

**Board of Local and Regional Jails**

Report to the General Assembly

[HB1284]

Approved March 31, 2020

CHAPTER 522

An Act to direct the Board of Corrections to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities.

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## **Executive Summary**

The Board of Local and Regional Jails<sup>1</sup> in consultation with a stakeholder workgroup reviewed the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities. The workgroup reviewed the standards independently and met to discuss the responses and recommendations. This report includes the stakeholder workgroup's recommendations regarding the use of isolated confinement and a request for an extension of this study.

## **Introduction**

Delegate Patrick Hope introduced HB 1284 which directed the Board to conduct a review of the standards and requirements governing, and the application and use, of isolated confinement in local correctional facilities. This study was completed in conjunction with relevant stakeholders.

Be it enacted by the General Assembly of Virginia:

*1. § 1. That the Board of Corrections (the Board) shall, in consultation with a stakeholder work group formed for the purpose of gathering input, conduct a review of the standards and requirements governing, and the application and use of isolated confinement in, local correctional facilities. The stakeholder work group shall comprise interested parties including at least one representative from each of the following groups: sheriffs, regional superintendents, public defenders, formerly incarcerated people, mental health experts, disability rights advocates, and civil liberties advocates. The Board shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairs of the House Committee for Courts of Justice, the House Committee on Public Safety, the Senate Committee on the Judiciary, and the Senate Committee on Rehabilitation and Social Services by December 1, 2020, and publish the report on the its website. The Board may thereafter promulgate standards consistent with the findings of the report on the use of isolated confinement in local correctional facilities. For purposes of this act, "isolated confinement" means confinement of a prisoner to a cell, alone or with another prisoner, for 20 or more hours per day.*

## **Review of Chapter 40 Minimum Standards for Jails and Lockups**

The Chairman of the Board of Local and Regional Jails selected Joanne Peña, a member of the Board to serve as the workgroup chairperson. Joanne Peña worked closely with the Board's policy analyst to facilitate the workgroup. An initial stakeholder workgroup meeting was held on November 12, 2020.

The stakeholder workgroup participants included:

- Alton Coston - Civil Liberties Advocate
- Christopher Rashad Green - Formerly Incarcerated Person
- David Kidwell – Chief Deputy, Arlington Sheriff's Office

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<sup>1</sup> This report refers to the Board of Local and Regional Jails, which was formerly known as the Board of Corrections at the time this study language was enacted.

- Kemba Pradia - Formerly Incarcerated Person
- Ren Faszewski - Disability Law Center Advocate
- William Smith – Western Tidewater Regional Jail Superintendent

During the meeting, the Board of Local and Regional Jails Compliance Documentation for Lockups and Jails was provided to the group for a thorough review as prescribed in HB1284 (Chapter 522). The workgroup chair asked the group to review the standards and provide any recommendations and comments. On December 10, 2020, the workgroup chair and the policy analyst for the Board of Local and Regional Jails in the workgroup reviewed the responses from the stakeholder group.

There were consistent recommendations and comments from the stakeholders as they reviewed the standards. The high level recommendations are included below. Copies of each stakeholder's comments are also attached for review.

### **Conclusion & Recommendations**

The stakeholder work group's main concern is the vague and general nature of the isolated confinement standards. The workgroup believes the standards should provide more specific guidance when it comes to isolated confinement for juveniles as well as incarcerated adults with behavioral health needs.

The work group is concerned about the requirements and procedures surrounding intake, assessment, and need for isolated confinement of inmates.

- The work group recommends that the standards be more specific with defining terminology mentioned in the standards. For example, it is not clear what specifically qualifies as a "security threat," to the facility or other inmates.
- The stakeholder workgroup would like clear and concise guidance on what the criteria are for isolated confinement along with juvenile contact policies and procedures.
- The majority of stakeholders expressed concern about mental health assessments upon arrival at the facility, as well as the frequency of these assessments once a person is in the facility.
- The group has concerns about the length of time an inmate is housed in isolated confinement, whether the inmate has time out of the cell for sunlight, whether there is a window, and if the inmate is allowed to have reading materials or other items in the cell.
- Some of the stakeholders expressed concerns about leaving an inmate in isolated confinement too long, which could impact their mental health negatively.
- Unanimously, the stakeholder work group feels that security checks while inmates are housed in isolation should be more frequent than every 30 minutes. Stakeholders expressed concerns about inmates in isolation and the possibility that they would be overlooked or missed if there is a medical emergency or a mental health need.

