

Arizona Department of Juvenile Corrections response to the May 2007 article, *Buried Alive: Solitary Confinement in Arizona's Prisons and Jails* on the American Friends Service Committee website.

The responses are organized by the relevant quotations (bolded) from *Buried Alive*. First it is important to differentiate between isolation and separation. The term isolation, as it relates to adult prison or juvenile jail operations, colloquially referred to as "the hole," infers a form of punishment or torture that lasts days on end. In the State of Arizona, the Department of Juvenile Corrections utilizes a separation program not as a form of punishment, but rather as a means to reduce serious and continuing escape risks, protect the juvenile or others from imminent risk of substantial injury, prevent serious destruction of property, prevent serious disruption of the facility, and/or upon a juvenile's self-request. In fact, youth referred to separation are required to participate in therapeutic tasks designed to teach pro-social decision making and problem solving skills, while youth who self-refer discuss their problem issues with a qualified mental health professional. The majority of youth who self-refer or are referred to separation (62%) spend less than 4.5 hours there.

**(T)o our knowledge, these units have never been extensively catalogued or investigated.**

Since 2002, this department has been working with the United States Department of Justice under a Civil Rights of Institutionalized Persons Act (CRIPA) to investigate, among other things, our separation practices and procedures. A copy of the latest Consultant's Committee report is available on the Arizona Department of Juvenile Corrections (ADJC) website.

**The ADJC adheres to an adult corrections model even though many states around the nation have adopted a decentralized model of dormitory living, intense program supervision, therapeutic interventions that have proven to be much more effective.**

ADJC is serious about providing evidence-based educational and treatment services to juveniles committed to our care and custody. Youth committed to ADJC undergo a comprehensive assessment process and are provided a Continuous Case Plan (CCP) to address their unique needs. Our goal is to change delinquent attitudes and behaviors.

**Shockingly, none of the three institutions studied in this report could provide recidivism data for prisoners released from supermax units.**

ADJC does not operate any supermax units, however, we do conduct annual recidivism studies and we post the results on our website. The latest results show that ADJC had a 12 month recidivism rate of 36% for juveniles released during 2005, and a 36 month recidivism rate of 48% for juveniles released in 2003.

**Many people are surprised to learn that juveniles are placed in solitary confinement.**

The following information was contained in the March 15, 2007 CRIPA Consultant's Committee report:

The DOJ acknowledges that the State has enacted policies and procedures regarding the use of exclusion, in-room confinement, lock down, large group, or other such restrictions to ensure usage when strictly appropriate consistent with facility security.

Separation is used by the agency to manage the segregation of juveniles. Placement in separation is seen as a serious and extreme measure and should only be used when all reasonable alternative measures have failed. Juveniles, however, do have an option to self-refer.

Separation is now reviewed daily not only by individual supervisors in each facility but by a staff person whose intent is to ensure compliance with policy. In addition to the adherence to the appropriate use of separation this process now includes the review of admission reasons and the transfer of that information to the treatment teams for inclusion in individual behavior plans.

Discussion on the use of separation at CMS, AMS and BCS showed the process at these three facilities to be consistent with ADJC policy.

The State shall continue to ensure that youths confined to Separation for more than 24 hours receive a due process hearing by an impartial official to determine whether cause exists for continued confinement.

Approximately 1/3 of youth are in separation for up to 1.5 hours. About 1/2 up to 2.5 hours and 60% 4 hours or less. Approximately 5% or less of youth admitted spending 24 hours or longer.

**The state of Arizona currently operates four prisons for children, which it euphemistically calls "safe schools."**

While they may appear similar from the outside, once inside you will find that there is a significant difference between ADJC facilities and the prisons operated by the Arizona Department of Corrections. We have named them Safe Schools because we operate a school district and provide educational services under the direction of a Superintendent, Principals and teachers. We also believe that without a safe environment, the youth will not receive the needed treatment.

**Large group or lockdown: The placement of juveniles from a facility or unit in locked room, preferably their own, for the purposes of physical count, exclusion (not to exceed two hours), or contraband search (ADJC Glossary of Terms). Evidently, this is generally applied to entire units at the same time.**

ADJC no longer uses large group or lockdown.

**The State of Arizona has a troubled history in its incarceration of juveniles, particularly its use of isolation.**

The Johnson v. Upchurch lawsuit and the current DOJ CRIPA review identified serious flaws in how Arizona managed youth committed to Corrections. When Governor Janet Napolitano appointed Michael Branham as Director in 2004, she indicated that she wanted him to be the guiding force behind the Department's organizational culture change, and to address the findings in the CRIPA investigation. This transformation is the foundation in building a solid organization to provide a safe and secure environment while addressing treatment, education and rehabilitative needs for youth committed to ADJC.

**Statistics provided in the Consultants Committee report showed that the length of time in exclusion had actually increased in two of the three facilities between January and June 2006, and the total rate of exclusions for ADJC as a whole had increased from 1.9 to 2.85.**

Between June of 2006 and April of 2007 ADJC has had decreases in Exclusion rates and total time spent in Exclusion for the three ADJC facilities covered by the CRIPA investigation. Meanwhile, the average time spent in Exclusion increased slightly from 46 minutes in June of 2006 to 47 minutes in April of 2007.

**These youth could then be placed in separation for up to five days, with their release from separation contingent upon their adherence to the requirements in their "individual behavior plan." It appears from the report that the youth remain in separation for an unspecified length of time, if they do not complete the requirements of the plan to the satisfaction of staff.**

Fewer than 6% of the youth spent more than 24 hours in Separation during the last two years. The median time spent in Separation during the first five months of 2007 was 2 hours and 45 minutes. The March 15, 2007 Consultant's committee report states:

Continuously monitoring is currently occurring for any youth who spends 4 hours or more and 24 hours or more in separation...An example of this monitoring was the report from October '06. During that time frame 7 youth were in separation longer than 24 hours. 6 (sic) of the 7 received Due Process Hearings within policy guidelines. In one case a miscommunication between two staff resulted in the longer stay.

**Our attempt to gather information directly from ADJC was met with an unenthusiastic response. We received curt answers to four of the six questions we submitted in writing to Director Michael Branham.**

Our goal is to provide outside researchers with accurate and timely information on ADJC operations. On January 6, 2006 Mr. Branham received a letter from Mr. Lowen with six questions. On January 17, 2007, Dr. John Vivian, Administrator of Research and Development (R&D) provided Mr. Lowen with an e-mail response to four of his six questions. In addition to explaining the reason for the delayed response, Dr. Vivian also indicated that two of Mr. Lowen's questions were unanswered because the relevant departmental data was inaccurate. Mr. Lowen spoke directly to the R&D staff member who researched his questions, and we thought he had completed his research.