



Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of C.S.S.B. 1517, which will end the misuse of day-long isolations in secure juvenile facilities to punish kids for minor misbehavior.

### **INSUFFICIENT STANDARDS FOR COUNTY JUVENILE FACILITIES HAVE LED TO INAPPROPRIATE USE OF SECLUSIONS**

The overuse of seclusions (sometimes called solitary confinements) is a serious problem in some secure juvenile facilities in Texas. While short "time outs" can be effective in certain circumstances, use of day-long seclusions are counterproductive,<sup>1</sup> increasing safety risks for both youth and staff and harming youth rehabilitation. This overuse of seclusions is especially problematic for traumatized youth or youth with mental health concerns.<sup>2</sup>

### **KEY FINDINGS**

- **Some county juvenile facilities keep youth in day-long seclusions for minor misbehavior. Current state standards do not provide sufficient limits on the use of these seclusions.**
  - » Texas youth experienced 37,071 seclusions in county juvenile facilities in 2011.<sup>3</sup> The data collected by the state does not distinguish between short- and long-term seclusions; however, data provided by counties to the Texas Criminal Justice Coalition show that each year, thousands of youth seclusions last 24 hours or longer.<sup>4</sup>
  - » Insufficient state standards have led to the inappropriate use of seclusions for minor misbehavior in many county facilities.
    - In one county, 90 percent of seclusions lasting longer than 24 hours were in response to nonviolent behavior.<sup>5</sup>
    - Lists of "major rule violations" that are grounds for 24-hour seclusion vary significantly among counties: While some counties reserve 24-hour seclusion for serious incidents such as assaults, other counties include low-level misbehavior such as "horseplay" or "disrespectful behavior towards staff."<sup>6</sup> (In adult Texas prisons, the "disrespectful attitude" discipline violation category was banned by the *Ruiz* court in 1980.<sup>7</sup>)
    - While some counties use several levels of seclusion duration tailored to specific misbehavior, other counties use automatic 24-hour seclusions for every "major rule violation."<sup>8</sup>
- **Most youth in Texas juvenile facilities have trauma or mental health concerns. Seclusions are especially dangerous for these youths.**
  - » The majority of youth referred to the Texas juvenile justice system have previously experienced a significant traumatic event.<sup>9</sup> A third of youth under the supervision of county probation departments in Texas have a confirmed mental illness, and less than one quarter of those youth receive mental health treatment.<sup>10</sup>

### **COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT C.S.S.B. 1517 BY SENATOR VAN DE PUTTE**

- **C.S.S.B. 1517 bans the use of day-long seclusions of kids for minor misbehavior in secure juvenile facilities,** though long-term seclusions are permitted in response to assault, sexual misconduct, escape, contraband, or riot. The bill also requires data collection on the number of long-term seclusions.

*References on reverse*

## References

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- <sup>1</sup> L.M. Finke “The Use of Seclusion is Not an Evidence-Based Practice” (2001).
- <sup>2</sup> S. Grassian “Psychiatric Effects of Solitary Confinement” (2006).
- <sup>3</sup> Facility registry data provided to the Texas Criminal Justice Coalition by the Texas Juvenile Justice Department (January 2012).
- <sup>4</sup> Open records request from Texas Criminal Justice Coalition to county juvenile probation departments (December 2011).
- <sup>5</sup> *Ibid.*
- <sup>6</sup> Texas Criminal Justice Coalition (TCJC) “Community Solutions for Youth in Trouble” (October 2012).
- <sup>7</sup> 503 F. Supp. 1265 (S.D. Tex. 1980)
- <sup>8</sup> Open records request from Texas Criminal Justice Coalition to county juvenile probation departments (December 2011).
- <sup>9</sup> Calendar year 2011 data provided to the Texas Criminal Justice Coalition by the Texas Juvenile Justice Department (April 2012).
- <sup>10</sup> *Ibid.*