



Written Statement of the American Civil Liberties Union and Human Rights Watch For the Inter-American Commission on Human Rights

Hearing on

Solitary Confinement in the Americas

Tuesday, March 12, 2013

The American Civil Liberties Union (ACLU) and Human Rights Watch (HRW) are grateful for this opportunity to submit written testimony to the Inter-American Commission on Human Rights for its hearing on solitary confinement in the Americas. This is an extremely important issue within the United States, and one on which we hope that the Commission will take action. Our joint testimony today focuses on the specific topic of the solitary confinement of youth under age 18 in the United States, on which we have recently conducted substantial research. We urge the Commission to take up the thematic topic of the solitary confinement of youth across the Americas; undertake a mission to observe and report on this practice in the United States; and recommend to Member States of the OAS that they adopt measures prohibiting this practice.

The Solitary Confinement of Young People in Adult Jails and Prisons in the United States

Every day, in jails and prisons across the United States, young people under the age of 18 are held in solitary confinement.¹ They spend 22 or more hours each day alone, usually in a small cell behind a solid steel door, isolated both physically and socially, often for days, weeks, or even months on end. Sometimes there is a window allowing natural light to enter or a view of the world outside cell walls. Sometimes it is possible to communicate by yelling to other inmates, with voices distorted, reverberating against concrete and metal. Occasionally, they get a book or a

are held there. Solitary confinement of youth is, today, a serious and widespread problem in the United States.

This situation is a relatively recent development. It has only been in the last 30 years that a majority of jurisdictions around the United States have adopted various charging and sentencing laws and practices that have resulted in substantial numbers of adolescents serving time in adult jails and prisons. These laws and policies have largely ignored the need to treat young people charged and sentenced as if adults with special consideration for their age, development, and rehabilitative potential.

Young people can be guilty of horrible crimes with significant consequences for victims, their families, and their communities. States have a duty to ensure accountability for serious crimes, and protect public safety. But states also have special responsibilities not to treat young people in ways that can permanently harm their development and rehabilitation, regardless of their culpability.

For the last eighteen months, the ACLU and Human Rights Watch have investigated the solitary confinement of youth under age 18 held in adult jails and prisons across the United States. Our report, attached at Appendix 1, describes the needless suffering and misery that solitary confinement frequently inflicts on young people; examines the justifications that state and prison officials offer for using solitary confinement; and offers alternatives to solitary confinement in the housing and management of adolescents. Our research included in-person interviews and correspondence with more than 125 individuals who were held in jails or prisons while under age 18 in 20 states, and with officials who manage jails or prisons in 10 states, as well as quantitative data and the advice of experts on the challenges of detaining and managing adolescents.

Our report shows that the solitary confinement of adolescents in adult jails and prisons is not exceptional or transient in the United States. Specifically, we found that:

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solitary confinement because officials do not know how else to manage them; and sometimes, officials use solitary confinement to medically treat them.

There is no question that incarcerating teenagers who have been accused or found responsible for crimes can be extremely challenging. Adolescents can be defiant, and can hurt themselves or others. Sometimes, facilities may need to use limited periods or forms of segregation and isolation to protect young people from other prisoners or themselves. But using solitary confinement harms young people in ways that are different, and more profound, than if they were adults.

Many adolescents we contacted reported being subjected to solitary confinement more than once while they were under age 18. Forty-nine individuals more than a third of the seventy-seven

from a human rights perspective, with a special emphasis on the use of solitary confinement.

Over the past 15 years, Human Rights Watch has conducted investigations in numerous prisons, including super-maximum security prisons; spoken with officials and inmates about solitary confinement; published many reports and commentaries on the issue; and advocated against its misuse. Human Rights Watch has also addressed solitary confinement in other nations, such as Tunisia and Japan. Human Rights Watch has also conducted extensive work on the rights of juveniles in the US criminal justice system, including the youth in adult jails and prisons, and juveniles serving sentences of life without parole.