Challenging Conditions of Confinement and Detention Annotated Bibliography

Created by the Gault Center 2026
Transformative Policy Initiative

Special thanks to the Law Firm Antiracism Alliance, Ropes Gray LLP, Steptoe LLP, and Troutman Pepper Locke for providing support and research for the annotated bibliographies through their summer 2026 internship program.

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I. Key Takeaways

- Placing youth in juvenile detention and correction centers as opposed to community-based alternatives is a counterproductive response to youth delinquency.[1]
- Widespread violence, sexual abuse, unsanitary conditions, and inadequate education programming are prevalent in many detention and secure placement facilities.[2]
- Black, Latine, and Native/Indigenous youth are overrepresented in almost all detention and secure placement facilities across the nation.[3]
- Solitary confinement is among the most harmful and widely condemned practices in detention and secure placement facilities, and yet it remains pervasive. Young people are frequently placed in isolation as a routine disciplinary response to minor infractions. Even short periods of solitary confinement can cause extreme stress for youth, especially those who already suffer from mental health conditions.[4]

[1] Annie E. Casey Foundation, *No place for kids: The Case for Reducing Juvenile Incarceration* (2011).
[2] Andrea J. Sedlak, Ph.D, Survey of Youth in Residential Placement: Conditions of Confinement, U.S. Dep't of Justice (2017).
[3] Patrick McCarthy, et al., *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model* (2016).
[4] *Id.* at 1.

- Jurisdictions whose detention models focus on community alternatives rather than secure detention have achieved dramatic reductions in the number of detained youth, the number committed to state custody, and youth crime rates overall.[5]
- Community-based alternatives to youth incarceration consistently outperform secure detention in recidivism, mental health outcomes, education, continuing family stability, and cost. Youth who complete community-based programs reoffend at substantially lower rates and are better equipped to successfully return to their communities than youth who are placed in secure detention facilities.[6]

II. Harms of Detention

A. General Harms of Detention

1. Natalia Orendain et al., *Juvenile Confinement Exacerbates Adversity Burden: A Neurobiological Impetus for Decarceration*, 16 Frontiers in Neuroscience 1004335 (2022).

- **Purpose**
  - To underscore that conditions in juvenile detention facilities constitute a form of adversity exposure that have lasting negative neurodevelopmental effects and quality of life outcomes for youth, many who enter the legal system with preexisting early life adversity.
- **Methodology**

[5] Annie E. Casey Foundation, *JDAI at 25: Insights from the Annual Results Reports* (2017).
[6] Annie E. Casey Foundation, Embedding Detention Reform in State Statutes, Rules and Regulations: A Guide to Juvenile Detention Reform (2014).

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- The report draws on neurodevelopmental science, empirical studies, meta-analyses, national survey data, government reports, and Supreme Court jurisprudence to highlight that confinement of youth exacerbates neurodevelopmental harm.

- **Results**
  - Because adolescents are especially susceptible to lasting neural changes in response to environmental conditions due to ongoing neuroplasticity, confinement is neurodevelopmentally harmful, independent of any single abusive incident.
  - Finds conditions of confinement for youth, such as exposure to threat and abuse, separation from family and social supports, and restriction in sterile environments, exacerbate youth trauma during a young person's neurodevelopment window.
  - Studies have shown that interventions rooted in counseling, skill-building, and restoration-based interventions produce the greatest recidivism reductions, while deterrence and discipline-based programs increase reoffending.
  - "Advancement toward a developmentally appropriate response to youth who come to the attention of law enforcement requires acknowledgment that existing conditions may often constitute a state-sanctioned form of adversity exposure and exacerbation, an argument that the neuroscientific, pediatric, and behavioral health care communities can advance in striving toward decarceration of youth."

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2. Andrea J. Sedlak, Ph.D, *Survey of Youth in Residential Placement: Conditions of Confinement* (2017).
   - **Purpose**
     - To present findings conducted through a survey of confined youth regarding their experiences while confined in residential or secure placement facilities.
   - **Methodology**
     - Youth were interviewed using audio-computer-assisted self-interviewing (ACASI), in which prerecorded questions were delivered through headphones and youth responses were entered via touchscreen.
     - The survey included a nationally representative sample of 7,073 youth across 205 eligible facilities in 2003.
   - **Results**
     - 83% of youth in detention facilities and 58% in juvenile correctional facilities were confined by 3+ locks during daytime hours.
     - 35% of youth were placed in solitary confinement, locked up alone, or confined to their room, with more than 50% of this subset experiencing solitary confinement for longer than 24 hours. Many youth did not see a counselor prior to being placed in solitary.
     - Young people reported unsanitary living conditions and difficulty sleeping due to the poor environmental conditions that exist in correctional facilities.
     - Youth in correctional facilities fear being attacked by staff or other youth and report receiving punishment that is disproportionate to their actions; only 30% of youth surveyed believe punishments youth received were fair.

- Racial disparities continue to exist in correctional facilities, as Black youth are more likely to be placed in a juvenile correctional facilities and less likely to be placed in residential treatment programs than their white peers.

3. Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* (2011).

- **Purpose**
  - The report highlights the flaws and failures of prison-like, correctional institutions for young people and offers recommendations for reducing reliance on youth incarceration through evidence-based, cost-effective, and humane approaches to public safety.
- **Methodology**
  - This report draws on recidivism data from 38 states and meta-analyses of juvenile programs from different states/agencies.
- **Results**
  - **Secure Detention for Youth is Dangerous:** While in confinement, youth often experience physical abuse and excessive use of force by staff, sexual abuse by staff or others in the facility, and solitary confinement or isolation.
    - 42% of confined youth say they are afraid of being physically attacked.
    - In 2010, the federal Bureau of Justice Statistics (BJS) studied 26,650 youth in the correctional system nationwide and found that 12% had been sexually abused while in large juvenile facilities.

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  - Solitary confinement continues to be overused despite well documented evidence that it is harmful. In some states youth may be confined to their rooms for 23 hours a day.
  - Secure Detention for Youth is Obsolete: Most studies show that incarcerating youth is no more effective than other community-based alternatives at reducing future offending.
  - Small studies have shown that alternative therapy focused methods such as Multisystemic Therapy and Functional Family Therapy are likely cost saving and more effective approaches to serving youth involved in the juvenile legal system.
- **Secure Detention for Youth is Unnecessary:** Just 12% of youth placed in residential programs committed serious violent crimes.
  - Many youth are placed in custody for technical rule violations like being disrespectful to a judge or probation officer or not following the rules of the home.
- **Secure Detention for Youth is Inadequate:** Juvenile corrections systems have become the primary point of service for youth with mental health conditions and other needs, yet juvenile facilities are ill-equipped and poorly positioned to provide treatment for youth.
  - More than half of youth held in corrections facilities are not administered any sort of mental health assessment. When assessments are done, they are often performed by untrained staff.
  - Despite exceptional rates of confined youth suffering from learning disabilities, access to learning materials and resources in these facilities is limited, often leading to lower rates of academic success for young people who are detained.

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4. Linda A. Teplin et al., *Psychiatric Disorders in Youth in Juvenile Detention*, Arch Gen Psychiatry (2002).

- **Purpose**
  - To measure the 6-month prevalence of psychiatric disorders among detained youth across demographic subgroups to better inform resource allocation within the juvenile legal system and broader mental health systems.
- **Methodology**
  - Used the Diagnostic Interview Schedule for Children (DISC2.3) to assess a randomly selected, stratified sample of 1,829 detained youth (1,172 males, 657 females, ages 10-18) in Cook County, Illinois.
  - The sample included African American, non-Hispanic white, and Hispanic youth.
  - The study measured prevalence of mental health diagnoses in detention centers including anxiety, psychosis, attention deficit hyperactivity disorder (ADHD), disruptive behavior diagnoses, and substance use diagnoses, broken down by sex, race/ethnicity, and age.
- **Results**
  - Psychiatric disorders were highly prevalent among detained youth:
    - Nearly two-thirds of males and three-quarters of females met criteria for at least one psychiatric disorder.
    - Roughly 60% of males and over two-thirds of females qualified for a diagnosis for one or more psychiatric diagnoses.
    - Substance use disorders affected approximately half of all youth; disruptive behavior disorders were present in over 40% of both sexes.

- Over 20% of females met criteria for major depressive episode.

- **Relevance:**
  - This study highlights the juvenile legal system's challenges in allocating necessary mental health resources to young people entering secure confinement and the need to find community-based solutions to support young people.
  - This study does not account for the misdiagnosis and overmedication of youth in the juvenile legal system, and the implicit biases associated with diagnoses in the medical and special education space.

5. Meg Gould, *Cruel and Unusual Trauma: How Eighth Amendment Principles Governing Conditions of Confinement Should Apply to Juvenile Strip Searches*, 52 Colum. Hum. Rts. L. Rev. 1009 (2021).

- This is a law review note arguing that the Supreme Court's developmental jurisprudence and the "children are different" principles emerging from the *Roper*, *Graham*, *Miller*, and *Montgomery* cases should extend to strip searches performed on youth in juvenile detention and correctional facilities.
- The author frames strip searches as a form of institutionalized sexual violence because they are inherently harmful, humiliating, and degrading, akin to visual sexual assault, and its effects are particularly traumatizing for youth. The author shares data collected in one juvenile facility where contraband was found in only 0.6% of strip searches to underscore the argument that not only are strip searches traumatizing, but they are also unnecessary.

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6. Migueyli Aisha Duran, *Of the Least of These: The Case Against Juvenile Confinement in America*, 68 Howard L.J. 375 (2025).
   - This law review note argues that children have a fundamental right to self-actualization as a liberty interest under the Fourteenth Amendment's Substantive Due Process Clause, requiring courts to review claims of unconstitutional conditions of confinement under strict scrutiny.
   - Strict scrutiny review would render abusive conditions like solitary confinement, extreme heat, and violence as unconstitutional because they impede a young person's development.
   - The article underscores that the juvenile legal system was founded on rehabilitative ideals, but those ideals were never extended to Black youth, who have historically been treated as inherently dangerous rather than young people deserving of second chances.

