



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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FACT SHEET: PROTECTING INCARCERATED YOUTH

What are the current JJDPAs provisions regarding protection of youth in juvenile detention and correctional facilities?

Currently the Juvenile Justice and Delinquency Prevention Act (JJDPAs) **does not address** abusive conditions and practices in juvenile facilities; this leaves the development and implementation of guidelines to the states.

Why should the JJDPAs be changed to better protect youth in detention and correctional facilities?

Since 1970, confirmed reports of systematic violence, abuse, and excessive use of isolation and restraints in detention and correctional facilities across the United States demonstrate the importance of updating federal law to ensure the safety of children in custody.

Nationwide:

- In a nationally representative sample of youth in juvenile facilities conducted by the Bureau of Justice Statistics, **10% of incarcerated youth reported that they had been sexually victimized** by staff or other youth in the facilities.¹
- Between 65 and 70% of youth in the juvenile justice system have a diagnosable mental health disorder²; yet research widely shows that services are inadequate or unavailable.³ The U.S. Department of Justice reports that among all youth in confinement nationwide, more than half are held in facilities that do not conduct mental health assessments for all residents.⁴
- In 2003, the U.S. Department of Justice estimated that one-third of youth in juvenile facilities reported being held in isolation as a punishment and that more than half of those children were held longer than 24 hours.⁵

States:

- At a juvenile facility in **Georgia** over 30% of youth reported sexual abuse by staff or other youth.⁶
- In **Louisiana**, an investigation by the US Department of Justice's Civil Rights Division found that staff had repeatedly physically and sexually abused youth in custody and used physical restraints, chemical agents, and excessive use of isolation for discipline.⁷
- At one **Mississippi** facility, staff dangerously and routinely shackled youth to metal beds for discipline, excessively used isolation as punishment, and failed to provide mental health services to suicidal youth.⁸

- In **New Jersey**, two boys successfully sued the state’s Juvenile Justice Commission in 2013; one had spent 178 days in solitary confinement at age 16, the other 50 days at age 15. One had a diagnosed mental health disorder and attempted suicide in confinement.⁹
- In **Ohio**, youth confined in state correctional facilities spent 66,023 hours in seclusion in one month in 2009—an average of more than 50 hours per resident.¹⁰

How should the JJDPa be changed to better protect youth in detention and correctional facilities?

- Promote safe and humane conditions for youth in state and local custody by prohibiting use of JJDPa funds for practices which cause unreasonable risk of physical injury, pain or psychological harm to youth. These harmful practices include use of pepper spray, dangerous physical restraint techniques, and excessive solitary confinement.
- Provide funding for a research-based continuum of mental health services to address the unmet needs of incarcerated youth.
- Establish incentive grants to encourage states to adopt best practices and standards to eliminate dangerous practices and unnecessary isolation.
- Provide funding for training and technical assistance to help jurisdictions reduce the unnecessary use of isolation and restraint and encourage states to use JJDPa funds to develop independent monitoring bodies and other programs to improve conditions of confinement.
- Establish grant programs to provide staff with training on effective behavior management techniques to respond to dangerous or threatening situations.

Prepared by the National PTA www.pta.org and Center for Children’s Law and Policy www.cclp.org.

¹ Beck, A.J., Cantor, D., Hartage, J. and T. Smith, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, Washington, D.C.: Bureau of Justice Statistics, June 2013. Available: <http://www.bjs.gov/content/pub/pdf/svijfry12.pdf>.

² Shufelt, J.S. & Cocozza, J.C. (2006). *Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State, Multi-System Prevalence Study*. Delmar, NY: National Center for Mental Health and Juvenile Justice, as cited in National Center for Mental Health and Juvenile Justice, “Better Solutions for Youth with Mental Health Needs in the Juvenile Justice System,” 2014. Available: <http://cfc.ncmhji.com/wp-content/uploads/2014/01/Whitepaper-Mental-Health-FINAL.pdf>.

³ National Center for Mental Health and Juvenile Justice, “Better Solutions for Youth with Mental Health Needs in the Juvenile Justice System,” 2014. Available: <http://cfc.ncmhji.com/wp-content/uploads/2014/01/Whitepaper-Mental-Health-FINAL.pdf>.

⁴ Hockenberry, S., Sickmund, M. and A. Sladky, “Juvenile Residential Facility Census, 2010: Selected Findings,” Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, 2013. Available: <http://www.ojjdp.gov/pubs/241134.pdf>.

⁵ US Department of Justice Office of Juvenile Justice and Delinquency Prevention, “Conditions of Confinement: Findings from the Survey of Youth in Residential Placement,” May 2010.

⁶ Beck, A.J., Cantor, D., Hartage, J. and T. Smith, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*.

⁷ Perez, T. Investigative Findings Letter, 2011. US Department of Justice, Civil Rights Division. Available: http://www.justice.gov/crt/about/spl/documents/TerrebonneJDC_findlet_01-18-11.pdf.

⁸ Perez, T. Investigative Findings Letter, 2011. Washington, DC, US Department of Justice, Civil Rights Division. Available: http://www.justice.gov/crt/about/spl/documents/LeFloreJDC_findlet_03-31-11.pdf.

⁹ Goldman, J. “N.J. to pay half of \$400K settlement over solitary confinement of juveniles,” *Star-Ledger*, December 10, 2013.

¹⁰ Mendel, R. A., “No Place for Kids: The Case for Reducing Juvenile Incarceration.” Annie E Casey Foundation, 2011 citing Cohen, Fred, *S.H. v. Stickrath: Stipulation for Injunctive Relief, Second Annual Report*, July 15, 2010.