

TEXAS CRIMINAL JUSTICE COALITION
PRIORITY RECOMMENDATION FOR THE SUNSET ADVISORY COMMISSION

DIVERSION FROM SOLITARY CONFINEMENT FOR YOUTH IN TDCJ

INTENT – *Prohibit the use of solitary confinement of youth housed within the Texas Department of Criminal Justice (TDCJ).*

TDCJ should adopt and standardize a modified version of the current Alternative Treatment Program (ATP) for all youth, ages 14-18, housed within TDCJ.

The ATP is implemented within the Youthful Offender Program¹ at TDCJ. Its goal is to redirect incarcerated youth toward successful rehabilitation through specialized, individual treatment, daily assignments, group sessions, and progress reviews. The ATP bypasses solitary, administrative segregation custody, instead allowing incarcerated adolescents to identify and examine their socially unacceptable behavior in a pro-social setting, and develop more socially appropriate responses. This can reduce violence and increase incarcerated adolescents' mental health and coping for years to come. Already, the five-year old ATP program is estimated to have an 80-90% success rate in diverting youth from solitary confinement.²

For adolescents between the ages of 18 and 25 who do not qualify for the ATP, we also advise against the use of administrative segregation, given the harmful impact of isolation on cognitive development.

BACKGROUND

Current TDCJ policy does not set minimum ages for assignment of individuals to solitary confinement. This means incarcerated individuals as young as 14 who have been adjudicated as adults and sentenced to prison may serve indeterminate lengths in isolation.

For positive youth development to occur, five programming components must be present: competence, confidence, character, connection, and caring.³ The use of isolation not only ignores these components, it perpetuates the harmful exposure of youth to traumatic experiences.⁴ Indeed, research on the developing brain and the effects of trauma shows the following:

- The brain is reorganizing during adolescence (ages 14 to 25), which is a critical brain growth period.⁵
- By age 16, adolescents are similar in cognitive functioning to adults, but they lack the ability to regulate their emotions, leading to a disconnect between what they think and how they feel. This is psychological and social development that continues into adulthood.⁶
- Stress and trauma during this time of brain growth cause the development of socially negative behavior due to chemical changes in the brain, signaling the brain to eliminate unused or undesired connections permanently. This leaves the body in a heightened state of fear and manifests as impulsiveness (e.g., theft, aggression) and impaired logical judgment (e.g., rule breaking).⁷

Ultimately, TDCJ's mission is to "promote positive change in offender behavior," and to "reintegrate offenders into society."⁸ Current policy allowing for incarcerated youth and adolescents to be assigned to long-term isolation detracts from that mission, while also potentially resulting in higher recidivism rates among the adolescents who are denied access to rehabilitation and education programs. While in isolation, adolescents' developing brains stagnate, and they do not learn to control impulses or develop their cognitive functions. The environment is not conducive to contemplation and remorse, but instead fosters fear, violence, disregard for others, and impulsive behavior.

Instead, TDCJ should utilize a modified version of ATP for all youth eligible for segregation. Doing so would not only provide youth with the most effective process for internalizing the consequences of their actions, it would also reduce the likelihood of youth violently re-offending.

NOTE: Implementation of this recommendation would likely result in cost savings.

REFERENCES

¹ The Youthful Offender Program serves both males (in TDCJ's Clemens Unit) and females (in the Hilltop Unit) between 14 and 17 years of age. Through a screening instrument, youth are assessed for eligibility for services, including education, life skills, creative expression, and positive communication skill-building courses, and they are ultimately provided a minimum of 10 hours of structured treatment services per week. Youth are assigned to this program until their 18th birthday, at which time they are transferred to the general population. *Note:* Not all youth who are serving time within TDCJ are placed in this program.

² Stacey Rhodes, Programs Supervisor, TDCJ-Rehabilitations Programs Division, in telephone communication with Jorge Antonio Renaud, Texas Criminal Justice Coalition, 12 January 2012.

³ See J.L. Roth & J. Brooks-Gunn "What is a youth development program? Identification and defining principles," *Handbook of applied developmental science: Promoting positive child, adolescent, and family development through research, policies, and programs*, Vol. 2., pp.197-223 (2003).

⁴ C. Haney, "Mental health issues in long-term solitary and "supermax" confinement," *Crime and Delinquency*, Issue 49, pp. 124-156 (2003).

⁵ J. McIntosh & A. Schore, *Family Law and the Neuroscience of Attachment: Part 1*. Family Court Review, vol. 49(3), July 2011.

⁶ Montgomery, *Neurobiology Essentials for Clinicians*; also see Arizona State University, "Adolescent Brain and Juvenile Justice: New Insights from Neuroscience, Genetics, and Addiction Science Panels," May 2012, available at <http://lsi.law.asu.edu/adolescentbrains2011/index.html>.

⁷ A. Schore, "Affect Dysregulation and Disorders of the Self," New York: W. W. Norton & Co, 2003.

⁸ TDCJ, "Mission Statement," Texas Department of Criminal Justice, "Mission Statement," available at <http://www.tdcj.state.tx.us/index.html>.