7. John P. Vivian et al., *Assaults in Juvenile Correctional Facilities: An Exploratory Study*, 30 J. Crime & Just. 17 (2007).
   - **Purpose**
     - To identify individual and institutional factors associated with "actual" injury assaults and "potential" injury assaults (incidents cited as failure to comply, threatening behavior, horseplay, or inappropriate sexual behavior/language that carried a risk of escalating into injury) among youth and staff within the Arizona Department of Juvenile Corrections.
   - **Methodology**
     - Analyzes 10,985 incident reports documented in 2003 within the Arizona Department of Juvenile Corrections' automated youth base system.

- **Results**
  - The injury assault rate rose 85% between August 2002 and December 2003 even as the population in facilities decreased, indicating that population density alone does not explain facility violence.
  - Youth prior assault history, mental/emotional instability, and frequent placement in isolation are individual predictors of injury assaults and housing units with high isolation or assault rates are contextual predictors of injury assaults.
  - Assaults are clustered in unsupervised locations (dayrooms, lounges, halls) rather than structured education time.
  - High staff turnover rates coincided with a rise in assaults between youth and staff.

8. Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, (2006).
   - Summarizes research on the impact of detention on recidivism, mental health, education, employment, and economic mobility, ultimately arguing that the costs of detaining youth (heightened recidivism, worsened mental health and self-harm, and interrupted schooling and employment), outweigh any public safety benefit.
   - The report finds that racial disparities exist in detention practices for Black youth, even though they are accused of delinquent behavior at similar rates as white youth.
   - The report also made the following findings:

- Detention can increase recidivism, while alternatives to incarceration curb crime and recidivism better than detention.
- Detention pulls young people deeper into the juvenile legal and adult criminal systems.
- Detention slows a young person's natural "aging out" of delinquent behavior.
- Detention makes young people's mental health worse and puts youth at greater risk of self-harm.
- Detention impacts a young person's ability to receive special education services, and ability to return to school.
- Detention reduces the ability of a young person to find employment in the labor market.

- Additionally, the authors found that detention is more costly than alternatives to detention and is not cost effective.
- The authors cite to the Juvenile Detention Alternatives Initiative (JDAI) as a model for reducing unnecessary detention, documenting jurisdictions that cut detention populations by 27–66% without an increase in youth crime rates and highlighting community-based organizations that "serve the needs of youth in family like settings, situated as close to home as possible with services delivered in a culturally sensitive and competent manner."

9. Alix Bruce, *Broken Bones and Pepper Spray: The State-Sanctioned Abuse of Immigrant Juveniles in Custody*, 27 Am. U. J. Gender Soc. Pol'y & L. 431 (2019).
   - This is a law review article arguing that the physical, emotional, and sexual abuse endured by immigrant youth held in Office of Refugee Resettlement

(ORR) custody is unmonitored, state-sanctioned abuse that violates the Fifth and Eighth Amendments as well as federal law.

- The article documents specific incidents of physical abuse (including beatings, use of pepper spray, and physical restraint) and sexual abuse of immigrant youth at ORR-contracted facilities.
- The author recommends extending Eighth Amendment protections against cruel and unusual punishment to immigrant youth in pre-trial detention and redefining "government employee" under the Federal Tort Claims Act to include contracted facility staff.
- These arguments for extending Eighth Amendment protections for immigrant youth in ORR custody, or pre-conviction detention, can also be applied to youth in juvenile detention and residential placements (pre- and post-trial) through the delinquency system.

10. Movement Advancement Project, Center for American Progress & Youth First, *Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System* (2017).

- **Purpose**
  - To shed light on the overrepresentation of LGBTQ youth in juvenile detention and correction facilities. The report highlights the experiences of LGBTQ youth and provides policy recommendations.
- **Methodology**
  - This report was created by a coalition of organizations, drawing on existing national survey data, facility policy reviews, and original interviews and case examples of young people gathered by the authors.

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- **Results**
  - LGBTQ youth are twice as likely as their peers to end up in juvenile detention and correction facilities.
  - An estimated 20% of system-involved youth identify as LGBTQ or gender nonconforming, compared with 7% to 9% of youth in the general population.
  - Approximately 85% of LGBTQ youth in juvenile detention and correction facilities are youth of color.
  - The report documents disparate and harsh treatment of LGBTQ youth by law enforcement, courts, and detention facility staff, including unsafe housing placements, lax facility oversight, and physical abuse in facilities.
  - The report identifies a lack of access to LGBTQ-competent health and supportive services as a barrier to successful reentry after release.
  - The report makes several policy recommendations including:
    - Close youth prisons and create community-based alternatives to youth incarceration.
    - Reduce discrimination in the juvenile justice system.
    - Improve safety of and resources available to LGBTQ youth in youth facilities and community supervision.