- Additionally, the stakeholder work group also recommends extensive training for jail staff when it comes to dealing with mental health inmates that are placed in isolation.

Recognizing the substantial nature of some of these recommendations and the resources required for implementation, this stakeholder work group recommends a continuation of the study. The workgroup believes there should be a deeper assessment of the standards and the potential resources necessary to meet these standards. The stakeholder work group is recommending additional time so the standards can be re-written and set more clear expectations about the policies and procedures in place.

## Alton Coston

Virginia Administrative Code  
Title 6. Criminal Justice and Corrections  
Agency 15. Department of Corrections

*Comment: Overall, pretty good stuff. As for the ambiguous language, people are going to want answers and transparency.*

Chapter 40. Minimum Standards for Jails and Lockups

### 6 VAC15-40-450. Suicide Prevention and Intervention Plan.

There shall be a written suicide prevention and intervention plan. These procedures shall be reviewed and documented by an appropriate medical or mental health authority prior to implementation and every three years thereafter. These procedures shall be reviewed every 12 months by staff having contact with inmates. Such reviews shall be documented.

*Comment: For further efficiency, ensure that all new employees are familiar with this protocol. For clarity, provide where all professional medical reviews will be located. Also, give a brief synopsis of the plan.*

**Statutory Authority** §§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

### 6 VAC15-40-820. Conduct.

Written policy, procedure, and practice shall govern inmate discipline and shall include:

1. Rules of conduct, including sanctions for rule violations;
2. Procedures and provisions for pre-hearing disciplinary detention; and
3. Procedures for processing violators that may include plea agreements that may waive the inmates' right to appeal.

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

### 6 VAC15-40-990. Administrative Segregation.

Written policy, procedure and practice shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.

*Comment: How would you define an inmate that poses a "security threat to the facility or other inmates"? Provide a brief synopsis of the policy, procedure, and practice.*

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , [53.1-131](#) and [53.1-133.01](#) of the Code of Virginia.

## 6VAC15-40-1000. Physical Living Conditions for Disciplinary Detention and Administrative Segregation.

Written policy, procedure, and practice shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered in the general population.

*Comment: What exactly does “approximate” mean? Does it mean that it’s equal to physical living conditions offered in the general population or that it only provides the best efforts to offer those general pop. conditions? Also, will they have access to sunlight? Be allowed books? Essentially the main question is: If they’re in there, will they have access to materials that will be able to shift their focus away from their thoughts?*

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6 VAC15-40-1010. Mental Health Inmates.

Written policy, procedure, and practice shall specify the handling of mental health inmates, including a current agreement to utilize mental health services from either a private contractor or the community services board.

*Comment: Clarify what this means exactly; you mentioned a current agreement with private contractors or the community services board, but is there anything more? (Basically, briefly explain what you mean by written policy, procedure, and practice)*

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6VAC15-40-1030. Assessment of Inmates in Disciplinary Detention or Administrative Segregation.

Written policy, procedure, and practice shall require that a documented assessment by medical personnel that shall include a personal interview and medical evaluation of vital signs, is conducted when an inmate remains in disciplinary detention or administrative segregation for 15 days and every 15 days thereafter. If an inmate refuses to be evaluated, such refusal shall be documented.

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6 VAC15-40-1045. Supervision of Inmates.

All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view inmates or the entire housing area.

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6 VAC15-40-1190. Housing of Juveniles.

Part VII. Juveniles

Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6 VAC15-40-1193. Separation of Juveniles.

Juveniles shall be so housed as to be separated by a wall or other barrier that would result in preventing visual contact and normal verbal communication with adult inmates.

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6 VAC15-40-1195. Contact with Juveniles.

The facility shall have one or more employees on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

*Comment: 15 minutes may be too long for those who are on suicide watch.*

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , and [53.1-131](#) of the Code of Virginia.

## 6 VAC15-40-1200. Isolation and Segregation of Juveniles.

Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.



*Comment: It should also be used as the last resort.*

Statutory Authority

§§ [53.1-5](#) , [53.1-68](#) , [53.1-131](#) and [53.1-133.01](#) of the Code of Virginia.

## **Christopher Rashad Green**

A lot of these processes lack oversight at the local level.

