



JUVENILE FACILITIES CHECKLIST FOR DEFENDERS

ADVOCATING FOR THE SAFETY AND
WELL-BEING OF YOUNG PEOPLE

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INTRODUCTION

On any given day, nearly 50,000 youth in the United States are held in facilities, including detention and correctional facilities¹, as well as other types of secure and non-secure out-of-home placements.² Unfortunately for youth, placement in secure and/or non-secure facilities has appeared to have minimal, if any, impact on future offending;³ and in some cases increases future offending.⁴ Even more unfortunate, are the numerous cases of abuse youth have experienced, in both secure and non-secure facilities.⁵

Additionally, institutional placements can interfere with normative developmental processes and experiences that are key for desistance and positive developmental outcomes. For example, placement in facilities can disrupt family relationships and schooling, and limit opportunities for normative pro-social experiences in the community and among friends.⁶ As a result, facilities may do more to harm youth than help them, and thus prevent successful youth outcomes.

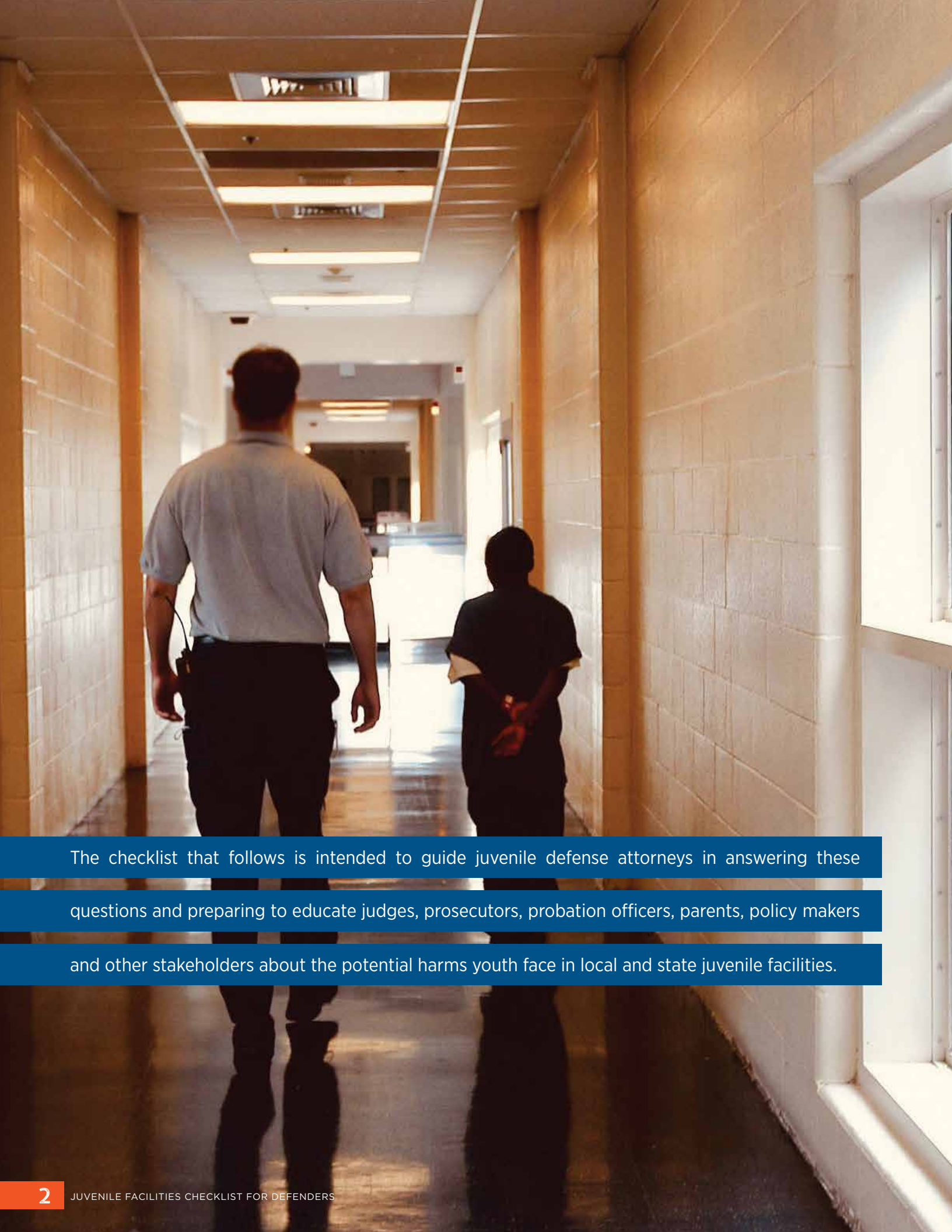
Youth facing time in both secure and non-secure facilities need vigilant advocates who can monitor the conditions of these facilities, and can either prevent the young person's placement, limit the young person's length of time in placement, and/or intervene on the young person's behalf while they are at the placement. Juvenile defenders are ethically bound to provide "competent, prompt, and diligent representation based in legal knowledge, skill, thorough preparation, and ongoing training."⁷ This ethical obligation includes understanding the facilities housing young people to assess their safety and risk for exposure to harmful conditions and abuse, as well as to determine whether the programming offered would support the developmental success of each individual child.⁸ Facility examination should take place at regular intervals through site visits; discussions with clients, families, and other stakeholders familiar with the facilities; and through regular requests for data and/or information from the facilities. Such data can be gathered from publicly available websites, informal requests to facilities, and/or through formal public records—sometimes called Freedom of Information Act—requests which are specific to state law.⁹

This tool is designed to assist juvenile defenders in assessing the safety of the juvenile facilities where their clients could be housed and their clients' risk of exposure to harmful conditions and abuse.

In representing your client, you should gather information about any juvenile facility where your client could be housed. Below is a list of essential questions you should be able to answer about the facilities where your youth clients are placed.

AS A JUVENILE DEFENDER, DO YOU KNOW:

The physical design and general layout of each juvenile facility where your clients could be housed?.....	PAGE 3
The extent of contact your client will have with family and support systems while out-of-home?.....	PAGE 4
The extent of educational, recreational, and other programming offered at the facility?	PAGE 5
The facility’s policies and practices regarding use of force, room confinement, and restraints within the facility, and how often those are employed?.....	PAGE 6
The facility’s disciplinary and due process procedures?.....	PAGE 7
Details about the grievance procedure within the facility and how youth access lawyers while there?.....	PAGE 7
Reported incidents of physical, sexual, or psychological abuse (alleged or proven) or neglect within the facility?	PAGE 8
Whether the facility provides individualized accommodations?	PAGE 9
What resources the facility has available to manage and maintain a youth’s physical and mental health, including employed professionals, contract professionals, and other health/mental health providers?.....	PAGE 10
Staffing ratios and information on the training required for staff in the facility?	PAGE 11
The demographics of youth within the facility?.....	PAGE 11
The content of pending or historical lawsuits, reports, or articles about the conditions or incidents at the facility?.....	PAGE 11
Resources.....	PAGE 12
Public Records Request.....	PAGE 14



The checklist that follows is intended to guide juvenile defense attorneys in answering these questions and preparing to educate judges, prosecutors, probation officers, parents, policy makers and other stakeholders about the potential harms youth face in local and state juvenile facilities.