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B. Sexual Abuse in Detention Facilities

1. Erica L. Smith et al., *Sexual Victimization Reported by Youth in Juvenile Facilities*, 2018, U.S. Dep't of Just., Bureau of Just. Stat. (2019).

- **Purpose**
  - This summary document is a companion to the longer National Survey of Youth in Custody, Sexual Victimization Reported by Youth in Juvenile Facilities, 2018, providing a data snapshot of sexual victimization of youth in juvenile detention facilities in 2018.
  - The summary was created pursuant to the Prison Rape Elimination Act (PREA), which requires states to develop standards, protocols, and resources to protect individuals, including incarcerated youth, from sexual assault. States that receive federal funding must follow facility standards per the Department of Justice designed to detect, prevent, and respond to incidents of sexual abuse in facilities, including reporting statistics.
  - The report ranks state detention facilities by prevalence of sexual victimization, although only 113 facilities had enough complete interviews to be ranked.
- **Methodology**
  - Self-report survey of 6,049 youth in custody, sampled from 327 state-operated and locally or privately operated youth facilities, across all U.S. states and D.C.
  - Findings include national, state, and facility-level prevalence estimates, broken out by type of incident (youth-on-youth versus staff-on-youth sexual misconduct) and degree of coercion involved.

- Pursuant to PREA, the report and accompanying statistical tables identify 12 facilities with significantly high rates of reported sexual victimization and 14 facilities with significantly low rates, alongside national prevalence estimates.

- **Results**
  - In 2018, an estimated 7.1% of youth in juvenile correctional facilities reported being sexually victimized during the prior 12 months. This figure is likely underreported.
  - Around 4.0% of youth in juvenile facilities reported experiencing sexual victimization involving force or coercion, split about evenly between victimization by youth (1.9% of all youth in juvenile facilities) and victimization by staff (2.1%).
  - Female youth (4.7%) in juvenile facilities were more likely than male youth (1.6%) to report youth-on-youth sexual victimization. Male youth (6.1%) were more likely than female youth (2.9%) to report staff-on-youth sexual misconduct.

2. Sara Medina, *Sexual Abuse of Juveniles in Correctional Facilities: A Violation of the Prison Rape Elimination Act,* 26 Am. U. J. Gender Soc. Pol'y & L. 947 (2018).

   - This law review comment addresses the failure of state youth correctional facilities to follow the specific youth protections afforded by the Prison Rape Elimination Act (PREA), arguing that sexual abuse of youth in custody is not merely a PREA compliance failure but a violation of the Eighth Amendment's prohibition on cruel and unusual punishment.

- This comment is useful for advocates building constitutional claims on behalf of youth who have experienced sexual abuse in custody.

3. Amber Joy Powell, *Incarcerated Girls, Credibility, and Sexual Misconduct in Juvenile Detention Facilities, Violence Against Women*, 31 Violence Against Women 3137 (2025).
   - **Purpose**
     - This report examines the ways in which correctional staff, PREA compliance personnel, and youth advocates assess the credibility of incarcerated girls who report sexual victimization, and how those credibility judgments shape whether girls receive protection.
   - **Methodology**
     - The report draws on 34 semi-structured interviews that included core questions with room for informal conversation. The interviews were conducted with PREA compliance managers, coordinators, and auditors; youth support staff such as correctional workers, mental health specialists, and counselors; victim service coordinators, technical assistance providers, and formerly incarcerated survivors.
     - Interviewees recruited via social media, the PREA Resource Center, and snowball sampling (participants referring other participants).
   - **Results**
     - This report finds that PREA compliance personnel and other youth advocates and technical assistance providers found reports of sexual abuse before detention credible but were skeptical of girls' claims of sexual abuse in detention facilities.

- The report concludes that being recognized as a credible victim of sexual assault, both before and during confinement, does not reliably translate into protection as investigations often require evidence (e.g., video, witnesses) that is difficult to obtain.
- Girls that are found to be credible regarding sexual abuse allegations may remain in the same facility, unit, or under the supervision of the individual they accused of abuse.
- Black girls experience "adultification" and LGBTQ girls of color are perceived as aggressors, making them less likely to be deemed "credible" and less likely to receive protection in detention facilities when they report abuse.
- This report underscores that credibility determinations regarding sexual abuse allegations are not neutral, often impacted by implicit and explicit biases, power and gender dynamics.

4. R Street Institute, *Abused by the State: The Hidden Crisis Inside America's Juvenile Detention System* (2025).
    - **Purpose**
        - This policy report from the R Street Institute, funded by the Annie E. Casey Foundation, documents the scope of sexual abuse in juvenile detention facilities, calling for a reduction of secure detention facilities and unnecessary incarceration of young people.
    - **Methodology**
        - Draws on sexual abuse allegation data submitted by facilities pursuant to the Prison Rape Elimination Act (PREA) and verified by the Bureau of Justice Statistics, civil litigation data, state legislative responses to

sexual abuse in juvenile detention centers and facilities and firsthand accounts from survivors.

