

# SB 61 – YEE

## LIMITING SOLITARY CONFINEMENT IN JUVENILE FACILITIES

### PROBLEM

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Solitary confinement is a harsh measure, widely condemned as torture, but overused in California state and local juvenile justice systems. Without a legal definition of solitary confinement, local governments have no standard to prevent abuse, and the ensuing lawsuits.

Despite a long-standing consent decree under *Farrell v. Cate*, abuses at the state youth prisons continue. In 2011, a CDCR internal audit found that youth were often locked up in their cells for over 21 hours a day. In one 15-week period, there were 249 incidents of solitary confinement, and in one case, a youth received only one hour out of his cell in a 10-day period. In local juvenile facilities, there have been reports of youth locked up in isolation for 23 hours a day.

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

In October 2011, the United Nations (UN) called on all countries to ban solitary confinement of prisoners except in very exceptional circumstances and for as short a time as possible, with an absolute prohibition in the case of juveniles and people with mental disabilities.

Six states, including Connecticut, Arizona, Maine, Oklahoma, West Virginia and Alaska, ban solitary confinement for “punitive reasons.”

### EXISTING LAW

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*California Code of Regulations Title 15, Section 1354* states that the facility administrator shall develop written policies and procedures concerning the need to segregate minors.

However, current statutes and regulations, including those under review, fail to adequately protect youth from damaging isolation. There is not even a limit on the use of *solitary confinement* in statute or regulation.

### BILL SUMMARY

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SB 61 sets standards for the use of solitary confinement at state and county juvenile correctional facilities.

Among the provisions of SB 61, the bill would:

- Define solitary confinement as the involuntary placement in a room or cell in isolation from persons other than staff and attorneys.
- Provide that solitary confinement shall only be used when a minor poses an immediate and substantial risk of harm to others or the security of the facility, and all other less restrictive options have been exhausted.
- Provide that a minor or ward shall only be held in solitary confinement for the minimum time necessary to address the safety risk.
- Provide additional restrictions on the use of solitary confinement for minors with suicidal or self-harming behavior.
- Provide that clinical staff shall review minors or wards regularly to ensure that their physical and mental health is not endangered.
- Empower existing county juvenile justice commissions to report on the use of solitary confinement in juvenile facilities.

### SUPPORT

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- Youth Justice Coalition (Sponsor)
- California Public Defenders Association (Sponsor)
- Ella Baker Center for Human Rights: Books Not Bars
- American Civil Liberties Union of California
- The W. Haywood Burns Institute
- Youth Law Center
- Asian Law Caucus
- The Children’s Rights Project at Public Counsel
- California State Conference of the NAACP
- Equality California
- Center on Juvenile & Criminal Justice
- National Association of Social Workers

- Friends Committee on Legislation of California
- CSU Northridge President Dianne F. Harrison
- National Religious Campaign Against Torture
- Los Angeles Community Action Network
- California Families to Abolish Solitary Confinement
- National Juvenile Justice Network
- Justice Fellowship
- The Los Angeles Regional Reentry Partnership
- Massachusetts General Hospital, Think:Kids
- The Flawless Foundation
- California Coalition for Youth
- All Saints Church

## **OPPOSITION**

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None Received