\* The Appeal process 6VAC 15-40-835, in facilities with large populations, the actual implementation is practically non-existent. I've written hundreds in my lifetime, and maybe 2 were addressed. You asking the Jail Officials to police themselves, which is understandable, but is it fair?

\* Physical Force ....970

\* Restraint Eq't ...980

If these incidents are supposed to be documented and reviewed, who's doing the reviewing and/or investigating?

\* Administrative Segregation and the Conditions inmates are subjected to ...990 & 1000  
We'll never get a true reading on how inmates are actually treated, unless there is an Inmate Advocate Division established and staffed by non-jail employees.  
Especially when assessing incoming inmates ...6VAC 15-40-1030 (Assessment)

### **SUMMARY:**

As a Formerly-Incarcerated Individual who has experienced 15+ years in Prisons & Jails in 5 different states, my recommendation and suggestions will have to include increased Community Oversight for monitoring and investigating protocols at these facilities, probably quarterly, when it comes to Solitary Confinement. The abuses suffered by men & women by some of these facilities border on Civil Rights violations, especially Cruel & Unusual punishment.

## **Kemba Pradia**

This exercise doesn't afford legitimacy to a thorough review of the standards and requirements governing, and the application and use of isolated confinement in local correctional facilities. This workgroup has been given too limited amount of time to provide input. In my opinion it should be done in a manner in which there can be recorded dialogue/notes in order to come to a voted agreement on what our input would be as a "stakeholder work group" or with whatever review is submitted it would have to document differences of opinion for each code section should there be any.

I feel like DOC staff should conduct a meeting(s) to explain each code and to have discussion because as it is written it is too vague and arbitrary.

Question that I have that could constitute as input overall is:

- Who decides whether someone is security threat? (is it subjective?) (990)
- What specific behaviors "infractions" qualifies this type of confinement? (990)
- How thorough is the documentation – is it consistent? (990)
- Who determines the length of time? Length of time should be for no more than two weeks unless specified reasons indicate need for continued isolation. (990)
- What type of counseling services are provided to find out what is the causing behavior or possibly can de-escalate episode? (990)
- Are there instances where administrative segregation occurs when the inmate does not pose a security threat? (990)
- Outside entity including mental health professionals should inspect the standards of living conditions for disciplinary detention and administrative segregation. Due to COVID, this isn't possible, but I believe this stakeholder work group should visit various cells to see the standards – possibly this could be done virtually) (1000)
- Ensure human rights standards are being met.
- If a mental health inmate is in isolated confinement then they should have required treatment to stabilize behavior/medications to allow them back into the general population with the least amount of time in isolation. Have a timetable for treatment? There should be a mental health assessment for everyone leaving solitary confinement especially if they are being released to the community.(1010)
- Limited phone calls should be a required activity. (1020)
- There should be a list of activities that are available. (1020)
- There should be a medical – mental health assessment of inmates in disciplinary detention/administrative segregation upon entry and 15 days later if it clear that no medical/mental health treatment/pastoral care is needed. (1030)

Other questions:

- What is permitted in cell?
- How do you earn your way out of segregation and is it consistent?

Overall, there needs to be an impartial authority and or inspector general who can monitor conditions and provide inmates with an effective recourse against unnecessary or unduly lengthy solitary confinement.

Additionally, with regard to public safety and the eventual release of inmates back into society this form of confinement needs to be limited. There are reports that challenge that isolated confinement can cause severe physical and mental health damage to inmates including hallucination, post-traumatic stress disorder and suicidal thoughts.

Suggested material to help educate and lead this work group are listed below. There may be other resources or national organizations that could present to this work group who could advise our input. This would allow Virginia to take the lead in reforming their solitary confinement practices in the US.

<https://www.congress.gov/bill/116th-congress/house-bill/4488/text>

<https://www.hrw.org/news/2012/06/18/us-look-critically-widespread-use-solitary-confinement>

<https://www.theroot.com/america-is-finally-facing-the-fact-that-solitary-conf-in-1834671535>



# Arlington County Sheriff's Office

"A Nationally Accredited Sheriff's Office"



**To:** Audrey Michael, Policy Analyst  
**From:** David Kidwell, Chief Deputy  
**Date:** November 16, 2020  
**Subject:** Chapter 522 (H1284) Study on Isolated Confinement/Review of Standards and Requirements

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Attached in red are edits made to the current standards that we feel would facilitate the main goals of H1284:

1. Ensure a minimum of a total of 4 hours out of cell time per 24-hour period. This includes 1 hour of recreation time and a minimum of 3 hours out of cell time for classes, work assignments, etc.
2. That placement in isolated confinement has increased oversight from medical, mental health, and security to include an assessment and increased monitoring that is completed prior to, during, and after placement.
3. Staff working in these areas need specialized training that included Crisis Intervention Training (C.I.T.) or education suitable to manage inmates with special circumstances.
4. Lastly, a focus on providing inmates with behavior issues the necessary education and training to help them "behave" themselves out of the problem. Classes such as anger management should be used as tools to divert from the traditional cell isolation as a form of punishment.