- **Results**
  - From 2007 to 2018, facilities reported more than 13,000 allegations of sexual victimization of confined youth, with roughly 55% of alleged incidents attributed to facility staff and 45% attributed to youth-on-youth victimization.
  - Notably, of alleged staff-perpetrated incidents, the report finds that 91% of cases involved female staff acting alone, cutting against the common assumption that male staff are the primary perpetrators of sexual abuse against youth in confinement.
  - Youth who report abuse often face isolation or retaliation rather than protection, and more than 60% of claims were found unsubstantiated, frequently due to limited evidence or a lack of follow-up; even substantiated cases rarely led to termination, arrest, or prosecution of staff.
  - The report makes several recommendations to address this crisis, with the primary recommendation to reduce the number of youth in secure detention. The report concludes, “Every child who is supervised in the community is one less child vulnerable behind bars. If we are serious about ending the CSA (child sexual abuse) epidemic in juvenile facilities, we must move beyond damage control and dismantle the structures that perpetuate harm.”

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C. Harms of Solitary Confinement

1. Tamar R. Birckhead, *Children in Isolation: The Solitary Confinement of Youth*, 50 Wake Forest L. Rev. 1 (2015).
    - This law review article provides a comparative analysis of solitary confinement practices for youth in juvenile detention centers and facilities in the United States, Europe, Africa, Asia, and the Middle East, drawing on original research of the solitary confinement policies of fifty-seven countries.
    - The author catalogs the harms associated with solitary confinement of youth, such as elevated risk of self-harm and suicide and the justifications facilities offer for the practice (i.e., punishment, overcrowding, administrative classification, and medical "treatment" or segregation).
    - The article underscores the limited U.S. legal response to youth solitary confinement, emphasizing the absence of a federal statute directly regulating the practice and the reliance on inconsistent state legislation and litigation.
    - The author proposes a framework for advocates and policymakers to limit the use of solitary confinement including model legislation, federal regulatory standards, best-practice guidelines, and the role youth defenders can play in advocating against the use of solitary confinement for individual clients.

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2. Lindsay M. Hayes, *Juvenile Suicide in Confinement: A National Survey*, Off. of Juv. Just. and Delinq. Prev., U.S. Dep't of Just. (2009).
    - **Purpose**
        - To conduct the first national survey of youth suicide within confinement, examining the demographic characteristics of victims, the circumstances of each incident, and the characteristics of the facility involved.
        - This study was funded by OJJDP and conducted by the National Center on Institutions and Alternatives and surveys youth detention centers, (also called reception centers, training schools, ranches, camps, and farms) nationwide.
    - **Methodology**
        - The study identified and analyzed 110 youth suicides that occurred when the youth was confined, between 1995 and 1999.
        - The researchers gathered descriptive data on each victim, incident, and facility.
    - **Results**
        - The survey found that half of the youth suicide victims were on "room confinement status" at the time of their death or had a documented history of isolation.
        - Victims frequently had histories of mental health or substance abuse problems that were inconsistently identified through facility intake screening.
        - The study offers several recommendations, including:
            - Juvenile facilities should have written suicide prevention policies that encompass training, identification and screening,

communication, housing, levels of supervision, intervention, reporting and follow up/mortality review.

- Administrators of juvenile facilities should create and maintain effective training programs and ensure medical and mental health personnel receive annual instruction on suicide prevention.
- There are significant deficiencies in intake screening and a lack of suicide prevention programs in detention.
- Each death in a juvenile facility should be accounted for and comprehensively reviewed.
- Additional funding and research should be directed at determining the causes of youth suicide, the relationship between room confinement and suicide, and the effect of prolonged confinement on suicidal behavior.

III. Community-Based Alternatives to Detention

A. Stephanie Bontrager Ryon et al., *Community-Based Family-Focused Alternatives to Incarceration: A Quasi-Experimental Evaluation of Interventions for Delinquent Youth*, 51 J. of Crim. Just. 59 (2017).

- **Purpose**
  - To evaluate whether Parenting with Love and Limits (PLL), a community-based program, was more effective and cost-efficient than traditional residential placement at reducing recidivism among youth accused or adjudicated of non-violent offenses.

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- **Methodology**
  - Used propensity score matching to compare 92 youth who completed PLL against 92 similar-risk youth who completed residential programs between 2007-2010.
  - Recidivism rates were measured over a 12-month follow-up period using Florida's official definition recidivism as "any subsequent offense resulting in adjudication or adult conviction".
- **Results**
  - PLL participants had a ten percent reduction in the recidivism rate (approximately 26% compared to 36% for youth in residential placement) – a statistically significant difference.
  - PLL participants outperformed residential placement across all other measures examined, including felony conviction rates and subsequent system placement.
  - PLL costs substantially less per youth served than residential placement.
- **Relevance**
  - This study suggests that community-based, family-focused programs are an effective in reducing recidivism and are a cost-efficient alternative to restrictive institutional placements for youth adjudicated of delinquency offenses.

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B. Patrick McCarthy, et al., *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model* (2016).

