

HUMAN RIGHTS PROJECT FOR GIRLS

Senator Dick Durbin
Chairman, Subcommittee on the Constitution, Civil Rights and Human Rights

Senator Lindsey Graham
Ranking Member, Subcommittee on the Constitution, Civil Rights and Human Rights

Human Rights Project for Girls
1225 Eye Street NW, Suite 600
Washington, DC 20005
Tel. (202) 670-0695

Tuesday, June 19, 2012

RE: SOLITARY CONFINEMENT OF GIRLS IN THE JUVENILE JUSTICE SYSTEM

Dear Chairman Durbin and Ranking Member Graham:

Human Rights Project for Girls is a nonprofit policy and advocacy organization dedicated to protecting the rights of marginalized young women and girls. One of our core areas of focus is girls in the juvenile justice system. We are concerned with the use of isolation methods on girls in the juvenile justice system and advocate against the use of such measures for the reasons outlined below.

CHARACTERISTICS OF JUVENILE JUSTICE INVOLVED GIRLS

According to the Office of Juvenile Justice Delinquency and Prevention, approximately 600,000 girls are arrested in the U.S. annually.ⁱ Nearly half of these girls are remanded for non-violent offenses such as truancy, running away, loitering, alcohol and substance use, and technical violations to prior court orders for non-violent status offenses. Moreover, evidence suggests that 73% of girls in juvenile detention have previously suffered some form of physical or sexual abuse.ⁱⁱ This abuse is often the factor that propelled the child into the juvenile justice system, as it is often the abuse that is the root cause of the girls' running away, becoming truant, substance abuse, etc. Indeed, numerous studies suggest that exposure to traumatic events may be linked to delinquent behavior and that delinquent acts may be a direct or indirect reflection of past victimization.ⁱⁱⁱ

It has also been estimated that one in five adolescents involved in the juvenile justice system has a serious mental health condition,^{iv} with prevalence rates among girls estimated to be as high as 84%.^v In one study of detained youth in Cook County, Illinois from 1995 to 1998, study outcomes found that girls had higher rates of psychiatric disorders and rates of depression and anxiety than boys.^{vi} Further, the Oregon Social Learning Center found that over 75% of adolescent female study participants met the criteria for three or more DSM IV Axis I diagnoses.^{vii}

Once girls become system involved, they are forced to maneuver a system that does not address the specific needs of girls or take into account the complex trauma they have endured. Family court judges and detention center staff are rarely provided appropriate trauma training and are unaware of the damaging impact of policies

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such as strip searches, physical restraints, and particularly solitary confinement and isolation on survivors of physical and sexual abuse and trauma.

JUVENILE JUSTICE INVOLVED GIRLS AND SOLITARY CONFINEMENT

While girls are sometimes placed in solitary confinement for their own protection, there is a growing body of evidence that demonstrates the severe psychiatric consequences of placing individuals, and particularly children in solitary confinement. Prisoners who have experienced solitary confinement have been shown to engage in self-mutilation at much higher rates than the average population. These prisoners are also known to attempt or commit suicide more often than their counterparts who were not held in isolation. In fact, according to the Campaign for Youth Justice, data shows that juveniles are 19 times more likely to kill themselves in isolation than in general population and that juveniles in general, have the highest suicide rates of all inmates in jails.^{viii}

Despite all these facts, when girls in the juvenile justice system express evidence of or the desire to self harm, the typical response is to put them in solitary confinement.^{ix} When subjected to isolation, these youth are often locked down for 23 hours per day in small cells with no natural light, causing severe anxiety, paranoia and exacerbation of existing mental trauma.^x The ACLU has reported that in certain juvenile detention facilities, girls are restrained with brutal force and are “regularly locked up in solitary confinement — a punishment used for minor misbehaviors as well as for girls who express wanting to hurt themselves.”^{xi} For example, as reported by the ACLU who interviewed a number of girls in juvenile detention in 2010, some of the reasons behind girls’ solitary confinement included: (i) giving their crying friend a hug; (ii) singing “Happy Birthday” to their friend; (iii) picking a flower; and (iv) saving a cricket.^{xii} The report goes on to say that “[n]ot receiving proper treatment and left alone with their emotions, many girls are driven to cut themselves, bang their heads against the concrete walls, and attempt suicide,” which often lead detention facility staff to respond with “physical restraint, pepper spray, and further solitary confinement.”^{xiii}

