confined in any penal
15 institution will be better served by his or her transfer to another
16 institution or to a foreign country of which the incarcerated
17 individual is a citizen or national, the secretary may effect such
18 transfer consistent with applicable federal laws and treaties. The
19 secretary has the authority to transfer incarcerated individuals
20 between in-state correctional facilities or to out-of-state
21 governmental institutions if the secretary determines that transfer
22 is in the best interest of the state or the incarcerated individual.
23 The determination of what is in the best interest of the state or
24 incarcerated individual may include but is not limited to
25 considerations of overcrowding, emergency conditions, or hardship to
26 the incarcerated individual. In determining whether the transfer will
27 impose a hardship on the incarcerated individual, the secretary shall
28 consider: (a) The location of the incarcerated individual's family
29 and whether the incarcerated individual has maintained contact with
30 members of his or her family; (b) whether, if the incarcerated
31 individual has maintained contact, the contact will be significantly
32 disrupted by the transfer due to the family's inability to maintain
33 the contact as a result of the transfer; and (c) whether the
34 incarcerated individual is enrolled in a vocational or educational
35 program that cannot reasonably be resumed or completed if the
36 incarcerated individual is transferred to another correctional
37 institution or returned to the state. An incarcerated person under
38 the authority of the department transferred to a governmental
39 institution in another state pursuant to a state contract or

1 agreement may not be placed in solitary confinement unless such
2 confinement complies with sections 5 through 10 of this act.

3 (2) (a) The secretary has the authority to transfer incarcerated
4 individuals to an out-of-state private correctional entity only if:

5 (i) The governor finds that an emergency exists such that the
6 population of a state correctional facility exceeds its reasonable,
7 maximum capacity, resulting in safety and security concerns;

8 (ii) The governor has considered all other legal options to
9 address capacity, including those pursuant to RCW 9.94A.870;

10 (iii) The secretary determines that transfer is in the best
11 interest of the state or the incarcerated individual; and

12 (iv) The contract with the out-of-state private correctional
13 entity includes requirements for access to public records to the same
14 extent as if the facility were operated by the department,
15 incarcerated individual access to the office of the corrections
16 ombuds, compliance with sections 5 through 10 of this act with
17 respect to the restrictions on solitary confinement, and inspections
18 and visits without notice.

19 (b) Should any of these requirements in this subsection not be
20 met, the contract with the private correctional entity shall be
21 terminated.

22 (3) If directed by the governor, the secretary shall, in carrying
23 out this section and RCW 43.06.350, adopt rules under chapter 34.05
24 RCW to effect the transfer of incarcerated individuals requesting
25 transfer to foreign countries.

26 **Sec. 4.** RCW 72.09.015 and 2020 c 319 s 2 are each amended to
27 read as follows:

28 The definitions in this section apply throughout this chapter.

29 (1) "Adult basic education" means education or instruction
30 designed to achieve general competence of skills in reading, writing,
31 and oral communication, including English as a second language and
32 preparation and testing services for obtaining a high school diploma
33 or a high school equivalency certificate as provided in RCW
34 28B.50.536.

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

38 (3) "Civil judgment for assault" means a civil judgment for
39 monetary damages awarded to a correctional officer or department

1 employee entered by a court of competent jurisdiction against an
2 inmate that is based on, or arises from, injury to the correctional
3 officer or department employee caused by the inmate while the
4 correctional officer or department employee was acting in the course
5 and scope of his or her employment.

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

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

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

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

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

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

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

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

29 (12) "Good conduct" means compliance with department rules and
30 policies.

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

34 (14) "Immediate family" means the inmate's children,
35 stepchildren, grandchildren, great grandchildren, parents,
36 stepparents, grandparents, great grandparents, siblings, aunts,
37 uncles, and a person legally married to or in a state registered
38 domestic partnership with an inmate. "Immediate family" includes the
39 immediate family of an inmate who was adopted as a child or an adult,
40 but does not include an inmate adopted by another inmate.

1 (15) "Indigent inmate," "indigent," and "indigency" mean an
2 inmate who has less than a twenty-five dollar balance of disposable
3 income in his or her institutional account on the day a request is
4 made to utilize funds and during the thirty days previous to the
5 request.

