

SB 970 (YEE)

LIMITING SOLITARY CONFINEMENT IN JUVENILE FACILITIES

PROBLEM

Solitary confinement is a harsh measure, widely recognized as a psychologically damaging practice for both adults and minors and one that fosters further dangers to correctional officers and the public. It has even been condemned as torture. Yet solitary confinement is still overused in California state and local juvenile justice systems. There is no legal definition of solitary confinement and limited guidelines around its use, leaving local governments vulnerable to continued incidents of abuse and further lawsuits.

Despite a long-standing consent decree under *Farrell v. Cate*, abuses at the state youth prisons continue. In 2011, a CDCR internal audit found that youth were often locked up in their cells for over 21 hours a day. In one 15-week period, there were 249 incidents of solitary confinement, and in one case, a youth received only one hour out of his cell in a 10-day period. In local juvenile facilities, there have been reports of youth locked up in isolation for 23 hours a day. In both LA County and Contra Costa County facilities, recent lawsuits have highlighted the overuse and misuse of solitary confinement, including on youth with special education and mental health needs, who have, in violation of their education rights, been denied the right to attend a classroom and had worksheets slipped under the door.

Solitary confinement damages mental health and increases risk for suicide. Nationally, over half of the youth who committed suicide while in a correctional facility were in solitary confinement at the time and 62% had a history of being placed in solitary confinement.

In October 2011, the United Nations called on all countries to ban solitary confinement of prisoners except in very exceptional circumstances and for as short a time as possible, with an absolute prohibition in the case of juveniles and people with mental disabilities. Recently, in February 2014, Assistant Majority Leader Dick Durbin (D-IL) called for “all federal and state facilities to end the use of solitary confinement for juveniles, pregnant women, and individuals with serious and persistent mental illness, except in those exceptional circumstances where public safety requires it.”

Six states, including Connecticut, Arizona, Maine, Oklahoma, West Virginia and Alaska, ban solitary confinement for “punitive reasons.” Most recently, the New York State Department of Corrections, one of the largest in the nation, announced that it will stop using solitary confinement as punishment on minors younger

than 18. Additionally, other jurisdictions across the U.S. are actively reducing the use of solitary confinement for both adults and juveniles. Mississippi, for example, downsized their solitary confinement population from 1,300 to 300, saving \$6 million and reducing recidivism and violence by 70 percent.

The movement to find cost-effective, rehabilitative, and safe approaches to juvenile justice that do not rely on solitary confinement is also emerging. Santa Clara County’s Enhanced Ranch Program was redesigned without a Special Housing Unit (SHU), boasting 50% reduction in behavioral incidents. LA County will also be tearing down and rebuilding one of its facilities, Camp Kilpatrick, with a rehabilitative design that will not include a SHU or the use of solitary confinement.

EXISTING LAW

California Code of Regulations Title 15, Section 1354 states that the facility administrator shall develop written policies and procedures concerning the need to segregate minors. However, current statutes and regulations, including those under review, fail to adequately protect youth from damaging isolation. There is not even a limit on the use of *solitary confinement* in statute or regulation.

BILL SUMMARY

SB 970 sets standards for the use of solitary confinement at state and county juvenile correctional facilities. Among the provisions of SB 970, the bill would:

- Define solitary confinement as the involuntary placement in a room or cell in isolation from persons other than staff and attorneys.
- Provide that solitary confinement shall only be used when a minor poses an immediate and substantial risk of harm to others or the security of the facility, and all other less restrictive options have been exhausted.
- Provide that a minor or ward shall only be held in solitary confinement for the minimum time necessary to address the safety risk.
- Empower existing county juvenile justice commissions to report on the use of solitary confinement in juvenile facilities.

SUPPORT

California Public Defenders Association (co-sponsor)
Children's Defense Fund – California (co-sponsor)
Ella Baker Center (co-sponsor)
Youth Justice Coalition (co-sponsor)

Center on Juvenile and Criminal Justice
California Academy of Child and Adolescent
Psychiatry (Cal-ACAP)
CA Coalition for Youth
CA Psychiatric Association
California School-Based Health Alliance
CURB
Friends Committee on Legislation of California
Legal Services for Prisoners with Children
National Association of Social Workers

OPPOSITION
