

**PROPOSED FOR CONSIDERATION AT
FEBRUARY 2024 MEETING OF THE COUNCIL OF REPRESENTATIVES**

Title: Resolution Opposing Involuntary Individual Isolation of Youth in Carceral and Detention Settings

Main Motion:

Main Motion: That Council receive the 2020 report of the Juvenile Justice Solitary Confinement Working Group entitled, “Uses of Individual Isolation of Youth in Juvenile Justice” and thank the working group for their important work. The 2019 Working Group members were: Apryl Alexander, Frank DiCataldo, Joel Dvoskin, Catherine Frizzle, Robert Kinscherff, Robert Morgan, and Jennifer Woolard.

That Council adopt the revised recommendations below, based on updates to the research and findings of the 2020 Report. The revision group members were: Craig Haney, Joel Dvoskin, Robert Kinscherff, and Apryl Alexander.

Consistent with APA’s earlier position on this issue, the following specific recommendation provide that while Council continues to support “efforts to eliminate the practice” (APA, 2017), additional specificity is needed with respect to juvenile solitary confinement. Thus, Council adopts nine recommendations, based on a close examination of the best available science and practice in this area, enacts these recommendations as APA policy so that APA is positioned to advocate for approaches fostering positive, preventative youth development and behavior changes in adolescence and advocate against harmful involuntary individual isolation of juveniles in a carceral or detention settings. Those nine recommendations (followed by a list of references) are:

- 1) The APA recommends that the solitary or room confinement of juveniles—involuntary isolation of a juvenile in a locked cell or room—be prohibited,¹ except under truly exigent or emergency circumstances, in response to instances in which the juvenile is an imminent danger of serious physical harm to themselves or to others. Thus, the brief involuntary isolation of a juvenile from others must never occur unless it is truly necessary to achieve stabilization or protection of the youth

¹ This is not intended to prohibit the widespread and routine practice of locking juveniles in their cells or rooms during non-waking hours.

and/or other persons from serious physical harm. In every instance, adequately trained staff must first employ alternative “best practices” methods for de-escalation, stabilization, protection, and/or risk-reduction.

- 2) This placement should be allowed to continue only as long as the danger itself persists, and/or the exigent circumstance continues, a duration that should be the shortest amount of time needed until these circumstances abate and the person can return to programming. Consistent with best practices (e.g., Annie E. Casey Foundation, 2014), APA recommends that this time should be limited to no more than *four hours*, except as explained in #3, during which time the juvenile should be continually monitored, ideally by qualified mental health staff.
- 3) In the exceedingly rare instance in which solitary confinement is deemed to be necessary beyond four hours, staff shall a) document the reasons for solitary confinement and the basis for the extension, the date and time the youth was first placed there, and when he or she is eventually released; b) develop an individualized plan that includes the goals and objectives to be met in order to integrate the youth to general population or transfer to a facility better equipped to address the juvenile’s clinical, socialization, or other needs; c) interventions or treatments that have been attempted during their period of isolation; and d) obtain documented authorization by the facility superintendent or his or her designee every four hours thereafter.
- 4) Solitary confinement should never be used for punishment or disciplinary purposes, or for the protection of property. The separation of juveniles from others must never be a substitute for adequate staffing numbers, staff training, and supervisory and /or administrative support.
- 5) Every youth subjected to this extremely rare sanction should be told why this has occurred and reassured that immediate steps are being taken to remove them to a more appropriate alternative setting. Staff should engage with youth to develop an individualized plan so they can be released in the least amount of time possible. The staff and supervisors should understand and convey the fact that the goal is to

- support the juvenile's placement in a more appropriate setting (e.g., to general population) in as short a time as is possible.
- 6) Rather than relying on solitary confinement, juvenile carceral and detention facilities should always prioritize the use of evidence-based strategies for correcting undesirable behavior and enhancing positive youth development and learning experiences. Disciplinary infractions should signal a potential need for intensified assessment and/or intervention rather than deprivation of services already supporting the youth, include *enhanced* access to educational, medical, and mental health services.
 - 7) These recommendations are intended to apply to what are sometimes termed "time outs" or "room placements." They, too, should only be used in response to imminent threats of harm to self or others, to provide opportunities for de-escalation or therapeutic intervention, and time-limited. That is, they must occur in conjunction with ongoing staff supervision, and subject to clear rationales and consistently implemented policies and practices that limit the duration of separation and preclude harsh conditions of confinement.
 - 8) Youth of color are disproportionately subjected to harsh disciplinary sanctions (such as solitary confinement) and for longer periods of time. Continued research is needed in order to assess how institutional policies and practices contribute to disparities among racial/ethnic, LGBTQ, and other particularly vulnerable juvenile populations in use of such harsh sanctions. Further, institutions must examine needs for administrative and staff training (e.g., training on implicit biases, trauma-informed care, culturally-informed practices, range of negative consequences of unwarranted or harsh sanctions) to aid in reducing these disparities.
 - 9) The APA recommends that existing deficiencies in the collection and reporting of reliable data with respect to the full range of disciplinary sanctions applied to juveniles and their stated rationales be addressed. This includes a recommendation that federal agencies (e.g., OJJDP) and/or state juvenile justice authorities keep accurate track of and

publicly report the frequency, prevalence, duration, conditions, and rationales for various forms of individual confinement.

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