6 (16) "Individual reentry plan" means the plan to prepare an
7 offender for release into the community. It should be developed
8 collaboratively between the department and the offender and based on
9 an assessment of the offender using a standardized and comprehensive
10 tool to identify the offender's risks and needs. The individual
11 reentry plan describes actions that should occur to prepare
12 individual offenders for release from prison or jail, specifies the
13 supervision and services they will experience in the community, and
14 describes an offender's eventual discharge to aftercare upon
15 successful completion of supervision. An individual reentry plan is
16 updated throughout the period of an offender's incarceration and
17 supervision to be relevant to the offender's current needs and risks.

18 (17) "Inmate" (~~means~~) and "incarcerated person" mean a person
19 committed to the custody of the department, including but not limited
20 to persons residing in a correctional institution or facility and
21 persons released from such facility on furlough, work release, or
22 community custody, and persons received from another state, state
23 agency, county, or federal jurisdiction.

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

27 (19) "Physical restraint" means the use of any bodily force or
28 physical intervention to control an offender or limit an offender's
29 freedom of movement in a way that does not involve a mechanical
30 restraint. Physical restraint does not include momentary periods of
31 minimal physical restriction by direct person-to-person contact,
32 without the aid of mechanical restraint, accomplished with limited
33 force and designed to:

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

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

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

39 (20) "Postpartum recovery" means (a) the entire period a woman or
40 youth is in the hospital, birthing center, or clinic after giving

1 birth and (b) an additional time period, if any, a treating physician
2 determines is necessary for healing after the woman or youth leaves
3 the hospital, birthing center, or clinic.

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

10 (22) "Promising practice" means a practice that presents, based
11 on preliminary information, potential for becoming a research-based
12 or consensus-based practice.

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

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

18 (a) Physical restraint; or

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

22 (25) "Secretary" means the secretary of corrections or his or her
23 designee.

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

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

33 (28) "Transportation" means the conveying, by any means, of an
34 incarcerated pregnant woman or youth from the correctional facility
35 to another location from the moment she leaves the correctional
36 facility to the time of arrival at the other location, and includes
37 the escorting of the pregnant incarcerated woman or youth from the
38 correctional facility to a transport vehicle and from the vehicle to
39 the other location.

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

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

10 (31) "Washington business" means an in-state manufacturer or
11 service provider subject to chapter 82.04 RCW existing on June 10,
12 2004.

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

15 (33) "Qualified medical provider" means a physician, physician
16 assistant, advanced registered nurse practitioner, clinical nurse
17 specialist, or other comparably credentialed employee or contractor
18 employed to provide health care, or for mental health evaluations or
19 decisions, a state-licensed psychiatrist, a registered nurse with a
20 specialty in psychiatric nursing, or other comparably credentialed
21 employee or contractor employed to provide mental health care.

22 (34) "Less restrictive intervention" means a placement or
23 conditions of confinement, or both, in the current or an alternative
24 correctional facility, under conditions less restrictive of an
25 incarcerated person's movement, privileges, activities, or social
26 interactions than solitary confinement.

27 (35) "Solitary confinement" means the confinement of an
28 incarcerated person in a cell or similarly confined holding or living
29 space, alone or with other incarcerated persons, for 17 hours or more
30 per day.

31 (36) "Vulnerable person" means any incarcerated person who:

32 (a) Is 25 years of age or younger;

33 (b) Is 55 years of age or older;

34 (c) Has a mental disorder, as defined in RCW 71.05.020, or where
35 there is evidence of a diagnosis of a serious mental illness, a
36 history of psychiatric hospitalization, or a history of disruptive or
37 self-injurious behavior including, but not limited to, serious and/or
38 repeated self-harm, that may be the result of a mental disorder or
39 condition;

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

1 (e) Has a serious medical condition that cannot effectively be
2 treated in solitary confinement;

3 (f) Is pregnant, in the postpartum period, or has recently
4 suffered a miscarriage or terminated a pregnancy;

5 (g) Has needs related to a physical disability that cannot be
6 accommodated in solitary confinement; or

7 (h) Has a significant auditory or visual impairment.

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

10 RESTRICTIONS ON SOLITARY CONFINEMENT. An incarcerated person may
11 not be placed in solitary confinement except when necessary for
12 emergency purposes in section 6 of this act, medical isolation in
13 section 7 of this act, or a facility-wide lockdown in section 8 of
14 this act, or when the incarcerated person voluntarily requests such
15 confinement conditions in section 9 of this act.

