



HJ0008

LRB100 05485 KLG 15496 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, The juvenile justice system has the goal of  
3 rehabilitation and providing educational and therapeutic  
4 programming in the juvenile offender's community, or removing  
5 the juvenile from the community for placement in a detention  
6 facility following conviction for serious criminal offenses;  
7 the availability of State juvenile detention facilities  
8 prevent children who commit criminal acts from being introduced  
9 into the adult prison system in which there are fewer  
10 opportunities for treatment services and greater risks for  
11 physical and sexual abuse and intimidation; and

12 WHEREAS, As juvenile crime increased in the late 1980s and  
13 early 1990s, so did the population at State juvenile detention  
14 facilities, forcing many states to return to non-detention case  
15 management for non-violent offenders; this resulted in higher  
16 concentrations of the most violent youth, gang-involved youth,  
17 and seriously mentally ill youth detained in the facilities;  
18 with so many violent and mentally ill children in the same  
19 facility, it is often necessary for the safety and protection  
20 of the other residents and staff for certain offenders to be  
21 placed in isolated confinement for serious violations of rules  
22 of conduct in order to maintain facility security; and

23 WHEREAS, While best practices find that behavior

1 management is more effective when children spend more time out  
2 of their rooms learning and practicing new skills, without  
3 being overly punitive and prison-like, isolated confinement in  
4 their rooms allows for increased time for the staff to evaluate  
5 the needs of the offender and to set a plan for improving  
6 behavior; the key is a balance to afford more time for learning  
7 and practicing behavior skills while at the same time,  
8 protecting the rest of the facility population from a violent  
9 or seriously disruptive offender; and

10 WHEREAS, In Department of Juvenile Justice facilities, for  
11 certain offenses that present safety risks to the other  
12 residents and staff, as well those offenses which cause  
13 disruptions which can undermine the goals of the facility,  
14 children can be placed in isolated detention in their rooms for  
15 up to one month, not to exceed 7 consecutive days or 15 days in  
16 any 30-day period, at the discretion of the Chief  
17 Administrative Officer with no set minimum standards for the  
18 isolation; without a minimum time, the system does not afford  
19 the staff with sufficient time to evaluate the needs of the  
20 particular child and to set a plan for improving behavior  
21 before returning the child to the facility's general  
22 population; therefore, be it

23 RESOLVED, That we urge the Department of Juvenile Justice  
24 to amend its administrative rules for Maximum Penalties on

1 internal rule violations for Youth confinement for the  
2 following offenses:

3 (1) Violent Assault of any Person - minimum 14-day  
4 confinement, maximum of one month;

5 (2) Arson - minimum 7-day confinement, maximum of one  
6 month;

7 (3) Assaulting any Person - minimum 7-day confinement,  
8 maximum of one month;

9 (4) Bribery and Extortion - minimum 7-day confinement,  
10 maximum of one month;

11 (5) Dangerous Contraband - minimum 7-day confinement,  
12 maximum of one month;

13 (6) Dangerous Disturbance - minimum 7-day confinement,  
14 maximum of one month;

15 (7) Escape or Runaway - minimum 7-day confinement,  
16 maximum of one month;

17 (8) Sexual Misconduct - minimum 7-day confinement,  
18 maximum of one month; and

19 (9) Sexual Assault - minimum 14-day confinement,  
20 maximum of one month; and be it further

21 RESOLVED, That we urge the Department of Juvenile Justice  
22 to amend their administrative rules regarding Maximum  
23 Penalties for Youth for the following specified offenses:

24 (1) Damage or Misuse of Property:

25 (a) Loss or Restriction of Privileges - 6 months;

1 (b) Confinement - minimum 7-days, maximum of  
2 one-month;

3 (c) Good Time Revocation - 6 months;

4 (d) Delay in Recommendation to the Prison Review  
5 Board - 6 months; and

6 (2) Fighting:

7 (a) Loss or Restriction of Privileges - 2 months;

8 (b) Confinement - minimum 3 days, maximum of one  
9 month;

10 (c) Good Time Revocation - 6 months;

11 (d) Delay in Recommendation to the Prison Review  
12 Board - 6 months; and

13 (3) Unauthorized Movement:

14 (a) Loss or Restriction of Privileges - one month;

15 (b) Confinement - minimum 7-days, maximum of  
16 one-month;

17 (c) Good Time Revocation - 6 months; and

18 (d) Delay in Recommendation to the Prison Review  
19 Board - 6 months; and be it further

20 RESOLVED, That suitable copies of this resolution be  
21 presented to the Governor, the Director of Juvenile Justice,  
22 and the Joint Committee on Administrative Rules.