

THE CHILDREN'S CAMPAIGN

2021 Bill Highlights

As of 5/3/2021

SB 570 & HB 377– Youth in Solitary Confinement

Sponsors: Senator Thurston, Jr. (D - Fort Lauderdale) & Representative Thompson (D - Orlando)

Outcome: SB 570 and HB 377 died in their first committee.

Target Population: Youth involved with the Department of Juvenile Justice (DJJ) and the Department of Corrections (DOC) being housed in adult prison.

Summary: Prohibits DOC from placing youth who are younger than 18 in solitary confinement. Defines disciplinary, emergency, and medical confinement as the three types of confinement allowed for children. Provides exceptions for the use of medical confinement in emergency situations. Requires a child to be seen by a mental health counselor one hour after confinement, with follow ups every 4 hours and staff to conduct and document visual checks 4 times an hour in 15 minute intervals. Prohibits medical confinement from being used as a punishment. Allows youth to remain in confinement for up to 48 hours, after this point if the mental health clinician decides it to be unsafe, they must be transferred to a special treatment facility. Requires youth to be given the same meals, water, clothing, visitation rights, and legal assistance as the general population while in emergency confinement.



How the Bills Differ:

- The bills are identical.

Impact: According to the American Civil Liberties Union (ACLU), solitary confinement can cause extreme psychological, physical, and developmental harm. For children, who are still developing and vulnerable to irreparable harm, the risks are magnified – particularly for kids with disabilities or histories of trauma and abuse. While confined, children are regularly deprived of the services, programming, and other tools that they need for healthy growth, education, and development.

A national study found that 50% of incarcerated juveniles who committed suicide were placed in isolation at the time of their death and 62% had been in solitary confinement at some point. Despite the research on the negative effects of solitary confinement, the Department of Juvenile Justice places youth in solitary confinement at alarming rates. Between July 1, 2017 and June 1, 2018, the DJJ isolated 4,310 children in solitary confinement a total of 11,738 times, an indication that many children were put in isolation repeatedly.

The requirement that children should not be able to see or hear adult prisoners when in adult facilities often results in youth being placed in isolation. This bill would reduce the number of children and teenagers who are able to be held in adult facilities.

The Children's Campaign supports this bill and the potential to remove a negative practice utilized to adhere to administrative requirements rather than protect public safety.

Effective Date: July 1st, 2021

