

# NATIONAL JUVENILE JUSTICE NETWORK

## Policy Platform

### CONDITIONS OF CONFINEMENT

AUGUST 2009

On any given day, nearly 93,000 youth are held in residential placement facilities.<sup>1</sup> In addition, almost 7,000 youth are held in adult jails and more than 2,000 in adult prisons each day.<sup>2</sup> Far too many of these youth are subjected to poor living conditions, maltreatment, and/or abuse. Overcrowding is endemic, particularly in larger institutions, and often exacerbates already unsafe and inappropriate conditions of confinement.<sup>3</sup>

### The National Juvenile Justice Network Makes The Following Recommendations:

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- No youth under the age of 18 should ever be held in an adult jail or prison.
- Youth under the age of 18 should not be securely confined except as a measure of last resort and when necessary to address community safety. When confined, youth should be placed in the least restrictive environment that is appropriate and for the shortest time possible.
- When youth are securely confined, they must be held in juvenile facilities that have developmentally appropriate and culturally competent programs that are geared towards positive youth outcomes, and staff trained to understand adolescent youth development, trauma informed care, and cultural competence. Post-adjudication facilities should also have effective rehabilitative programming.
- Juvenile facilities must be located close to family members and youths' home communities, and facility administrators should enable regular visits and contact between juveniles and their families.
- All youth must receive a thorough initial evaluation of their mental, emotional, and physical health needs upon entry into any facility and must be provided with appropriate treatment and services during their time in confinement. Prior to their return to the community, adequate preparation for their subsequent educational, emotional, physical, and mental health care needs must be made.
- All facilities must provide each youth with an appropriate education. Facilities must identify youth who have learning disabilities or other special needs and provide those youth with an individualized education program and accommodations to meet their needs. Facilities must

provide other activities and programs that support a youth's healthy development into adulthood.

- Facilities for youth must maintain a safe youth to staff ratio and eliminate overcrowding in order to create a safe and rehabilitative environment.
- Isolation and restraints should be used sparingly only when all other less intrusive forms of behavior management have been exhausted, and only when absolutely necessary to protect youth and staff.
  - Restraint policies and staff training on behavior management should reflect a continuum of responses that begins with verbal de-escalation and only permits use of the most restrictive responses as a last resort.
  - Anti-psychotic and other medications must not be used as a punishment or to restrict a youth's freedom of movement.
  - Institutions must collect, maintain, and make public statistical data on any use of isolation and restraints.
- Safeguards must be in place to protect youth from sexual and physical abuse.
  - An independent ombudsman should be made readily available to youth to enable prompt, confidential reporting and objective, thorough investigations of allegations of abuse or maltreatment.
  - Youth facilities must be open to regular visits and inspections by independent, outside groups. Such groups should be permitted to conduct confidential interviews with incarcerated youth.
  - All committed youth must be informed of their rights while confined and have access to counsel to protect their rights.
  - Grievance systems must be transparent (including procedures, deadlines, names and positions of review personnel), easily accessible, and confidential, and grievances must be processed in a timely manner.
- When appropriate, youth should be allowed to temporarily leave facilities for supervised community service activities, jobs, job training, and home visits in order to maintain pro-social connections to the community. In addition, community, volunteer, and faith-based groups should be permitted access to facilities in order to provide youth with classes, workshops, and other services and activities.
- Girls should receive gender-appropriate services and programming that address their specific needs. Attention must be paid to meeting the pre- and post-natal health needs of pregnant girls and young mothers in confinement. Girls who give birth while in confinement must be allowed and encouraged to parent while in confinement and must be given resources and training to develop good parenting skills.
- LGBTQ youth should be treated with respect and concern for their safety, and must not be stigmatized. Staff must be trained to understand and accommodate the unique needs of LGBTQ youth.
- States should establish confinement standards that are consistent with the above items and provide sufficient resources to adequately and routinely monitor compliance.

- Adult jails and prisons housing adolescents 18 years of age and older must have developmentally appropriate programming, education, job training, and mental health services for these young adults. All of the above recommendations regarding conditions of confinement apply to youth held in adult facilities.

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<sup>1</sup> A one day count on February 22, 2006 revealed that 92, 854 juveniles were being held in residential placement facilities. Melissa Sickmund, T.J. Sladky, and Wei Kang, "Census of Juveniles in Residential Placement Databook," Office of Juvenile Justice and Delinquency Prevention (2008).

<sup>2</sup> Paige M. Harrison and Alan J. Beck, "Prisons and Jail Inmates at Mid-Year 2005," Bureau of Justice Statistics (May 2006).

<sup>3</sup> Thirty six percent of facilities holding juvenile offenders report operating at or above maximum bed capacity. Howard Snyder and Melissa Sickmund, "Juvenile Offenders and Victims: 2006 National Report," Office of Juvenile Justice and Delinquency Prevention (2006).