16 NEW SECTION. Sec. 6. A new section is added to chapter 72.09
17 RCW to read as follows:

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

28 (2) INITIAL MEDICAL EVALUATION. A qualified medical provider
29 shall conduct a personal and comprehensive medical and mental health
30 examination of the incarcerated person prior to the incarcerated
31 person being placed in solitary confinement under this section,
32 unless there is reasonable cause to believe that such advance
33 evaluation would create a substantial threat to security or safety,
34 in which case the qualified medical provider shall conduct the
35 evaluation within one hour of the person being placed in solitary
36 confinement. The examination must include an assessment as to whether
37 the incarcerated person is a vulnerable person. A report of the

1 evaluations must be immediately provided to the superintendent and
2 the secretary.

3 (3) (a) 24-HOUR LIMIT. Except for extended solitary confinement as
4 provided in (b) of this subsection, an incarcerated person may not be
5 held in solitary confinement for emergency purposes under this
6 section for more than 24 consecutive hours and for more than 72
7 cumulative hours in any 30-day period.

8 (b) EXTENDED SOLITARY CONFINEMENT AND ONGOING REVIEW. An
9 incarcerated person may not be placed in extended solitary
10 confinement for more than 15 consecutive days and for more than 45
11 cumulative days during a single fiscal year. For an incarcerated
12 person in extended solitary confinement:

13 (i) A qualified medical provider shall conduct a daily mental
14 health and physical health status examination of the incarcerated
15 person, in a confidential setting outside of the cell unless doing so
16 would present a substantial threat to security or safety; and

17 (ii) The department shall provide the incarcerated person with
18 timely, fair, and meaningful opportunities to contest the extended
19 solitary confinement, including: An initial hearing within 72 hours
20 of placement; the right to appear at the hearing; the right to
21 request assistance at the hearing by a lay advisor or other person of
22 the incarcerated person's choosing, including but not limited to
23 other incarcerated individuals, outside advocates, or retained
24 counsel; an independent hearing officer; a written statement of
25 reasons for the decision made at the hearing; and a written statement
26 on how to appeal a hearing determination.

27 (4) VULNERABLE PERSONS. If the incarcerated person is determined
28 to be a vulnerable person during the initial examination under
29 subsection (2) of this section or any status examination under
30 subsection (3) (b) of this section, then the incarcerated person must
31 be removed from solitary confinement and, if necessary, transferred
32 to an appropriate residential treatment unit, medical unit, or other
33 appropriate or specialized unit designated by the secretary. If the
34 incarcerated person is identified as a vulnerable person due to
35 having a mental disorder or developmental disability, as identified
36 in RCW 72.09.015, the incarcerated person may also be screened by a
37 qualified medical provider for transfer to the least restrictive
38 appropriate short-term care or psychiatric facility designated by the
39 department of social and health services pursuant to RCW 72.68.031.

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

3 SOLITARY CONFINEMENT FOR MEDICAL ISOLATION. (1) An incarcerated
4 person may be placed in solitary confinement for medical isolation if
5 a qualified medical provider determines, based on a personal
6 examination, that such confinement is necessary for medical reasons,
7 which may include, but are not limited to, responding to a medical or
8 mental health emergency or preventing the spread of a communicable
9 disease.

10 (2) For any incarcerated person placed in solitary confinement
11 under this section, an in-person clinical review must be conducted at
12 least every six hours and as clinically indicated. An incarcerated
13 person in solitary confinement under this section must be placed in a
14 residential treatment unit, a close observation unit, or a medical
15 unit, designated by the secretary.

16 (3) An incarcerated person may not be placed in solitary
17 confinement under this section for more than 15 consecutive days and
18 for more than 45 cumulative days during a single fiscal year, unless
19 a qualified medical provider determines that additional time is
20 necessary: To prevent the spread of a communicable disease; to
21 facilitate the provision of medical treatment to the incarcerated
22 person; or for some other clearly stated medical purpose. If
23 additional time is deemed necessary, the medical provider shall
24 document specific reasons why the isolation is required and why less
25 restrictive interventions are insufficient to accomplish the safety
26 of incarcerated persons in the facility. Such notice will be
27 forwarded to the facility superintendent for consideration and final
28 approval.

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

31 SOLITARY CONFINEMENT FOR A FACILITY-WIDE LOCKDOWN. An
32 incarcerated person may be placed in solitary confinement during a
33 facility-wide lockdown if the superintendent determines that a
34 facility-wide lockdown is required to ensure the safety of
35 incarcerated persons in the facility. If a facility-wide lockdown
36 exceeds 24 hours, the superintendent shall document specific reasons
37 for the lockdown and why less restrictive interventions are
38 insufficient to accomplish the safety of incarcerated persons in the
39 facility. Within seven days of initiating any facility-wide lockdown

1 that exceeds 24 hours in length, the department shall publish the
2 reasons for the lockdown on the department's website and provide
3 meaningful written notice of the lockdown to the office of the
4 corrections ombuds, the governor, and the appropriate committees of
5 the legislature.