PHYSICAL DESIGN OF FACILITY

Knowing the answers to the following questions will help you assess the setting's level of restrictiveness, and thus the degree to which the environment resembles an adult prison. The more restrictive the setting, the more likely the facility is focused on custody and control, and not on positive developmental outcomes.

DOES THE PHYSICAL DESIGN OF THE FACILITY CONTAIN PRISON-LIKE FEATURES?

Facilities that contain prison-like features are restrictive settings that focus on custody and control and often lack the capacity to promote positive developmental outcomes.¹⁰ Such features may include any of the following:¹¹

Does the facility have a large bed capacity (i.e., larger than 30)?¹²

- > Does the facility house large numbers of youth on each living unit (i.e., more than 12 youth per unit)?¹³

Does the facility have locked rooms, cells, or units?¹⁴

- > Are there locks on cell doors; hallways, corridors, and wings of the facility; and/or at public entrances and exits?
- > Do the cells have:¹⁵
 - Steel doors?
 - Steel bed frames?
 - A small opening for food in the door?
 - An open toilet and sink in the cell?

Does the facility have isolation or segregation cells?

- > Do those isolation cells lack beds, sheets, blankets, or pillows?

Does the facility have or use hardware such as handcuffs, shackles, chains, restraints, or restraint chairs?

Does the facility have security cameras? Where are they (living units, cafeteria, gym, etc.)?

In the living units, are staff often in one area (e.g., around a desk or in a security station) and youth are in another area (e.g., watching television)?

Are the dining room tables and seats in the facility fastened to the floor?

- > Are the chairs made of metal and/or lack cushions?

Does the facility have communal bathrooms and showers that are visible by guards and do not allow for privacy?

Do youth wear prison-like jumpsuits and undergarments that are sometimes washed in the general laundry and are not returned to the original owner?

Do youth lack access to adequate personal hygiene products and toiletry items?

- > Are youth charged for the cost of these products?

Do youth lack space, time, and facilities to engage in large-muscle exercise on a regular basis?

- > How often do youth go outside for exercise?



FAMILY CONTACT

Family relationships play an important role in facilitating desistance,¹⁶ as well as providing youth with a critical source of emotional support. Youth involved in the justice system may have complex family dynamics that in some way contributed to their system involvement. Removing youth from their families, and limiting occasions for contacts, visits, and counseling limits opportunities for supportive family engagement as well as structures for resolving conflicts and repairing relationships. Additionally, isolation from families and placement in unfamiliar and impersonal institutional environments may exacerbate existing traumas and impede normative development.”¹⁷

WHAT TYPE OF CONTACT ARE YOUTH ABLE TO MAINTAIN WITH FAMILY MEMBERS?

Are youth allowed contact with family members or opportunities to remain engaged with their communities?

- > Are youth provided opportunities to engage in therapeutic services with key family members on a regular basis, such as family counseling?
- > Are youth able to have full contact visits with their families (e.g., touch or hug their loved ones)?
 - If so, what are the restrictions or limitations to these visits?
 - Are there any limitations on who may visit youth (e.g., visits are limited to only parents or legal guardians)?
- > Are youth only able to speak to their families through glass and/or telephone?
- > Are youth able to make phone calls to their loved ones?
 - What are the limitations on how often youth can contact their loved ones?
 - Are calls collect or does the facility pay for the calls?
 - What are the limitations, if any, on who youth may contact?
- > Are youth able to send and receive mail?
 - What are the limitations on what youth send or receive through the mail?
 - What are the limitations, if any, on how often youth may send or receive mail?
 - Is incoming mail opened by staff in front of the youth?
 - Is outgoing mail sealed by the youth so that staff can't read it?
- > Are there other restrictions or limitations on family contacts?
- > Are youth strip searched after family visits?

EDUCATIONAL, RECREATIONAL, AND OTHER PROGRAMMING

DOES THE FACILITY PROVIDE APPROPRIATE EDUCATION, RECREATIONAL, AND OTHER PROGRAMMING?

Facilities that limit access to appropriate programming may undermine a youth's successful re-entry to the community¹⁸ and may be violating federal law. Courts should not place youth in such facilities.

What types of programming does the facility offer for youth?

- > What types of educational programs does the facility offer?
 - How many hours/day of educational programming do youth receive?
 - Will the youth receive credits for school coursework that are transferable back to the community schools they will be returning to?
 - Does the facility have access to special educational programming?
 - Do all students with educational disabilities have Individualized Education Programs (IEP)?
 - Is the facility able to provide the services called for in the IEP?
 - Are there certified special education teachers?
- > What types of recreational programs does the facility offer?
 - How often and for how long are youth allowed outside?
 - Are recreational activities solo or in peer groups?
- > Are there any opportunities for programs to help youth develop skills and/or interests?
 - How often do youth access a library or the internet?
 - Are there arts or music programs?
 - Are there life-skills classes available during the day or in the evening?

Is facility programming (educational, recreational, or other programming) developmentally appropriate for young people?

- > Is the programming designed to support the developmental capacities of young people (e.g., it supports autonomy, healthy decision making, and experiential learning)?
- > Are materials and instruction provided in developmentally appropriate language?
- > Are staff trained in adolescent development?



USE OF FORCE, SOLITARY CONFINEMENT, AND RESTRAINTS

Every facility has policies and procedures related to use of force, solitary confinement, and restraints. It is critical to know these policies, how and when they are enforced, and against which youth.

What are the facility's guidelines as to how much force may be used against a young person in a given situation?

- > Are the facility's actual practices consistent with the written policies?

Are all staff members trained in de-escalation techniques?

