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January 19, 2016

**To:** Members of the Judiciary Committee  
**From:** Juliet Summers, Policy Coordinator  
**RE: Support for LB 845, a bill to establish reporting requirements for the use of room confinement in juvenile detention facilities**

All youth in the juvenile justice system are entitled to 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 845, because clear reporting requirements on the use of isolation in Nebraska's youth facilities is a sensible first step toward reform.

Nebraskans are all too familiar with the damage that can be done by extended stays in solitary confinement. Isolation is particularly 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>i</sup> this effect is magnified in juveniles, whose brain centers are still under construction.<sup>ii</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 young people who committed suicide were room-confined at the time.<sup>iii</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>iv</sup>

In Nebraska, our research and the ACLU of Nebraska's recent report shows the practice is occurring across the state – but facilities differ in the ways they define, track, and account for children isolated from their peers. Policies on the use of solitary are all across the board, from a maximum of five days at the Youth Rehabilitation and Treatment Centers, to a maximum of 90 days for teenagers held in adult correctional facilities. All stated policies are well beyond the AACAP recommended maximum of 24 hours, much less the Juvenile Detention Alternatives Initiative's recommendation of four hours.<sup>v</sup> Furthermore, reporting of actual use varies widely.

To protect youth from the harms of isolation, and to prevent justice by geography, a uniform definition and comprehensive data collection will be key. Voices for Children supports LB 845's broad and clear definition of room confinement, which will cover any situation in which a child is isolated from their peer community. We also support the bill's sensible approach, as supervisory approval and reporting requirements don't kick in until stays in isolation begin to last long enough to wreak damage on the teenage psyche. As the data flows back, the Legislature and public will be better informed and able to determine whether further reform is warranted.

We thank Senator Pansing Brooks for her commitment to improving our juvenile justice system, and the Committee for your time and consideration of this bill.

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- <sup>i</sup> Laura Dimon, "How Solitary Confinement Hurts the Teenage Brain," *The Atlantic* (2014), <http://www.theatlantic.com/health/archive/2014/06/how-solitary-confinement-hurts-the-teenage-brain/373002>.
- <sup>ii</sup> MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, "Issue Brief 3: Less Guilty by Reason of Adolescence," accessed January 15, 2016, [www.adjj.org/downloads/6093issue\\_brief\\_3.pdf](http://www.adjj.org/downloads/6093issue_brief_3.pdf).
- <sup>iii</sup> Lindsay M. Hayes, *Juvenile Suicide in Confinement: A National Survey* (National Center of Institutions and Alternatives, 2004), accessed January 18, 2016, <https://www.ncjrs.gov/pdffiles1/ojdp/grants/206354.pdf>.
- <sup>iv</sup> Juvenile Justice Reform Committee, "Solitary Confinement of Juvenile Offenders," American Academy of Child & Adolescent Psychiatry, accessed January 15, 2015, [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).
- <sup>v</sup> Ibid.