AN ACT

To enact R.S. 15:905(F), relative to juvenile institutions; to provide relative to solitary confinement in juvenile facilities; to provide relative to a definition; to provide relative to documentation; to provide relative to submission of reports; to provide relative to training; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 15:905(F) is hereby enacted to read as follows:

§ 905.  Rules and regulations; education; training and discipline, work opportunities, vocational training, contracts and agreements; solitary confinement

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F. No juvenile in the custody of the office of juvenile justice shall be placed in any form of solitary confinement for any reason other than a temporary response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

(1) For the purposes of this Subsection, "solitary confinement" shall mean the involuntary placement of a juvenile alone in a cell, room, or other area, except during regularly scheduled sleeping hours. It includes but is not limited to any behavioral intervention, seclusion, isolation, room isolation, segregation, administrative segregation, or room confinement, in response to rule violations, staffing shortages, or for any other reason that is not an emergency response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.
(2)(a) A juvenile shall not be placed in solitary confinement for the purposes of discipline, punishment, administrative convenience, retaliation, protective custody, suicide intervention, general behavior management that is not a response to a serious and immediate threat of physical harm to the juvenile or others, rule violations, in response to staffing shortages, or for any other reason that is not an emergency response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

(b) Under no circumstance shall a juvenile who has expressed suicidal ideations or attempted suicide be placed in solitary confinement.

(3) A juvenile may be held in solitary confinement only under either of the following conditions:

(a) Progressive protocols, beginning with verbal calming and other de-escalation techniques attempted by facility staff, have proven unsuccessful at resolving the imminent threat of physical harm.

(b) There is a need to eliminate the serious and immediate risk of physical harm to the juvenile or others.

(4)(a) All protocols and techniques provided in Subparagraph (3)(a) of this Subsection shall be documented, along with an explanation of why solitary confinement was ultimately deemed necessary.

(b) A juvenile placed in solitary confinement pursuant to Subparagraph (3)(b) of this Subsection shall be released from solitary confinement as soon as the serious and immediate risk of physical harm to self or others is resolved.

(5) A juvenile shall be held in solitary confinement only for a period that does not compromise or harm his physical health or mental health, as determined by a mental health practitioner.

(a) Except as provided in this Paragraph, no period of solitary confinement shall exceed eight hours.

(b) After eight hours, the juvenile shall be returned to the general population. If a mental health professional determines that the juvenile continues to pose a serious and immediate threat of physical harm to the juvenile or others after eight
hours, the juvenile may be transported to a mental health facility upon the
recommendation of a mental health professional, or the facility staff shall implement
a mental health crisis plan that allows for the juvenile to return to the general
population safely.

(c) If, after an in-person evaluation by a mental health professional at the
facility, it is determined that these options are not practicable, the juvenile may be
placed into solitary confinement for an additional period of time not to exceed eight-
hour increments only upon recommendation of the mental health professional.

(i) Each additional eight-hour increment shall be preceded by an additional
evaluation by a mental health professional and a recommendation by the mental
health professional that the juvenile may continue to be placed into solitary
confinement.

(ii) Under no circumstances shall the juvenile who has been evaluated
pursuant to this Subparagraph be held in solitary confinement for longer than twenty-
four hours.

(6) The use of consecutive periods of room confinement to avoid the intent
and purpose of this Subsection is prohibited.

(7) All instances of solitary confinement shall be approved immediately by
the facility director, deputy director, or the supervisor with the highest level of
authority who is present at the facility at the time, and only after consultation with
a qualified mental health practitioner who has spoken with the juvenile. Approval
shall be re-affirmed every hour thereafter.

(a) The facility director, deputy director, or the supervisor with the highest
level of authority who is present at the facility at the time shall immediately notify
the deputy secretary and the senior administrative team any time a juvenile is placed
in solitary confinement.

(b) Within two hours of placing a juvenile in solitary confinement, the
facility shall contact the juvenile's parent or guardian and the juvenile's attorney of
record to provide notice that the juvenile was placed in solitary confinement and the
reason for the confinement.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
(8) Juveniles in solitary confinement shall be continuously monitored. Facility staff shall engage in continued crisis intervention and de-escalation techniques and make visual and verbal contact with each youth in solitary confinement at least every ten minutes. The intent and purpose of this intervention is to help de-escalate the juvenile's behavior so the juvenile can rejoin the general population as soon as possible. Staff shall document the time and nature of the observation and interventions.