- **Purpose**
  - This paper evaluates whether the youth prison model achieves its stated goals of rehabilitation and public safety, and makes the case for replacing youth prisons entirely with community-based alternatives.
- **Methodology**
  - The paper focuses on the historical context regarding youth correction facilities, highlights research on the harms of placing youth in detention and correction facilities, and underscores data supporting the research.
- **Results**
  - Youth prisons fail on every core metric:
    - 70-80% of incarcerated youth are rearrested within two to three years.
    - Abuse is endemic and documented across nearly every state in our nation.
    - The average cost of placing a young person in a youth correctional facility exceeds $146,000 per youth per year with little to no rehabilitative return.[7]
    - Decades of litigation, consent decrees, and leadership changes have failed to change the fundamental nature of youth correctional facilities.

[7] (Note: The $146,000 annual cost figure reflects 2014-2015 data from the report; current costs in many states now substantially exceed this figure. See Sticker Shock 2020: The Cost of Youth Incarceration for more updated cost information).

- Racial disparities are severe in juvenile detention and correction facilities: nationally, Black youth are incarcerated at 4.7 times the rate of white youth.
- The authors conclude youth prisons cannot be reformed and must be replaced, proposing a four-part framework:
  - Reduce the pipeline by limiting commitments to youth with serious offenses.
  - Reform system culture and expand community-based alternatives.
  - Replace large prisons with small, homelike facilities near youth's communities.
  - Reinvest savings into wraparound community services.

- **Relevance**
  - This paper provides a comprehensive indictment of the youth prison model grounded in historical analysis, cost data, recidivism rates, and racial disparity evidence. It offers a concrete framework for transitioning to community-based alternatives.

C. Melissa M. Labriola et al., *Community based Alternatives to Youth Incarceration*, (2024).

- **Purpose**
  - This report from the RAND corporation was written in response to a dramatic national decline in youth incarceration – a 77% drop in youth held in facilities from 2000 to 2020.
  - The report identifies and prioritizes the most pressing research and policy needs associated with closing secure juvenile facilities and expanding community-based alternatives.

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- **Methodology**
  - RAND assembled a panel of 17 experts from juvenile system administration, the judiciary, academia, advocacy, and policy consulting, producing 30 needs across 5 themes, with 11 rising to Tier 1 (high priority).
  - Top priority themes included:
    - "Family support and equity concerns;"
    - "serious youth offending and high-risk, high-needs youth;"
    - "systems and creating a road map for reform;"
    - "politics, buy-in and voice;"
    - "funding for alternatives and community capacity."
- **Results**
  - Panelists stressed that success must be measured not just by recidivism rates, but by broader indicators of positive youth development – including education, health, and self-sufficiency.
  - The juvenile legal system disproportionately affects Black communities and families, with disparities existing at most points in the incarceration process. Risk assessment tools must be examined to understand how their use contributes to bias or disparate treatment.
  - Family engagement is critical for ensuring positive youth outcomes, and more research must be done to prioritize family engagement as a decarceral strategy.

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IV. Advocacy and Investigative Reports

A. Annie E. Casey Foundation, *JDAI at 25: Insights from the Annual Results Reports* (2017).

- **Purpose**
  - "The Juvenile Detention Alternatives Initiative (JDAI) is a nationwide effort of local and state juvenile legal systems, initiated and supported by the Annie E. Casey Foundation, to eliminate unnecessary and inappropriate use of juvenile secure detention and to reduce racial disparities."
  - JDAI has become the most widely replicated juvenile legal reform across 39 states.
  - In 2017, the Foundation submitted an annual report summarizing 8 years of data (2008-2016) on detention reform statistics both in and out of JDAI jurisdictions.
    - Data highlights significant reductions in youth incarceration and crime, while also noting that momentum for reform has slowed in some jurisdictions and racial and ethnic disparities remain prevalent.
- **Results**
  - Across 164 reporting sites in 2016, there were more than 3,800 fewer youth in detention on an average day than before JDAI began – a 43% reduction in average daily population.
  - Annual admissions fell 49%, representing roughly 93,000 fewer admissions per year and approximately 1.4 million fewer days of youth detention annually.

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- 85% of the 164 reporting sites had a lower detention population than before JDAI.
- Juvenile crime: Across 127 reporting sites, youth crime fell by more than 40% on average from pre-JDAI levels; felony petitions fell 39%.
- Reductions in detention were achieved across all regions (35% in the South to 56% in the West) and in both urban and non-urban communities.
- Among the 40 sites reporting every year from 2008-2016, detention reductions deepened over time, with the largest reductions on record occurring in 2016.
- Despite overall reductions in detention numbers, racial disparities persisted and worsened:
  - Youth of color accounted for 80% of the detention population in 2016, up from 75% at baseline, despite representing only 52% of the youth population.
  - The disparity index increased across all three main incarceration indicators (detention ADP, admissions, and state commitments).
  - Incarceration rates for youth of color in 2016 remained higher than rates for white youth had been even before JDAI.
  - The report underscores the limitations of the reporting so far, especially in terms of understanding racial disparities in detention. The detention and commitment indicators use an overly broad racial and ethnic category "youth of color" that does not adequately shed light on the disparate impact of detention on specific demographic groups.
- Among long-term reporting sites, the pace of detention reduction slowed significantly after 2012.