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

8 VOLUNTARY SOLITARY CONFINEMENT. (1) An incarcerated person may be
9 placed in solitary confinement if: The person is not a vulnerable
10 person; the person has capacity to make an informed decision about
11 placement in solitary confinement; there is reasonable cause to
12 believe that solitary confinement is necessary to prevent reasonably
13 foreseeable harm; and the incarcerated person voluntarily requests
14 such confinement conditions.

15 (2) An incarcerated person may be placed in solitary confinement
16 under this section only if the person provides informed, written
17 consent. If an incarcerated person initiates an informed, written
18 request for solitary confinement under this section, the correctional
19 facility has the burden of establishing a basis for refusing the
20 request. The department shall maintain a written record of any
21 request provided under this section. Prior to declining a request or
22 removing an incarcerated person who previously requested solitary
23 confinement under this section, the department shall provide the
24 incarcerated person with a timely, fair, and meaningful opportunity
25 to contest the decision. An incarcerated person in solitary
26 confinement under this section may revoke his or her request to such
27 confinement conditions by providing informed, written notice, in
28 which case the incarcerated person must be transferred to a less
29 restrictive intervention or other appropriate setting.

30 (3) LESS RESTRICTIVE INTERVENTION. The department shall make a
31 less restrictive intervention available to any incarcerated person
32 requesting solitary confinement who meets the standard under
33 subsection (1) of this section, which may include provision of
34 accommodations in the general population, a transfer to the general
35 population of another institution or to a unit designated for
36 incarcerated persons who face similar threats, or other specialized
37 housing, as appropriate. A transfer to an out-of-state facility is
38 not a less restrictive intervention under this section unless such a
39 transfer is requested by the incarcerated person. The department

1 shall notify the incarcerated person of the available less
2 restrictive intervention when receiving any request under subsection
3 (1) of this section and shall formulate an individualized
4 intervention plan that addresses the support or services the person
5 may need to move to a less restrictive intervention.

6 (4) A person who has requested solitary confinement under this
7 section must be assessed by a qualified medical provider every 90
8 days. If the qualified medical provider finds that continued
9 placement in solitary confinement would be detrimental to the health
10 or well-being of the incarcerated person, the incarcerated person
11 must be transferred to a less restrictive intervention.

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.09
13 RCW to read as follows:

14 CONDITIONS OF SOLITARY CONFINEMENT. (1) The department shall
15 maximize the amount of time that an incarcerated person held in
16 solitary confinement spends outside of the cell by providing outdoor
17 and indoor recreation, education, clinically appropriate treatment
18 therapies, and skill-building activities. Cells or other holding or
19 living spaces used for solitary confinement must be properly
20 ventilated, appropriately lit according to the time of day,
21 temperature-monitored, clean, and equipped with properly functioning
22 sanitary fixtures.

23 (2) The department may not deny an incarcerated person held in
24 solitary confinement access to food, water, or any other basic
25 necessity, or access to appropriate medical care, including emergency
26 medical care.

27 (3) The department may not deny an incarcerated person held in
28 solitary confinement access to the telephone, personal communication
29 or media devices, reading materials, or personal hygiene items unless
30 an individualized assessment determines that limitation of such items
31 is directly necessary for the safety of the incarcerated person or
32 others. The department may use restraints upon an incarcerated person
33 in solitary confinement to facilitate movement or programming if an
34 individualized assessment determines such restraint is directly
35 necessary for the safety of the incarcerated person or others.

36 (4) The department may not directly release an incarcerated
37 person from solitary confinement to the community, unless it is
38 necessary for the safety of the incarcerated person, staff, other
39 incarcerated persons, or the public.

1 (5) The department may not place an incarcerated person in
2 solitary confinement based on the incarcerated person's race, creed,
3 color, national origin, nationality, ancestry, age, marital status,
4 domestic partnership or civil union status, affectional or sexual
5 orientation, genetic information, pregnancy or breastfeeding status,
6 sex, gender identity or expression, disability, or atypical
7 hereditary cellular or blood trait.

