

# SB 124 (LENO)

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## LIMITING SOLITARY CONFINEMENT IN JUVENILE FACILITIES

### SUMMARY

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This bill defines “solitary confinement,” and sets standards for its use at state and county juvenile correctional facilities. This bill limits the use of solitary confinement to instances where an individual poses a direct threat to staff or others.

### PROBLEM

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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. Sixty-two percent 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 federal bipartisan “Redeem Act” was introduced in the 2014 congressional session to curb the use of solitary confinement for youth.

### EXISTING LAW

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*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.

### SOLUTION

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This bill limits the use of solitary confinement at state and county juvenile correctional facilities. Specifically, SB 124 does the following:

- Defines solitary confinement as the placement of a person in a room or cell alone.
- Provides 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.
- Requires that a person only be held in solitary confinement for the minimum time necessary to address the safety risk.
- Enacts additional protections for persons with suicidal or self-harming behavior.
- Requires 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.

SB 124 provides clear guidance by defining solitary confinement and providing tools to prudently limit the use of this harmful measure in our juvenile justice facilities.

## **SUPPORT**

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- Ella Baker Center for Human Rights (co-sponsor)
- California Public Defenders Association (co-sponsor)
- Youth Justice Coalition (co-sponsor)
- Children's Defense Fund - California (co-sponsor)
- Center on Juvenile and Criminal Justice
- CA United for a Responsible Budget
- CA Civil Liberties Council
- National Center for Youth Law
- National Religious Campaign Against Torture
- ACLU
- The W. Haywood Burns Institute
- ManifestWorks

## **FOR MORE INFORMATION**

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