Policy and Advocacy Work Group Purpose Statement

The purpose of the OYS Policy and Advocacy Work Group, is to codify best practices and change policies that hinder the juvenile justice system, including coordinating policy-related action items that arise in the work groups.

I. Welcome and Introductions
   a. Present: Margaret Vacek, Christine Henningsen, A’Jamal Byndon, Catherine Hall, Janee Pannkuk, Karla Dush, Debora Faga

II. Announcements
   a. OYS Updates
      i. JIC has started meeting regularly again; reviewed the Council rules and talked this week about some of the discussion rules. Will all come back to the next meeting with one item they want to talk about.
      ii. The CBA Steering Committee meeting is December 5th, 8 am – 10:30 am, in the Jesse Lowe Conference Room, Civic Center.
      iii. Catherine Rivier’s last day with OYS was November 15th
      iv. LaDonna Jones-Dunlap is one of the new RED Co-Chairs and one more, if not two, will be identified in the future
   b. Member Updates
      i. There will likely be some bills coming up regarding the secure facilities and the YRTC; right now contracts are still being worked out.
      ii. Juvenile Judge interviews are next week

III. Activity
   a. Legislative Bill Update (handout attached)-Christine
      i. Use of Confinement/Room Restriction LB 230 (attached)
         1. Did pass out of committee last session
         2. Reporting and approval for confinements over 1 hour
         3. Sec. 5. (2) details reasons not allowed for room confinement and conditions of confinement

Mission Statement:

Across Douglas County, our vision is a comprehensive, coordinated, and community-wide approach to juvenile services that eliminates the need for youth involvement with our justice system while maintaining public safety.

For all youth who do enter our justice system, our goals are to provide effective, compassionate and individualized support that empowers youth and their families to succeed and to build an environment of mutual trust and accountability.
a. Facility has to give notice to parent/guardian and their attorney
   a. At DCYC incidents of room confinement have increased
5. WG voted to support the following bills to present to the Steering Committee at the February meeting: LB 132, LB 230, LB 231, LB 254, LB 391
6. WG voted to oppose the following bills to present to the Steering Committee at the February meeting: LB 147, LB 484
7. Christine will bring more information to the WG regarding LB 515
b. DCYC Sibling Visitation Policy update-Brad
   i. Handbook/literature updates
      1. Tabled to next meeting
   ii. Community visits/tours
      1. Group reviewed community visit/tour information from DCYC website
      2. Christine shared what information is shared on DCYC to people during the tours
      3. Groups suggested created a survey that would be given to those who attended a tour, to capture feedback/effectiveness; as best practices demonstrates that ‘scared straight programs’ do not reflect promising results
      4. Share suggested ideas with Steering Committee and possibly new Deputy County Administrator
   iii. What data is being captured?
      1. Tabled to next meeting
c. Status of advocacy guidelines memo (attached)
   i. Tabled to next meeting
d. Workplan updates for 2020 (attached) – tabled to next meeting

IV. Discussed having meetings in 2020 be in January, February, March, April, July and then every other month, with the ability to allow people to call in to the meetings; WG approved

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V. Follow Up
   a. LB %15, more information: Christine
   b. Letter of Support and Opposition: Christine

VI. Feedback Survey – Handed out

Next Meeting: January 27, 8-10:30 am, Barbara Weitz Community Engagement Center, Marion Ivers Board Room, Room 128

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<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
<th>Status</th>
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<tbody>
<tr>
<td>LB 132</td>
<td>Change penalties for certain felonies committed by persons under nineteen years of age</td>
<td>Placed on general file 5/23</td>
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<tr>
<td>LB 147</td>
<td>Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical restraint and provide procedures and grounds for removal from a class in response to student behavior</td>
<td>Placed on general file 5/21</td>
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<tr>
<td>LB 230</td>
<td>Provide for room confinement of juveniles as prescribed</td>
<td>Placed on general file on 2/26 with Judiciary AM 450</td>
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<tr>
<td>LB 231</td>
<td>Change provisions relating to legal defense of juveniles</td>
<td>Placed on general file 3/18</td>
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<tr>
<td>LB 254</td>
<td>Adopt the Fair Chance Hiring Act</td>
<td>Placed on Final Reading 3/12</td>
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<tr>
<td>LB 354</td>
<td>Change provisions relating to sealing of juvenile records</td>
<td>Signed by the Gov. 3/27</td>
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<tr>
<td>LB 390</td>
<td>Provide duties regarding school resource officers and security guards</td>
<td>Signed by the Gov. 4/24</td>
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<tr>
<td>LB 391</td>
<td>Change duties of peace officers taking juveniles into custody or interrogating juveniles and prohibit use of statements taken in violation of the rights of a juvenile</td>
<td>Public Hearing 2/14. Still in Judiciary Committee</td>
</tr>
<tr>
<td>LB 484</td>
<td>Change provisions relating to assault on certain employees and officers</td>
<td>Public Hearing 3/15. Still in Judiciary Committee</td>
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<tr>
<td>LB 515</td>
<td>Change provisions relating to the Student Discipline Act</td>
<td>Placed on General File with AM 1673</td>
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<tr>
<td>Bill Number</td>
<td>Description</td>
<td>Signed by</td>
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<td>LB 595 (Albrecht)</td>
<td>Provide for restorative justice under the Dispute Resolution Act, Nebraska Juvenile Code, and the Student Discipline Act and in compulsory attendance collaboration plans and change provisions relating to mediators under the Parenting Act</td>
<td>the Gov. 3/17</td>
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<td>LB 630 (Morfeld)</td>
<td>Change provisions relating to unlawful intrusion, sexually explicit conduct, theft, extortion, intimidation by telephone call or electronic communication, and the Sex Offender Registration Act</td>
<td>the Gov. 5/30</td>
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<td>LB 686 (Lathrop)</td>
<td>Criminal Reform Bill</td>
<td>the Gov. 5/30</td>
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<tr>
<td>LB 519 (Slama)</td>
<td>Sexual Offenses, Trafficking</td>
<td>Gov 5/30</td>
</tr>
<tr>
<td>LB 600 (Walz)</td>
<td>Change provisions for the bridge to independence programs, the Nebraska Children’s Commission membership and operations, case management for juvenile services, the Nebraska Health Care Fund, and the Public Counsel</td>
<td>the Gov 5/29</td>
</tr>
</tbody>
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Introduce by Judiciary.