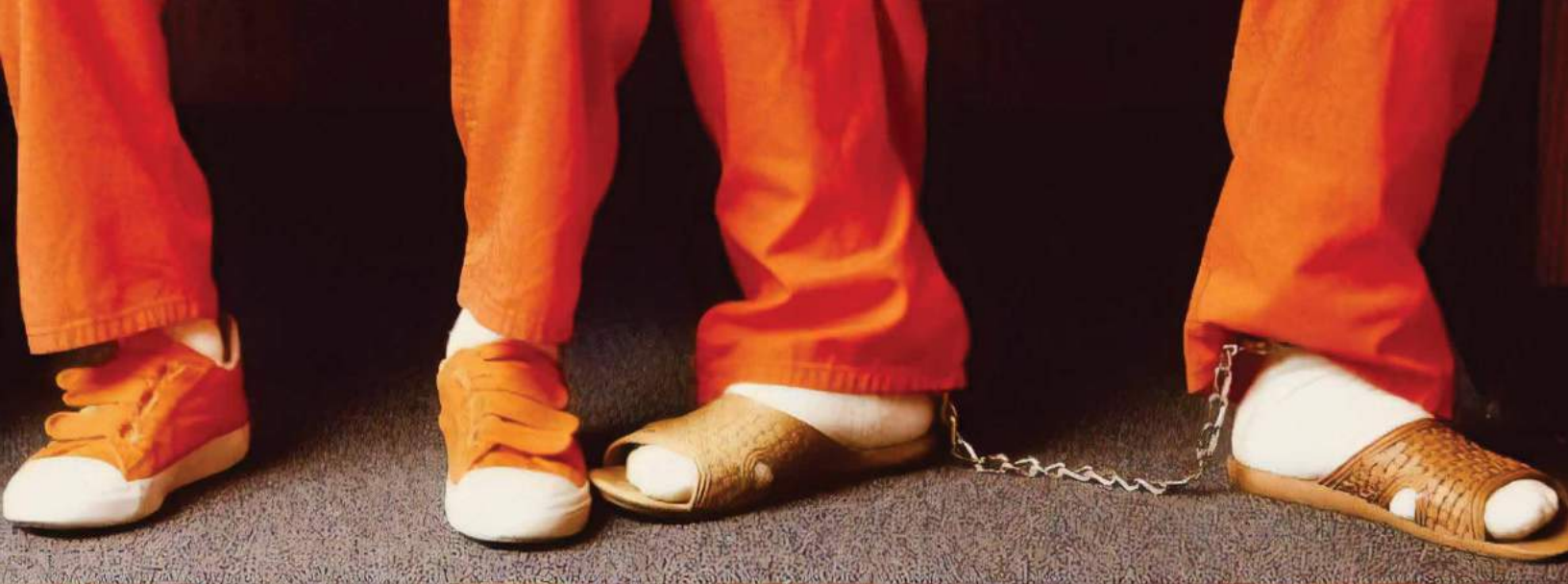
Does the facility keep data and/or records on its use of force and/or disciplinary actions?

- > Can you, or the public, access that information through a public records request?

Are there any documented instances of inappropriate or unsafe applications of force?

Do facility staff use approaches similar to those used in adult prisons (e.g., room confinement, restraints, military procedures and uniforms)?

- > Under facility policy, when can a youth be placed in room confinement?
 - Are the facility's actual practices consistent with the written policies?
- > What are the conditions of room confinement/isolation?
 - How long can youth be held in room confinement/isolation (i.e., are there limits to the amount of time a youth can be placed in room confinement)?
 - Do youth have access to healthcare and/or mental health treatment while in room confinement/isolation?
 - Do youth have access to educational programming while in room confinement/isolation?
 - How often are youth allowed out of room confinement/isolation for exercise?
 - How do youth have access to meals while in room confinement/isolation?
- > Does the facility keep data on the use of solitary confinement/isolation?
- > Does the facility use chemical restraints (e.g., OC Spray (Pepper Spray))?
 - Under what circumstances, if any, could OC/Pepper Spray be used?
- > Does the facility use any mechanical restraints (e.g., handcuffs, leg irons, WRAP restraints, restraint chairs, hog-tying, pole-tying)?
 - Under what circumstances, if any, are these restraints permitted?¹⁹
 - Are there any documented instances of the inappropriate, unnecessary, or excessive use of restraints at the facility?
- > Are youth subjected to strip searches?
 - Under what circumstances are strip searches permitted?
 - Where are youth strip searched?
 - Who strip searches the youth?
 - How often are strip searches conducted?



DISCIPLINARY PROCEDURES

Facilities establish disciplinary rules and behavioral regulations and are required to adhere to administrative procedures.

What are the facility's rules and regulations?

- > How are youth made aware of the facility's rules and regulations?

What are the facility's disciplinary procedures?

- > Are youth informed of the reason for each disciplinary action?
 - Are youth provided written or verbal notice of alleged violations for each disciplinary action?
- > Is there due process for youth alleged to have violated facility rules and regulations?
 - Are youth provided with legal assistance?
 - What are the components of due process for youth accused of misconduct in the facility?

Does the facility have a written policy outlining any prohibitions to any particular types of discipline?²⁰

GRIEVANCE PROCEDURES AND ACCESS TO COUNSEL AND THE JUDICIAL SYSTEM

Facilities must establish an administrative process for youth to lodge complaints and/or grievances.

What is the facility's grievance procedure for youth?

- > What is the facility's appeal procedure for youth following grievance decisions?

Does access to court for young people require exhausting administrative remedies?

Does the facility allow for the administrative transfer of youth to adult prison?

Do all youth have routine access to counsel?

- > Are youth able to correspond with attorneys through the mail without interference by staff (e.g., without staff opening incoming and outgoing attorney mail frequently)?
- > Does the facility record phone calls between youth and counsel?

ABUSE (PHYSICAL OR SEXUAL), VIOLENCE, AND NEGLECT

Young people are particularly vulnerable to abuse, violence, and neglect while in custody, both by facility staff and by other youth.²¹ Courts have an obligation to protect youth by not placing them in facilities with a history of failing to protect the safety of young people in their charge.

Does the facility have any reported or documented instances of abuse (physical and/or sexual), violence, or neglect?

Does the facility keep aggregate data on physical and/or sexual abuse?

