

State Sen. Leno Seeks To Ban Most Solitary Confinement Of Juveniles

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Jail Cell, Bars, Prison, Generic
(CBS)

SAN FRANCISCO (CBS SF) – State Sen. Mark Leno, D-San Francisco, announced Tuesday a new try for a law that would sharply limit solitary confinement of youth in juvenile correctional facilities in California.

Leno said he will introduce the new bill, now entitled the Stop the Torture of Children Act, when the Legislature reconvenes in January.

A similar bill introduced by Leno last January passed the state Senate but stalled in the Assembly Appropriations Committee.

Leno announced the bill at a San Francisco news conference together with other advocates including former Iranian hostage Sarah Shourd and San Francisco District Attorney George Gascon.

“When we isolate kids for long periods of time and deliberately deprive them of human contact we’re not helping them turn their lives around, we’re hurting them. We must end this type of cruel punishment, which can amount to torture,” Leno said.

The bill bans solitary confinement of juveniles in state and county facilities except for up to four hours when a youth poses an immediate and substantial risk of hurting others or threatening the security of the facility, he said.

Shourd, 37, of Oakland, who spent 410 days in solitary confinement in Iran in 2009 and 2010, called isolation in captivity “a brutal assault on a person on many levels.”

“It affects physical and mental health and results in insomnia, hallucinations and uncontrollable bouts of rage and depression,” she said.

The after-effects “can go on for many, many years” and the impacts are worse for youthful prisoners because their brains and impulse control are less developed, Shourd said.

Leno’s previous bill, SB 124, was opposed by the State Coalition of Probation Organizations. Coalition lobbyist Alberto Torrico said Tuesday the group’s leaders have not yet taken a position on Leno’s new bill because they have not yet seen it.

But Torrico said that in general, while youth facilities in California emphasize rehabilitation, “there are some juveniles, or a few, who are determined to be violent.”

He said temporary isolation of such youths, as opposed to using pepper spray or physically breaking up fights, is sometimes the best way to tamp down potential violence or gang fights, and sometimes more than four hours is needed.

Solitary confinement of a juvenile is “not done lightly” and is subject to regulatory requirements, such as daily review by a facility’s deputy director and medical and security checks, Torrico said.

Leno said he is optimistic the new bill will pass next year.

“We’re reframing the debate,” he said.

Leno said one part of this effort is to cite a United Nations torture expert, attorney Juan Mendez of Argentina, who has concluded that prolonged solitary confinement of adults amounts to torture and that the practice should be banned altogether for youth.

A second shift in the debate, Leno said, is this year’s settlement of a lawsuit filed by prisoners against the state, which has greatly reduced the solitary confinement of adult inmates, but which does not apply to juveniles.

Leno said that at present, juveniles in California can be placed in solitary confinement for actions that would not lead to solitary confinement for an adult prisoner.

“That’s outrageous,” he maintained.

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