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February 14, 2019

To: Chairman Lathrop and Members of the Judiciary Committee
From: Juliet Summers, Policy Coordinator at Voices for Children in Nebraska
Re: **LB 230 – Provide for room confinement of juveniles as prescribed**

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 230, because it will ensure youth in our state-run facilities do not experience the harmful effects of solitary confinement.

"Room confinement" as defined in *Neb. Rev. Stat.* 83-4,125 is the involuntary restriction of a juvenile, placed alone in a cell, room or other area, except during normal sleeping hours. 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,¹ these effects are magnified in youth, whose brain centers are still under construction.² 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.³ For these reasons, the United Nations prohibits juvenile solitary confinement, and the American Academy of Child and Adolescent Psychiatry (AACAP) opposes its use.⁴

Currently, our state facilities are required to report to the Legislature the incidents of room confinement of minors at their facilities. Through this reporting, we have seen facilities reduce their use of room confinement, and so we know it can be done safely and effectively. We still have too many youth spending too many hours in isolation.

This bill is the right next step to ensure our youth don't come out of government run facilities worse than they went in. To be clear, the bill does not prevent facilities from separating youth during sleeping hours, when the youth voluntarily wishes to be alone, or when there is immediate and urgent necessity for safety's sake. What it does is require that when that safety risk is ameliorated, facilities must return youth back into the general population as quickly as possible.

¹ 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>

² *Issue Brief 3: Less Guilty by Reason of Adolescence*. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. Available at www.adij.org/downloads/6093issue_brief_3.pdf

³ 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>

⁴ 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

LB 230 also sets important parameters around what that short period of confinement should look and feel like to a young person, retaining access to reading materials, educational programming, hygiene products, drinking water and food, as well as contact with family and his or her attorney. By requiring that notice be sent whenever a child is placed in room confinement, it will ensure that families and lawyers are more aware of what is happening with children in placement.

Other states and jurisdictions, including the federal prison system, have taken proactive steps to reduce or eliminate room confinement of children. LB 230 is 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 society, 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, and it is past time that we did.

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.