

# DRIVING ACCOUNTABILITY: SOLITARY CONFINEMENT AND JUVENILE JUSTICE FACILITIES

## Resource List

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### Resource Hub:

**Stop Solitary for Kids Campaign:** *A partnership among four national juvenile justice reform organizations, this national campaign uses public education, research, legislative education and other strategies to end solitary confinement of children in juvenile and adult facilities. The campaign's website is a valuable source for news, current data, and other resources relating to solitary confinement of youth.* <http://www.stopsolitaryforkids.org/>

### Background Reports:

- HUMAN RIGHTS WATCH & THE AMERICAN CIVIL LIBERTIES UNION, GROWING UP LOCKED DOWN: YOUTH IN SOLITARY CONFINEMENT IN JAILS AND PRISONS ACROSS THE UNITED STATES 1 (2012), <https://www.aclu.org/files/assets/us1012webwcover.pdf>
- AMERICAN CIVIL LIBERTIES UNION, ALONE & AFRAID: CHILDREN HELD IN SOLITARY CONFINEMENT AND ISOLATION IN JUVENILE DETENTION AND CORRECTIONAL FACILITIES 7 (2014), <https://www.aclu.org/files/assets/Alone%20and%20Afraid%20COMPLETE%20FINAL.pdf>
- NATALIE J. KRANER ET AL., LOWENSTEIN CENTER FOR THE PUBLIC INTEREST, 51—JURISDICTION SURVEY OF JUVENILE SOLITARY CONFINEMENT RULES IN JUVENILE JUSTICE SYSTEMS 2 (2016), <https://www.lowenstein.com/files/upload/51-Jurisdiction%20Survey%20of%20Juvenile%20Solitary%20Confinement%20Rules.pdf>
- Richard Mendel, MALTREATMENT OF YOUTH IN U.S. JUVENILE CORRECTIONS FACILITIES: AN UPDATE, ANNIE E. CASEY FOUNDATION, 2015, <http://www.aecf.org/m/resourcedoc/aecf-maltreatmentyouthuscorrections-2015.pdf>. This report introduces evidence on the widespread maltreatment of youth in state-funded youth corrections facilities, including the use of isolation.
- TIME-IN-CELL: THE ASCA-LIMAN 2014 NATIONAL SURVEY OF ADMINISTRATIVE SEGREGATION IN PRISON, ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS & LIMAN PROGRAM, YALE LAW SCHOOL, Aug. 2015, [https://www.law.yale.edu/system/files/area/center/liman/document/asca-liman\\_administrativesegregationreport.pdf](https://www.law.yale.edu/system/files/area/center/liman/document/asca-liman_administrativesegregationreport.pdf). This study found that African-American and Latino adults are overrepresented in solitary confinement.

### Advocacy Toolkits:

- **Advocacy Toolkit: Ending the Solitary Confinement of Youth in Juvenile Detention and Correctional Facilities:** This 2014 toolkit developed by the ACLU National Prison Project and the ACLU Center for Justice includes messaging materials, sample interview questions, advocacy resources, and national standards to aid in the design of state or local campaign to end youth solitary. <http://njdc.info/wp->

[content/uploads/2014/10/ACLU-Advocacy-Toolkit-Ending-the-Solitary-Confinement-of-Youth-in-Juvenile-Detention-and-Correctional-Facilities.pdf](http://www.aclu.org/content/uploads/2014/10/ACLU-Advocacy-Toolkit-Ending-the-Solitary-Confinement-of-Youth-in-Juvenile-Detention-and-Correctional-Facilities.pdf).

- **Council of Juvenile Correctional Administrators Toolkit: Reducing the Use of Isolation:** This 2015 toolkit was developed for states to use as a guide to reduce the use of isolation in juvenile facilities. It demonstrates the widespread recognition in the juvenile correctional field of the harms of solitary confinement. It can also help advocates understand why facilities use solitary confinement and how to advocate for effective alternatives.  
<http://cjca.net/attachments/article/751/CJCA%20Toolkit%20Reducing%20the%20Use%20of%20Isolation.pdf>.