In closing, because such a large percentage of girls entering juvenile detention suffer from mental health conditions and have endured sexual and/or physical trauma, we strongly advocate against the use of isolation methods on this vulnerable population of children. Numerous studies show the damaging effects of solitary confinement on children and particularly children with proven histories of mental and physical trauma. Human Rights Project for Girls remains extremely concerned about the use of solitary confinement and isolation techniques on girls in particular and hopes that the information outlined herein can serve as a basis for discontinuing the use of such practices.

cc:
Senator Patrick Leahy, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Sheldon Whitehouse, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Al Franken, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Christopher A. Coons, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Richard Blumenthal, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Jon Kyl, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator John Cornyn, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Michael S. Lee, Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Tom Coburn, Subcommittee on the Constitution, Civil Rights and Human Rights

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- ⁱ Office of Juvenile Justice and Delinquency Prevention. Juvenile Offenders and Victims: National Report Series, Juvenile Arrests 2009. Available at: <http://www.ojjdp.gov/pubs/236477.pdf>
- ⁱⁱ Sherman FT. 13 Pathways to Juvenile Detention Reform: Detention Reform and Girls – challenges and solutions. The Annie E. Casey Foundation, Baltimore, MD. 2005.
- ⁱⁱⁱ Cauffman E, Feldman SS, Waterman J, Steiner H. Posttraumatic Stress Disorder Among Female Juvenile Offenders. *Journal of the American Academy of Child Adolescent Psychiatry*. 1998. 37(11):1209-1216.
- ^{iv} Cocozza JJ, Skowrya K. Youth with mental health disorders: Issues and emerging responses. *Juvenile Justice*. 2000. 8(1):3-13.
- ^v Wrath C, Ybarra M, Holden EW, Manteuffel B, Santiago R, Leaf P. Female offenders referred for community-based mental health service as compared to other service-referred youth: correlates of conviction. *J. of Adolescence*. 2003. 26:45-61.
- ^{vi} Sherman FT, 2005.
- ^{vii} Cauffman E, 1998.
- ^{viii} Campaign for Youth Justice. Jailing Juveniles: National *Take Action* Packet. November 15, 2007. Available at: http://www.campaignforyouthjustice.org/Downloads/Jailing_Juveniles_Take_Action_Kit.pdf
- ^{ix} ACLU. “Exposing the ‘Secret Punishment’ of Incarcerated Children.” Available at: <http://www.aclu.org/blog/human-rights-prisoners-rights-womens-rights/exposing-secret-punishment-incarcerated-children>
- ^x Campaign for Youth Justice. Jailing Juveniles: National *Take Action* Packet. November 15, 2007. Available at: http://www.campaignforyouthjustice.org/Downloads/Jailing_Juveniles_Take_Action_Kit.pdf
- ^{xi} ACLU. “Strip Searching and Solitary Confinement of Girls at Texas ‘State School.’” Available at: <http://www.aclu.org/blog/womens-rights/strip-searching-and-solitary-confinement-girls-texas-state-school>
- ^{xii} ACLU. “Not an Isolated Case.” Available at: <http://www.aclu.org/blog/womens-rights/not-isolated-case>
- ^{xiii} ACLU. “Strip Searching and Solitary Confinement of Girls at Texas ‘State School.’” Available at: <http://www.aclu.org/blog/womens-rights/strip-searching-and-solitary-confinement-girls-texas-state-school>