1. Strike the original sections and insert the following new sections:

   Section 1. Section 83-4,125, Revised Statutes Cumulative Supplement, 2018, is amended to read:

   83-4,125 For purposes of sections 83-4,124 to 83-4,134.01 and section 5 of this act:

   (1) Criminal detention facility means any institution operated by a political subdivision or a combination of political subdivisions for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facility does not include any institution operated by the Department of Correctional Services. Criminal detention facilities shall be classified as follows:

   (a) Type I Facilities means criminal detention facilities used for the detention of persons for not more than twenty-four hours, excluding nonjudicial days;

   (b) Type II Facilities means criminal detention facilities used for the detention of persons for not more than ninety-six hours, excluding nonjudicial days; and

   (c) Type III Facilities means criminal detention facilities used for the detention of persons beyond ninety-six hours;

   (2) Juvenile detention facility means an institution operated by a political subdivision or political subdivisions for the secure detention and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. Juvenile
detention facility does not include any institution operated by the department;

(3) Juvenile facility means a residential child-caring agency as defined in section 71-1926, a juvenile detention facility or staff secure juvenile facility as defined in this section, a facility operated by the Department of Correctional Services that houses youth under the age of majority, or a youth rehabilitation and treatment center;

(4) Room confinement means the involuntary restriction of a juvenile placed alone in a cell, alone in a room, or alone in another area, including a juvenile's own room, except during normal sleeping hours, whether or not such cell, room, or other area is subject to video or other electronic monitoring; and

(5) Staff secure juvenile facility means a juvenile residential facility operated by a political subdivision (a) which does not include construction designed to physically restrict the movements and activities of juveniles who are in custody in the facility, (b) in which physical restriction of movement or activity of juveniles is provided solely through staff, (c) which may establish reasonable rules restricting ingress to and egress from the facility, and (d) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. Staff secure juvenile facility does not include any institution operated by the department.

Sec. 2. Section 83-4,126, Revised Statutes Cumulative Supplement, 2018, is amended to read:

83-4,126 (1) Except as provided in subsection (2) of this section, the Jail Standards Board shall have the authority and responsibility:

(a) To develop minimum standards for the construction, maintenance, and operation of criminal detention facilities;

(b) To perform other duties as may be necessary to carry out the policy of the state regarding criminal detention facilities, juvenile
detention facilities, and staff secure juvenile facilities as stated in
sections 83-4,124 to 83-4,134.01 and section 5 of this act; and
(c) Consistent with the purposes and objectives of the Juvenile
Services Act, to develop standards for juvenile detention facilities and
staff secure juvenile facilities, including, but not limited to,
standards for physical facilities, care, programs, and disciplinary
procedures, and to develop guidelines pertaining to the operation of such
facilities.

(2) The Jail Standards Board shall not have authority over or
responsibility for correctional facilities that are accredited by a
nationally recognized correctional association. A correctional facility
that is accredited by a nationally recognized correctional association
shall show proof of accreditation annually to the Jail Standards Board.
For purposes of this subsection, nationally recognized correctional
association includes, but is not limited to, the American Correctional
Association or its successor.

Sec. 3. Section 83-4,132, Revised Statutes Cumulative Supplement,
2018, is amended to read:

83-4,132 If an inspection under sections 83-4,124 to 83-4,134.01 and
section 5 of this act discloses that the criminal detention facility,
juvenile detention facility, or staff secure juvenile facility does not
meet the minimum standards established by the Jail Standards Board, the
board shall send notice, together with the inspection report, to the
governing body responsible for the facility. The appropriate governing
body shall promptly meet to consider the inspection report, and the
inspection personnel shall appear before the governing body to advise and
consult concerning appropriate corrective action. The governing body
shall then initiate appropriate corrective action within six months after
the receipt of such inspection report or may voluntarily close the
facility or the objectionable portion thereof.

Sec. 4. Section 83-4,134.01, Revised Statutes Cumulative Supplement,
2018, is amended to read:

83-4.134.01 (1) It is the intent of the Legislature to establish a
system of investigation and performance review in order to provide
increased accountability and oversight regarding the use of room
confinement for juveniles in a juvenile facility.

