



CAMPAIGN OF THE NATIONAL JUVENILE JUSTICE & DELINQUENCY
PREVENTION COALITION

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Juvenile Justice and Delinquency Prevention Act (JJDP) Fact Sheet Series

Conditions in Youth Facilities

Background: The week of December 10, 2018, Congress passed [H.R. 6964](#), the Juvenile Justice Reform Act of 2018 (the Act) with overwhelming bipartisan support. The President signed the bill into law on December 21, 2018, amending the Juvenile Justice Delinquency Prevention Act (JJDP) after years of collaborative efforts among juvenile justice organizations and advocates across the United States.

Below, please find a summary of the provisions related to conditions in youth facilities and their implications for the youth justice system:

What's New:¹ The new Act made many changes to improve conditions for young people in youth justice systems across the country. The changes include the following five areas: (1) new state plan requirements geared towards eliminating dangerous practices and unreasonable isolation and restraints, particularly restraints on pregnant youth; (2) new definitions of terms related to conditions of confinement; (3) new data collection requirements; (4) new Office of Juvenile Justice and Delinquency Prevention (OJJDP) training and technical assistance requirements to promote improved conditions for youth in facilities; and (5) new authority for OJJDP to do research on strategies to eliminate dangerous practices.

First, states must now include the following in their state plans:

- A description of how the state will eliminate the use of restraints on pregnant youth in secure juvenile detention and correction facilities during labor, delivery, and post-partum recovery, except in very limited circumstances.² States must develop the plan within one year of the enactment of the JJDP and implement the plan within two years.
- A description of how the state will eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on pregnant

¹ The amendments made to the Juvenile Justice and Delinquency Prevention Act by this law will not take effect until the beginning of Fiscal Year 2020.

² Restraints cannot be used unless "credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others."

youth, except in very limited circumstances.³ As above, states must develop the plan within one year of the enactment of the JJDP and implement the plan within two years.

- A description of the policies, procedures, and training in effect for the staff of state youth correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques.

Second, the JJDP includes definitions of several key terms, including “isolation,” “restraints,” and “dangerous practices.” Under the JJDP:

- Isolation is defined as a youth being confined alone for more than 15 minutes in a room or cell, excluding confinement during regularly scheduled sleeping hours, separation based on a treatment program approved by a licensed medical or mental health professional, separation of youth from a group in an unlocked setting for the limited purposes of calming, and separation requested by a young person.
- Restraints is defined by referencing the definition of restraints of the Public Health Service Act. This definition provides that restraints are any physical restraint that is a mechanical or personal restriction that immobilizes a youth or reduces the ability of a youth to move his or her arms, legs, or head freely, or drugs used to restrain behavior that are not standard treatment for a medical or psychiatric condition. The definition excludes certain restraints, such as orthopedically prescribed devices.⁴
- Dangerous practice is defined as “an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm” to a youth subjected to the practice.
- Chemical agent is defined as “a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas.”

Third, the JJDP requires OJJDP to annually report a one-month summary of data on the use of restraints and isolation upon youth held in the custody of secure detention and correctional facilities operated by state or local government, as well as report annual data on the number of youth in such facilities who report being pregnant.

³ Restraints cannot be used “unless credible, reasonable grounds exist to believe the [youth] presents an immediate and serious threat of hurting herself, staff, or others” or “reasonable grounds exist to believe the [youth] presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.”

⁴ Other exclusions include surgical dressings or bandages, protective helmets, and “Any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident.”

Fourth, the JJDPA requires OJJDP to coordinate training and technical assistance programs with juvenile detention and corrections personnel to:

- Promote methods for improving conditions of confinement, including methods designed to minimize the use of dangerous practices, unreasonable restraints, and isolation.
- Encourage alternative behavior management techniques based on positive youth development approaches, including methods responsive to cultural differences.

Fifth, the JJDPA requires OJJDP to conduct research on two topics related to conditions in youth facilities. These topics include the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among youth pre-placement and post-placement in the juvenile justice system, including an examination of the effects of secure detention in a correctional facility. OJJDP must also research training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices.

Effective State/Local Strategies:

- [Stop Solitary for Kids](#) is a national campaign to end solitary confinement of youth. The Center for Children’s Law and Policy, in partnership with the Council of Juvenile Correctional Administrators, the Center for Juvenile Justice Reform at Georgetown University, and the Justice Policy Institute, are pursuing strategies at the federal, state, and local level to achieve this goal. The Stop Solitary for Kids website contains information on efforts to eliminate solitary confinement around the country, as well as a variety of resources to support jurisdictions in their efforts.
- In addition to the JJDPA, Congress also passed the [First Step Act \(S. 756\)](#) in December 2018. The First Step Act prohibits federal facilities from placing youth in solitary confinement for discipline, punishment, or retaliation. Youth can only be placed in solitary as a temporary response to a serious and immediate risk of physical harm to themselves or others, and then only for a maximum of three hours. For more information on how the JJDPA and the First Step Act limit solitary confinement of youth, see this [fact sheet](#) from [Stop Solitary for Kids](#).
- The Center for Children’s Law and Policy maintains a [resource page on conditions of confinement in youth facilities](#). The page contains information that illustrates the types of dangerous and harmful conditions described in the JJDPA, as well as tools to assist youth justice officials with efforts to eliminate those practices.
- The [National Juvenile Justice Network](#) has recommendations for improving conditions of confinement of youth in [this policy platform](#) and recommendations for reducing youth confinement in [this policy platform](#).
- In 2015, the Council of Juvenile Correction Administrators released a [Toolkit for Reducing the Use of Isolation](#). The Toolkit presents an overview of the use of isolation in

juvenile facilities. It also includes a summary of the research on the negative impacts of isolation and guidance for reducing its use.

- In 2009, the Youth Law Center released a report, [Moving Away from Hardware](#), that outlined the harms associated with physical and mechanical restraints and strategies to eliminate such restraints in youth facilities.
- Since its inception, the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) has emphasized the importance of maintaining safe and humane conditions of confinement in juvenile detention facilities. The [JDAI Detention Facility Assessment Standards](#), originally published in 2004 and revised in 2014, represent the most comprehensive and demanding set of publicly available standards for juvenile detention facilities. The standards include language that states can use to address the state plan requirements above.
- Many JDAI sites have identified and improved conditions in their youth confinement facilities. Success stories from those jurisdictions and other resources can be found on JDAIconnect's [Conditions of Confinement resource page](#).

ADDITIONAL RESOURCES:

[Contact the Center for Children's Law and Policy](#). The Center's staff have worked to improve conditions of confinement in many cities, counties, and states throughout the country.

[Request Training and Technical Assistance from OJJDP](#). Jurisdictions can request assistance with and support for efforts to improve conditions in youth facilities through the TTA360 website.

This fact sheet was prepared by:

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