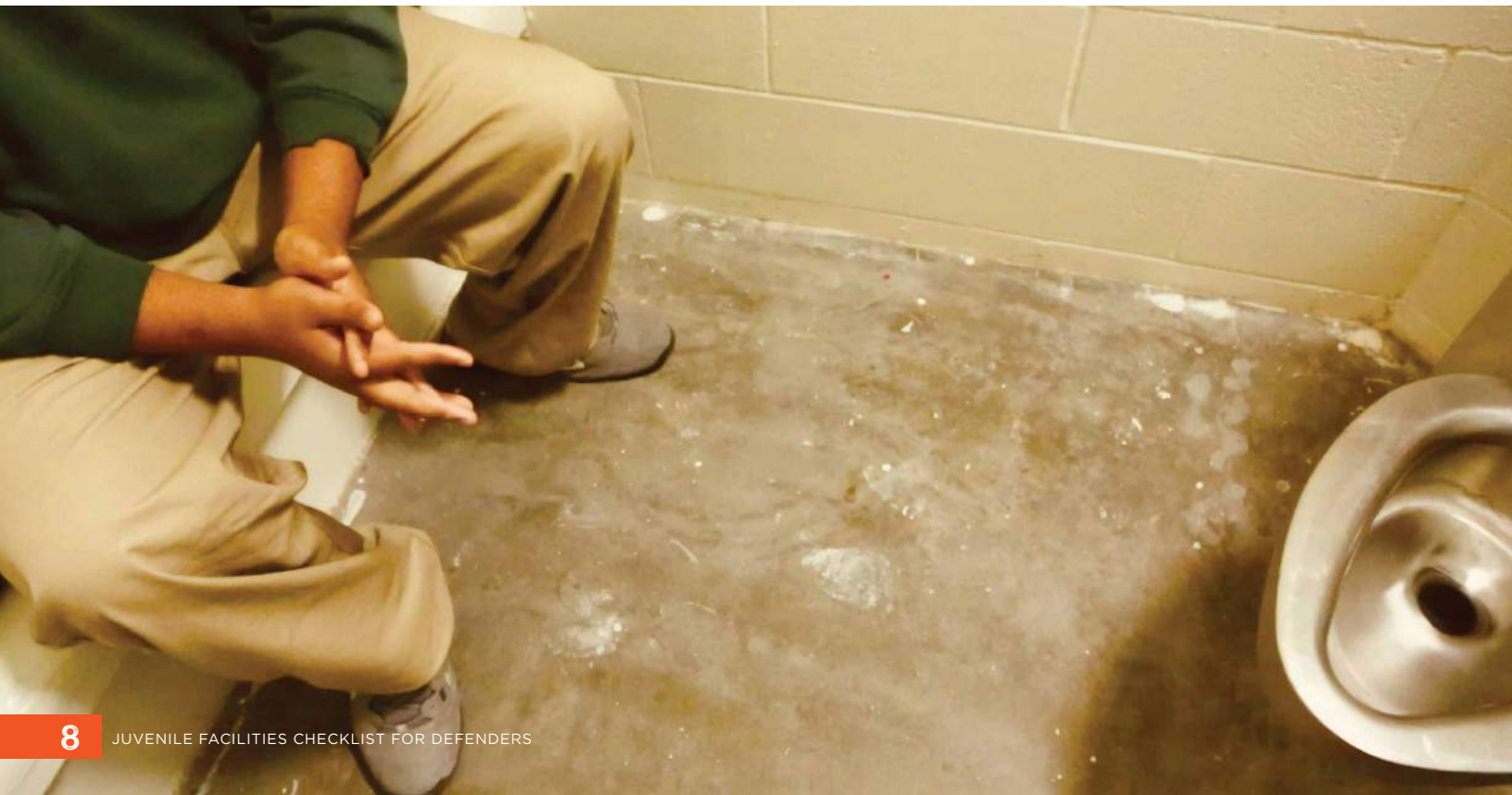
- > Can you, or the public, access that information through a public records request?

Does the facility keep aggregate data on violence and/or neglect?

- > Examples of neglect include but are not limited to:
 - Removal of sanitary napkins and other toiletry items
 - Lack of access to clean water
 - Lack of access to prescription medication
- > Can you, or the public, access that information through a public records request?

Does the facility develop and implement policies that comply with and enforce federal Prison Rape Elimination Act (PREA) standards?²²

- > What is the process for youth to report problems under PREA standards?
 - Who should youth report problems to?
 - How should youth make those reports?
 - Is information posted throughout the facility instructing youth and their families how they make those reports?





FACILITY CAPACITY AND INDIVIDUALIZED ACCOMMODATIONS

The capacities of a facility—both how many youth the facility can house and to what extent those youth are accommodated—provides strong indications as to the facilities long-term ability to care for youth appropriately.

Are youth broken down into classifications within the facility, such as inmate custody levels or risk classifications?

- > What factors are used to make classification decisions (e.g., gender, age, vulnerability, history of violence, etc.)?

How many youth are housed in the facility?²³

What is the facility's maximum capacity?

- > How many days in the past 12 months has the facility been over capacity?

Are there any religious or personal accommodations made available to youth? (e.g., dietary restrictions and access to religious materials)

Are there any language, communication, or disability accommodations made available to youth?

How long are youth housed in the facility? What is the average length of stay (LOS)?

- > Is the length of stay limited to six months or less?²⁴

What is the recidivism rate (e.g., how many youth end up back in the system after release) for incarcerated youth and for youth who are involved with the justice system but not incarcerated?²⁵

- > Is the data kept and published by the facility or the agency responsible for the facility?
 - Can you, or the public, access that information through a public records request?

What is the distance from youth's homes and/or is the facility geographically isolated (e.g., how accessible are the facilities by public transportation, and how long does it take to get there by public transportation or by car?)

What is the daily or annual cost to lock up youth in that facility?

- > How does that compare to community-based interventions available to your client?

YOUTH HEALTH MAINTENANCE & SAFETY

It is critical that courts place young people in facilities that are able to care for their general health needs. Facilities that cannot do so put youth at risk. To determine whether the facility can protect your client's health, ask:

Do youth have access to medical, mental health, and dental care for emergencies, as well as for ongoing treatment?

What access do youth have for counseling and/or mental health care treatment and professionals?

Do youth receive immediate health, mental health, and suicide screenings when admitted to a facility, and appropriate follow-up care depending on the results of those screenings?

- > When are youth given access to prescription medication after their arrival?

Do youth have access to showers, toilets, and running water?

- > Are there any restrictions to their access?

