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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/03/14/florida-bill-would-limit-use-of-solitary-confinement-on-children/>

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by [Lisa Dawson](#) | March 14, 2013



When asked to describe his experience in solitary confinement in a Florida jail at the age of 16, Henry R. (pseudonym) stated:

The only thing left to do is go crazy just sit and talk to the walls I catch myself [talking to the walls] every now and again. Its starting to become a habit because I have nothing else to do. I cant read a book. I work out and try to make the best of it. But there is no best. Sometimes I go crazy and cant even control my anger anymore I cant even get [out of solitary confinement] early if I do better, so it is frustrating and I just lose it. Screaming, throwing stuff around I feel like I am alone, like no one cares about me sometimes I feel like, why am I even living?

The quote comes from the 2012 report [Growing Up Locked Down](#), which covers the use of solitary confinement on children and teens under the age of 18 in U.S. jails and prisons. The comprehensive report, prepared jointly by the ACLU and Human Rights Watch, calls for an end to the isolation of young people based on evidence of the resulting psychological damage.

Now, Florida legislators are considering a bill that would help prevent kids like Henry R. from being subjected to the abusive use of solitary confinement.

Filed last month by State Senator Audrey Gibson, the [Youth in Solitary Confinement Reduction Act](#) (SB 812) seeks to reduce the detrimental impact of solitary confinement on young persons by prohibiting the use of the practice except under specific circumstances.

The proposed legislation requires that the confinement be the least restrictive to maintain the safety of the youth prisoner and the institution. The bill further imposes time limits on the use of confinement by situation, restricting emergency confinement and disciplinary confinement to 24 and 72 hours, respectively, also requiring time out of solitary cells to lessen the effects of psychological damage.

Senator Gibson spoke out against youth solitary confinement, stating:

We are wasting taxpayer money on prison policies that permanently damage children's state of mind and may ultimately do nothing to reduce crime. It seems foolish to imagine that locking a child away alone in a cell for hours on end can do anything to improve their character or their behavior, especially given all the evidence of the harm this practice does, but that is exactly what our state is doing. I filed this bill to end this kind of treatment of young people in Florida so they have a real opportunity for rehabilitative success.

In response to the proposed legislation, the ACLU issued a [press release](#), stating:

The 2012 report by the ACLU and Human Rights Watch found that because young people are still developing, traumatic experiences like solitary confinement may have a profound effect on their chance to rehabilitate and grow. The long term isolation of solitary

confinement causes anguish, provokes serious mental and physical health problems, and works against rehabilitation for teenagers.

Cutting young people off from the normal human interaction that they need for their development and rehabilitation is cruel, harmful and doesn't make us any safer, stated ACLU of Florida Staff Attorney Julie Ebenstein, who works on criminal justice reform. Children are not simply miniature adults. We cannot have a criminal justice system that ignores their different needs if we expect them to grow into healthy members of society.

Florida imprisons more youth under the age of 18 in adult prisons than any other state in the country. There is currently no prohibition in state law or in Florida Department of Corrections policies or regulations against holding these young people in solitary confinement in Florida prisons.

Julie Ebenstein, Staff Attorney with the ACLU of Florida, responded to the new legislature in a recent *Sun Sentinel* op-ed entitled [Solitary Confinement Isn't Right Place for Children](#).

More young people under age 18 are held in adult prisons in Florida than in any other state in the nation. When minors are locked away in adult jails and prisons, they are treated as adults. When it comes to solitary confinement, there is no state law or Department of Corrections regulation that requires correctional authorities to treat young people any differently than adults.

The state has a duty to ensure accountability for serious crimes, and to protect the public. But regardless of young people's culpability, states also have special responsibilities not to treat them in ways that can permanently harm their development and rehabilitation. Every parent understands that, and so, we hope, will the Florida Legislature.

Since virtually every minor who is sent to jail or prison for any period of time will eventually be released, it would be smart to be concerned about what condition they will be in psychologically, emotionally and physically when they are released.

While a few states have banned the use of solitary confinement in juvenile facilities, none has yet passed legislation outlawing or even limiting the isolation of youth in adult prisons and jails. A bill of this kind was [introduced](#) twice in California, but failed to pass.

Ebenstein writes that, if passed, the new legislation would turn Florida from the worst offender on incarcerating children in prisons to a national leader in following recognized best practices for the treatment of children who are detained in jail or prison.

Lisa Dawson served as an assistant editor, social media manager, and contributor at Solitary Watch. She continues to support prisoners and their family members who need help navigating re-entry. She is on Twitter [@endsolitary](#).

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

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

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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