(2) The following shall apply regarding placement in room
confinement of a juvenile in a juvenile facility:

(a) Room confinement of a juvenile for longer than one hour during a
twenty-four-hour period shall be documented and approved in writing by a
supervisor in the juvenile facility. Documentation of the room
confinement shall include the date of the occurrence; the race,
ethnicity, age, and gender of the juvenile; the reason for placement of
the juvenile in room confinement; an explanation of why less restrictive
means were unsuccessful; the ultimate duration of the placement in room
confinement; facility staffing levels at the time of confinement; and any
incidents of self-harm or suicide committed by the juvenile while he or
she was isolated;

(b) If any physical or mental health clinical evaluation was
performed during the time the juvenile was in room confinement for longer
than one hour, the results of such evaluation shall be considered in any
decision to place a juvenile in room confinement or to continue room
confinement;

(c) The juvenile facility shall submit a report quarterly to the
Legislature on the juveniles placed in room confinement; the length of
time each juvenile was in room confinement; the race, ethnicity, age, and
gender of each juvenile placed in room confinement; facility staffing
levels at the time of confinement; and the reason each juvenile was
placed in room confinement. The report shall specifically address each
instance of room confinement of a juvenile for more than four hours,
including all reasons why attempts to return the juvenile to the general
population of the juvenile facility were unsuccessful. The report shall
also detail all corrective measures taken in response to noncompliance with this section. The report shall redact all personal identifying information but shall provide individual, not aggregate, data. The report shall be delivered electronically to the Legislature. The initial quarterly report shall be submitted within two weeks after the quarter ending on September 30, 2016. Subsequent reports shall be submitted for the ensuing quarters within two weeks after the end of each quarter; and

(d) The Inspector General of Nebraska Child Welfare shall review all data collected pursuant to this section in order to assess the use of room confinement for juveniles in each juvenile facility and prepare an annual report of his or her findings, including, but not limited to, identifying changes in policy and practice which may lead to decreased use of such confinement as well as model evidence-based criteria to be used to determine when a juvenile should be placed in room confinement. The report shall be delivered electronically to the Legislature on an annual basis. —and

(3) The use of consecutive periods of room confinement to avoid the intent or purpose of this section is prohibited.

(4) (e) Any juvenile facility which is not a residential child-caring agency which fails to comply with the requirements of this section is subject to disciplinary action as provided in section 83-4,134. Any juvenile facility which is a residential child-caring agency which fails to comply with the requirements of this section is subject to disciplinary action as provided in section 71-1940.

Sec. 5. (1) This section applies to placement of a juvenile in room confinement in the following facilities: A juvenile detention facility, staff secure juvenile facility, facility operated by the Department of Correctional Services or by any county that houses youth under the age of majority, or youth rehabilitation and treatment center operated by the Department of Health and Human Services.

(2) A juvenile shall not be placed in room confinement for any of
the following reasons:

(a) As a punishment or a disciplinary sanction;
(b) As a response to a staffing shortage; or
(c) As retaliation against the juvenile by staff.

(3) A juvenile shall not be placed in room confinement unless all other less-restrictive alternatives have been exhausted and the juvenile poses an immediate and substantial risk of harm to self or others.

(4) A juvenile may only be held in room confinement according to the following conditions:

(a) A juvenile shall not be held in room confinement longer than the minimum time required to eliminate the substantial and immediate risk of harm to self or others and shall be released from room confinement as soon as the substantial and immediate risk of harm to self or others is resolved; and

(b) A juvenile shall only be held in room confinement for a period that does not compromise or harm the mental or physical health of the juvenile.

(5) Any juvenile placed in room confinement shall be released immediately upon regaining sufficient control so as to no longer engage in behavior that threatens substantial and immediate risk of harm to self or others.

(6) Not later than one business day after the date on which a facility places a juvenile in room confinement, the facility shall provide notice of the placement in room confinement to the juvenile’s parent or guardian and the attorney of record for the juvenile.

(7) All rooms used for room confinement shall have adequate and operating lighting, heating and cooling, and ventilation for the comfort of the juvenile. Rooms shall be clean and resistant to suicide and self-harm. Juveniles in room confinement shall have access to drinking water, toilet facilities, hygiene supplies, and reading materials approved by a licensed mental health professional.
(8) Juveniles in room confinement shall have the same access as provided to juveniles in the general population of the facility to meals, contact with parents or legal guardians, legal assistance, and access to educational programming.

(9) Juveniles in room confinement shall have access to appropriate medical and mental health services. Mental health staff shall promptly provide mental health services as needed.

(10) Juveniles in room confinement shall be continuously monitored by staff of the facility. Continuous monitoring may be accomplished through regular in-person visits to the confined juvenile which may also be supplemented by electronic video monitoring.

(11) The use of consecutive periods of room confinement to avoid the intent and purpose of this section is prohibited.

(12) Nothing in this section shall be construed to authorize or require the construction or erection of fencing or similar structures at any facility, nor the imposition of non-rehabilitative approaches to behavior management within any facility.

Sec. 6. Original sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134.01, Revised Statutes Cumulative Supplement, 2018, are repealed.
Juvenile Room Confinement in Nebraska

2018-2019 Annual Report

Julie L. Rogers
Inspector General
November 2019
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Executive Summary

Nebraska law requires a wide variety of facilities that serve children and youth to document information every time a child is placed in room confinement – involuntarily restricted to a room, cell, or other area alone – for an hour or longer. Facilities must report quarterly on their use of room confinement to the Nebraska Legislature.¹

The Office of Inspector General of Nebraska Child Welfare (OIG) is charged with preparing an annual report on the use of juvenile room confinement.

The following annual report examines juvenile room confinement in Nebraska between July 1, 2018 and June 30, 2019 (FY 18-19).

The OIG received room confinement reports from 32 individual facilities comprised of five different types of juvenile facilities in Nebraska—correctional institutions, youth rehabilitation and treatment centers, detention centers, mental health and substance abuse treatment centers, and residential child-caring agencies.

