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TESTIMONY 2013
C.S.S.B. 1517

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,¹ 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.²

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 2011.³ 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.⁴
 - » 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.⁵
 - 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."⁶ (In adult Texas prisons, the "disrespectful attitude" discipline violation category was banned by the *Ruiz* court in 1980.⁷)
 - 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."⁸
- **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.⁹ 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.¹⁰

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

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