### National Standards and Example Statutes:

- **Juvenile Detention Alternative Initiative (JDAI) Standards**, <http://www.cclp.org/wp-content/uploads/2016/06/JDAI-Detention-Facility-Assessment-Standards.pdf>.
  - Solitary may be used only when a youth poses a risk of immediate physical harm and less restrictive verbal de-escalation techniques have failed. The youth should be released as soon as he/she is no longer a risk of physical harm. Isolation cannot exceed four hours.
- **JDAI Strategies to Eliminate the Unnecessary Use of Room Confinement**, 2015, <http://www.stopsolitaryforkids.org/wp-content/uploads/2016/04/Strategies-to-Eliminate-the-Unnecessary-Use-of-Room-Confinement.pdf>.
- **MERCY Act** (Maintaining dignity and Eliminating Restrictive Confinement of Youth), S. 329, 115<sup>th</sup> Cong. (2017); H.R. 901, 115<sup>th</sup> Cong. (2017).  
<https://www.congress.gov/115/bills/s329/BILLS-115s329is.pdf>.
  - Bans the use of room confinement in juvenile facilities except as a temporary response to behavior that poses a serious and immediate risk of physical harm.
  - Limits solitary confinement to no more than 3 hours (30 minutes for youth who pose a risk of harm to themselves). It requires youth be removed from room confinement once the risk of harm subsides.
- **Massachusetts Department of Youth Services Policy 03.03.01(a)**, <http://www.stopsolitaryforkids.org/wp-content/uploads/2016/04/DYS-Involuntary-Room-Confinement-Policy.pdf>.
- **Massachusetts Regulations: 109 Mass. Code Regs. 5.01**, <http://www.mass.gov/courts/docs/lawlib/106-110cmr/109cmr5.pdf>.
- **Comprehensive Youth Justice Amendment Act of 2016, D.C. 21-0238 (2016)**, <http://lims.dccouncil.us/Download/35539/B21-0683-SignedAct.pdf>.
- **Nebraska Revised Statute 83-4,134.01 (2016)**, <http://nebraskalegislature.gov/laws/statutes.php?statute=83-4,134.01>.

## Statements from Professional Associations:

- National Task Force on Children Exposed to Violence: Recommends abolishing solitary confinement for youth.
- American Academy of Child & Adolescent Psychiatry: Opposes disciplinary solitary confinement for youth, noting that the majority of suicides in juvenile facilities occur when a youth is isolated or in solitary confinement.
- American Correctional Association: Opposes disciplinary solitary confinement for youth, permitting solitary only “to prevent immediate harm to the youth or others.”
- American Medical Association: Opposes disciplinary solitary confinement for youth, permitting solitary confinement only in extraordinary circumstances such as those that involve protection of the youth, staff, or other detainees.
- American Psychological Association: Supports efforts to eliminate youth solitary confinement, including the bipartisan MERCY Act, which would prohibit disciplinary solitary confinement and limit solitary confinement to three hours if there is a serious risk that a youth may harm another person, or 30 minutes if there is serious risk that the youth may engage in self-harm.
- American Public Health Association: Opposes solitary confinement for youth under 18-years-old in juvenile or adult correctional facilities.
- National Commission on Correctional Health Care: Opposes all solitary confinement for youth.
- Council of Juvenile Correctional Administrators: Opposes isolation except when used to protect the youth from harming him/herself or others and, even then, for a short and supervised period.
- National Council of Juvenile and Family Court Judges: Opposes solitary confinement for youth except where absolutely necessary for the safety of the youth, others, or the facility.

## Key National Developments:

- “Rethinking Solitary Confinement,” President Obama, Washington Post, 2016, [https://www.washingtonpost.com/opinions/barack-obama-why-we-must-rethink-solitary-confinement/2016/01/25/29a361f2-c384-11e5-8965-0607e0e265ce\\_story.html?tid=a\\_inl&utm\\_term=.c64c27a672b6](https://www.washingtonpost.com/opinions/barack-obama-why-we-must-rethink-solitary-confinement/2016/01/25/29a361f2-c384-11e5-8965-0607e0e265ce_story.html?tid=a_inl&utm_term=.c64c27a672b6).
- Department of Justice Report & Recommendations on Restrictive Housing, 2016, <https://www.justice.gov/archives/dag/report-and-recommendations-concerning-use-restrictive-housing>.
- Executive Order Prohibiting Solitary Confinement for Federal Youth, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/03/01/presidential-memorandum-limiting-use-restrictive-housing-federal>.
- DOJ Statement of Interest in *V.W. v. Conway*, 2017, <https://www.justice.gov/opa/pr/justice-department-files-brief-address-solitary-confinement-juvenile-offenders-new-york>.