Based on the data reported by the facilities across the state, the utilization of juvenile room confinement has generally not changed in the last three years—it continues to be relied upon. In FY 18-19, the total number of youth subject to room confinement was 631, with 2,683 incidents. Youth ranged in age from 12-18 years and were put into room confinement most frequently due to physical assault, verbal assault, administrative reasons and behavioral infractions/rule violations.

As noted in previous OIG Juvenile Room Confinement Annual Reports, according to research, juvenile facilities with lower rates of room confinement also have lower rates of staff and youth injury, suicide attempts, and youth behavioral incidents.²

Findings

As a result of the inquiry and data analysis undertaken for the 2018-2019 Juvenile Room Confinement in Nebraska Annual Report, the OIG found the following:

Over the past three years, limited changes have been made to decrease reliance on juvenile room confinement as a management tool among the facilities that report.

Based on the analysis of data provided by individual facilities, the OIG could only conclude that juvenile room confinement continued to occur in 2018-2019 and is relied upon in a manner similar to what was reported in 2016-2017, and 2017-2018.

¹ Id.
Formal changes to policies and practices on the use of room confinement have not contributed to a comprehensive facility change in reliance on the practice.

*Subjective interpretations of the current statute has resulted in inconsistent reporting.*

Some facilities have interpreted the definition of juvenile room confinement and associated reporting requirements differently and out of alignment with the legislative intent.

*The Jail Standards Board at the Nebraska Crime Commission and the Department of Health and Human Services-Division of Public Health have not revised their regulations to incorporate statutes related to juvenile room confinement.*

Neither agency has implemented rules and regulations that mandate each facility to collect data and submit a report to the legislature.3

**Recommendations**

In conjunction with the 2018-2019 findings, the recommendations made in 2018-2019 for the reduction on reliance of juvenile room confinement are the following:

Implement legislation that requires the following:

- *All facilities adhere to best practices to reduce reliance on juvenile room confinement.*
- *Clarification of current legislative provisions related to juvenile room confinement.*
- *Extension of the Crime Commission and Department of Health and Human Services-Division of Public Health responsibilities related to juvenile room confinement to include, at a minimum, on-site verification and standardized data collection and content.*

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3 §83-4,134.01
Juvenile Secure and Staff Secure Detention Facilities

Juvenile secure and staff secure detention facilities are residential facilities operated by local governments in Nebraska. There are currently four juvenile secure and staff secure detention facilities in Nebraska – Douglas County Youth Center (DCYC), Lancaster County Youth Services Center (LCYS), Northeast Nebraska Juvenile Services Center (Madison), and the Patrick J. Thomas Juvenile Justice Center (Sarpy). These facilities primarily serve youth under 18 years old after initial arrests, youth who are sent to detention after probation violations, and youth awaiting placement while on probation.

Room Confinement at Detention Centers

The Nebraska Jail Standards Board, housed at the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) has the authority and responsibility to “develop standards for juvenile detention facilities and staff secure juvenile facilities, including, but not limited to, standards for physical facilities, care, programs, and disciplinary procedures, and to develop guidelines pertaining to the operation of such facilities.” In addition to creating standards, the Crime Commission is responsible for auditing facilities for compliance and providing technical assistance to facilities.

The standards for Juvenile Detention Facilities were last updated in 1992 and contain a number of provisions about juvenile room confinement. In 2013, the Nebraska Legislature exempted staff secure facilities from residential child-caring agency licensure and instead charged the Jail Standards Board with creating standards for staff secure units and facilities. Instead of creating new standards for staff secure, the Jail Standards Board has chosen to use the Standards for Juvenile Detention Facilities, as there are few facilities operating staff secure units.

Under the Juvenile Detention Facilities Standards promulgated by the Jail Standards Board, there are at least nine different practices in the regulations that may meet Nebraska’s definition of room confinement. However, the terms are used inconsistently within regulations and some are undefined.

Detention Standards allow for the use of “room restriction” for up to an hour for minor misbehavior and up to 24 hours for minor rule violations. Room restriction is not defined by regulations. The regulations also utilize the use of disciplinary confinement for up to seven days for major rules violations. Disciplinary confinement is not specifically defined in the regulations, although disciplinary detention is.

Detention Standards require facilities have documentation “of juveniles placed in temporary confinement away from the general population.” The regulations also require that any juvenile

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35 Segregation, confinement, administrative segregation, disciplinary detention, protective custody, temporary confinement, room restriction, separate confinement, and disciplinary confinement
36 83 NAC 13-003 and 13-004.
37 83 NAC 13-005.
38 83-NAC 6-006.
placed in room confinement must be visually checked every 30 minutes and staff must enter the confinement room at least once per shift to converse with the juvenile and assess their well-being.\textsuperscript{39} Under the regulations, juveniles in room confinement “shall be afforded living conditions and access to basic programs and services approximating those available to the general resident population, subject to restrictions necessary to ensure the juvenile’s safety or the security of the facility.”\textsuperscript{40} In general, Detention Standards allow most room confinement practices to be governed by written policies, procedures, and rules of conduct written by the individual facilities.\textsuperscript{41}

Juvenile detention administration reported that while in restrictive housing, youth continue to receive education, medical care, religious programming if requested, one hour of recreation each day, reading materials, the same meals and snacks that others receive, and daily visits from staff or mental health care specialists. Depending on the facility, youth may have access to television or communicate with their peers. In some facilities, youth who are restricted to their rooms still have roommates. Each facility characterized juvenile room confinement as a loss of free time.

Policies on room confinement at the detention centers vary significantly. Sarpy, the only fully staff-secure facility, reports that they do not allow administrative segregation to be used for discipline.\textsuperscript{42} As of 2016, facility administration reported that they no longer use room confinement as a disciplinary tool.\textsuperscript{43} LCYS policy permits the use of segregation housing for more than 24 hours as discipline for a major rule violation.\textsuperscript{44} Policy at DCYC allows placement in restrictive housing for up to five days for a major rule violation.\textsuperscript{45} For rule violations involving violence, DCYC policy allows placement in restrictive housing for up to seven days.\textsuperscript{46} During interviews in 2017, 2018, and 2019, each facility maintained that room confinement was no longer used for discipline, but is only used when incidents threaten the safety and security of individuals and the facility as a whole.

785 room confinement incidents occurred at Nebraska detention centers between July 1, 2018 and June 30, 2019. This number is down from the 827 reported in the 2017-2018 review.

Data gathered by a national organization from participating facilities across the country similar to these detention centers, indicated in 2014, the average duration of room confinement at juvenile detention and assessment centers was just over six hours.\textsuperscript{47} Three of the four detention centers in Nebraska (Madison, LCYS, and Sarpy) typically end room confinement in six hours or less.

During on-site interviews conducted in October 2019, all juvenile detention centers acknowledged that room confinement reporting was a challenge. Administration reported that they continually

\textsuperscript{39} 83-NAC 13-007.02.
\textsuperscript{40} 83 NAC12-001.
\textsuperscript{41} 83-NAC13-001 and 13-002.
\textsuperscript{42} Sarpy County Juvenile Justice Center Standard Operating Procedure JS-5500 “Juvenile Housing Classification” March 3, 2017.
\textsuperscript{43} Madison County Basic Guidelines for New Behavior/Sanction Rules at NNJS, July 2016.
\textsuperscript{44} Lancaster County Youth Services Center Policy 05000000.4, August 22, 2006.
\textsuperscript{45} Douglas County Youth Center Policy 9.3.
\textsuperscript{46} Id.
\textsuperscript{47} Council of Juvenile Correctional Administrators. “Council of Juvenile Correctional Administrators Toolkit: Reducing the Use of Isolations [Toolkit].”
worked to reduce confinement instances. Common responses have been to hire staff, add incentives or level programs for the youth, and use behavioral approaches that provide youth with additional tools as they deal with frustration. Each site observed improved critical thinking skills among staff; while critical thinking skills did not reduce incidents of youth violence or stress, these skills helped the staff in de-escalating some situations.

Douglas County Youth Center (DCYC)

The Douglas County Youth Center is a secure juvenile detention center in Douglas County. The facility has a total of 144 beds. In FY 18-19 the facility served 201 youth and had an average daily population of 80.

DCYC Room Confinement Summary found on page 19 provides a summary of data pertaining to the use of room confinement at DCYC.

Half of all incidents of confinement for the fiscal year were due to some type of assault or fighting. DCYC has made progress in the number of incidents that are resolved in either four or eight hours or less. In FY 17-18 the facility completed less than 1% (3 out of 392 incidents) of room confinements in 4 hours or less and less than one percent (14 out of 392 incidents) in eight hours or less. In FY 18-19, 14 percent of confinements are completed in eight hours or less.

Other measures were reduced as well. The longest period of room confinement reported by the facility was 346.5 hours (14.5 days) for being a disruption during a cool out, room restriction, or lockdown by a 13 year old female. The longest confinement in FY 17-18 was 262.25 for assaulting another juvenile. The shortest periods of room confinement were .25 hours for two juveniles for noncompliance with staff directives. The median duration for this facility for FY 18-19 was 45.75 hours, from 57.5 hours in FY 17-18. The reasons cited for room confinement incidents have not significantly changed at DCYF from FY 17-18 to FY 18-19. The most frequently cited reasons for both fiscal years included assault, behavior infractions/rule violations, intimidating or threatening behavior, and gang related activity.

The use of room confinement most frequently occurs when a juvenile is placed into restrictive housing at DCYC. When on restrictive housing, administration reported that youth are restricted to their locked room but receive educational and other services. Youth on restrictive housing are not allowed to have contact visits.

DCYC administration maintains that the youth have very little time alone during a twenty-four hour period. When reporting, DCYC does not report the total number of hours a youth is in restrictive housing, instead reporting the total number of hours in the period assigned to restrictive housing the youth is actually left alone in a locked room. The OIG reports the total time a youth is confined from start to finish.

In an interview with the OIG, DCYC stated they feel the biggest driver of room confinement is violence. One DCYC administrator told the OIG that incidents of violence have increased as the use of juvenile room confinement has become limited. “We need to have a greater impact for some of
our kids. Some of the behaviors are rooted in pretty serious stuff, and you’re not going to get past that in a few hours.”

Administration believed that restrictive housing is not always considered a serious consequence by some youth. DCYC reported that sometimes a youth feels safe in restrictive housing after having an altercation in the general population, and they (the youth) will find ways to delay returning to the general population.

DCYC reported to the OIG that they employ three licensed mental health professionals and a psychologist. They stated there are plans to hire a psychiatrist this year as well. They are also in the process of changing their training and orientation from crisis intervention to cognitive behavioral therapy, in order to provide youth with more coping skills. The staff also indicated that they attempt to build relationships with youth, and they have less violence-related issues with the youth who have been there for the longest time. Staff have been encouraged to help develop incentives for youth; these incentives include intramural sports. One staff member credited participation in these activities for causing reduced incidents of confinement, possibly because there was peer pressure to be available for the teams.