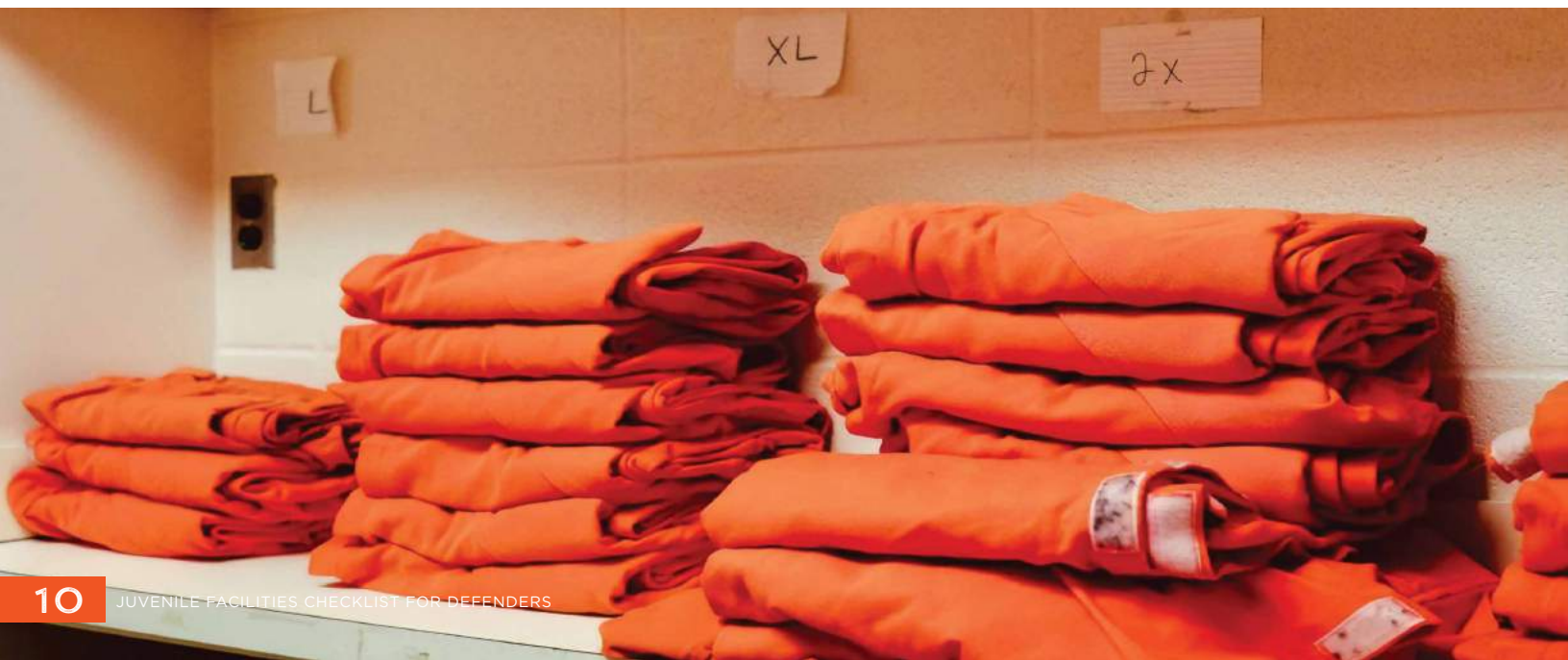
Are youth housed in facilities with comfortable temperatures?

Are youth given access to blankets and/or warm clothing?

What toiletry items do staff provide to youth?

Are youth provided with regular nutritious meals?

- > When do youth get hot meals and when do youth get cold meals?
- > Are youth provided access to fresh fruits and vegetables?
- > What time are breakfast, lunch, and dinner provided at the facility?
- > Are youth given snacks in the evening?
- > Are there any restrictions to their meals when youth are disciplined?
- > Are dietary accommodations made?



STAFFING AND STAFF TRAINING

Facility staff are required to undergo training and it is important to understand whether the training is designed for the purposes of custody and control, or designed to equip staff with the tools needed to promote positive developmental outcomes.

How large is the facility's staff?

- > What is the staff to youth ratio (i.e., staffing ratios should not exceed the standard, which is 1:8)?²⁶
- > What are the characteristics of the staff (race, ethnicity, gender, age) in the facility?
- > What training is required of the staff?
 - How many hours of training do staff receive prior to beginning work?
 - How much of that is on-the-job training or shadowing?
 - Are staff trained in use of force and de-escalation techniques?
 - Are staff trained in trauma informed care?
 - Are staff trained in adolescent development?
 - Are staff trained in cultural diversity?
 - Are staff trained according to PREA protocols?²⁷

DEMOGRAPHICS

It is important for juvenile defenders to be aware of the systemic issues that result in the over-incarceration of youth of color, as well as whether placement in a facility fosters youth success.

What are the demographics of incarcerated youth (race, ethnicity, gender, age) in the facility?

Are there disparities in the incarceration rates when accounting for race, ethnicity, gender, age, or other demographics?

Does the facility have any special provisions and/or access to resources for LGBTQI-GNC youth?

ANY OTHER RELEVANT AVAILABLE INFORMATION

Is there any other public information about the conditions or incidents at the facility (e.g., pending or historical lawsuits; government, research, or advocacy reports)?

RESOURCES

Easy Access to the Census of Juveniles in Residential Placement:

This database, which was developed and is maintained by the **National Center for Juvenile Justice**, provides an analysis of national and state data on the characteristics of youth held in residential placement facilities, including detailed information about the youth's age, sex, race/ethnicity—White, Black, Hispanic, American Indian, Asian, Pacific Islander and other—placement status, length of stay, and most serious offense.

The Census of Juvenile in Residential Placement (CJRP) collects an individual record of each youth held in juvenile residential custody facilities in the United States, as identified by the Census Bureau, with information on the youth's gender, date of birth, race, placement authority, most serious offense charged, court adjudication status, date of admission, and security status. This information is requested for all youth under 21 years of age in the facility every two years on a one-day count; however, many facilities also provide information on the housing of overflow detention populations, physical layout of the facility, separation of residents, counts of residents age 21 and older, and the use of locked doors and/or gates. The inclusion criteria for the census are: younger than 21, assigned a bed in a residential facility at the end of the day on the census reference date, charged with an offense or court-adjudicated for an offense, and in residential placement because of that offense. CJRP does not capture data on youth held in adult prisons or jails, or facilities exclusively intended for drug or mental health treatment.

FOR MORE INFORMATION: <https://www.ojjdp.gov/ojstatbb/ezacjrp/>

Independent Monitoring Systems for Juvenile Facilities:

The **Center for Children's Law and Policy** has developed a fact sheet of independent monitoring systems—programs for receiving and investigating complaints from youth that are separate from an agency's internal grievance mechanism—for youth in juvenile facilities.

FOR MORE INFORMATION: <http://www.cclp.org/wp-content/uploads/2016/06/IM.pdf>

JDAI Juvenile Detention Facility Assessment Standards:

These standards and assessment methodology were created by the **Youth Law Center** and **Center for Children's Law and Policy**, which reviewed court decisions, federal statutory requirements and professional standards, consulted with practitioners and experts, researched model practices, and incorporated lessons from JDAI sites' experiences using the standards. Over the years, stakeholders in JDAI sites and other officials have used the standards to improve conditions, policies, and practices in their facilities.

