



TABLE 1. BEHAVIOR MANAGEMENT

Jurisdiction	Agency uses specialized living units to separate youths from the general population			Agency authorizes staff to carry chemical spray in secure facilities		Jurisdiction	Agency uses specialized living units to separate youths from the general population			Agency authorizes staff to carry chemical spray in secure facilities	
	Maximum time a youth can be held in isolation	Agency authorizes use of chemical restraints	Agency authorizes staff to carry chemical spray in secure facilities	Maximum time a youth can be held in isolation	Agency authorizes use of chemical restraints		Maximum time a youth can be held in isolation	Agency authorizes use of chemical restraints	Agency authorizes staff to carry chemical spray in secure facilities		
Alabama	X	24 hrs ¹				Montana	X	24 hrs			
Alaska		NA				Nebraska	X	5 days			
Arizona	X	72 hrs	X			Nevada	X	5 days	X	X	
Arkansas		NA				New Hampshire	X	5 days			
California	X		X	X		New Jersey	X	5 days	X ⁸		
Colorado		NA				New Mexico		NA			
Connecticut*		NA				New York		NA			
Delaware		NA				North Carolina		NA			
District of Columbia	X	72 hrs ²				North Dakota		NA			
Florida*	X					Ohio	X	8 days ⁵			
Georgia	X	72 hrs	X			Oklahoma	X	3 hrs	X		
Hawaii*		NA				Oregon	X	5 days			
Idaho	X	³				Pennsylvania		NA			
Illinois*	X	30 days ⁴	X	X		Puerto Rico**		NA	X	X	
Indiana	X	NA	X	X		Rhode Island		NA			
Iowa**	X					South Carolina*	X	8 hrs			
Kansas	X	30 days				South Dakota		NA			
Kentucky		NA				Tennessee	X		X		
Louisiana	X	72 hrs				Texas		NA	X	X	
Maine		NA				Utah**		NA			
Maryland	X	72 hrs				Vermont**		NA			
Massachusetts		NA				Virginia	X	5 days			
Michigan	X	72 hrs				Washington	X	24 hrs			
Minnesota	X		X	X		West Virginia	X				
Mississippi	X	72 hrs	X ⁷			Wisconsin			X		
Missouri	X	24 hrs				Wyoming		NA			

* Agency has not yet responded to 2011 survey; 2010 responses shown in table.

** Agency has not responded to 2011 or 2010 surveys; 2009 responses shown.

1 24 hours without additional authorization

2 Pre-hearing segregation, 20 hours; 72 hours may be issued by a hearing officer.

3 Shortest time possible (decided by staff with the safety of juvenile and staff priority)

4 30 days for serious offenses such as Escape.

5 No more than 3 days pre-disciplinary hearing and up to 5 additional days for disciplinary sanction.

6 If a youth is placed in Administrative Detention due to an alleged violation of a major prohibited act(s) or pending an investigation of a possible violation of a major prohibited act(s), he/she will normally either be served with a copy of the disciplinary report or released from Administrative Detention within twenty-four (24) hours of their placement in Administrative Detention. No juvenile will be confined in Administrative Detention for longer than forty-eight (48) hours, exclusive of weekends and holidays, prior to a hearing.

7 See Policy #VII.1 at <http://www.mdhs.state.ms.us/pdfs/dysnewpol/dyssec07/dyssection071.pdf>

8 See New Jersey Administrative Code 13:95-3.9 at <http://www.michie.com/newjersey/lpext.dll?f=templates&fn=main-h.htm&cp=>

STANDARDS RELATED TO USE OF CHEMICAL AGENTS IN JUVENILE CONFINEMENT SETTINGS

All language listed in this section has been excerpted from the cited source (see notes at bottom).

United Nations Standard Minimum Rules for the Treatment of Prisoners¹

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

- (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
- (b) On medical grounds by direction of the medical officer;
- (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

Performance-based Standards (PbS) for Juvenile Correction and Detention Facilities²

Order Standard 2: Minimize use of restrictive and coercive means of responding to disorder.