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48 Interview with DCYC staff.
## DCYC Room Confinement Summary FY 18-19

<table>
<thead>
<tr>
<th>Total Incidents/Total Individual Youth</th>
<th>463/201</th>
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<tbody>
<tr>
<td>Median Duration of Room Confinement Incidents</td>
<td>45.75 hrs.</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 4 hours or less</td>
<td>6%</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 8 hours or less</td>
<td>14%</td>
</tr>
<tr>
<td>Longest Confinement Incident: Hours, Age, Reason(s)</td>
<td>346.5 hrs.; 13 yr. old; Disruption while on cool-out, room restriction, or lockdown</td>
</tr>
<tr>
<td>Shortest Confinement Incident: Hours, Age, Reason(s)</td>
<td>.25 hr. (2) 14 &amp; 17 yrs.; Non-compliance with staff directive</td>
</tr>
<tr>
<td>Frequently Confined</td>
<td>39 individuals comprised 230 incidents</td>
</tr>
</tbody>
</table>

### Most cited reasons for confinement

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number of Related Incidents</th>
<th>Percentage of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fighting (includes gang related activity)</td>
<td>144</td>
<td>31%</td>
</tr>
<tr>
<td>Assault of other youth, staff or volunteer (includes attempted use &amp; use of a weapon, gang related activity)</td>
<td>97</td>
<td>21%</td>
</tr>
<tr>
<td>Disobeying a Direct Order</td>
<td>42</td>
<td>9%</td>
</tr>
</tbody>
</table>

### Quarterly Breakdown

<table>
<thead>
<tr>
<th></th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Incidents</strong></td>
<td>145</td>
<td>107</td>
<td>98</td>
<td>113</td>
</tr>
<tr>
<td><strong>Total Youth</strong></td>
<td>80</td>
<td>58</td>
<td>57</td>
<td>76</td>
</tr>
<tr>
<td><strong>Longest Confinement</strong></td>
<td>346.5</td>
<td>179.25</td>
<td>168.0</td>
<td>187.0</td>
</tr>
<tr>
<td><strong>Shortest Confinement</strong></td>
<td>4.0</td>
<td>.75</td>
<td>.25</td>
<td>.75</td>
</tr>
</tbody>
</table>
Lancaster County Youth Services Center (LCYS)

The Lancaster County Youth Services Center provides secure detention services for juveniles up to the age of 19 years of age. In FY 18-19, the facility served a total of 67 youth with an average daily population of 29.

The facility reported a total of 130 room confinement incidents during FY 18-19, involving 79 individual youth ranging in age from 13-18 years, a reduction from 276 incidents in FY 17-18. LCYS Room Confinement Summary found on page 21 presents further information.

The facility reported completing 99% of room confinement incidents in eight hours or less for FY 17-18. There was continued improvement on decreasing the duration of room confinements in FY 18-19. LCYS room confinement incidents were completed in four hours or less 90% of the time and within eight hours more than 99% of the time. There was a single incident of confinement of one youth that lasted 13 hours.

Of the 130 room confinement incidents reported by LCYS in FY 18-19, 64 of them were attributed to 14 individual youth. It was noted that LCYS reported 21 incidents of room confinement lasting between 2.5 and 2.75 hours at the same time on a single day; an additional juvenile was confined for 4.75 during that event. The reason for confinement was the juveniles were in danger due to the behaviors of others. The median duration of juvenile room confinements for LCYS was 2.0 hours.

The use of room confinement for administrative reasons at LCYS was reduced, from 29 in the previous year to 11 for this reporting period. Based on documentation provided by the facility, these administrative confinements were all for medical reasons.

LCYS administration indicated their greatest challenge related to the room confinement issues is the temporary nature of the facility. Youth often enter detention facilities because there are no other placement options for them at a particular time. Many behavior issues result from youth frustration with the absence of a permanent placement that provides the care and support that a juvenile may need. LCYS reported that many behavior issues emerge following hearings.

Administration reported that efforts to reduce the use of room confinement in FY 18-19 have built on their work over previous years. “Our work in family engagement has continued. Our program supervisor has worked with youth on self-advocacy skill development; we now implement a strengths inventory for all youth when they come in. We talk about goal setting.”49 They continue to strengthen their behavior management program, focusing on positive reinforcement with the youth instead of separation from the group. Last year LCYS brought in a full time Detention Program Supervisor. This person is on site and has developed programing in Restorative Justice, Life Skills and Independent Living Skills.

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49 Interview with LCYSC staff.
### LCYS Room Confinement Summary FY 18-19

<table>
<thead>
<tr>
<th>Total Incidents/Total Individual Youth</th>
<th>130/79</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median Duration of Room Confinement Incidents</td>
<td>2.0 hrs.</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 4 hours or less</td>
<td>90%</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 8 hours or less</td>
<td>99%</td>
</tr>
<tr>
<td>Longest Confinement Incident: Hours, Age, Reason(s)</td>
<td>13 hrs.; 17 yrs.; Danger to others</td>
</tr>
<tr>
<td>Shortest Confinement Incident: Hours, Age, Reason(s)</td>
<td>1.0 hr.; 16 yrs.; Danger due to behavior of others</td>
</tr>
<tr>
<td>Frequently Confined</td>
<td>14 individuals comprised 64 incidents</td>
</tr>
</tbody>
</table>

