

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@dcacclu.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