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SENATE BILL NO. 215

Offered January 13, 2016

Prefiled January 5, 2016

A BILL to amend the Code of Virginia by adding in Article 13.1 of Chapter 11 of Title 16.1 a section numbered 16.1-322.5 and by adding a section numbered 66-13.2, relating to juvenile facilities; room segregation.

Patrons—Favola; Delegate: Kory

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13.1 of Chapter 11 of Title 16.1 a section numbered 16.1-322.5 and by adding a section numbered 66-13.2 as follows:

§ 16.1-322.5. Juvenile detention homes; room segregation.

"Room segregation" means the involuntary restriction of a resident alone in a room or other area, including the resident's own room, except during normal sleeping hours.

A resident shall be subjected to room segregation only if all other less-restrictive options have been exhausted and only for the purpose of (i) modifying the resident's negative behavior; (ii) holding the resident accountable for a violation of a rule of the facility; (iii) ensuring the safety of the resident, staff, or others; or (iv) ensuring the security of the facility.

A resident may be subjected to room segregation only for the minimum time required to address the negative behavior, rule violation, or threat to the safety of the resident, staff, or others or to the security of the facility, and the resident shall be returned to the general population as soon as reasonably possible. In no case shall room segregation exceed four hours unless the resident poses an actual, immediate danger to himself or others.

If the resident cannot safely be returned to the general population after four hours, the director of the facility shall be notified and shall develop a plan, which shall include consultation with mental health professionals, if appropriate, to better manage the resident and address the needs of the resident.

Whenever a resident is subjected to room segregation, staff shall check the resident visually at least every 30 minutes and more frequently if indicated by the circumstances.

When subjected to room segregation, the resident shall have a means of communication with staff, either verbally or electronically.

If a resident in room segregation exhibits self-injurious behavior, (i) staff shall immediately consult with a mental health professional and (ii) the resident shall be monitored as directed by the mental health professional.

§ 66-13.2. Juvenile correctional facilities; room segregation.

"Room segregation" means the involuntary restriction of a resident alone in a room or other area, including the resident's own room, except during normal sleeping hours.

A resident shall be subjected to room segregation only if all other less-restrictive options have been exhausted and only for the purpose of (i) modifying the resident's negative behavior; (ii) holding the resident accountable for a violation of a rule of the facility; (iii) ensuring the safety of the resident, staff, or others; or (iv) ensuring the security of the facility.

A resident may be subjected to room segregation only for the minimum time required to address the negative behavior, rule violation, or threat to the safety of the resident, staff, or others or to the security of the facility, and the resident shall be returned to the general population as soon as reasonably possible. In no case shall room segregation exceed four hours unless the resident poses an actual, immediate danger to himself or others.

If the resident cannot safely be returned to the general population after four hours, the director of the facility shall be notified and shall develop a plan, which shall include consultation with mental health professionals, if appropriate, to better manage the resident and address the needs of the resident.

Whenever a resident is subjected to room segregation, staff shall check the resident visually at least every 30 minutes and more frequently if indicated by the circumstances.

When subjected to room segregation, the resident shall have a means of communication with staff, either verbally or electronically.

If a resident in room segregation exhibits self-injurious behavior, (i) staff shall immediately consult with a mental health professional and (ii) the resident shall be monitored as directed by the mental health professional.

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