



# Adolescent Developmental Approach

## Hallmark 4: Confinement Only When Necessary for Public Safety Checklist

### Goal of This Checklist

To help service providers determine whether they are on track with adopting each hallmark of the Developmental Approach, which strives to focus on helping youth avoid formal legal involvement unless necessary to ensure accountability or protect public safety. This initiative includes striving to keep youth in their communities and providing the services and interventions needed to support prosocial development of adolescents.

### Brief Overview

- Developing alternatives to justice system involvement is important.
- Alternatives to confinement can hold adolescents accountable while allowing them to remain in the community.
- Confinement of youth beyond the minimum amount needed to deliver intensive services effectively is economically wasteful, potentially harmful to youth, and may impede prosocial development.
- When necessary for public safety, confinement in residential placements should be conducive to positive development, provide appropriate services and treatment, and meet standard measures (e.g., provision of education).

Have you done the following things as part of Hallmark 4?	Yes	No
1. Assessed whether confinement is necessary to achieve public safety?	<input type="checkbox"/>	<input type="checkbox"/>
2. Considered the negative aspects of confinement? If yes, please check each of the following that apply:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Exposure to sexual abuse or sexual assault.		
<input type="checkbox"/> Insufficient focus on the behavioral and educational needs of youth.		
<input type="checkbox"/> Youth being restrained.		
<input type="checkbox"/> Lengthy isolations or solitary confinement.		
<input type="checkbox"/> Staff who do not have sufficient training.		
<input type="checkbox"/> Recidivism rates and ineffectiveness of confinement.		
<input type="checkbox"/> Frequent confinement of youth who pose minimal risk.		

Have you done the following things as part of Hallmark 4?	Yes	No
3. Used the presumption of keeping adolescents in the community as a guiding factor in confinement decisions?	<input type="checkbox"/>	<input type="checkbox"/>
4. Examined ways to eliminate pathways to confinement in the youth justice system?	<input type="checkbox"/>	<input type="checkbox"/>
5. Identified ways to reduce the use of confinement?	<input type="checkbox"/>	<input type="checkbox"/>
6. Considered ways of limiting options for secure confinement by exploring all possible community-based options?	<input type="checkbox"/>	<input type="checkbox"/>
7. Ensured that opportunities for keeping adolescents in the community are equitable through addressing disparities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Considered how to track outcomes and hold systems accountable?	<input type="checkbox"/>	<input type="checkbox"/>
9. Have you considered other types of interventions and treatment strategies? If yes, please check each of the following that apply: <input type="checkbox"/> School-based programs <input type="checkbox"/> Community-based programs <input type="checkbox"/> Balanced and restorative justice programs <input type="checkbox"/> Diversion programs	<input type="checkbox"/>	<input type="checkbox"/>
10. Explored where to find intervention and treatment strategy resources?	<input type="checkbox"/>	<input type="checkbox"/>
11. Explored whether other people in your organization use these resources?	<input type="checkbox"/>	<input type="checkbox"/>
12. Considered the financial costs of confinement versus the financial costs of alternative programs?	<input type="checkbox"/>	<input type="checkbox"/>
13. When confinement is necessary, ensured that the following conditions of confinement are met? If yes, please check each of the following that apply: <input type="checkbox"/> The term of the confinement should not be lengthy. <input type="checkbox"/> The release of youth from confinement is due to the youth having achieved certain outcomes, not because they have spent a certain amount of time within a facility. <input type="checkbox"/> The use of isolation should be greatly reduced because isolating youth may have numerous detrimental effects that would serve to cause more harm than good to the youth. <input type="checkbox"/> The educational needs of the youth who are in secure confinement are still met. <input type="checkbox"/> Adolescent prosocial development is not stunted or altered. <input type="checkbox"/> Every opportunity for adolescent development and achievement is available to adolescents under the care of the custodial agency. <input type="checkbox"/> The health and behavioral health needs of youth are met. <input type="checkbox"/> The program should have a behavior management plan based on positive reinforcement. <input type="checkbox"/> Opportunities for structural for programming are available.	<input type="checkbox"/>	<input type="checkbox"/>
14. When confinement is necessary, ensured that youth facilities are not in violation of the Civil Rights of Institutionalized Persons Act? If yes, please check each of the following that apply: <input type="checkbox"/> <b>Education:</b> Conditions violating the detained youth's right to an adequate education program.	<input type="checkbox"/>	<input type="checkbox"/>

Have you done the following things as part of Hallmark 4?	Yes	No
<input type="checkbox"/> <b>Environment:</b> Unsanitary and inhumane environmental conditions violating the incarcerated youth's constitutional rights under the 8th and 14th Amendments (e.g., fire and safety hazards, filth, crumbling plaster, serious lighting problems, plumbing leaks, etc.). <input type="checkbox"/> <b>Health care:</b> Lack of routine health screening and medical and dental services, especially for residents who are required to take medication, are pregnant, or have serious medical conditions. <input type="checkbox"/> <b>Overcrowding:</b> Evidence of severe overcrowding resulting in inadequate education, health, mental health, and recreation services. <input type="checkbox"/> <b>Recreation:</b> Inadequate opportunities for exercise and outdoor recreation. <input type="checkbox"/> <b>Restraints/isolation:</b> Stripping away of a youth's liberty due to excessive isolation and/or excessive use of mechanical restraints. <input type="checkbox"/> <b>Safety:</b> Violating the right of incarcerated youth to be protected from threats of violence and sexual assault. <input type="checkbox"/> <b>Staffing and staff training:</b> Poor staffing ratios, increase in staff overtime, or lack of adequate staff training that contribute to deliberate indifference to the rights of youth with whom staff come into contact.		

Please describe how you have used elements of Hallmark 4 in your provision of services.

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### Follow-Up Questions

What challenges have you experienced?

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Would you like training or technical assistance (TTA) in any of these areas? If so, please indicate the desired TTA area.

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### Legal Parameters of Hallmark 4: Confinement Only When Necessary for Public Safety

- Specifying in the statute the process by which justice system personnel will evaluate whether confinement is necessary and the time frame by which a youth is held in confinement.
- Specifying in the statute the justification that is needed by justice system personnel before a youth is confined. This includes youth mental and physical health assessments,

recommendations from justice facility staff, and incident reports approved by justice facility administrators.