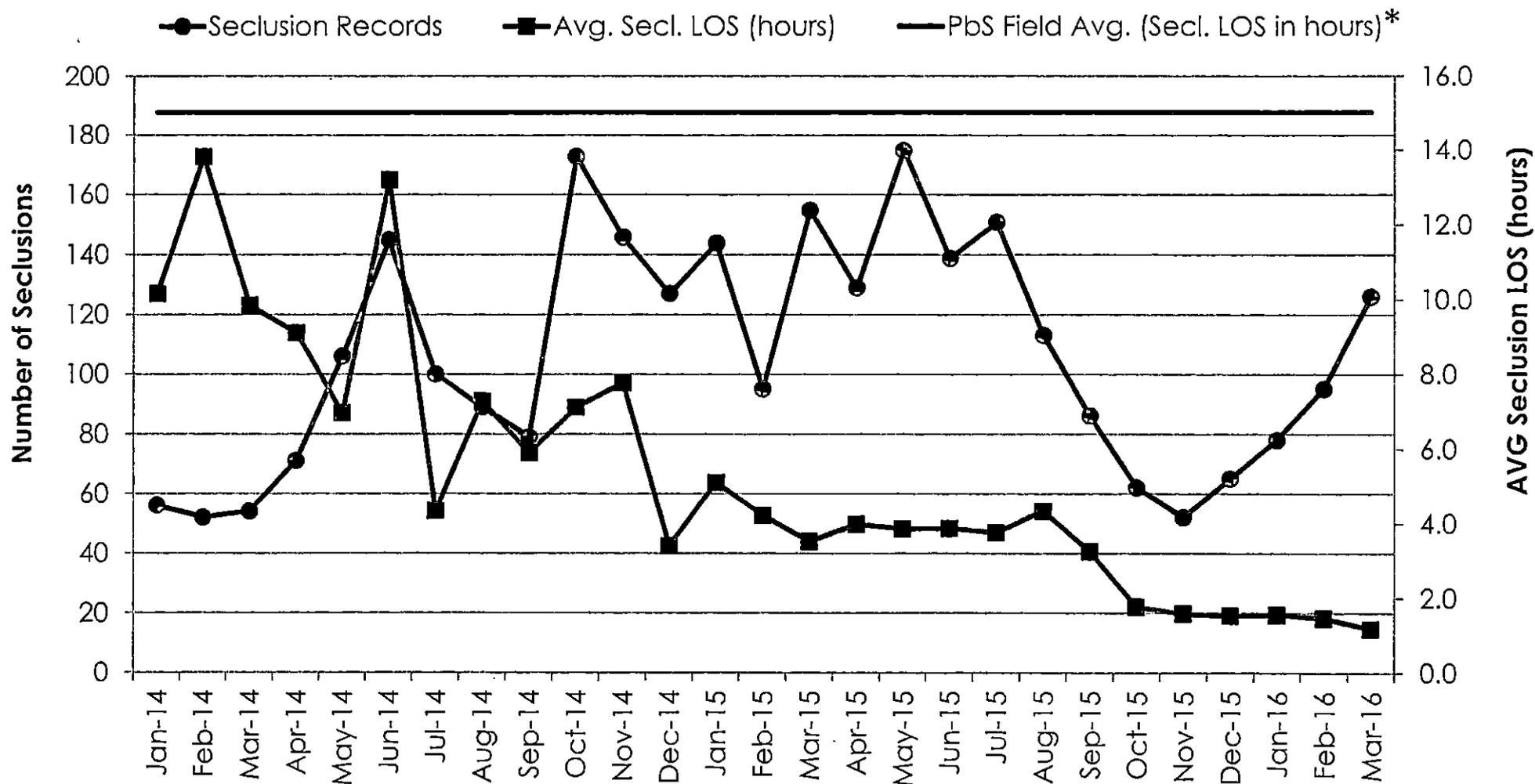


Division of Youth Corrections

Seclusion Data: January 2014-March 2016



*PbS (Performance Based Standards) field average is a comparison of juvenile commitment facilities nationwide in October, 2015