FOR MORE INFORMATION: <https://www.aecf.org/m/resourcedoc/aecf-juvenile-detention-facility-assessment-2014.pdf>

National PREA Resource Center:

The **National PREA Resource Center** (PRC) provides assistance to juvenile facility officials by providing detailed information about compliance with PREA standards and tools to prevent, detect, and respond to sexual misconduct. Under the PREA standards, all juvenile facilities covered under PREA standards must be audited at least once every three years to be considered compliant with the PREA standards. The PRC's website contains information about the audit instrument, the audit process, and auditor certification.

FOR MORE INFORMATION ABOUT THE AUDIT INSTRUMENT/PROCESS: <https://www.prearesourcecenter.org/audit>

Ready to Launch: A Campaign Starter Toolkit to Close Youth Prisons

Youth First Initiative is committed to supporting community campaigns to close youth prisons. Nearly 50,000 young people are struggling daily in outdated youth prisons, detention centers and other out-of-home placements across the country. This toolkit shows step by step how you can take action and work to close youth prisons and keep children out of prison.

FOR MORE INFORMATION: <http://www.youthfirstinitiative.org/ready-launch-campaign-starter-toolkit-close-youth-prisons/>

Standing Up to Sexual Misconduct: An Advocacy Toolkit to End the Sexual Abuse of Children in Juvenile Facilities

The **Center for Children's Law and Policy** has developed a toolkit designed to equip advocates with knowledge and resources to secure important reforms that will make facilities safe from the sexual victimization of children. This toolkit contains background information and messaging strategies around the need for reform and the requirements of the federal Prison Rape Elimination Act (PREA). It also provides concrete resources and advocacy strategies to achieve significant reform in five critical areas of sexual misconduct prevention, detection, and response.

FOR MORE INFORMATION: <http://www.cclp.org/wp-content/uploads/2016/06/Stand-Up-to-Sexual-Misconduct-Advocacy-Toolkit.pdf>



PUBLIC RECORDS REQUEST

Many juvenile defenders will be able to answer the above questions through informal, independent investigations into the facilities. However, in circumstances when they are unable to, informal and formal public records requests to the facilities may be helpful to obtain information on issues that are not readily accessible to front-line defenders. An informal request to the facility will likely be sufficient, as some entities view formal record requests as litigious. But for circumstances where facility administrators are unable or unwilling to share information short of a formal request, the below sample public records request may be helpful.

This sample public records request likely includes information not available from the facility itself. Consider making separate requests to other entities or agencies that may track this information.

***SAMPLE PUBLIC RECORDS LAW REQUEST TEMPLATE*²⁸**

[NOTE: All states have their own versions of a public records law and vary in what must be submitted for a request. These may be called public records laws, sunshine laws, Freedom of Information Act, or something else. What follows is just an example of the type of information to include but you will want to be sure to research the state specific laws and requirements in your jurisdiction.]²⁹



[Name of Your Organization]
[Street Address]
[City, State, ZIP Code]

[Date]

[Name of Custodian of Records]
[Title]
[Facility Name]
[Street Address]
[City, State, ZIP Code]

RE: PUBLIC RECORDS REQUEST³⁰

Dear [Custodian of Records]

This is a [Freedom of Information Law]³¹ request pursuant to [Local Public Records Law] for the following documents in possession by the [Facility Name].

We request the following information for each calendar year from [Beginning Date Range] to [Ending Date Range]:

1. The number of newly admitted youth by age by gender by calendar year;
2. The number of newly admitted youth by racial/ethnic identity by gender by calendar year;
3. The number of newly committed youth by most serious charge (misdemeanor or felony) by gender by calendar year;
4. The number of newly committed youth by most serious charge (misdemeanor or felony) by racial/ethnic identity by calendar year;
5. The number of newly committed youth by offense by gender by calendar year;
6. The number of newly committed youth by offense by racial/ethnic identity by calendar year;
7. The total number of crossover youth (dual status youth involved in dependency and delinquency systems) by gender by calendar year;
8. The total number of crossover youth (dual status youth involved in dependency and delinquency systems) by racial/ethnic identity by calendar year;
9. The number of staff by racial/ethnic identity by gender by calendar year;
10. The number of staff by educational/training experience in mental health/medical by calendar year;
11. The number of staff by educational/training experience in educational services by calendar year;
12. An organizational chart of the facility including staff position descriptions and current vacancies;
13. Any and all information related to staff training requirements (including but not limited to de-escalation techniques, use of force, trauma informed care, and adolescent development);
14. Average length of stay by placement type by gender by calendar year;
15. Average length of stay by placement type by racial/ethnic identity by calendar year;
16. Median length of stay by placement type by gender by calendar year;
17. Median length of stay by placement type by racial/ethnic identity by calendar year;
18. Recidivism rates of committed youth by gender by calendar year;
19. Recidivism rates of committed youth by racial/ethnic identities by calendar year;
20. The average number of residential placements per youth by gender by calendar year;
21. The average number of residential placements per youth by racial/ethnic identities by calendar year;
22. The average number of residential transitions per youth by gender by calendar year;
23. The average number of residential transitions per youth by racial/ethnic identities by calendar year;
24. A list and description of any and all educational programming currently in place (including but not limited to: middle school, high school, GED equivalence, job training, and employment services/opportunities);

25. Any and all information related to the facility's guidelines on use of force continuum and disciplinary proceedings (including but not limited to the use of chemical and/or mechanical restraints, and strip searches);
26. The number of unusual or critical incidents that occur at the facility, broken down by reason or type of incident (e.g., youth-on-youth assault, youth-on-staff assault, etc.)?
27. Any and all information related to room confinement (including but not limited to solitary confinement, isolation, or administrative segregation, or other categories of room confinement);
28. Any and all data and information related to reported instances of abuse (physical/sexual), violence, or neglect by calendar year;
29. A copy of the current handbook provided to young people housed at your facility;
30. A copy of all materials provided to family members of young people housed at your facility;
31. Information related to the daily cost to house a young person at your facility;
32. Schematic (layout) of your facility;
33. Copies of any non-discrimination policies;
34. Any information related to PREA violations and/or compliance;
35. Any and all information on mechanisms for youth to report problems (e.g., grievances), including how youth access reporting channels;
36. Any and all information related to youth grievances filed by calendar year; and
37. Any policies regarding LGBTQI-GNC (i.e., Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Gender-Non-Conforming) youth.

If you are in a jurisdiction that waives fees for records that will primarily benefit the general public, include the following:

According to [State] law, the fee for providing these document can be waived if the public agency determines that the release of information will primarily benefit the general public. [Include language about your organization and the relationship it has with the public community.]

