



NO CHILD LEFT ALONE

Campaign to Stop the Solitary Confinement of Youth in Adult Jails and Prisons

THE UNITED STATES SUBJECTS CHILDREN TO SOLITARY CONFINEMENT

On any given day in the United States, tens of thousands of youth under age 18 are confined in adult jails and prisons.¹ Not only are youth held in adult facilities, but they are often subjected to extended periods of solitary confinement.² Corrections officials claim they need solitary confinement to separate youth from adults and to discipline them when they act out.³ Both protective and punitive isolation practices frequently involve confining youth alone in a cell for 22 or more hours a day; restricting contact with family members; limiting access to reading and writing materials; and providing limited, if any, educational programming, physical exercise, drug treatment, or mental health services.⁴ Before they are old enough to get a driver's license, enlist in the armed forces, or vote, children in America are held in solitary confinement for days and months.

SOLITARY CONFINEMENT HARMS CHILDREN

Solitary confinement is well known to harm previously healthy adults. Children, who have special developmental needs, are even more vulnerable to the harms of prolonged isolation.

- **Psychological Damage:** Youth in adult facilities often live with extreme fear, anxiety, confusion, and paranoia. There is a broad consensus among mental health experts that long-term solitary confinement is psychologically harmful for adults – especially those with pre-existing mental illness.⁵ And the effects on children are even greater due to their unique developmental needs.⁶ The solitary confinement of children in adult jails is especially dangerous due to the extremely high rate of untreated mental illness among incarcerated youth.⁷
- **Increased Suicide Rates:** A tragic consequence of the solitary confinement of youth is the increased risk of suicide and self-harm, including cutting and other acts of self-mutilation. In juvenile facilities more than 50% of all youth suicides in custody occur in isolation.⁸ For youth in adult jails the suicide rates may be significantly higher.⁹
- **Denial of Education and Rehabilitation:** Adult jails and prisons are ill-equipped to provide for the minimum educational, mental health, treatment, and nutritional requirements of youth.¹⁰ Failure to provide appropriate programming for youth hampers their ability to grow and develop normally, to prepare for trial, and to contribute to society upon their release.¹¹

- **Stunted Development:** Young people's brains and bodies are still developing, placing youth at a higher risk of physical and psychological harm when healthy development is impeded.¹² Children have a special need for social stimulation.¹³ And youth frequently enter the criminal justice system with histories of substance abuse, mental illness and childhood trauma, which often go untreated in isolation, and only exacerbate the harmful effects of solitary confinement.¹⁴ Youth also need exercise and activity to support growing muscles and bones.¹⁵

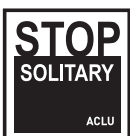
CONSTITUTIONAL AND INTERNATIONAL LAW PROVIDE SPECIAL PROTECTIONS FOR CHILDREN

Recent Supreme Court jurisprudence makes clear that youth and adults must be treated differently in the context of crime and punishment.¹⁶ International human rights law also distinguishes between youth and adults – mandating that youth who commit crimes receive rehabilitative punishments appropriate to their age and status.¹⁷ The solitary confinement of youth is considered cruel, inhuman and degrading treatment and in some cases, torture.¹⁸

THERE ARE BETTER SOLUTIONS FOR INCARCERATED CHILDREN

Alternatives to solitary confinement produce positive results and less damage to children. National best practices for managing youth uniformly include strict limitations on the duration of and procedures for placing youth in isolation and encourage reliance on positive reinforcement.¹⁹ The negative effects of the prolonged isolation of youth, whether intended to protect or punish, far outweigh any purported benefits. Indeed, despite its pervasive use and documented harms to youth, prolonged isolation has no real positive outcome.²⁰ There is no research to support use of prolonged isolation of children as a therapeutic tool or to promote positive behaviors. In fact, interactive treatment programs are more successful at reducing behavior problems and mental health problems in youth than isolation – which actually provokes and worsens these problems.²¹

States are safely diverting youth from adult facilities altogether. Adult jails and prisons are never the best place to house youth because they either face an extremely high risk of physical and sexual assault by adult prisoners or staff, or suffer in solitary confinement which often leads to mental breakdown and sometimes to suicide. In either scenario, youth are denied critical rehabilitation programs and services in adult facilities. Faced with this reality, a growing number of states – including California, Colorado, Pennsylvania, Texas and Virginia – have enacted legislation permitting detention in juvenile facilities for youth accused of an adult crime.²²



As the nation's largest public interest law organization, with affiliate offices in every state and a legislative office in Washington D.C., the ACLU works daily in courts, legislatures, and communities to promote more effective criminal justice policies.