## **Edits for current DOC Standards:**

6VAC15-40-833. Discipline – Whenever an inmate may be deprived of good time or placed on disciplinary segregation the minimum procedural requirements shall include:

1. The accused inmate shall be given written notice of the charge and the factual basis for it at least 24 hours prior to hearing of the charge;
2. The charge shall be heard in the inmate's presence by an impartial officer or committee unless that right is waived in writing by the inmate or through the inmate's behavior. The accused inmate may be excluded during the testimony of any inmate whose testimony must be given in confidence. The reasons for the inmate's absence or exclusion shall be documented;

3. The accused inmate shall be given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;
4. The inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action; and
5. The inmate shall be permitted to appeal any finding of guilt to the facility administrator or designee.
6. Placement on Disciplinary Segregation may not be more than 15 days for each rule infraction and no more than 30 days for each incident. Continuous confinement for more than 30 days requires the review and approval of facility administrator or designee.
7. Offered at a minimum three hours out of cell for classes, work assignments, therapeutic treatments, aimed at promoting personal development or addressing underlying causes for problematic behavior.
8. Offered at a minimum one hour of recreational time.

6VAC15-40-990. Administrative Segregation – Written policy, procedure, and practice shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates, and for inmates requiring protective custody. The policy and procedure will outline the process that will be used when determining placement in Administrative Segregation.

- Level of threat
- Input from medical and mental health practitioners regarding how administrative segregation can impact the inmate.
- Sanctions other than Administrative Segregation that is equal to address the behaviors while maintaining an environment that is safe.

(Take from ACA Restrictive Housing Standards – New standard)

Offered at a minimum three hours out of cell for classes, work assignments, therapeutic treatments, aimed at promoting personal development or addressing underlying causes for problematic behavior. Offered at a minimum one hour of recreational time.

6VAC15-40-1030. Assessment of Inmates in Disciplinary Detention or Administrative Segregation – Written policy, procedure, and practice shall require health care personnel are to be notified immediately and provide a screening and review of medical and mental health risks. A documented assessment by medical personnel that shall include a personal interview and medical evaluation of vital signs, is conducted when an inmate remains in disciplinary detention or administrative segregation for 15 days and every 15 days thereafter. If an inmate refuses to be evaluated, such refusal shall be documented. LHS

6VAC15-40-1045. Supervision of Inmates – All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. Inmates who are violent or mentally disordered or who demonstrate unusual/bizarre behavior, self-harm, receive more frequent observation. No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view inmates or the entire housing area. LHS

NEW STANDARD: 6VAC-40-1011?? – Isolated Confinement Inmates – Written policy, procedure, and practice shall provide for Isolated Confinement inmates who pose an imminent threat of physical harm to the inmate or another person may be placed in isolated confinement for no longer than 48 hours. The facility must adhere to the following:

- Require health care personnel to be notified immediately and provide a screening and review of medical and mental health risks

- 
- Written record of facts and circumstances to explain the purpose of placement and kept in Inmate Record File.
  - Written record of action plan on how the facility will transition the inmate out of isolated confinement at the earliest opportunity. The action plan will ensure the following:
    - Isolated confinement placements shall be reviewed for purpose by a supervisor or designee within 48 hours. The inmate may be retained in isolated confinement for no more than an additional 48 consecutive hours if other methods for ensuring the safety of the threatened person have been considered and determined insufficient, impracticable, or inappropriate.
    - If the inmate is retained for the additional 48 hours the facility will ensure that the inmate receives an additional medical and mental health evaluation within eight hours of a decision to retain the inmate in isolated confinement and additional medical and mental health evaluations as indicated
    - Deputy/Officer will have written daily log of behaviors. The Officer will track behaviors in order to track progress to begin step down program.
      - Behavioral Logs will be reviewed on a monthly basis with Case Management
  - Isolated Confinement Step-down program – Written policy, procedure, and practice shall provide for Isolated Confinement inmates a step-down program that reintegrates the inmate into general population or community. Programs include gradually increasing the following:
    - Out-of-cell time
    - Group interactions
    - Education and programming opportunities
    - Privileges
    - Weekly reviews to be done as well as a step-down compliance review. (ACA – New Standard Restrictive Housing)