[Include language regarding how the information will benefit the general public.] As such, we request a waiver of any fees associated with this request.

If your agency is unable to release the records without charge, please contact me before incurring any fees. If there are any questions regarding this request, please contact me at [phone number].

If you are in a jurisdiction that does not waive fees for records that will primarily benefit the general public, include the following:

If there are any fees associated with this request, please inform me if the cost will exceed \$_____.

The statute requires a response in a reasonable time period [or enter time limit if statute provides it]. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies of the requested information.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

[Your Name]

[Your Title]

[Your Organization]

[Your Phone Number]

ENDNOTES

- 1 Juvenile detention facilities are sometimes referred to as “training schools, diagnostic centers, assessment centers, residential treatment facilities, wilderness camps, forestry camps, shelters, boot camps, detention centers, juvenile halls, juvenile correctional centers, youth study centers, campuses, cottages, youth development centers, academies, challenge centers, youth centers, children’s centers, youth camps, group homes, or girls or boys schools.” See YOUTH FIRST INITIATIVE, READY TO LAUNCH: A CAMPAIGN STARTER TOOLKIT TO CLOSE YOUTH PRISONS 8 (2018) [hereinafter READY TO LAUNCH], <http://www.youthfirstinitiative.org/wp-content/uploads/2018/02/YF-Ready-to-Launch-10P-Final.pdf>.
- 2 *Easy Access to the Census of Juveniles in Residential Placement: 1997-2015*, MELISSA SICKMUND ET AL., U.S. DEP’T OF JUSTICE, OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION (2015), <https://www.ojjdp.gov/ojstatbb/ezacjrp/>.
- 3 DEP’T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NAT’L CRIMINAL JUSTICE REFERENCE SERVICE, DAVID HUIZINGA ET AL., THE EFFECT OF JUVENILE JUSTICE SYSTEM PROCESSING ON SUBSEQUENT DELINQUENT AND CRIMINAL BEHAVIOR: A CROSS-NATIONAL STUDY (2004), <https://www.ncjrs.gov/pdffiles1/nij/grants/205001.pdf>; Thomas A. Loughran et al., *Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Defendants*, 46 *Criminology* 699 (2009); Holly Nguyen et al., *Institutional Placement and Illegal Earnings: Examining the Crime School Hypothesis*, 33 *J. QUANTITATIVE CRIMINOLOGY* 207 (2017).
- 4 See RICHARD MENDEL, THE ANNIE E. CASEY FOUND., NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION (2011) [hereinafter NO PLACE FOR KIDS], <https://www.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf>.
- 5 See NO PLACE FOR KIDS, *supra* note 4; RICHARD A. MENDEL, THE ANNIE E. CASEY FOUND., MALTREATMENT OF YOUTH IN U.S. JUVENILE CORRECTIONS FACILITIES: AN UPDATE 2-3 (2015), <https://www.aecf.org/m/resourcedoc/aecf-maltreatmentyouthuscorrections-2015.pdf> (“Nearly 10% of youth incarcerated in state-operated or state-funded juvenile corrections facilities reported being victimized sexually by staff or other youth in their facilities, and half of the victimized youth reported incidents involving physical force, threats or other forms of coercion and unwanted genital contact.”). See also Lisa Gartner, *Beaten, Then Silenced*, THE INQUIRER, Feb. 20, 2019, <https://www.philly.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>; Justin Higginbotham, *Abuse Allegations Continue at Utah Residential Youth Treatment Facilities*, AL JAZEERA AMERICA, Apr. 21, 2015, <http://america.aljazeera.com/articles/2015/4/21/abuse-utah-residential-youth-treatment-facilities.html>.
- 6 RESEARCH CTR. P’SHIP, MODELS FOR CHANGE: SYSTEM REFORM IN JUVENILE JUSTICE, SMARTER USE OF PLACEMENT CAN IMPROVE OUTCOMES FOR YOUTH AND COMMUNITIES (2014), <https://www.pathwaysstudy.pitt.edu/documents/MacArthur%20Brief%20Smarter%20Use%20of%20Placement.pdf>.
- 7 These duties include an affirmative duty to protect the child’s due process rights, prepare for and engage in dispositional advocacy, and ensure access to ancillary services. Accordingly, juvenile defenders offer the court “strengths-based disposition alternatives that looks beyond the options considered by the probation officer to address the child’s expressed interests while being responsive to the court’s concerns.” Disposition planning and investigation should begin at the earliest opportunity to maximize the chance that, should the client be adjudicated, the client receives the most appropriate, least restrictive disposition. NAT’L JUVENILE DEF. CTR., ROLE OF COUNSEL IN DELINQUENCY COURT 17-21 (2009), <http://njdc.info/wp-content/uploads/2013/11/NJDC-Role-of-Counsel.pdf>. See also NAT’L JUVENILE DEF. CTR., NATIONAL JUVENILE DEFENSE STANDARDS (2013), §§ 3.8: ROLE OF COUNSEL AT DETENTION HEARINGS, 6.7: ADVOCATE FOR THE CLIENT’S LEGAL AND PROCEDURAL RIGHTS AT THE DISPOSITION HEARING, 6.9: OBLIGATIONS TO A CLIENT AWAITING PLACEMENT, 7.5: REPRESENT THE CLIENT POST-DISPOSITION, <http://njdc.info/wp-content/uploads/2013/09/NationalJuvenileDefenseStandards2013.pdf>.
- 8 The United States Supreme Court has increasingly recognized the constitutional differences between children and adults for purposes of sentencing, culpability, and custody, finding that children are not just small adults. Yet there has been an increase in charging children for youthful behavior and removing them from communities that are instrumental to their developments. Incarceration for young people restricts normal adolescent development, and erodes positive school, family, and community supports, which are instrumental for development. See *Roper v. Simmons*, 543 U.S. 1 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 567 U.S. 460 (2012); *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016); NAT’L JUVENILE DEF. CTR. ET AL., BENCH CARD: APPLYING PRINCIPLES OF ADOLESCENT DEVELOPMENT IN DELINQUENCY PROCEEDINGS 2 (2017), http://njdc.info/wp-content/uploads/2017/08/NJDC_Adolescent-Development_Bench-Card.pdf (key developmental characteristics of youth include: (1) the (in)ability to self-regulate; (2) sensitivity to external influences; and (3) a poor ability to appreciate the long-term consequences of their actions); STEPHANIE KOLLMAN & JULIE BIEHL, NORTHWESTERN U. PRITZKER SCHOOL OF LAW, BRUHM LEGAL CLINIC, CHILDREN & FAMILY JUSTICE CTR., REHABILITATIVE RELEASE OF YOUTH FROM ILLINOIS PRISONS: REMOVING BUREAUCRATIC BARRIERS TO YOUTH REENTRY SUCCESS 7 (2016) [hereinafter REHABILITATIVE RELEASE OF YOUTH], <http://www.law.northwestern.edu/legalclinic/cfjc/documents/Rehabilitative%20Release%20Report%20with%20Appendix.pdf> (“static rules hinder teens’ ability to practice increasing judgment and independence; constant monitoring reduces development of personal responsibility and self-regulation; [and] prescriptive behavioral norms interfere with emerging personal values.”).
- 9 NAT’L FREEDOM OF INFO. COALITION, STATE FREEDOM OF INFO. LAWS, <https://www.nfoic.org/coalitions/state-foi-resources/state-freedom-of-information-laws> (providing basic statutes regarding open meetings and open records) (last visited Nov. 29, 2018).
- 10 Such facilities have been routinely found to report high levels of recidivism and pervasive violence and abuse. See NO PLACE FOR KIDS, *supra* note 4, at 2-3.
- 11 See READY TO LAUNCH, *supra* note 1, at 11.
- 12 According to youth justice experts, “It is critical that the facility director know every [young person] by name. If the facility