(9) Within the first hour of solitary confinement and every hour thereafter, a qualified mental health practitioner shall speak to the juvenile to help the juvenile de-escalate and exit solitary confinement as soon as possible.

(10) Staff shall return the juvenile to programming as soon as the juvenile has regained self-control and is no longer engaging in behavior that threatens serious and immediate harm to himself or others. If necessary, staff may return the juvenile to a separate area other than a cell or other isolated space where staff can help the juvenile self-regulate and become ready to return to the general population.

(11) All rooms used for solitary confinement shall have adequate and operating lighting, heating and cooling, and ventilation for the comfort of the juvenile. Rooms shall be clean and resistant to suicide and self-harm.

(12) Juveniles in solitary confinement shall have access to all of the following:

(a) Sunlight.
(b) Drinking water.
(c) Toilet facilities.
(d) Working showers.
(e) Hygiene supplies.
(f) Mattresses
(g) Reading materials.
(h) Meals.
(i) Contact with parents or legal guardians.
(j) Legal assistance.

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(k) Educational programming.

(l) Appropriate medical and mental health services, which shall be provided by mental health staff as needed.

(13) Every instance of solitary confinement shall be documented electronically and in the aggregate. Unidentified data on the frequency and length of time that the juvenile spends in solitary confinement shall be available upon request as a public record. Documentation of the solitary confinement shall include all of the following:

(a) The date of the occurrence.

(b) The race, ethnicity, age, gender, and disability status of the juvenile.

(c) The reason for the juvenile's placement in solitary confinement.

(d) An explanation of why less restrictive means for placement were unsuccessful.

(e) The ultimate duration of the juvenile's placement in solitary confinement.

(f) Facility staffing levels at the time of the juvenile's confinement.

(g) Any incidents of self-harm, suicide attempts, or suicide committed by the juvenile while the juvenile was confined and where the juvenile was placed after leaving solitary confinement.

(14)(a) The office of juvenile justice shall submit a report on the use of solitary confinement quarterly to the Juvenile Justice Reform Act Commission. This report shall include all of the following:

(i) The length of time each juvenile was in solitary confinement.

(ii) The race, ethnicity, age, gender, and disability status of each juvenile placed in solitary confinement.

(iii) The facility staffing levels at the time of the juvenile's confinement.

(iv) The reason each juvenile was placed in confinement, and where the juvenile was placed after leaving solitary confinement.

(b) All of the following shall be included in the report:
(i) Each instance of solitary confinement exceeding eight hours, including all reasons why attempts to return the juvenile to the general population of the facility were unsuccessful.

(ii) All corrective measures taken in response to noncompliance with this Subsection.

(iii) Redacted personal identifying information that provides individual, not aggregate data.

(c) The initial quarterly report shall be submitted within two weeks after the quarter ending on September 30, 2022. Subsequent reports shall be submitted for the ensuing quarters within two weeks after the end of each quarter.

(d) The office of juvenile justice shall post a report on the use of solitary confinement on its website quarterly with deidentified aggregate data including but not limited to all of the following:

(i) Total number of juveniles placed in solitary confinement that quarter.

(ii) Race and ethnicity, age, and gender of juveniles placed in solitary confinement.

(iii) Disability status of juveniles placed in solitary confinement.

(iv) Number of instances of solitary confinement exceeding eight hours.

(v) Number of instances, if any, of self-harm while in solitary confinement.

(vi) Number of instances, if any, of suicide attempts while in solitary confinement.

(vii) Number of instances, if any, of suicides while in solitary confinement.

(e) Data shall be disaggregated by facility.

(15) All agency staff shall be trained on the appropriate use of solitary confinement during their initial training to work at the office of juvenile justice and subsequently at regular intervals. Staff shall be required to demonstrate proficiency with decisions regarding when and how to use solitary confinement before completing their initial training to work in office of juvenile justice facilities and ongoing during their employment.
(16) Every juvenile placed in the custody of the office of juvenile justice shall receive an explanation on the solitary confinement policy by staff promptly upon arrival to a facility, and information on this policy shall be communicated to the juvenile's parents or guardians through the most direct means possible, with in-person communication being most preferable.