

SB 124 (LENO)

LIMITING SOLITARY CONFINEMENT IN JUVENILE FACILITIES

PROBLEM

Solitary confinement is an extremely harmful measure, widely condemned as torture, but overused in California state and local juvenile justice systems. Without even a legal definition of solitary confinement, local governments have no standard to prevent abuse, related injuries or deaths, or to avoid costly lawsuits.

In 2011, the United Nations called on all countries to ban solitary confinement of prisoners except in exceptional circumstances and for brief periods, with an absolute prohibition in the case of juveniles and people with mental disabilities. In 2013, the U.S Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights convened the first hearing on the use of solitary confinement the United States.

Despite a long-standing consent decree, abuses in California youth prisons continue. A 2011 audit found that youth were often isolated in their cells for 23 hours a day or more. During a 15-week period, there were 249 separate recorded incidents of solitary confinement at five different facilities. In one case, a youth reported receiving only one hour out of his cell in a 10-day period. In a recent 2014 report released by Barry Krisberg of Warren Institute at UC Berkeley School of Law, youth in the most restrictive program known as "Behavior Treatment Program" were typically there for 60 days. A federal lawsuit has been filed against Contra Costa County's juvenile hall for youth placed in solitary for 23 hours a day in a 12 by 12 foot cell and denied education as punishment.

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

Six states ban solitary confinement for "punitive reasons" and New York City has banned solitary confinement for people under 21. The Bi-Partisan "Redeem Act" was introduced in the 2014 congressional session to curb the use of solitary confinement for youth.

EXISTING LAW

California Code of Regulations Title 15, Section 1354 states that the facility administrator shall develop and implement written policies and procedures addressing the separation of youth.

However, current statutes and regulations, fail to adequately protect youth from damaging isolation.

BILL SUMMARY

This bill would sets standards for the use of solitary confinement at state and county juvenile correctional facilities. SB 124 would:

- Define solitary confinement as the placement of a person in a room or cell alone.
- Provide that solitary confinement shall only be used when a person poses an immediate and substantial risk of harm to others or the security of the facility, and other less restrictive options have been exhausted.
- Provide that a person only be held in solitary confinement for the minimum time necessary to address the safety risk.
- Provide additional protections for persons with suicidal or self-harming behavior.
- Provide that juvenile facilities shall document the use of solitary confinement.
- Empowers existing county juvenile justice commissions to report on the use of solitary confinement in juvenile facilities.

SUPPORT

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

FOR MORE INFORMATION

Daniel Seeman, Office of Sen. Mark Leno
Daniel.seeman@sen.ca.gov
916-651-4011

Jennifer Kim, Esq., Ella Baker Center for
Human Rights, jennifer@ellabakercenter.org
510-285-8234

Glenn Backes, Ella Baker Center for
Human Rights glennbackes@mac.com
916-202-2538