8 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.09
9 RCW to read as follows:

10 SOLITARY CONFINEMENT POLICIES AND PROCEDURES. (1) By January 1,
11 2023, the department shall review the status of each incarcerated
12 person in solitary confinement. The department shall develop a plan
13 to transition those incarcerated persons to less restrictive
14 interventions or other appropriate settings. Any incarcerated person
15 who has been in solitary confinement for longer than 45 days as of
16 July 1, 2023, must have a trauma-informed, culturally appropriate
17 individualized intervention plan to facilitate a transition to a less
18 restrictive intervention, which may include an evaluation for
19 possible single cell placement, access to and treatment by medical
20 and mental health providers, peer supports, substance abuse
21 programming, restorative justice programming, behavioral programming,
22 or other individualized interventions or accommodations.

23 (2) By January 1, 2023, the secretary shall adopt any rules or
24 policies necessary to implement sections 5 through 10 of this act,
25 including for the purposes of:

26 (a) Establishing less restrictive interventions to solitary
27 confinement, including means of separating or protecting incarcerated
28 persons without use of solitary confinement;

29 (b) Establishing that restrictions on religious, mail, and
30 telephone privileges, visit contacts, and outdoor and indoor
31 recreation may be imposed only after an individualized assessment
32 that determines restrictions are directly necessary for the safety of
33 the incarcerated person or others, and that there may not be
34 restrictions on access to food, basic necessities, or legal access;

35 (c) Requiring training of staff working with incarcerated persons
36 in solitary confinement and requiring that this training include:
37 Assistance from appropriate professionals including, but not limited
38 to, professionals in the department of social and health services to
39 periodically train all staff working with incarcerated persons in

1 solitary confinement and alternatives to such confinement; and the
2 identification and response to incarcerated persons in need of
3 physical accommodations who have been referred to solitary
4 confinement;

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

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

10 (f) Establishing procedures for hearings under section 6(3)(b) of
11 this act; and

12 (g) Requiring posting on the official website of the department
13 monthly reports, beginning July 1, 2023, on the use of solitary
14 confinement, including: The rate of solitary confinement by category,
15 age, sex, gender identity, ethnicity, or incidence of a mental
16 disorder; the number of people released from solitary confinement
17 directly to the community; the mean and median period of solitary
18 confinement at each facility, including the population on the last
19 day of each quarter and a nonduplicative cumulative count of people
20 exposed to solitary confinement for each fiscal year; the incidence
21 of self-harm, suicide, and assault in any solitary confinement unit;
22 the number of people held in medical isolation; and the incidence and
23 reasons for any facility-wide lockdowns. Reports may not include
24 personally identifiable information regarding any incarcerated
25 person.

26 NEW SECTION. **Sec. 12.** (1) A governing unit of a city or county
27 operating one or more jails shall compile on a monthly basis through
28 July 1, 2023, the following information with respect to each jail
29 operated by the governing unit:

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

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

32 and

33 (c) For each instance of solitary confinement, the length of time
34 the individual remained in solitary confinement, whether a
35 supervisory review of the solitary confinement occurred and was
36 documented, whether a medical assessment or review and a mental
37 health assessment or review were conducted and documented, and
38 whether the affected person was afforded full access to education,

1 programming, and ordinary necessities such as medication, meals, and
2 reading material during the term of solitary confinement.

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

6 (3) For the purposes of this section, "solitary confinement"
7 means confinement of an incarcerated person in a cell or similarly
8 confined holding or living space, alone or with other incarcerated
9 persons, for 17 hours or more per day.

10 (4) This section expires December 31, 2023.

11 NEW SECTION. **Sec. 13.** (1) Subject to the availability of
12 amounts appropriated for this specific purpose, the Washington
13 association of sheriffs and police chiefs shall collect, on a monthly
14 basis, the information submitted under section 11 of this act. The
15 collected information must be compiled into a report summarizing the
16 information by county and type of facility. An initial report must be
17 submitted, in compliance with RCW 43.01.036, to the governor and the
18 appropriate committees of the legislature by December 1, 2022. A
19 final report must be submitted, in compliance with RCW 43.01.036, to
20 the governor and the appropriate committees of the legislature by
21 December 1, 2023.

22 (2) This section expires December 31, 2023.

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

25 NEW SECTION. **Sec. 15.** Sections 1 through 10 of this act take
26 effect July 1, 2023.

27 NEW SECTION. **Sec. 16.** Sections 11 through 14 of this act take
28 effect July 1, 2022.

--- END ---