

Representative Barbara Rachelson, M.S.W.
Chittenden 14

TESTIMONY ON H. 192 AN ACT RELATING TO PROHIBITING SOLITARY CONFINEMENT OF CHILDREN

Thank you, Madam Chair, for inviting us today to talk about H. 192 An act relating to prohibiting Solitary Confinement of Children.

My name is Representative Barbara Rachelson, from the Chittenden 14 district. I am a social worker and have worked in the field of juvenile justice, mental health, prevention and child and family services for many years.

I have visited many juvenile facilities over the years, in several states, including the Woodside Treatment Program. I have also spoken with many youth who were housed in these programs.

NCSL describes Solitary confinement, or “seclusion,” as the most extreme form of isolation in a detention setting and can include physical and social isolation in a cell for 22 to 24 hours per day.

According to the [American Academy of Child & Adolescent Psychiatry](#), solitary confinement of juveniles can lead to depression, anxiety and even psychosis.

During my visit to Woodside, I got to see the actual cells that juveniles who were in solitary confinement were in.

It wasn't pretty and it wasn't okay.

I was pleased that in 2019, A federal judge ordered DCF/Woodside to reduce the use of solitary confinement and ease disciplinary procedures.

You might be asking, what's so bad about solitary confinement? These kids broke the law, and we need to be able to control them and keep the other youth safe.

Let me briefly share what the research shows about the use of solitary confinement:

The Juvenile Law Center cites research from their 2017 national report:

Solitary Confinement harms kids. Solitary confinement can cause permanent psychological damage and may lead to [self-harm](#), psychosis, and suicide — in adults as well youth. [Harsh conditions](#) or practices in youth prisons interfere with [normal child development](#), traumatize youth, exacerbate physical and emotional disabilities and cause serious life-long health problems.

Neurological research and sociological studies confirm that common sense tells us about holding kids in solitary: isolation for days or weeks at a time has devastating long-term effects on kids' health and development.

The Atlantic | Laura Dimon | June 30, 2014

[How Solitary Confinement Hurts the Teenage Brain](#)

Craig Haney, a professor of psychology at the University of California Santa Cruz, has been studying the psychological effects of solitary confinement for about 30 years. He explained that juveniles are vulnerable because they are still in crucial stages of development—socially, psychologically, and neurologically.

One of the reasons that solitary is particularly harmful to youth is that during adolescence, the brain undergoes major structural growth. Particularly important is the still-developing frontal lobe, the region of the brain responsible for cognitive processing such as planning, strategizing, and organizing thoughts or actions. One section of the frontal lobe, the dorsolateral prefrontal cortex, continues to develop into a person's mid-20s. It is linked to the inhibition of impulses and the consideration of consequences.

“The experience of isolation is especially frightening, traumatizing, and stressful for juveniles,” he said. “These traumatic experiences can interfere with and damage these essential developmental processes, and the damage may be irreparable.”

Solitary is unfairly applied. Youth of color, LGBTQ youth, gender-non-conforming youth, and [youth with disabilities](#) are more likely to be placed in solitary confinement — which administrators sometimes justify as necessary “for their own protection,” or because the facility lacks appropriate services or accommodations.

Solitary confinement can re-traumatize youth, especially girls and gender-nonconforming youth who are more likely to have histories of sexual abuse and other trauma before they enter the juvenile justice system.

Solitary Confinement is unnecessary and counterproductive. There is no evidence that using solitary confinement increases safety or reduces violence in youth facilities. In fact, the practice could increase violence, and research has shown that solitary confinement often makes things worse. The report highlights Ohio and Massachusetts, both have drastically limited practice. If parents treated their own kids this way, we would call it child abuse.

When in House Judiciary earlier this year, we asked DCF about the use of solitary confinement. DCF shared that they are not huge fans of using solitary confinement but were not necessarily in favor of prohibiting it. This concerns me, and one reason is that we as lawmakers need to decide if it should be a tool that we allow or not.

I also heard, why do this bill now, we don't have a juvenile facility even. Let me tell you why NOW is precisely the time to ban solitary confinement.

1. We are in the design phase of building a facility. What better time to prohibit the use of solitary confinement so that the design can be built knowing that solitary is not an option.
2. We are currently sending youth to the Dept. of Corrections or out of state. We must be clear if we will allow these entities to impose solitary confinement on our children. While Vermont, like many other states, requires children held there to be separated from the adult population, which is a very good thing, it ends up usually meaning that the youth are held in the practical equivalent of **solitary confinement** — a practice that inflicts profound mental and emotional harm even for adults.

In recent years, seven states have passed laws that limit or prohibit the use of solitary confinement for youth in detention facilities. For example, Connecticut law states that no child at any time shall be held in solitary confinement, but “seclusion” may be used periodically if authorized and the young person is checked every thirty minutes. Twenty-four states and the District of Columbia have enacted statutes that limit or prohibit so solitary confinement while other states have limited its use through administrative code, policy or court rules.

I am grateful to the House Human Services Committee for taking up this issue and in talking to experts at Human Rights for Kids, would encourage the Committee to hear their testimony on amending our bill to strike the language that defines the number of hours that the bill would allow a youth to be in restrictive housing.

Thank you for your time and consideration.