



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION
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FACT SHEET: NEEDED JJDPa REFORMS TO PROTECT INCARCERATED YOUTH

What are the current JJDPa provisions regarding protection of youth in juvenile detention and correctional facilities?

The JJDPa currently does not address abusive conditions and practices in juvenile facilities. Traditionally, states have been responsible for institutional conditions and practices.

How should the JJDPa be strengthened to protect youth in detention and correctional facilities?

New provisions should be added to the JJDPa that:

- Require states to **stop dangerous practices** such as hog-tying and pepper spray that create an unreasonable risk of physical injury, pain, or psychological harm, and require states to assure that JJDPa funds are not used for dangerous practices;
- **Establish incentive grants** for States to reduce or eliminate state-supported use of dangerous practices, unnecessary use of isolation and room time, and unreasonable use of restraints;
- Establish incentive grants for States to provide **evidence-based mental health, substance abuse and rehabilitative services** to youth in custody;
- Provide financial support for States to conduct necessary **training for facility staff** and to adopt best practices in programming, behavior management, and security;
- Establish **systems for independent monitoring** of juvenile detention and correctional facilities and, where appropriate, seek to improve conditions in those facilities;
- Require the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to **collect data from the states and report to the public on uses of dangerous practices, isolation and room time** in the nation's juvenile detention, correctional and residential treatment facilities; and
- Make best practices available nationwide through **research, training and technical assistance** to improve dangerous conditions of confinement and reduce unnecessary use of isolation and room time.

Why are these changes needed?

Reports of **widespread abuses in institutions** across the country demonstrate the importance of updating the Act to ensure the safety of children in custody.

- In California, authorities failed to provide adequate medical and mental health treatment, and facility staff regularly used pepper spray on youth.¹
- In Indiana, staff sexually assaulted youth in one facility, and failed to protect youth from violence in several juvenile facilities.²
- In Mississippi, staff in state facilities hog-tied youth, put them in shackles, and stripped youth and put them in dark rooms for 12 hours a day.³
- In Ohio, girls in a state facility were sexually assaulted by male staff.⁴
- In Texas, youth filed hundreds of complaints over physical and sexual abuse and repeated use of pepper spray by staff in juvenile facilities.⁵
- In Maryland and Tennessee, youth were restrained on the ground by staff using dangerous methods; three youth died at two facilities in such restraints.⁶

Youth should be safe when taken into custody; they should not leave the juvenile justice system worse off than when they entered. National experts agree that the best way to keep youth safe in custody is through a combination of adequate staffing; engaging programming; effective behavior management focused on positive youth development; and a clear system for responding to crises that incorporates effective de-escalation techniques and uses safe methods of physical restraint only as a last resort.

The federal government, through OJJDP, has an opportunity to improve the safety of incarcerated youth by requiring states to examine their staffing, programming and crisis response strategies in juvenile justice facilities and eliminate dangerous practices. States need more technical assistance and training in order to replace dangerous practices with safer approaches, and national data collection will support these efforts. Incentive grants can encourage innovation and develop more models of effective, safe care for youth in custody.

¹ Rothfeld, Michael, "Juvenile Prison System Needs Reform Lawyers Say," Los Angeles Times, Feb. 18, 2008, <http://www.latimes.com/news/local/la-me-youth18feb18.0.5845357.story>; Boyd, Ralph, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, April 9, 2003, http://www.usdoj.gov/crt/split/documents/la_county_juvenile_findlet.pdf.

² Kim, Wan, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, Aug. 6, 2007, http://www.usdoj.gov/crt/split/documents/marion_juve_ind_findlet_8-6-07.pdf; "Justice Department Reaches Settlement Regarding Conditions at Two Indiana Juvenile Justice Facilities," U.S. Fed. News Service, Feb. 8, 2006, http://www.usdoj.gov/opa/pr/2006/February/06_crt_066.html; Schlozman, Bradley, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, Sept. 9, 2005, http://www.usdoj.gov/crt/split/documents/split_indiana_plainfield_juv_findlet_9-9-05.pdf.

³ Nossiter, Adam, "Lawsuit Filed Over Treatment of Girls at State Reform School in Mississippi," New York Times, July 12, 2007, <http://www.nytimes.com/2007/07/12/us/12prison.html>; Associated Press, "Mississippi Center Accused of Abuse," July 12, 2007, http://www.usatoday.com/news/nation/2007-07-12-mississippi_N.htm; Mohr, Holbrook, "Youth Prisons Get Scrutiny," Associated Press, Mar. 3, 2008, http://www.mercurynews.com/crime/ci_8435681.

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- ⁴ Associated Press, "Ohio Settles Suit Over Juvenile Jails," April 4, 2008, <http://www.cnn.com/2008/CRIME/04/04/ohio.youth.prisons.ap>;
- Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, May 9, 2007, http://www.usdoj.gov/crt/split/documents/scioto_findlet_5-9-07.pdf.
- ⁵ Swanson, Doug, "Officials Indicted in Abuse at TYC", The Dallas Morning News, April 10, 2007, <http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/041107dntextyc.be59c6b.html>;
- Ramshaw, Emily, "Complaints Pour In to TYC Abuse Inquiry," Dallas Morning News, March 13, 2007, http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-tyc_13tex.ART.State.Edition1.44911b8.html; Becka, Holly, et al., "Young Inmates Endured 'Deplorable Conditions,'" Dallas Morning News, Oct. 3, 2007, <http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/100307dntextyc.35bdf47.html>.
- ⁶ Garland, Greg and Linskey, Annie, Restraint Called Common at School Youths Describe Practices at Facility Where Boy Died, Baltimore Sun, Feb. 2, 2007; Amons, Nancy, Youth Center on CDS' Radar Before Deaths, June 27, 2007, <http://www.wsmv.com/news/13583136/detail.html>.