NEW STANDARD: 6VAC-40-1012?? – Staff Training for Isolated Confinement Inmates - Staff assigned on a regular basis, to work directly with inmates in Isolated Confinement are selected based the below: (ACA 2A-54)

- Experience – Completed Probationary period
- Suitability for this population
- Specialized training – CIT training, Stress Management, etc.

### **DOC Lockup Standards:**

6VAC15-40-1290. Separate Housing – Males, females, **isolated confinement inmates**, and juveniles shall be housed separately.

LHS

6VAC15-40-1315. Supervision of Detainees – All detainee housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. **Inmates who are violent or mentally disordered or who demonstrate unusual/bizarre behavior, self-harm, receive more frequent observation.** No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view detainees or the entire housing area. LHS

**Ren Faszewski**

**Chapter 522 (H1284)**

After a review of the standards regarding solitary confinement outlined in the administrative code, it is clear that the VAC is far too vague and with too few specifics, making any attempt at standardization across the Commonwealth exceedingly difficult. In order to protect persons with disabilities, clearer standards should be outlined.

Regarding specific codes:

***6VAC15-40-990. Administrative Segregation – Written policy, procedure, and practice shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates, and for inmates requiring protective custody.***

The phrase “security threat” is far too vague and broad. Such a term needs to be defined and included in a statement that restrictive housing should only be used as a response to a substantial and immediate threat, for the shortest time possible, and with the least restrictive conditions possible.

Protective custody should also be defined, so as not to subject inmates to solitary confinement for non-disciplinary reasons or for less than life-threatening behavior.

There should be a prohibition of vulnerable populations (including those with serious mental illnesses, those with intellectual or physical disabilities that would be exacerbated by placement in solitary confinement, those who are pregnant or in the first 8 weeks of postpartum recovery, or anyone else who a mental health professional has determined would be “significantly adversely affected by placement in solitary confinement”) unless the inmate poses a substantial and immediate threat, all other options have been exhausted, the confinement is limited to the shortest time and the least restrictive conditions possible.

Any standard regarding solitary confinement should outline procedures for review of placement and procedures for a prisoner to contest placement, such as an initial hearing within 24 hours of placement and a review every 5 days.

***6VAC15-40-1010. Mental Health Inmates – Written policy, procedure, and practice shall specify the handling of mental health inmates, including a current agreement to utilize mental health services from either a private contractor or the community services board.***

“Mental health” should be defined and expanded to include developmental disabilities, who also require behavioral health services.

Mental health services is very vague and the variety of mental health services should be included in the description, such as access to psychiatric medication, therapy, behavioral interventions, and other services.

In regards to solitary confinement, there should be requirements that an inmate placed within restrictive housing get a mental health assessment within 24 hours of placement and behavioral health



assessments every 14 days thereafter for individuals with a diagnosed behavioral or mental health disorder.

## **Stakeholders Group “Isolated Confinement Standards” Review 11/18/2020**

**William C. Smith**

**Superintendent**

**Western Tidewater Regional Jail**

In reference to the Stakeholders group review of the “isolated confinement” standards. The legislation requiring the review lists the definition of Isolated Confinement as follows: *“For purposes of this act, “isolated confinement” means confinement of a prisoner to a cell, alone or with another prisoner, for 20 or more hours per day”*. I believe the definition stated in the legislation is very misleading on its face. A typical definition of isolation is far away from everyone, or by oneself. Even the above definition does not meet this criterion when it adds that another person (2 people) may be in the cell. Furthermore, the majority of segregation units in Local Jails have numerous cells in one housing area so the inmates in these cells are around other inmates and staff, they are just confined to their cells for the majority of the day. Completely isolating an inmate (isolated confinement) would require he/she be placed in a 4 walled, solid door cell with possibly a small window. Many facilities especially older do not have such cells or have a limited amount. Currently my facility only has 5 such cells out of 1070 beds.

