

2021 Regular Session

HOUSE RESOLUTION NO. 50

BY REPRESENTATIVE DUPLESSIS

A RESOLUTION

To urge and request the legislative auditor to conduct an audit on the use of all forms of solitary confinement, room confinement, or room isolation in facilities housing juveniles arrested or adjudicated for a delinquent or status offense in the state of Louisiana, including any facility operated or contracted by the Department of Public Safety and Corrections, office of juvenile justice, and all locally operated juvenile detention centers licensed by the Department of Children and Family Services, and to report its findings to the Juvenile Justice Reform Act Implementation Commission.

WHEREAS, the National Council of Juvenile and Family Court Judges defines solitary confinement, also known as "seclusion," "isolation," "segregation," and "room confinement", as the involuntary placement of a juvenile alone in a cell, room, or other area for any reason other than as a temporary response to behavior that threatens immediate harm to the juvenile or others; and

WHEREAS, locally operated juvenile detention centers in Louisiana are licensed by the Department of Children and Family Services and are subject to licensing standards, which provide for definitions of "room confinement" and "room isolation" for isolation in the room of the juvenile; and

WHEREAS, "room confinement" is defined as the restriction of a juvenile to an assigned sleeping room due to disciplinary reasons and "room isolation" is defined as the restriction of a juvenile to a room that is separated from the general population due to disciplinary reasons; and

WHEREAS, the office of juvenile justice policy regarding behavioral intervention clearly describes intervention conditions equivalent to room confinement and room isolation; and, while behavioral intervention is explicitly prohibited for discipline, punishment, administrative convenience, retaliation, staffing shortages, or reasons other than a temporary response to behavior that threatens immediate harm to the juvenile or others, the extended behavioral intervention policy allows for juveniles to be placed in behavioral intervention rooms for up to seven days; and

WHEREAS, solitary confinement, whether labeled as "room confinement" or "room isolation", is often used for juveniles with unaddressed mental health, behavioral, or developmental needs, and such confinement can cause permanent harm to the physical and psychological well-being and social growth of the juvenile because the brains and decision-making capabilities of adolescents are still developing; and

WHEREAS, no research exists that indicates solitary confinement reduces behavioral incidents or improves the safety of facilities; and

WHEREAS, in 2012, the American Academy of Child and Adolescent Psychiatry issued a statement opposing the use of solitary confinement in juvenile facilities, noting that juveniles are especially vulnerable to the adverse effects of solitary confinement, including trauma, psychosis, depression, anxiety, and increased risk of suicide and self-harm; and

WHEREAS, research shows that more than half of all suicides in juvenile facilities occurred while young people were held in isolation; and

WHEREAS, in January 2016, President Obama banned solitary confinement for juveniles in federal custody based on recommendations from the United States Department of Justice; and

WHEREAS, in 2018, congress enacted and President Trump signed the First Step Act, which codified the prohibition on juveniles being held in solitary in federal facilities; and

WHEREAS, also in 2018, congress enacted and President Trump signed the reauthorized Juvenile Justice and Delinquency Prevention Act, which requires states to collect data on the use of solitary confinement in juvenile facilities and take steps to reduce the use of solitary confinement in those facilities; and

WHEREAS, on February 7, 2019, and February 9, 2019, two juveniles, ages thirteen and seventeen, committed suicide at the Ware Youth Detention Center within seventy-two hours while in solitary confinement.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request that the legislative auditor conduct an audit on the use of all forms of solitary or room confinement or room isolation in facilities housing juveniles arrested or adjudicated for a delinquent or status offense in the state of Louisiana, including any facility operated by or contracted by the Department of Public Safety and Corrections, office of juvenile justice, and all locally operated juvenile detention centers licensed by the Department of Children and Family Services, and to report its findings to the Juvenile Justice Reform Act Implementation Commission.

BE IT FURTHER RESOLVED that the report submitted to the Juvenile Justice Reform Act Implementation Commission shall include, to the extent it is available, data, disaggregated by race, ethnicity, and gender, on the number of juveniles held in room confinement and room isolation in each juvenile facility during 2019 and 2020, the average, median, and maximum amount of time juveniles spent in room confinement and room isolation each year by facility, and the top five reasons juveniles were held in room confinement and room isolation each year by facility.

BE IT FURTHER RESOLVED that the Juvenile Justice Reform Act Implementation Commission shall hold at least one public hearing where the findings will be presented and where the commission can address possible conclusions from the report.

BE IT FURTHER RESOLVED that discussion of the report shall include but not be limited to the reduction and ultimate abolition of solitary confinement in juvenile facilities in favor of other, more effective ways to address problem behavior and hold juveniles accountable for their actions, and the implementation of mental health interventions prior to placement of a juvenile in solitary confinement.

BE IT FURTHER RESOLVED that the study provided by this Resolution shall be completed prior to the convening of the 2022 Regular Session.

BE IT FURTHER RESOLVED that a copy of this Resolution be submitted to the Department of Public Safety and Corrections, office of juvenile justice, the Department of Children and Family Services, and the Louisiana Juvenile Detention Association.

BE IT FURTHER RESOLVED that the legislative auditor shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES