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Criminal Justice Issues and Prisoners' Rights

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by [Jean Casella and James Ridgeway](#) | June 8, 2012

Not to be missed (though we did, initially) is a recent post on the Texas criminal justice blog Grits for Breakfast, titled [Solitary Confinement at Texas Youth Prisons: A Brief History](#). As blogger Scott Henson points out, every time violence increases in the youth prisons under the management of the Texas Juvenile Justice Department, elected officials begin calling for an expanded use of solitary confinement which in Texas goes under the euphemism of behavioral management plans.

The latest round in this battle concerns the opening of a new block of solitary confinement cells for violent and disruptive teenagers. To its credit, the leadership of the TJJD appears to be opposing the move, arguing that it will disrupt any educational and rehabilitative efforts. But the chair of the Texas Senate Criminal Justice Committee, John Whitmire (a Houston Democrat), supports the expanded use of isolation, according to an article in the [Austin American-Statesman](#), and referred to the kids in questions as thugs: They should already have opened that place for safety, for common sense. This boils down to a policy by some of our thugs: If you just talk to the worst offenders enough, they'll be nice. That's crazy.

If the pro-solitary camp prevails, Henson points out, it may eventually run into legal limits placed on the use of juvenile solitary confinement, based on a federal lawsuit settlement that dates back to the 1980s. According to a 2008 report by the juvenile justice systems ombudsman:

The 1983 settlement agreement that ended litigation in *Morales v. Turman* prohibits facilities from using isolation as a mode of retaliation or as a first-resort punishment, and limits its use to when the facility's superintendent agrees that an inmate is out of control and dangerous. When the inmate is sufficiently under control, he or she shall be released. Isolation should not be used for more than 3 hours. The agreement, with a few exceptions, allows placement in security only as a last resort, and for no longer than 24 hours. If the inmate is kept in security longer than 24 hours, he or she is entitled to impartial review and appeal of his or her confinement. While in isolation or security, inmates must receive: daily visits from the superintendent and personnel from clinical, social work, and medical units; appropriate psychological and medical services; and the same food, prepared in the same manner, as other inmates.

Whitmire and other advocates of expanded solitary confinement, however, seem determined not to let a mere federal court order stand in their way. Henson argues that they are using solitary as a punitive response rather than look at the [staffing and structural problems](#) that actually contribute to violence in youth facilities.

The controversy over juvenile solitary confinement is playing out in other states, as well. The practice was recently [banned in Mississippi](#) after revelations of horrendous abuses at a privately run youth facility. But in New York City, the use of solitary confinement for everyone, including kids, [is on the rise](#), despite [ample evidence](#) of other problems increasing violence in Rikers Islands youth jail. And in California, a [bill that would have placed](#) some modest limits on the [widespread use of juvenile solitary](#) couldn't even make it out of committee. All of which goes to show, once again, that there are no red or blue states when it comes to the issue of solitary confinement.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

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October 25, 2022

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October 13, 2022

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September 29, 2022

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This excerpt from a new book *As Texas Goes* explains why we should care what happens in Texas.

You have to figure that by 2050, the entire United States will have a distinctly Texas cast.

The state's ability to rear, educate, and prepare all the little Texans to take their place in the national economy is going to be an excellent predictor of how well the whole country will be faring down the line..

It really does seem as if these days, as Texas goes, so goes the nation.

Whether we like it or not.

http://mojoe.msnbc.msn.com/_news/2012/06/07/12101095-an-excerpt-from-new-book-gail-collins-as-texas-goes?lite

We need to stay focused on the need for transparency in these institutions to avoid just reverting back to the old system of abuse that I just described. Even if we succeed in limiting or eliminating the use of solitary for juveniles other forms will appear without oversight.

I want to share two facts about doing time as a juvenile.

First, correctional work is attractive to sadists.

Secondly, you will encounter evil people on both sides of the law.

Now these lazy sadists, if given the option, would gladly lock you up in a room to rot and if you complain about it they will be equally happy to beat the living shit out of you. But if not, they will still find a way to satisfy their sadistic thirst.

As an example, TYPs was recently rattled by sexual abuse claims of juveniles by its staff.

The only institution that I did time in that did not have a solitary confinement unit was Fricot Ranch School in northern California.

I arrived at Fricot Ranch School's Eagle Lodge on September 28, 1964, I was 12 years old.