To learn more visit www.aclu.org/stopsolitary

ENDNOTES

- ¹ The Bureau of Justice Statistics estimates the population at more than 7,500 at any given time – with the ACLU and Human Rights Watch estimating the population in 2011 at more than 95,000. Todd D. Minton, DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, JAIL INMATES AT MIDYEAR 2010 - STATISTICAL TABLES (2011), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/jim10st.pdf>; Jason Ziedenberg, DEP'T OF JUSTICE NAT'L INST. OF CORR., YOU'RE AN ADULT NOW (2011), available at <http://static.nicic.gov/Library/025555.pdf>; HUMAN RIGHTS WATCH & THE AMERICAN CIVIL LIBERTIES UNION, GROWING UP LOCKED DOWN: YOUTH IN SOLITARY CONFINEMENT IN JAILS AND PRISONS ACROSS THE UNITED STATES 101-107 (appendix 1) (2012), available at <http://www.aclu.org/growinguplockeddown>.
- ² HUMAN RIGHTS WATCH & THE AMERICAN CIVIL LIBERTIES UNION, GROWING UP LOCKED DOWN, *supra* note 1.
- ³ ZIEDENBERG, *supra* note 1; *Keeping Youth Safe While in Custody: Sexual Assault in Adult and Juvenile Facilities: Hearing Before the H. Subcomm. on Crime, Terrorism and Homeland Security, Comm. on the Judiciary*, 111th Cong. (2010) (statement of Sheriff Gabriel Morgan), available at <http://www.gpo.gov/fdsys/pkg/CHRG-111hhrg55066/pdf/CHRG-111hhrg55066.pdf>; James Austin, Kelly DeDel Johnson & Maria Gregoriou, DEP'T OF JUSTICE OFFICE OF JUSTICE PROGRAMS, JUVENILES IN ADULT PRISONS AND JAILS: A NATIONAL ASSESSMENT (2000), available at <https://www.ncjrs.gov/pdffiles1/bja/182503.pdf>.
- ⁴ C.B., et al. v. *Walnut Grove Corr. Authority*, No. 3:10cv663, ¶ 1V(c)(1) (S.D. Miss. filed Feb. 3, 2012) (Consent decree), available at http://www.aclu.org/files/assets/68-1_ex_1_consent_decree.pdf; *Doe et al. v. Montana*, No. 6:2010cv00006 (Mont. 1st Dist. Ct. filed Jan. 26, 2010) (Complaint), available at <http://www.aclu.org/files/assets/2009-12-16-DoevMontana-Complaint.pdf>; Chris Vogel, *For Their Own Good*, TEX. OBSERVER, June 9, 2010, available at <http://www.texasobserver.org/mollyaward/columns/for-their-own-good>; Neelum Arya, CAMPAIGN FOR YOUTH JUSTICE, JAILING JUVENILES: THE DANGERS OF INCARCERATING YOUTH IN ADULT JAILS IN AMERICA 26-37 (2007), available at http://www.campaignforyouthjustice.org/documents/CFYJNR_JailingJuveniles.pdf; Letter from Human Rights Watch to L.A. County Sheriff (2003), available at <http://hrw.org/press/2003/06/us062503-ltr.htm>.
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- ⁸ Margaret Noonan & E. Ann Carson, DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISON AND JAIL DEATHS IN CUSTODY, 2000-2009 - STATISTICAL TABLES (2011), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/pjdc0009st.pdf>; Hayes, *supra* note 7; Seena Fazel, Julia Cartwright, et al., *Suicide in Prisoners: A Systematic Review of Risk Factors*, J. CLIN. PSYCHIATRY 69 (2008); Christopher Muola, DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, SUICIDE AND HOMICIDE IN STATE PRISONS AND LOCAL JAILS (2005), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/shsplj.pdf>.
- ⁹ Arya, *supra* note 4, at 10.
- ¹⁰ *Concerning Pretrial Detention of Juveniles Prosecuted as Adults: Hearing on HB 12-1139 Before the H. Comm. on Judiciary*, 68th General Assem. (Colo. 2012) (statement of Peg Ackerman, County Sheriffs of Colorado), available at http://podcache-101.granicus.com/pstore1/coloradoga/coloradoga_d0c9ed72-c055-4de2-8a9a-730e8104df44.mp4; DEP'T OF HEALTH AND HUMAN SERVICES, PHYSICAL ACTIVITY GUIDELINES ADVISORY COMM., PHYSICAL ACTIVITY GUIDELINES ADVISORY COMM. REP. (2008), available at <http://www.health.gov/PAGuidelines/Report/pdf/CommitteeReport.pdf>; DEP'T OF AGRICULTURE & DEP'T OF HEALTH AND HUMAN SERVICES, DIETARY GUIDELINES FOR AMERICANS (2010), available at <http://www.cnpp.usda.gov/Publications/DietaryGuidelines/2010/PolicyDoc/PolicyDoc.pdf>; Individuals with Disabilities Education Act, 20 U.S.C. 1400 (2004), available at <http://idea.ed.gov/download/statute.html>; David E. Arredondo, *Principles of Child Development and Juvenile Justice Information for Decision-Makers*, 5 J. CTR. FOR FAMILIES, CHILD & COURTS 127 (2004).
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