I believe a point of contention is the Virginia Minimum Standards for Jails and Lockups does not have a specific definition for “isolated confinement”. There are several definitions related to segregation of inmates ie: Administrative Segregation and Disciplinary Detention, none of which notes a specific number of hours the inmate is in his/her cell.

Of most importance when reviewing these standards is to understand exactly how jails operate. Many individuals unfamiliar with Jails (Local Correctional Facilities) have misconceptions of their operations and confuse their operations with those of the State Correctional System.

In the Virginia Department of Corrections (VDOC), the inmates are all convicted felons. Inmates with similar crimes and/or custody levels are housed together at a specific facility. The VDOC has the ability to move inmates and staff to different facilities should the need arise. Inmates committed to the VDOC have sentences requiring them to serve many years.

Local Jails house inmates that are pre-trial and charged with both felonies and misdemeanors. As well as inmates who are sentenced and found guilty of both felonies and misdemeanors. In certain situations, local jails may be required to hold individuals who are civilly committed. All these individuals are housed in one facility. Jails do not have the ability to move inmates to another facility unless the receiving facility agrees, as a courtesy, to hold that individual inmate. Furthermore, local jails do not hold inmates for

extended periods of time. In many cases local jails average length of stay may be only a couple months. Contrary to popular belief very few inmates are placed in isolated confinement. Even when in a single cell for the majority of the day, inmates can see and speak to other inmates as well as staff. In many situations they may in fact have another inmate in the cell with them. Completely isolating an inmate is extremely rare in local jails. As stated earlier, completely isolating an inmate (isolated confinement) would require he/she be placed in a 4 walled solid door cell with possibly a small window. Currently my facility only has 5 such cells out of 1070 beds. Some facilities may not have any cells of this nature.

With all the above stated, local jails are constructed and depend on the ability to segregate inmates to maintain a safe environment for both the inmates, staff and public. As was stated above, the large majority of inmates who are segregated are not truly in isolated confinement. Local jails are tasked with holding inmates with various types of crimes and are required to keep them separated in accordance with recognized classification standards. Furthermore, jails receive individuals who are newly arrested and who may have mental health issues, medical issues and may require detoxification from alcohol or drugs. These individuals must often be separated from the general population to ensure their safety and the safety of others. Inmates may be co-defendants, enemies, or witnesses in other criminal cases; therefore, all these individuals must be housed separate from each other as well. Many times, request are made by Law Enforcement and Commonwealth Attorneys as well as the courts to house inmates separately due to them continuing criminal activity by the use of telephones or through visitation.

Local Jails vary in size from exceedingly small facilities that hold 20 inmates to large facilities with multiple buildings holding over 1500 inmates. Therefore, any standard currently in place or to be developed must be able to be adapted to the size and resources of the jail. Furthermore, there must be flexibility in the standards to allow for compliance by different approaches.

“The Supreme Court has never ruled against the use of solitary confinement *per se*, as inherently violating a constitutional right, such as the Eighth Amendment’s prohibition of “cruel and unusual punishment”. (Correctional Managers Report Volume XXVI No. 3 October/November 2020)

Should the Board determine that additional standards be added or that significant changes should occur to the existing standards, I would highly recommend a formal study take place to gain factual information which can be presented to the current stakeholder’s group or a newly formed stakeholders’ group. Such formalized study could be conducted by the Joint Legislative Audit and Review Commission (JLARC) as they have previously conducted similar studies. Only then can we proceed forward with the appropriate knowledge and facts to conduct any changes in the current standards.

**6VAC15-40-450. Suicide Prevention and Intervention Plan. There shall be a written suicide prevention and intervention plan. These procedures shall be reviewed and documented by an appropriate medical or mental health authority prior to implementation and every three years thereafter. These procedures shall be reviewed every 12 months by staff having contact with inmates. Such reviews shall be documented. (LHS)**

**Note:** It should be noted that this standard is considered a Life, Health, and Safety Standard (LHS) and is audited by the compliance unit of the Department of Corrections annually during their unannounced inspections.

**Review:** This standard is currently adequate and is aligned with current best practices outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**6VAC15-40-820. Conduct. Written policy, procedure, and practice shall govern inmate discipline and shall include: 1. Rules of conduct, including sanctions for rule violations; 2. Procedures and provisions for pre-hearing disciplinary detention; and 3. Procedures for processing violators that may include plea agreements that may waive the inmates' right to appeal.**

**Note:** Although not considered a Life, Health, and Safety Standard this standard is audited by the compliance unit of the VDOC every three years when it conducts a full audit of all the minimum standards.

