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September 2, 2016

Honorable Edmund G. Brown, Jr.
Governor of the State of California
State Capitol
Sacramento, CA 95814

Re: S.B. 1143 (Leno) – Juveniles: Room Confinement
Request for Signature

Dear Governor Brown:

Youth Law Center strongly supports Senate Bill 1143, authored by Senator Mark Leno, to set workable and humane standards for limiting the use of room confinement for youth in California's juvenile facilities.

As you know, Youth Law Center is a San Francisco-based national non-profit public interest legal advocacy firm that works on behalf of youth in the juvenile justice and child welfare systems. Youth Law Center has a long history of work on the issue of solitary confinement of youth. In recent years, staff have helped to draft and revise national juvenile detention facility standards for the Annie E. Casey's Juvenile Detention Alternatives Initiative, including standards on solitary confinement, and have also been part of a working group that made changes to the Title 15 California Code of Regulations provisions on "separation" of youth in juvenile facilities. A number of our lawsuits against juvenile institutions have involved extended solitary confinement or suicide of youth in solitary confinement. Additionally, we regularly train juvenile system professionals around the country on legal issues and liability related to conditions of confinement, including the use and impact of isolation on youth.

S.B. 1143 will align California with nationally recognized standards regarding the use of room confinement in juvenile facilities. Many other states have limited the use of such confinement in favor of less restrictive options that have demonstrated greater success in promoting facility safety and improved youth outcomes. More than 20 states have banned the use of isolation for the purposes of punishment, and earlier this year, President Obama issued an executive directive to limit the use of isolation in federal juvenile facilities to a maximum of three hours and to ban its use for the purposes of punishment or discipline. Additional developments in the national initiative against room confinement are included in our statement to the Human Rights, Fiscal and Public Safety Consequences, Hearing Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights (Feb. 25, 2014) for its hearing on solitary confinement.

Specifically, S.B. 1143, would bring urgently needed reforms to:

- Define “room confinement” as the placement of a youth in a locked sleep room or cell alone with minimal or no contact with persons other than correctional staff or attorneys. (This does not include brief periods of confinement necessary for required institutional operations or sleeping hours.)
- Provide that room confinement shall only be used when other less restrictive options have been attempted and exhausted consistent with the safety and security of youth, and staff and not to the extent that it compromises the mental and physical health of the youth.
- Direct that a youth shall only be held in room confinement for the maximum time of four hours at which point staff must return the youth to general programming, place the youth in individualized programming that includes the goal of reintegration with the general population, and/or consult with mental health or medical staff.
- Provide that any room confinement beyond four hours will require documentation, an individualized program, and the approval of the facility superintendent every four hours thereafter.

The harmful effects of separation and isolation of youth cannot be overstated. Even when it is well-intentioned, confinement in a locked room evokes feelings of helplessness, depression, anger, fear, and anxiety. It causes many youth to re-experience traumatic events in their lives when they were powerless and afraid. Even brief periods of room confinement can result in devastating harm to youth.

In our experience, many juvenile facilities have routinely imposed locked room time as a default punishment for misbehavior – the greater the infraction, the longer the locked room time. In addition, many facilities have “high security,” “mental health,” or other “special” units that rely primarily on locked room time. While causing grave mental and physical damage to youth, this use of locked room time does little to advance – and much to contradict – the juvenile justice system’s goals of helping youth to manage their own behavior. It also prevents them from participating in normal education and other rehabilitative programs that are critically important for future success.

Although room confinement is often proffered as necessary for facility safety, juvenile systems around the country have already proved that they can operate safely while drastically reducing the use of locked room time. A Council of Juvenile Correctional Administrators study reported that in 2012, fully 75% of participating detention centers and assessment centers had reduced the length of isolation or room confinement to four hours or less. (Performance-based Standards Institute, Inc., Reducing Isolation and Room Confinement (2012) Council of Juvenile Correctional Administrators.) In fact, over the last decade,

Honorable Edmund G. Brown, Jr.
Page 3 of 3
September 2, 2016

juvenile justice systems around the country have shifted to behavior management programs that reward good behavior, rather than resorting to such punitive measures. And when sanctions are needed, those facilities use deprivation of privileges rather than solitary confinement.

SB 1143 offers a reasonable approach to limiting the use and duration of room confinement and ensuring that there are standards and protocols to be followed when such confinement is imposed. In our experience, this legislation is needed to provide clear guidelines to juvenile facilities about acceptable treatment of juveniles. Without strict limitations and a close watch of its use, room confinement can too quickly become a go-to response despite the evidence of harm it has been shown to cause. With S.B. 1143, California has an opportunity put in place standards that are aligned with nationally recognized practices, advance the educational and rehabilitative goals of the juvenile justice system, and improve lifelong outcomes for youth. For all these reasons, we support S.B. 1143 and strongly urge your signature.

Thank you for your consideration of this important measure.

Sincerely,



Virginia Corrigan
Staff Attorney