



7521 Main Street, Suite 103  
Ralston, Nebraska 68127

(402) 597-3100 P  
(402) 597-2705 F

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January 24, 2018

**To:** Chair Ebke and Members of the Judiciary Committee

**From:** Juliet Summers, Policy Coordinator

**RE: Support for LB 870, a bill to address solitary confinement of youth**

All youth in the juvenile justice system should receive rehabilitative services for a second chance to succeed. Outmoded and inhumane practices like the use of extended solitary confinement mar children's opportunity for rehabilitation and recovery. Voices for Children supports LB 870, because it will ensure youth in our state-run facilities do not experience the harmful effects of solitary confinement.

Solitary confinement (also called room confinement, room restriction, isolation, or segregation) is the practice of holding a person alone in a room during regular waking hours, without peer contact, for extended lengths of time. This kind of isolation is incredibly dangerous for children. While research has shown that solitary confinement has negative neurological and psychological effects on adults, such as depression, panic attacks, and anxiety,<sup>1</sup> these effects are magnified in juveniles, whose brain centers are still under construction.<sup>2</sup> Teenagers need healthy social environments to grow into well-adjusted adults, and extended segregation from their peer community is linked to increased mental health concerns and heightened rates of suicide. A recent study found that half of incarcerated young people who committed suicide were room-confined at the time.<sup>3</sup> For these reasons, the United Nations prohibits juvenile solitary confinement, and the American Academy of Child and Adolescent Psychiatry (AACAP) opposes its use.<sup>4</sup>

In 2016, the Legislature passed LB 894, which set out requirements for all juvenile facilities to track and report the use of "room confinement". The Office of the Inspector General published its first annual report with this information in December of 2017. The information contained in that report is heartbreaking. At our state-run juvenile Youth Rehabilitation and Treatment Centers, the average length of time spent in room confinement was nearly a full day at Geneva (21 hours 58 minutes) and over two days at Kearney (49 hours 38 minutes). At the Nebraska Youth Correctional Facility, our corrections facility for minors convicted in the adult criminal system, that average jumped to over ten days (260 hours, 53 minutes). At the Douglas County Youth Center, the secure detention facility in Omaha, the average length of time spent in solitary confinement was nearly three days (70

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<sup>1</sup> Laura Dimon, "How Solitary Confinement Hurts the Teenage Brain," *The Atlantic* (2014). Available at <http://www.theatlantic.com/health/archive/2014/06/how-solitary-confinement-hurts-the-teenage-brain/373002>

<sup>2</sup> *Issue Brief 3: Less Guilty by Reason of Adolescence*. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. Available at [www.adj.org/downloads/6093issue\\_brief\\_3.pdf](http://www.adj.org/downloads/6093issue_brief_3.pdf)

<sup>3</sup> Lindsay M. Hayes. *Juvenile Suicide in Confinement: A National Survey*. National Center of Institutions and Alternatives, 2004. Available at <https://www.ncjrs.gov/pdffiles1/ojdp/grants/206354.pdf>

<sup>4</sup> Juvenile Justice Reform Committee. *Solitary Confinement of Juvenile Offenders*. American Academy of Child & Adolescent Psychiatry. Available at [https://www.aacap.org/aacap/policy\\_statements/2012/solitary\\_confinement\\_of\\_juvenile\\_offenders.aspx](https://www.aacap.org/aacap/policy_statements/2012/solitary_confinement_of_juvenile_offenders.aspx)



7521 Main Street, Suite 103  
Omaha, Nebraska 68127

(402) 597-3100  
www.voicesforchildren.com

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hours 48 minutes).<sup>5</sup> These facilities have policies that permit the use of solitary confinement well beyond the AACAP recommended maximum of 24 hours, much less the Juvenile Detention Alternatives Initiative's recommendation of four hours.

This bill is the right next step to ensure our youth don't come out of government run facilities worse than they went in. By setting hard limits on how long youth can be isolated, it asks our publicly-funded facilities to find other solutions. To be clear, the bill does not prevent facilities from separating youth during sleeping hours, or when there is immediate and urgent necessity for safety's sake. What it does is require that the facility staff take steps to remediate that safety risk, apart from locking a child alone in a room, in order to be able to get the youth back into the general population as quickly as possible.

I've seen the fiscal note on this bill, and it is a sad testament to how little faith our facilities have in their own rehabilitative ability. If youth entrusted to their care cannot be kept safe without resorting to solitary confinement or building a fence, then we should take a hard look at the utility of continuing to pour money into those facilities. Other states and jurisdictions, including the full federal prison system, have taken positive steps to reduce or eliminate solitary confinement of children. Nebraska can too. Changing practice may not be easy, but this is absolutely the right thing to do, from both a moral and practical perspective. As a humane society, we just shouldn't tolerate locking children alone in a room with four walls and a toilet. And as a pragmatic one, we shouldn't expect that by doing so, those youth will come back to their homes and communities better prepared to be law-abiding citizens. Nebraska can do better than this.

We thank Senator Pansing Brooks for her commitment to improving our juvenile justice system and her enormous heart for youth, and the Committee for your time and consideration of this bill. I urge you to advance it.

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<sup>5</sup> *Juvenile Room Confinement: 2016-2017 Annual Report*. Office of the Inspector General of Nebraska Child Welfare. Available at <http://oig.legislature.ne.gov/wp-content/uploads/2017/12/16-17-RC-Report-Website-Viewing.pdf>