The standard provides a right to due process and a right to appeal, as required by the courts.

**Review:** This standard is currently adequate and is aligned with current best practices outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**6VAC15-40-990. Administrative Segregation. Written policy, procedure and practice shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.**

**Note:** Although not considered a Life, Health, and Safety Standard this standard is audited by the compliance unit of the VDOC every three years when it conducts a full audit of all the minimum standards.

**Review:** This standard is currently adequate and is aligned with current best practices outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**6VAC15-40-1000. Physical Living Conditions for Disciplinary Detention and Administrative Segregation. Written policy, procedure, and practice shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered in the general population.**

**Note:** Although not considered a Life, Health, and Safety Standard this standard is audited by the compliance unit of the VDOC every three years when it conducts a full audit of all the minimum standards.

**Review:** This standard is currently adequate and is aligned with current best practices outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**6VAC15-40-1010. Mental Health Inmates. Written policy, procedure, and practice shall specify the handling of mental health inmates, including a current agreement to utilize mental health services from either a private contractor or the community services board.**

**Note:** It should be noted that this standard is considered a Life, Health, and Safety Standard and is audited by the compliance unit of the Department of Corrections annually during their unannounced inspections.

Additional Mental Health Standards are currently being examine by the Board of Local and regional Jails.

**Review:** This standard is currently adequate. As noted additional standards are under review by the Board of Local and Regional Jails.

**Recommendation:** Seek legislative changes to allow for the immediate transfer of inmates with serious mental health issues to a suitable facility for their care and custody. Add additional standards in reference to inmates with mental health disorders.

**6VAC15-40-1030. Assessment of Inmates in Disciplinary Detention or Administrative Segregation. Written policy, procedure, and practice shall require that a documented assessment by medical personnel that shall include a personal interview and medical evaluation of vital signs, is conducted when an inmate remains in disciplinary detention or administrative segregation for 15 days and every 15 days thereafter. If an inmate refuses to be evaluated, such refusal shall be documented.**

**Note:** It should be noted that this standard is considered a Life, Health, and Safety Standard and is audited by the compliance unit of the Department of Corrections annually during their unannounced inspections.

**Review:** This standard is currently adequate and is aligned with current best practices outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**6VAC15-40-1045. Supervision of Inmates. All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view inmates or the entire housing area.**

**Note:** It should be noted that this standard is considered a Life, Health, and Safety Standard and is audited by the compliance unit of the Department of Corrections annually during their unannounced inspections.

**Review:** This standard is currently adequate and is aligned with current best practices outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**§§ 53.1-5, 53.1-68, and 53.1-131 of the Code of Virginia. 6VAC15-40-1190. Housing of Juveniles. Part VII. Juveniles. Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.**

**Review:** This standard is currently adequate and follows Virginia State Code. However, national best practices forbid the confinement of juveniles in Adult facilities.

**Recommendation:** Seek legislative changes to forbid housing of juveniles in adult facilities and bring this standard into alignment with national best practices.

**6VAC15-40-1193. Separation of Juveniles. Juveniles shall be so housed as to be separated by a wall or other barrier that would result in preventing visual contact and normal verbal communication with adult inmates.**

**Review:** This standard is currently adequate and follows Virginia State Code. As previously stated, national best practices forbid the confinement of juveniles in Adult facilities.

**Recommendation:** Seek legislative changes to forbid housing of juveniles in adult facilities and bring this standard into alignment with national best practices.

**6VAC15-40-1195. Contact with Juveniles. The facility shall have one or more employees on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.**

**Review:** This standard is currently adequate and follows Virginia State Code. As previously stated, national best practices forbid the confinement of juveniles in Adult facilities.

**Note:** Staffing requirement and contact checks with the juvenile is in accordance with current best practices, as they relate to adult inmates, outlined in The American Correctional Association standards for Adult Local Detention Facilities (ALDF).

**Recommendation:** Seek legislative changes to forbid housing of juveniles in adult facilities and bring this standard into alignment with national best practices.

**6VAC15-40-1200. Isolation and Segregation of Juveniles. Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.**

**Review:** This standard is currently adequate and follows Virginia State Code. As previously stated, national best practices forbid the confinement of juveniles in Adult facilities.

**Recommendation:** Seek legislative changes to forbid housing of juveniles in adult facilities and bring this standard into alignment with national best practices.