### Most Cited Reasons for Confinement

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number of Related Incidents</th>
<th>Percentage of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danger to Others</td>
<td>66</td>
<td>51%</td>
</tr>
<tr>
<td>In Danger due to Behavior of Others (Safe Keeping)</td>
<td>33</td>
<td>25%</td>
</tr>
<tr>
<td>Danger to Staff</td>
<td>11</td>
<td>8%</td>
</tr>
</tbody>
</table>

### Quarterly Breakdown

<table>
<thead>
<tr>
<th></th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Incidents</td>
<td>12</td>
<td>29</td>
<td>72</td>
<td>17</td>
</tr>
<tr>
<td>Total Youth</td>
<td>9</td>
<td>18</td>
<td>39</td>
<td>13</td>
</tr>
<tr>
<td>Longest Confinement</td>
<td>5.25</td>
<td>13.0</td>
<td>5.75</td>
<td>4.0</td>
</tr>
<tr>
<td>Shortest Confinement</td>
<td>1.25</td>
<td>1.25</td>
<td>1.25</td>
<td>1.0</td>
</tr>
</tbody>
</table>
Northeast Nebraska Juvenile Services Center (Madison)

The Northeast Nebraska Juvenile Services Center is located in Madison County. It provides both staff secure and secure detention to juveniles 18 years of age and younger. The facility has a total of 34 beds, and served 63 youth in FY 18-19 with an average population of 23.

In FY 17-18, Madison reported a total of 84 room confinement incidents. For this reporting period the facility reported a total of 78 room confinement incidents, involving 63 individual youth ages 12-17 years. The Madison Room Confinement Summary found on page 23 presents further information on room confinement at Madison.

NNJSC reported 96% of room confinements ended in eight hours or less; 94% ended in four hours or less. This metric is consistent with FY 17-18. One of the longest reported incidents of room confinement at the facility was 12.75 hours involving a female youth who was a danger to herself.

More than 80% of room confinements at Madison were due to administrative reasons. This number is high when compared to best practices. Madison administration reported a power outage, and a natural disaster near the facility, which made getting staff to and from the location a challenge during that time. Another contributing factor to the administrative confinements is the fact that Madison is dependent on the local sheriff's office to come on site and evaluate juveniles for emergency protective custody (EPC) when there is a mental health concern/crisis that might necessitate the juvenile being transported to a local emergency room.

Madison administrators maintain that room confinement is not used as punishment; it is utilized for emergency situations or situations that impact the safety and security of youth, staff or facility. This shift in room confinement practice was made in July 2016. The Madison administration reported that room confinement does not include regularly scheduled time during the day. Youth on room confinement status attend school, congregate for meals and programming as scheduled, and then are restricted to their sleeping rooms during the portion of the evening that would be considered unstructured time. When asked how room confinement was used, the reply was, “First, we evaluate situation as unsafe. That is the standard. Room confinement isn’t necessary if the youth cooperates. If they continue to be socially unsafe, they might need to go into a room against their will. The goal is to not have to lock everyone down.”\textsuperscript{50} Although most youth remain in the facility for 21-24 days, Madison administration reported they have been waiting on placement for one youth for more than ten months.

Madison reported that they hired an additional staff member to move (float) about the facility as needed for the evening shift, because this is when youth have the most unstructured time. They continue to use their incentive program as part of their behavior management plan, as they believe this has a significant amount of influence on their need to utilize room confinement. New staff have been trained in how to deal with rule violations. Critical incident reports are reviewed, and staff members receive feedback on how they implement restrictions.

\textsuperscript{50} Interview with NNJSC staff.
Madison Room Confinement Summary FY 18-19

<table>
<thead>
<tr>
<th>Total Incidents/Total Individual Youth</th>
<th>78/63</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median Duration of Room Confinement Incidents</td>
<td>1.5 hrs.</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 4 hours or less</td>
<td>94%</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 8 hours or less</td>
<td>96%</td>
</tr>
<tr>
<td>Longest Confinement Incident: Hours, Age, Reason(s)</td>
<td>15.0 hrs.; 14 yrs.; Medical Quarantine</td>
</tr>
<tr>
<td>Shortest Confinement Incident: Hours, Age, Reason(s)</td>
<td>1.0 hr.; (7) 15-17 yrs.; Administrative-Facility Emergency</td>
</tr>
<tr>
<td>Frequently Confined</td>
<td>25 individuals comprised 39 incidents</td>
</tr>
</tbody>
</table>

**Most cited reasons for confinement**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number of Related Incidents</th>
<th>Percentage of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative- Staffing</td>
<td>38</td>
<td>49%</td>
</tr>
<tr>
<td>Administrative – Other (Medical or Facility Emergency)</td>
<td>26</td>
<td>33%</td>
</tr>
<tr>
<td>Danger to self, other and/or staff</td>
<td>12</td>
<td>15%</td>
</tr>
</tbody>
</table>

**Quarterly Breakdown**

<table>
<thead>
<tr>
<th></th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Incidents</td>
<td>24</td>
<td>1</td>
<td>26</td>
<td>27</td>
</tr>
<tr>
<td>Total Youth</td>
<td>22</td>
<td>1</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>Longest Confinement</td>
<td>3.75</td>
<td>15.0</td>
<td>2.25</td>
<td>12.75</td>
</tr>
<tr>
<td>Shortest Confinement</td>
<td>1.5</td>
<td>15.0</td>
<td>1.25</td>
<td>1.0</td>
</tr>
</tbody>
</table>
Patrick J. Thomas Juvenile Justice Center (Sarpy)

The Patrick J. Thomas Juvenile Justice Center is a staff-secure detention center located in Sarpy County. Sarpy serves juveniles aged 13-18 years, and is equipped with 30 beds. During FY 2018-2019 the facility served a total of 45 youth, with an average daily total of 13.