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B. Southern Poverty Law Center, *Destined to Fail: How Florida Jails Deprive Children of Schooling* (2018).

- **Purpose**
  - Florida prosecutes more youth in the adult criminal justice system than any other state (over 1,100 in fiscal year 2016-17), and most transfers are "direct files" in which prosecutors exercise sole discretion to charge children as adults, without judicial review or individualized assessment.
  - When a child is "direct filed" into the adult system, they may be held in an adult jail. Southern Poverty Law Center investigated whether youth held in adult county jails across Florida receive the education they are entitled to under state and federal law.
- **Methodology**
  - The review drew on public record requests, interviews with children, public defenders, and advocates, and examined educational services in small and large jails across the state.
- **Results**
  - Youth in Florida's adult jails are routinely denied legally required educational services:
    - Small jails provide as few as 2-3 hours of instruction per week, far below the legally mandated 300 minutes per day.
    - Girls and youth with disabilities are disproportionately harmed, often left without programming or with IEPs altered or terminated without proper process.
    - Youth in solitary confinement receive worksheets as a substitute for classroom instruction; sometimes without pens or pencils.

- SPLC concludes that adult jails are not designed to house children or support their education and rehabilitation, recommending limiting prosecutions of children as adults, keeping children out of adult facilities pending disposition, and improving oversight and interagency coordination.
- Failing to educate youth violates their legal rights, increases recidivism, and imposes substantial costs on Florida taxpayers and public safety.
- SPLC makes several policy recommendations including:
  - Stop prosecuting youth as adults or limit the number of youth transferred to the adult system
  - Stop holding youth in adult jails and provide judges with an ability to place youth in juvenile facilities or at home.
  - Improve oversight and accountability measures for educational programming if a child is placed in an adult jail and provide an education that meets state and federal requirements.

C. Annie E. Casey Foundation, *Embedding Detention Reform in State Statutes, Rules and Regulations: A Guide to Juvenile Detention Reform* (2014).

- **Purpose**
  - This policy manual is designed to help state legislators, advocates, and JDAI collaboratives translate administrative detention reform into durable statutory frameworks, organized around JDAI's reform strategies including alternatives to secure detention and improved conditions of confinement.

- **Results**
  - This guide reframes detention as a legal status existing on a continuum from least to most restrictive, enumerating a wide range of community-based alternatives, including:
    - Home confinement, electronic monitoring, day and evening reporting centers, intensive home-based supervision, mentoring, foster placement, and graduated sanctions for probation violators
  - Supports alternatives to detention with concrete outcome data:
    - Illinois's Redeploy program achieved a 53% reduction in out-of-home commitments at pilot sites and was subsequently converted into a permanent statewide initiative.
    - New York reimburses counties at 62% for detention alternative expenditures versus only 50% for secure detention.
- **Relevance**
  - Provides framework and jurisdiction-tested legislative tools supporting the argument that community-based alternatives are better for youth.
  - Underscores that community-based alternatives are both operationally and fiscally smart alternatives to incarceration and should be the default response for youth accused of or adjudicated of delinquent offenses.

D. Campaign for Youth Justice, *Zero Tolerance: How States Comply with PREA's Youthful Inmate Standard* (2015).

- **Purpose**
  - This national examination explores of how states house youth under 18 in adult prison systems considering the Prison Rape Elimination Act's

(PREA) Youthful Inmate Standard – the federal requirement that youth be kept separate from adult inmates through sight and sound separation.

- **Methodology**
  - The report analyzes the Juvenile Justice Delinquency and Prevention Act (JJDPA) of 1974, PREA guidelines, state statutes, regulations, incarceration rates, pathways into the adult system, case studies and racial disparity data.
  - Note: This report reflects state compliance data as of 2015. PREA compliance landscapes have shifted since publication, and practitioners should verify current state policies before relying on specific state-level findings.
- **Results**
  - There is widespread non-compliance and policy gaps in application of the PREA guidelines for youth in adult jails and prisons:
    - State laws vary dramatically. Some states have no written policies to protect youth housed with adults, and only a handful of states fully remove youth from adult prisons.
  - Significant racial disparities exist as Black youth are 9 times more likely than white youth to receive an adult prison sentence; Latine and Native youth also face disproportionate rates of adult incarceration.
  - Youth in adult facilities face elevated rates of sexual abuse, suicide, and solitary confinement, lack access to rehabilitative programming, and are rearrested at rates approximately 34% higher than youth in the juvenile legal system.
  - The authors make several policy recommendations:

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- Eliminate the placement of youth in adult prisons;
- Promote placement of youth in juvenile facilities as an alternative to adult prison;
- Implement "model" approaches to removing youth from prison;
- Collect data and fund research on youth in the adult criminal system.

