



7521 Main Street, Suite 103  
Ralston, Nebraska 68127

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

<http://voicesforchildren.com>

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February 20, 2015

To: Members of the Judiciary Committee

From: Juliet Summers, Policy Coordinator

**RE: LB 598 – Requirements regarding treatment and segregation of inmates with mental illness**

Voices for Children in Nebraska supports LB598, both because it would immediately affect a small number of children each year, and because it sets an important precedent in the handling of mental illness in the Nebraska correctional system that we would eventually like to see implemented through all stages of detention and incarceration.

**National research shows that as many as 70% of the youth involved with the justice system have an identified mental disorder, and one in five suffer from a mental illness so severe as to impair their ability to function as a young person and grow into a responsible adult.**<sup>1</sup> Even for youth who do not suffer from a mental illness, the use of solitary confinement (a.k.a. seclusion) has harmful and potentially devastating consequences. A policy position of the American Academy of Child and Adolescent Psychiatrists has cited the links between solitary confinement and anxiety, depression, and psychosis, especially in the case of juvenile offenders.<sup>2</sup> Collecting data on the prevalence of mental illness and creating a plan to minimize the use of seclusion, as LB 598 requires, is the first step in addressing the needs of our inmate population, including children involved in the adult system.

LB 598's provisions would immediately affect a small population of children in Nebraska, charged and convicted in adult court and committed to the Department for incarceration. **In 2013, 5.6% of new admissions to Corrections were between the ages of 15 and 19.** Including young adults up the age of 24 increases that percentage to 27.3%.<sup>3</sup> Nebraska has one facility overseen by the Department of Corrections that is specialized for youth: the Nebraska Correctional Youth Facility (NCYF) in Omaha. NCYF houses young men up to the age of 21 years & 10 months. **In 2013, NCYF's average monthly population was 66.** LB 598's provisions would apply to and protect all these young people, sentenced to adult incarceration for their crimes.

We would also note that of the 2,192 youth charged as adults in 2013, **128 juveniles spent time in a Nebraska adult county jail, with an average length of stay ranging from**

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<sup>1</sup> Kathleen R. Skowrya and Joseph J. Coccozza. *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System National Center for Mental Health and Juvenile Justice* (Washington, D.C.: National Center for Mental Health and Juvenile Justice, Draft January 2006), ix.

<sup>2</sup> American Academy of Child and Adolescent Psychiatry, *Solitary Confinement of Juvenile Offenders*. April 2012. Available online:

[www.aacap.org/cs/root/policy\\_statements/solitary\\_confinement\\_of\\_juvenile\\_offenders](http://www.aacap.org/cs/root/policy_statements/solitary_confinement_of_juvenile_offenders).

<sup>3</sup> Data from the Nebraska Department of Corrections annual report, 2013.

**1 to 190 days.** In such facilities, Prison Rape Elimination Act requirements ensure youth safety from adult inmates by mandating sight and sound separation, which can have the troubling functional effect of solitary confinement for these youth.<sup>4</sup> LB 598 would not directly affect this group of juveniles, as the county jails are beyond the purview of the Department of Corrections, but we believe that this bill represents a strong first step in a much longer process of ensuring the safety and mental well-being of all youth behind bars in our state.

A thoughtful response to mental illness in our incarcerated population benefits not only troubled offenders, but society at large. As most child convicts will eventually be released back into society, care should be taken that our correctional system does precisely that: corrects, rather than reinforces, pre-existing disorders. By requiring data reporting and the creation of a plan of action to reduce seclusion, LB 598 is an important step in ensuring the ongoing safety of both troubled youth and our communities.

Voices for Children in Nebraska thanks Senator Schumacher for bringing this important legislation, and the Committee for your consideration of it. We would urge you to advance this bill.

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<sup>4</sup> Whitehead, John T., and Michael Braswell. *Exploring Corrections in America*. 2nd ed. Newark, N.J.: Routledge, 2008. Print. p.121