

Rethinking Solitary Confinement for Juveniles

By Anne Teigen and Sarah Brown

As concerns about its effectiveness—and danger—grow, the practice of placing juveniles in solitary confinement is being reassessed. Solitary confinement—also known as room confinement, seclusion, isolation or segregation—can include physical and social isolation in a cell for 22 to 24 hours a day. Such isolation can lead to depression, anxiety, psychosis and psychological and developmental harm, according to the [American Academy of Child and Adolescent Psychiatry. Research](#) also shows that more than half of all suicides in juvenile facilities occurred while young people were held in isolation.

Proponents of solitary confinement argue that using isolation is an effective disciplinary measure and can be necessary for the safety of staff and other juveniles, and for the security of the institution. Nevertheless, the [Council for Juvenile Corrections Administrators](#), which is comprised of juvenile justice administrators from across the country, denounced the use of punitive solitary confinement and issued a toolkit and recommendations for reducing the use of isolation. The [Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative](#) (JDAI) revised its detention standards to prohibit the use of room confinement for discipline, punishment, administrative convenience, retaliation and staffing shortages. The standards permit its use as a temporary response to behavior that threatens immediate harm to a young person or others, and are used to assess and monitor conditions at nearly 300 JDAI sites nationwide.

State Action

Most states currently allow juveniles to be held in isolation for a variety of reasons but some are re-examining this practice.

Nine state legislatures have recently passed new limits or prohibitions against the practice. Alaska, Connecticut, Maine, Nevada, New Jersey, New York, Oklahoma, West Virginia and Texas have passed laws. As a part of a lawsuit settlement in New York, the state agreed to change and limit the use of solitary confinement. The New York Generally Assembly introduced legislation in 2016 to codify the limits.

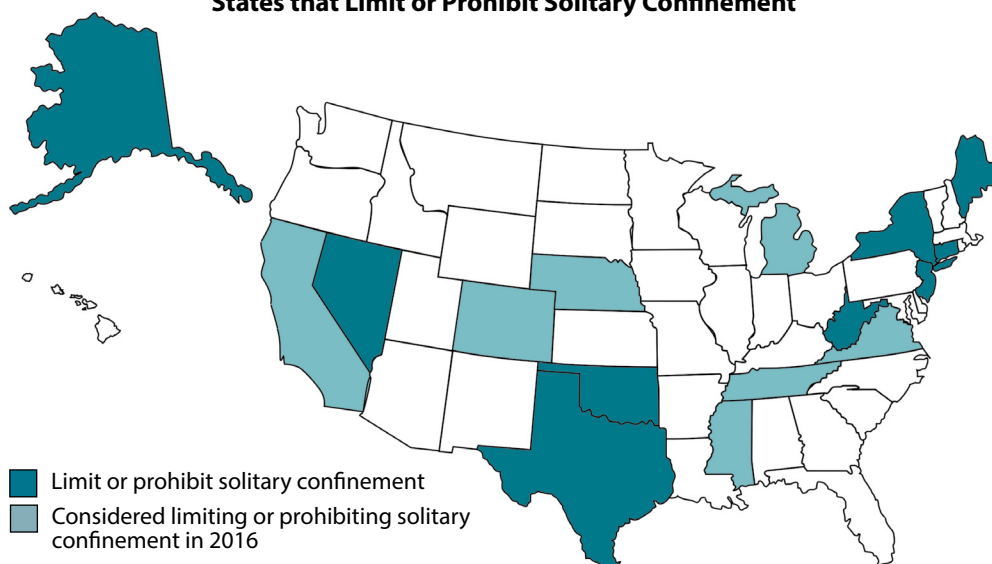
Seven additional states—California, Colorado, Michigan, Mississippi, Nebraska, Tennessee and Virginia—considered, but have not passed, legislation to limit the use of solitary confinement in detention facilities in 2016. Colorado's bill would prohibit restraint or seclusion from ever being used as a disciplinary sanction. If seclusion is used for an emergency, a staff member would have to check on the youth at least every 15 minutes. In addition, staff would have to receive written approval from a director for seclusion lasting longer than an hour.

Did You Know?

- Nine states recently passed laws to limit or prohibit using solitary confinement for juvenile offenders.
- Forty-four percent of detention centers [reported](#) locking youth in a room for more than four hours in a 30-day period in 2012, according to the [National Center for Juvenile Justice](#).
- The average time a youth spent in isolation in a detention center [has declined](#), from 12 hours in 2008 to 6 hours in 2013.

States that Limit or Prohibit Solitary Confinement

The limits and restrictions on solitary confinement vary between the states that have laws in place. The New Jersey law prohibits “room confinement” for more than two consecutive days for 15-year-olds, three days for those up to age 17 and five days for those 18 and older. In Oklahoma,



solitary confinement is only used in emergency situations when the child is out of control, an immediate danger to him/herself and others, and a less restrictive method has failed. Connecticut law prohibits any child at any time from being held in solitary confinement, but allows the periodic use of seclusion—a short-term emergency intervention—as long as the young person is checked every 30 minutes.

Federal Action

At the federal level, a bipartisan group of senators introduced the [Sentencing Reform and Corrections Act](#) in October 2015 that, for the first time in decades, proposes significant changes to federal criminal and juvenile justice laws. If passed, it would limit the use of solitary confinement to situations in which the young person poses a serious and immediate threat of physical harm—and then only for periods of no more than three hours. The bill passed out of the Senate Judiciary Committee in October 2015 and the committee issued a report to the full chamber recommending that the bill be considered further.

President Barack [Obama announced](#) in January 2016 that the United States would ban the use of solitary confinement to punish juvenile offenders in federal jails. The policy is part of a series of reforms aimed at reducing the use of solitary confinement for all age groups in federal prisons.

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[NCSL webpage](#) on juvenile shackling and solitary confinement

Additional Resources

The Council of Juvenile Correctional Administrators
[Toolkit: Reducing the Use of Isolation](#)

U.S. Department of Justice Review of Solitary Confinement
[Fact Sheet](#)