

CBA LPRC POSITION REQUEST FORM

The CBA Child Welfare and Juvenile Law position request is as follows:

1) Proposed legislative or regulatory concept:

To SUPPORT the Juvenile Justice Policy and Oversight Committee recommendation from Incarceration Workgroup Proposed Recommendations that Legislation be passed to ban use of all chemical agents on youth under the age of 18 by January 1, 2022. The Department of Corrections should develop alternatives in place of chemical agents.

2) Explanation and rationale for advancing this position:

Manson Youth Institution is a level 4 high-security facility. It serves as the Department of Corrections primary location for housing sentenced inmates under the age of 21. Recognizing the need to educate youth, staff provide a climate, which enhances inmate social skills, while reinforcing ethics, attitude and behavior valued by productive law-abiding citizens.

The Manson Youth Institution houses male offenders ranging in age from 14 to 21 in ten separate buildings, each with three wings containing 12 cells, a day room, counselor offices and mini kitchen. As the states' only facility for male youth, it houses chronic disciplinary inmates, close custody program, mental health, high security and general population inmates who are involved in a wide variety of programs including educational, vocational and addiction services.

Currently, the Department of Corrections uses chemical agent as part of a continuum of population management and facility security strategies. Chemical agent immediately impairs a person's ability to see or breathe while possibly inducing other physiological reactions, such as body spasms, hypertension, or a burning sensation. The Office of the Child Advocate's (OCA) most recent report found that chemical agents continue to be used with youth who have psychiatric and respiratory disorders/conditions.

The National Institute of Corrections' Desktop Guide to Working with Youth in Confinement chemical agents generate adverse physical reactions that can be exacerbated in secure settings with poor ventilation, causing potential harm to youth and staff, even if they are not direct targets of its use the use of pepper spray on those with mental illness may lead to an increase in violent behavior and a worsening of the mental health condition the use of chemical restraints can traumatize youth and undermine their rehabilitative efforts. The majority of states prohibit the use of chemical agent in juvenile facilities.

The Juvenile Justice Policy and Oversight Committee (JJPOC) recommendation from Incarceration Workgroup Proposed Recommendations that Legislation be passed to ban use of all chemical agents on youth under the age of 18 by January 1, 2022. The Department of Corrections should develop alternatives in place of chemical agents. This was discussed at

JJPOC on 1/21/2021. The link is below and the discussion on this issue begins at the 42-minute mark.

[CT-N: Juvenile Justice Policy and Oversight Committee January Meeting \(ct-n.com\)](https://www.ct-n.com)

3) Is draft legislation or a proposed bill included?

No, but find attached the JJPOC PowerPoint discussing this issue. Request would be to follow the Incarceration Workgroup and support the proposed bill that they create addressing this issue.

4) What is the date of any legislative hearing, if known?

None known at this time.

5) Was this position previously approved by the CBA? If so, when does/did it expire?

No.

6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

No.

7) Potential or actual CBA opposition from another CBA section or committee?

None known at this time from the CBA. At the JJPOC meeting, the Acting DOC Commissioner, Angel Quires, did agree that this policy should and needed to be put into place. He did disagree with the implementation date of January 2022. His position was that may not provide DOC adequate time to implement alternatives such as increase staffing to maintain a safe alternative to use of pepper spray.

8) Strength of section position (including process and results of section vote taken on issue):

At the Virtual Section Meeting on 1/28/2021 clips of the JJPOC meeting were shared with the group. Discussion ensued. There was no discussion at the meeting from anyone opposing this position request. This position passed unanimously by executive committee by a 9-0. This written position request was emailed to the entire section on 1/29/2021 inviting further group discussion. No objections from the section was received.

9) Fiscal impact (on the state):

Unknow cost, but DOC in implementing new alternatives to use of pepper spray may incur a cost to the state.

10) Are you seeking “fast-track” approval?¹

Yes

¹ A “fast track” recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.