



CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

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August 19, 2015

Honorable Assembly Member Jimmy Gomez
Chair, Senate Health Committee
Capitol Building, Room 2080
Sacramento, CA 95814

RE: SB 124 (Juvenile Solitary Confinement) – SUPPORT

Dear Assemblyman Gomez:

As you know, the Center for Human Rights and Constitutional Law has a long history of successful major litigation and advocacy on behalf of immigrants and other vulnerable communities, including juveniles and adults in solitary confinement. You may recall that we served as lead counsel in the case of *LULAC v. Pete Wilson* that blocked implementation of California's anti-immigrant proposition 187. We recently won a widely publicized nationwide class action ruling in the case of *Flores v. DHS Secretary Jeh Johnson* regarding the detention of immigrant mothers and their children. We understand that SB 124 may go into suspense today for a week *but urge you at the end of that period to provide the leadership needed to then release SB 124 from Suspense.*

Current statutory law allows minors who are detained in juvenile halls for non-criminal offense (including for example disobedience, truancy, or curfew violations) to be detained in the same facilities as other minors detained for violating laws defined as crimes, or in other secure adult detention facilities if they do not come or remain in contact with each other. The Lanterman-Petris-Short Act permits the detention and evaluation for a period of 72 hours of persons, including minors, who are deemed dangerous to themselves or others, or gravely disabled. As you know, SB 124 will prohibit persons confined in juvenile facilities who are a danger to themselves or others as a result of a mental disorder, or who are gravely disabled, from being placed in solitary confinement, and would require that such juveniles be evaluated at a designated facility. SB 124 will also prohibit a juvenile, other than one described above, who is detained in any secure juvenile facility from being subject to solitary confinement unless set conditions are satisfied, including that the person poses an immediate and substantial risk of harm to the security of the facility, poses an immediate and substantial risk of harm to others that is not the result of a mental disorder, or poses a risk of harm to himself or herself that is not a result of a mental disorder. The bill would permit, if those conditions are satisfied, the person to be held in solitary confinement only in accordance with certain guidelines, including that the person be held in solitary confinement only for the minimum time required to address the risk.

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The Center for Human Rights and Constitutional Law strongly supports the enactment of SB 124. We have worked with hundreds of detainees in solitary confinement and are aware that California uses solitary confinement far more widely than most other states, and with far less due process protections or understanding of the short and long-term psychological and physical harms caused by solitary confinement.

Numerous studies confirm that the symptoms of juveniles held in solitary confinement include perceptual distortions and loss of perceptual contacts, hallucinations, paranoid ideation, fantasies of revenge, emergence of primitive aggressive fantasies, and recurrent physical conditions including rapid heartbeat, perspiration, shortness of breath, panic, trembling, fear of imminent death, and self-mutilation.

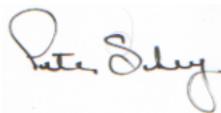
It should be noted that juveniles of color – primarily Latino and black minors – are severely disproportionately subject to solitary confinement practices in California.

In our expert opinion, the treatment of juveniles in solitary confinement in California amounts to degrading treatment illegal under well-established international norms and obligations of the United States and the State of California including, *inter alia*, the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (“CAT”) and the International Covenant on Civil and Political Rights (“ICCPR”). California practices are also vulnerable to legal challenge as they fail to provide juveniles with adequate due process protections before they are placed in solitary confinement for extended periods of time.

California should display national leadership in the area of juvenile justice, not be among the states with the most backward, inhumane and primitive policies. For the reasons expressed above, we respectfully urge you to take whatever leadership steps are possible to protect the fundamental rights of this highly vulnerable population of juveniles and offer your strong support for SB 124.

As always, we are grateful for your leadership and consideration. Please feel free to contact me if we may be of any assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Peter Schey". The signature is written in a cursive style with a large initial "P".

Peter Schey
President and Executive Director
Center for Human Rights and Constitutional Law