The facility reported a total of 114 incidents of room confinement with 45 individual youth aged 14-18 years. The Sarpy Room Confinement Summary found on page 25 provide further detail on the use of juvenile room confinement at the facility.

Room confinement incidents for Sarpy stayed generally level when compared to last year’s report. The four shortest periods of room confinement reported by the facility were one hour episodes in which the youth were determined to be dangers to others. The longest period of room confinement was 9.5 hours involving a 16 year old male who was a danger to others/staff. The median duration of room confinement for Sarpy for FY 18-19 was three hours. Half of room confinement incidents (58) involved 8 separate youth. The highest frequency for room confinement was one youth who was confined 12 times for a total of 33.75 hours.

The most frequently cited reasons for room confinement were instances in which the youth was determined to be a danger to other residents, staff, or a combination of the two. Sarpy does not have a facility designed for room confinement in the juvenile’s sleeping area because few youth have their own rooms, instead s/he is taken to the booking area, where they are observed at all times.

The Sarpy administration reported that the greatest challenge the facility faces when trying to reduce the number of room confinement incidents is the increased mental health needs of youth placed at the facility, and the lengthy stay of some of the youth. This facility housed one youth for approximately seven months, compared with a normal stay of 17-18 days. Long stays make it difficult to keep youth invested in the incentive program they use as part of their behavior management program. “They don’t have a light at the end of the tunnel, so there’s no incentive.”51 The staff person also observed how difficult the instability was for youth to process and tolerate, noting that one youth was leaving the facility that day, and neither the youth nor the facility had information about where they were being placed next.

According to administration, there has been an effort to reduce the use of room confinement by further developing the youth incentive program to provide more privileges and increased opportunities. In addition to this, they have continued to provide more mental health focused training for staff. They have been able to access 24-hour emergency mental health care through the Sarpy County Sheriff’s Office, which lets them have a mental health practitioner on site within 30 minutes. They also have two licensed mental health practitioners on staff. The facility has also received programming and training through Region VI which has been invaluable, according to Sarpy administrators.

51 Id.
<table>
<thead>
<tr>
<th>Sarpy Room Confinement Summary FY 18-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Incidents/Total Individual Youth</td>
</tr>
<tr>
<td>Median Duration of Room Confinement Incidents</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 4 hours or less</td>
</tr>
<tr>
<td>Percentage of Room Confinement Ending in 8 hours or less</td>
</tr>
<tr>
<td>Longest Confinement Incident: Hours, Age, Reason(s)</td>
</tr>
<tr>
<td>Shortest Confinement Incident: Hours, Age, Reason(s)</td>
</tr>
<tr>
<td>Frequently Confined</td>
</tr>
</tbody>
</table>

**Most cited reasons for confinement**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number of Related Incidents</th>
<th>Percentage of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danger to Others &amp; Staff</td>
<td>77</td>
<td>68%</td>
</tr>
<tr>
<td>Danger to Staff</td>
<td>19</td>
<td>16%</td>
</tr>
<tr>
<td>Danger to Others</td>
<td>18</td>
<td>16%</td>
</tr>
</tbody>
</table>

**Quarterly Breakdown**

<table>
<thead>
<tr>
<th></th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Incidents</td>
<td>29</td>
<td>29</td>
<td>34</td>
<td>22</td>
</tr>
<tr>
<td>Total Youth</td>
<td>10</td>
<td>10</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Longest Confinement</td>
<td>6.0</td>
<td>8.25</td>
<td>9.5</td>
<td>9.25</td>
</tr>
<tr>
<td>Shortest Confinement</td>
<td>1.25</td>
<td>1.0</td>
<td>1.0</td>
<td>1.25</td>
</tr>
</tbody>
</table>
National Overview of Juvenile Room Confinement

Research & Literature Review

The OIG undertook a systematic search for literature that supported the use of juvenile room confinement in the administration of juvenile justice. The OIG concludes; based on research—there is no behavioral, medical, educational, or legal research that indicates juvenile room confinement, specifically the lengthy involuntary isolation of juveniles placed in any program functioning outside of the family environment, is beneficial or therapeutic. There is no non-partisan, independently-funded, peer-reviewed research which indicates that use of juvenile room confinement is a best practice in juvenile facilities. Seclusion and restraint are considered high-risk and non-consensual. Not only are these practices traumatic to the youth, but there is also possibility of trauma to other juveniles who witness responses to behaviors, to the person who engages in that type of discipline, and to others who are aware that the discipline has taken place. Juvenile room confinement is often used despite research associating the practice with serious consequences for youth mental and physical health. Possible consequences include:

- "Increased risk of self-harm and suicidal ideation;
- Greater anxiety, depression, sleep disturbances, paranoia, and aggression;
- Exacerbation of the onset of pre-existing mental illness and trauma symptoms; and,
- Increased risk of cardiovascular related health problems."

As many as 70% of children in the U.S. juvenile justice system already suffer from diagnosable mental health conditions. At least 75% of youth in the U.S. juvenile justice system have experienced traumatic victimization; more than 90% have reported adverse childhood experiences (ACEs) that include child abuse, violence, and/or serious illness. More than half of incarcerated juvenile suicide victims have a history of room confinement while placed in a publically

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33 LeBel et al. (2012).