E. U.S. Department of Justice, Civil Rights Division: Findings Letters, Statements of Interest, and Investigations Concerning Youth Conditions of Confinement

- **Purpose**
  - The DOJ's Civil Rights Division is authorized to investigate conditions of confinement and intervene in related litigation primarily through two statutes: Civil Rights of Institutionalized Persons Act 42 U.S.C. § 1997 (CIPRA), which targets "egregious or flagrant conditions" violating institutionalized persons' rights, and the Violent Crime Control and Law Enforcement Act of 1994, which addresses patterns or practices of constitutional deprivations in state or local juvenile correctional facilities.
  - Findings letters carry significant weight in subsequent litigation and advocacy because they represent the conclusion of extensive, expert-assisted investigations and are backed by the enforcement authority of the federal government, including the ability to initiate a federal lawsuit 49 days after issuance if the identified conditions are not satisfactorily addressed.

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- **Examples**
  - *i. Investigation of the Texas Juvenile Justice Department (Aug. 1, 2024).*
    - After a three-year investigation of five secure facilities, the DOJ concluded that TJJD violates the Eighth and Fourteenth Amendments, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA) through a pattern of excessive physical and chemical force, prolonged isolation of 17 to 22 hours per day and pervasive sexual abuse by staff and other youth.
    - The DOJ observed systemic failures in mental health care, and a special education system that failed to identify children with disabilities, eliminated IEP services, and provided no specially designed instruction.
    - TJJD's disability discrimination created a pipeline from the Violence Intervention Continuum to adult prison for children whose disability-related behavior prevented them from completing programs required for release.
  - *ii. Investigation of South Carolina Department of Juvenile Justice's Broad River Road Complex: Staff Use of Force (Apr. 14, 2022).*
    - The DOJ concluded that South Carolina's DJJ violates the Fourteenth Amendment by engaging in a pattern or practice of failing to keep youth reasonably safe from excessive force by staff, documenting officers choking, slamming, punching, and biting youth, often in response to verbal non-compliance rather than physical violence.
    - Multiple incidents occurred outside camera coverage, staff routinely failed to report uses of force, and DJJ's investigative process

was undermined by delays, inadequate video retention, and a failure to investigate incidents absent a formal complaint.

iii. Investigation of the Kentucky Department of Juvenile Justice (May 15, 2024).

- The DOJ announced the opening of a civil rights investigation into conditions at nine juvenile corrections facilities operated by the Kentucky Department of Juvenile Justice, examining whether Kentucky engages in a pattern or practice of violating children's rights through force, sexual abuse, isolation and failure to provide adequate mental health care and education under IDEA.
- The investigation is being handled jointly by the Special Litigation Section and the United States Attorney's Offices for the Eastern and Western Districts of Kentucky, and DOJ stated it had not yet reached any conclusions.

F. Juvenile Law Center, Solitary Confinement & Harsh Conditions (Last visited October 26, 2026).

- This page summarizes the range of harsh conditions incarcerated youth face nationwide, including solitary confinement, strip searches, shackling, pepper spray, and physical restraints, framing these practices as government-sanctioned child abuse that interferes with normal child development.
- Also notes that there is no evidence these practices reduce violence in youth facilities and that research suggests they often make conditions worse, and that youth of color, LGBTQ and gender-nonconforming youth

and youth with disabilities are more likely to be placed in solitary confinement.

V. Books

A. Laura S. Abrams & Ben Anderson-Nathe, *Compassionate Confinement: A Year in the Life of Unit C*, Rutgers University Press (2013).

- This book is an ethnography of daily life inside a boys' youth correctional facility ("Unit C") examining how staff and residents navigate the tension between rehabilitative "treatment" goals and the correctional, punitive structure of confinement.
- The book is based on more than a year of field work, participant observation, interviews, and case narratives conducted by the authors at a single boys' residential youth facility.
- The author concludes that housing punitive and therapeutic functions within the same facility undermines both goals and that consistency in staff behavior toward residents is critical to any rehabilitative outcome.
- The book profiles a range of divergent outcomes among the youth studied. Some genuinely embraced opportunities for behavior change, others learned to perform compliance to secure release, and many faced significant obstacles reintegrating into their communities afterward.

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B. Nell Bernstein, *Burning Down the House: The End of Juvenile Prison*, The New Press (2014).

- This book is a journalistic investigation documenting the physical abuse, sexual abuse, and solitary confinement conditions of imprisoned youth.
- The author spent years conducting interviews with incarcerated youth and their families, experts, and reviewing case records, litigation, and government reports.
- The book documents recurring patterns of physical and sexual abuse by staff and argues that solitary confinement is uniquely damaging because it denies incarcerated youth relationships with caring adults.
- Reports that incarceration is the strongest predictor that a young person will later end up in adult prison, more than family history, gang involvement, or the severity of the underlying offense.
- Highlights that Black youth are roughly five times more likely than white youth to be incarcerated in a youth correctional facility for the same conduct.
- Profiles community-based and therapeutic alternatives to incarceration and ultimately argues for the abolition of the U.S. youth prison system.