October 11, 2013

The Honorable Eric H. Holder, Jr.
United States Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Robert L. Listenbee
Administrator
Office of Juvenile Justice and Delinquency Prevention
Department of Justice
810 7th St., N.W.
Washington, DC 20531

Re: OJJDP July 5, 2013 Letter Regarding Youth in Solitary Confinement

Dear Attorney General Holder and Administrator Listenbee,

We, the undersigned criminal and juvenile justice reform advocacy organizations, are writing in response to your July 5, 2013, letter in reply to our May 2, 2013, coalition letter urging you to direct all appropriate Department of Justice agencies to adopt policies prohibiting the solitary confinement of youth in federal custody and to make prohibiting youth solitary a priority issue for the Department.

We want to commend the Department for stating, through Mr. Listenbee’s letter of July 5, its view that “isolation of children is dangerous and inconsistent with best practices and that excessive isolation can constitute cruel and unusual punishment.” We agree and believe the use of solitary confinement on youth must end. As the report of the National Task Force on Children Exposed to Violence recently concluded, “nowhere is the damaging impact of incarceration on vulnerable children more obvious than when it involves solitary confinement.” We also applaud the Department for stating, through Mr. Listenbee’s letter, its commitment to “examine the status of Department efforts in this area.”

We believe, as we stated in our letter of May 2, that the Department should prioritize implementing the National Task Force’s recommendation that agencies that detain children should abandon correctional practices, like solitary confinement, which “traumatize children and further reduce their opportunities to become productive members of society.” A ban on the solitary confinement for children is indeed the appropriate first step.

This is an issue where Federal leadership can have an important and lasting impact nationwide. Therefore, in addition to immediately implementing a federal ban on the solitary
confinement of children, we urge the Department, through the Office of Juvenile Justice and Delinquency Prevention, to do the following:

(1) Make available technical assistance funds to assist facilities that detain and care for youth in revising their policies and practices to ensure that they are not subjected to unconstitutional conditions of confinement, including solitary confinement;

(2) Publicize the Department’s conclusions on the use of isolation by sharing Mr. Listenbee’s letter and the detailed supporting attachment with: (a) all juvenile facilities nationwide; (b) all BOP contract facilities that house youth; and (c) all jails and prisons which have reported to the Bureau of Justice Statistics that they have housed children in the last five years.

Thank you in advance for your leadership on this important issue. If you have any additional questions about this issue, please feel free to contact Jesselyn McCurdy, ACLU Senior Legislative Counsel, at jmccurdy@dcaclu.org or (202) 675-2307.

Sincerely,

American Civil Liberties Union
American Academy of Child and Adolescent Psychiatry
Architects / Designers / Planners for Social Responsibility
Campaign for the Fair Sentencing of Youth
Campaign for Youth Justice
Center for Children’s Law and Policy
Center for Constitutional Rights
Children’s Law Center
Civil Rights Clinic, University of Denver College of Law
Coalition for Juvenile Justice
Community Action Partnership
Council for Children with Behavioral Disorders
Equity Project
Florida Institutional Legal Services Project
Girls Inc.
Human Rights Defense Center
Human Rights Impact Litigation Clinic at American University Washington College of Law
Human Rights Project for Girls
Human Rights Watch
Ian Kysel, Dash/Muse Fellow, Human Rights Institute, Georgetown University Law Center (affiliation provided for identification purposes only)
Just Detention International
Justice for Families
Juvenile Law Center
Lambda Legal
National Association of Social Workers
National Center for Lesbian Rights
National Crittenton Foundation
National Disability Rights Network
National Network for Youth
National Organization CURE-Women Incarcerated.
National Religious Campaign Against Torture
New Mexico Council on Crime & Delinquency
Office of the San Francisco Public Defender
Pacific Juvenile Defender Center
Prison Law Office
Prisoners' Legal Services of New York
Smart on Crime Solutions
Social Justice Committee, UU Congregation at Shelter Rock
The Center for Public Representation
The Correctional Association of New York
The National Alliance on Mental Illness
The Sentencing Project
Trevor Project
T’ruah: the Rabbinic Call for Human Rights
Uptown People’s Law Center
Violence Prevention Coalition
W. Haywood Burns Institute
Washington Lawyers Committee for Civil Rights and Urban Affairs
Youth Law Center
Youth Represent

cc: Karol Mason, Assistant Attorney General, Department of Justice
Charles Samuels, Director, Director, Federal Bureau of Prisons