February 2014: 13.8 hours average per seclusion

March 2016: 1.2 hours average per seclusion

National Average (PbS October 2015) 15.03 hours per seclusion

THE PARTNERSHIP

National Partnership for Juvenile Services

*Promoting Quality Practices and Programs
for Youth and Families that
Result in Positive Change
and Restore Community*

PARTNERS

*Council for Educators of At-Risk and
Delinquent Youth*

Juvenile Justice Trainers Association

*National Association of Juvenile
Correctional Agencies*

National Juvenile Detention Association

EXECUTIVE OFFICE

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Detention Council

Rhea Bowman (AK)
Appointed Representative - CEA

Michael A. Jones (KY)
Managing Director

April 14, 2016

To Whom It May Concern:

I am writing you on behalf of the National Partnership for Juvenile Services (NPJS) to offer comments in regards to legislative action to limit the use of isolation. HB16-1328 - Use Of Restraint And Seclusion On Individuals. We applaud your efforts to strengthen the safety provisions for the use of restraint and seclusion on individuals, particularly youths, who are being detained by a state or local agency. And we wish to share the importance of staffing (training and accessibility) necessary to implement these provisions safely for all involved.

The position of NPJS in this particular issue states "... that the use of isolation should only occur when no other means can be used to accomplish the safety and security of the youth and staff. The use of room confinement should be for as short a time as possible. Once the young person no longer poses a threat, the room confinement should be ended and the youth should be reintegrated back into programming with whatever consequences are appropriate and needed to address the youth's inappropriate behavior choices prior to the isolation."

We especially appreciate the importance of the new language addressing staff quality "A division facility that utilizes seclusion is required to have staff undergo at least 40 hours of initial training and at least 16 hours of annual training thereafter, especially on the use and effect of seclusion on youth."

However, we would submit for consideration that staffing ratios (quantity) are critically important as well. The Department of Justice (Department) is issued a final rule adopting national standards to prevent, detect, and respond to prison rape, as required by the Prison Rape Elimination Act of 2003 (PREA). The Department adopted a standard requiring a minimum staffing ratio in secure juvenile facilities of 1:8 for supervision during resident waking hours and 1:16 during resident sleeping hours. However, it appears that the language proposed in HB16-1038 encompasses a higher standard as it relates to isolation/seclusion and closely mirrors language enacted in Pennsylvania code. Given the level of effort and initiative needed to ensure prompt removal of violent or potentially violent youth from isolation/solitary confinement, it is important to recognize the inherent risks associated integrating these youth with the general population. Facility managers and staff face difficult decisions daily when determining if individual youth in restraints or isolation should safely be removed from these restrictions as well as how they protect the remaining youth in the facility from exposure to violence.

We believe Pennsylvania's success in minimizing both the use of restraint and isolation/seclusion, is primarily a result of both staff training as well as increased staffing ratios. While we recognize the costs of increased staffing, we also see the cost benefits associated with providing environments where youth feel safe. The research on this issue (youth perceptions of their experience) is now being associated to reduced acts of violence and lower returns.

Pennsylvania's regulations on staffing for secure settings – § 3800.274 states:

- (3) Children shall be directly supervised at all times during awake hours.
- (5) There shall be one child care worker present with the children for every six children during awake hours.
- (6) There shall be one child care worker present with the children for every 12 children during sleeping hours.

In addition, the following additional requirements apply to facilities in which secure detention is provided – § 3800.283 states

- (1) The child care worker shall have an associate's degree or 60 credit hours from an accredited college or university.
- (2) No more than 12 children may be in a group at any one time.
- (3) No more than 12 children may occupy a sleeping unit or area.

While we support efforts to ensure that the individual rights of youth in secure care must be protected, our member facilities also have an obligation to ensure the safety of the community within the walls of the facility. General practice across the nation prohibits the use of a secure facility unless the youth have been determined to be a danger to themselves or others. Therefore, it is critically important to establish a culture where youth believe the adults care for them and have the resources necessary to protect them. Otherwise, we unintentionally model a community of fear.

Best Regards,



Wayne R. Bear, MSW
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President, Council for Juvenile Detention
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