director can't do that, the facility is too large." Liz Ryan, *Locked Up: What Is A Youth Prison*, HUFFINGTON POST, July 11, 2016, https://www.huffingtonpost.com/liz_ryan/locked-up-what-is-a-youth_b_10842446.html (thirty youth should be the maximum number housed in a facility).

- 13 According to youth justice experts, housing units in facilities should not hold more than 12 youth. See e.g., NEB. GOV'T, JAIL STANDARDS BOARD: STANDARDS FOR JUVENILE DETENTION FACILITIES 83 (1993).
- 14 See READY TO LAUNCH, *supra* note 1, at 11.
- 15 *Id.*
- 16 Laurie Chassin et al., *Substance Use Treatment Outcomes in a Sample of Male Serious Juvenile Defendants*, 36 J. SUBSTANCE ABUSE TREATMENT 183 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2652415/>. A 2013 Vera Institute of Justice study examined the effects of family visitation on incarcerated youth. The study provides evidence that youth receiving visitation performed better, academically and behaviorally. The existing social science evidence confirms that it is critical for incarcerated youth to maintain their family connections. Lack of access to family can impact rehabilitation and re-entry. See Sandra Villalobos, *The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance*, VERA INST. OF JUSTICE (2013), https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-impact-of-family-visitation-on-incarcerated-youths-behavior-and-school-performance-findings-from-the-families-as-partners-project/legacy_downloads/impact-of-family-visitation-on-incarcerated-youth-brief.pdf.
- 17 The Nat'l Child Traumatic Stress Network, *Trauma and Families: Fact Sheet for Providers* (2011), <http://www.ncsby.org/sites/default/files/resources/Trauma%20and%20Families%20Fact%20Sheet%20for%20Providers%20--%20NCTSN.pdf>.
- 18 The quality of educational programming offered to confined youth is often deficient, which in turn causes lower employment rates and lower earnings. See NO PLACE FOR KIDS, *supra* note 4, at 27; NAT'L JUVENILE DEF. CTR. ET AL., CONFINED WITHOUT CAUSE: THE CONSTITUTIONAL RIGHT TO PROMPT PROBABLE CAUSE DETERMINATIONS FOR YOUTH 9 (2018), <http://njdc.info/wp-content/uploads/2018/05/Confined-Without-Cause.pdf>.
- 19 The JDAI Standards provide that the only mechanical restraints that a facility can use are handcuffs, and only for transportation, either within the facility (e.g., moving a youth to their room after a fight) or outside the facility (e.g., when going to court). If inside the facility, the handcuffs should be removed as soon as the youth is in their room. See ANNIE E. CASEY FOUND., JUVENILE DETENTION FACILITY ASSESSMENT: A GUIDE TO JUVENILE DETENTION REFORM 173-74 (2014) [hereinafter JUVENILE DETENTION FACILITY ASSESSMENT], <https://www.aecf.org/m/resourcedoc/aecf-juvenile-detention-facility-assessment-2014.pdf>.
- 20 For instance, does the facility prohibit the use of corporal punishment, physical restraint, chemical restraint, mental abuse, loss of daily living needs, withholding of medication/treatment, restrictive diets, deprivation of sleep, deprivation of personal hygiene materials, or room restriction as a means for discipline? See e.g., MO. CTS., JUDICIAL BRANCH OF GOV'T, STANDARDS FOR OPERATION OF A SECURE JUVENILE DETENTION FACILITY 10, <https://www.courts.mo.gov/file/AppendixA-JuvenileDetentionStandards02-14.pdf> (last visited Nov. 19, 2018).
- 21 Systemic violence and abuse have been documented in juvenile facilities in 39 states since 1970. See NO PLACE FOR KIDS, *supra* note 4, at 5-9.
- 22 U.S. DEP'T OF JUSTICE, PREA RESOURCE CTR., PRISON RAPE ELIMINATION ACT: JUVENILE FACILITY STANDARDS (2012), <https://www.prearesourcecenter.org/sites/default/files/content/preafinalstandardstype-juveniles.pdf>.
- 23 See *supra* text accompanying note 12.
- 24 See REHABILITATIVE RELEASE OF YOUTH, *supra* note 8, at 7 (citing NAT'L RESEARCH COUNCIL OF THE NAT'L ACADEMIES, REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH 6, 157 (2013) (finding no evidence that placement in a juvenile facility produces any public safety benefit after six months)).
- 25 Assessing the effectiveness of local juvenile justice systems requires the tracking of recidivism to know "whether youth diverted from confinement, as well as youth who return to their communities after confinement, have subsequent contact with the justice system." See ELIZABETH SEIGLE ET AL., NAT'L REENTRY RESOURCE CTR., THE COUNCIL OF STATE GOV'TS JUSTICE CTR., CORE PRINCIPLES FOR REDUCING RECIDIVISM AND IMPROVING OTHER OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM 8 (2014), <http://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>.
- 26 See JUVENILE DETENTION FACILITY ASSESSMENT, *supra* note 19, at 67.
- 27 See *supra* source cited note 22.
- 28 NAT'L FREEDOM OF INFO. COALITION, STATE SAMPLE FOI REQUEST LETTERS, <https://www.nfoic.org/organizations/state-sample-foia-request-letters> (providing sample state specific public records requests) (last visited Nov. 29, 2018).
- 29 This may be called a different name in each local jurisdiction. See *supra* source cited note 9.
- 30 *Id.*
- 31 *Id.*



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