The second floor dorm consisted of two rows of beds lining the walls of the room leaving a pathway down the middle of the rows of beds to enter and leave the individual beds. On the far side of the building from the office, elevated to the same level as the office, were 12 single rooms without doors, each room had a bed, desk, and a chair. There was a metal tube railing that lined the walkway leading to the individual rooms and below this railing laid the dorm. These single rooms were given to people for good behavior which included their school performance. I would occupy the room that sat directly across from the front of the office for all but one week of my stay. Outside of these twelve single rooms the rest of the population slept in the dorm below where in the darkness of night the sodomizing of the weak continued undetected for the most part. Thus, although I was not easy prey, I still appreciated my single room.

As a whole, my experience at Fricot was not intolerable which may bother some of you that believe in harsher punishment. The place had its moments however such as the night we were all told that we hadn't stripped down fast enough for our shower and were then told we needed to retrieve our cloths from the laundry pile in which they had just been thrown. I ended up with a pair heavily soiled with human waste and so I refused to wear them.

Two counselors came down the stairs and stood behind the split door of the linen closet. From just inside the doorway they now demanded that I join them and to bring the soiled underwear along with me. I held the pungent smelling underwear away from me with two fingers and went cautiously into the room naked as the day I was born. One of them slammed the door behind me and with one on either side of me they continued barking their orders. "Damn it, put them on now!"

No!

Do it now! they demanded

There is no fucking way I'm going to do that.

Then now you are going to have to put them in your mouth!

No fucking way man!

At this point they rushed me and wrestled me to the floor trying to insert the underwear in my mouth while holding me in a tight head lock. I struggled to free myself while choking from the pressure being applied to my wind pipe then suddenly somehow I was able to break free and another counselor just happened to drop by and thankfully he interceded on my behalf.

A few days later the same two counselors woke us all up around 1:00 AM then ordered us to all get dressed as rapidly as possible. Once

we were all dressed we were ordered outside and made to line up in formation in the pitch blackness of a country night. There was no moon that evening which left only the stars to illuminate the road behind the lodge so one of the two counselors had to use a handheld flashlight to observe us lining up and to also lead us down the road. As we marched into the night he called out a rapid paced cadence in military fashion. Then once we were at the base of a nearby hill about a mile away we were ordered to halt. We stood there at attention in silence, while maintaining our formation and wondering just what kind of bullshit these two pricks were going to have us do next. We didnt have to wait long until the other counselor appeared in his four wheel drive pickup truck then set about maneuvering it in such a way as to illuminate the entire hill using his high beams. Once he was satisfied with the angle we were given the order to march up the hill. Then back down the hill, over and over again without pause. The hill was about two football fields in length with a steady steep incline which necessitated that we lean forward in order to maintain our balance. Up and down the hill we marched to their rapid cadence until the counselors grew tired of the drill which was well over an hour later. Sweaty and tired to the bone we all marched back to our lodge moaning from the pain in our leg muscles. Once outside the lodge we were given the order to enter the shower area, strip down to our underwear, store our cloths and return to our bunks.

As I laid down I could see from my rooms elevated position that many of the others in the dorm room below had decided to sleep on top of their blanket having become too fatigued to bother opening it up, some of these even had their feet still dangling off the bed as I fell to sleep exhausted.

On another occasion these same two counselors made us stand nude with our arms out at our sides until most if not all of us could no longer hold up our arms. Still we were not released at this point but made to remain standing at attention for several more hours until the weaker guys started to wobble and faint. Only after several had fallen were we finally allowed to go to our bunks for what remained of the night.

On yet another occasion we were made to participate in a cross country run in the mid-day summer sun. The run ended only when someone passed out from heat exhaustion.

And then there were the forced boxing matches where I was once targeted for defeat by pairing me up with an obviously physically stronger opponent (but thankfully he was not too bright). I was unwilling to preform for the two and so at first I used the rope-a-dope method to protect myself until the idiot punched his self out then when countered with a few solid blows they immediately halted the fight. I remained unhurt which obviously displeased the two .

These two were the main source of my discomfort while I was confined there.

I dont dispute the fact that some young people do commit offences that warrant a custodial sentence, but at a young age the emphasis should be made on the rehabilitating features, that should be available in youth custody institutions, rather than the punishment aspect, you have more chance of correcting a young persons direction in life than an old lags, but if you subject these young kids to the brutal reality that is an adult prison, you have lost any possible chance of redeeming them.

Their was a article in Huffington Post about how young ones do not know the law and they are scared and will say yes to anything (with no lawyers present) and find out later that they had rights, but no direction on what to do. I posted it on Occupy Prisions on fb.

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