Expected Practices:

- OEP8:** Staff follows a continuum of responses, from least restrictive to more restrictive, to respond to disorder.
- OEP9:** Youth care staff demonstrate competence in de-escalation and other non-physical intervention techniques.
- OEP10:** Youths are not cuffed to walls, beds, fixtures or fences.
- OEP11:** Staff, not youths, respond to youths' disorder, misbehavior or disruption of programming.
- OEP12:** Chemical restraints and restraint chair/bed are used only as a last resort following appropriate protocol.
- OEP13:** Stun-guns are not part of the facility's response continuum.

Processes:

- OP5:** Policies govern the use of restraints
- OP6:** Staff training covers safe and appropriate use of restraints.
- OP7:** Staff is trained in the proper use of restraints.
- OP8:** Staff and youth are trained in de-escalation and non-physical intervention techniques.
- OP9:** A system exists to investigate, review, and make recommendations after incidents of disorder.

If a facility permits the use of chemical restraints, they should only be used as a last resort after other techniques have failed to subdue the youth. Qualified medical personnel must institute decontamination procedures immediately after application of chemical restraints. Restraints should never be used as punishment for misconduct.

American Correctional Association (ACA) Standard on Use and Control of Chemical Agents³

Juvenile Correctional Facilities (4-JCF-2A-27)

The level of authority, access, and conditions required for the availability, control, and use of chemical agents and equipment related to its use must be specified. Chemical agents are used only with the authorization of the facility administrator, medical director, or designee.

1. Chemical agents and equipment related to its use are inventoried at least monthly to determine their condition and expiration dates.
2. Personnel using chemical agents to control juveniles submit

written reports to the facility administrator or designee no later than the conclusion of the tour of duty.

3. All persons contaminated in an incident involving the use of a chemical agent must receive an immediate medical examination and treatment.

Juvenile Detention Facilities (3-JDF-3A-26)

Written policy, procedure and practice governs the availability, control and use of chemical agents and related security devices and specify the level of authority required for their access and use. Chemical agents are used only with the authorization of the facility administrator or designee.

Institute of Judicial Administration - American Bar Association (ABA) Standards for Juvenile Justice, Standards Relating to Corrections Administration⁴

7.8 Limitations on restraints and weapons.

A. Mechanical restraints.

Given the small size of programs, it should not be necessary to use mechanical restraints within the facility. The program director may authorize the use of mechanical restraints during transportation only.

B. Chemical restraints.

In extreme situations, chemical restraints may be used under strict controls. The department should develop regulations governing their use.

C. Weapons.

Under no circumstances should personnel take any weapons into the facility.

Commentary

The standard holds that mechanical and chemical restraints should not be used within facilities. The rationale for this position is: 1. given the small size of the program these methods are not necessary; and 2. there has been a consistent history of abuse of these methods in juvenile corrections settings...In extreme situations a facility may use chemicals as a restraint. The department should develop regulations governing use...such regulations should contain stringent controls on access, and provide that chemical restraints may be used only to prevent serious injury to persons or property.

Juvenile Detention Alternatives Initiative (JDAI) Detention Facility Self-Assessment Standards⁵

VI. Restraint, Isolation, Due Process, and Grievances

A. Physical Force, Mechanical Restraints, and Chemical Agents

3a. Written policies, procedures, and actual practices prohibit use of chemical agents, including pepper spray, tear gas, and mace.

¹ See page 5 of United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955, available at <http://www2.ohchr.org/english/law/pdf/treatmentprisoners.pdf>

² Performance-based Standards Learning Institute. (2011). *Goals, Standards, Outcome Measures, Expected Practices and Processes*.

³ American Correctional Association (2008). *Performance based Standards for Juvenile Correctional Facilities (4th ed.)* and American Correctional Association (1991). *Standards for Juvenile Detention Facilities (3rd ed.)*.

⁴ See pages 145-146 of IJA-ABA Juvenile Justice Standards Relating to Corrections Administration, Standard 7.8, available at http://www.americanbar.org/groups/criminal_justice/pages/JuvenileJusticeStandards.html

⁵ See pages 89-90 of Annie. E. Casey Foundation, Juvenile Detention Alternatives Initiative, Detention Facility Self-Assessment (A Practice Guide to Juvenile Detention Reform). (2006). Available at <http://www.aecf.org/upload/PublicationFiles/jdai0507.pdf>