June 8, 2017

The Honorable Cory Booker
United States Senate
Washington, DC 20515

Dear Senator Booker:

On behalf of the 117,500 members and affiliates of the American Psychological Association (APA), I am writing in support of S. 329, the Maintaining Dignity and Eliminating Unnecessary Restrictive Confinement of Youths (MERCY) Act of 2017. This important legislation would place restrictions on the use of solitary confinement for juveniles in federal custody. We strongly support your efforts to provide this vital safeguard for incarcerated youth.

APA is the largest scientific and professional organization representing psychology in the United States and is the world’s largest association of psychologists. Comprising researchers, educators, clinicians, consultants, and students, APA works to advance psychology as a science, profession, and means of promoting health, education, and human welfare.

Through this mission, our membership strongly supports efforts to protect the dignity and rights of children and youth, and to foster their positive development. In 1990, APA endorsed the principles and objectives of the United Nations Convention on the Rights of the Child (CRC). In 2001, we urged the United States Senate to ratify the CRC, which requires that children be protected from cruel, inhuman, or degrading treatment at all times, even when incarcerated. Furthermore, the Committee on the Rights of the Child, tasked with interpreting the CRC, has stated that solitary confinement falls into this category and should be considered cruel and unusual treatment.

This stance is reinforced with psychological research demonstrating that adolescents are still developing in neurological, cognitive, and emotional domains. While solitary confinement is harmful to adult prisoners, it can have especially devastating consequences to youth whose developmental immaturity leaves them more vulnerable to adverse reactions to prolonged isolation. These effects may be exacerbated for children with disabilities or histories of trauma or abuse. Furthermore, solitary confinement among youth is associated with increased risk of self-mutilation, post-traumatic stress disorder, anxiety, depression, paranoia, aggression, and cardiovascular problems. And similarly, rates of suicide are markedly higher for youth when they are placed in solitary confinement.

Despite proof of its harm and legal recognition that youth should not be treated as adults, thousands of incarcerated youth are placed in solitary confinement each year. It is unconscionable for this practice to continue, especially after the U.S. Department of Justice acknowledged in 2013 that the “isolation of children is dangerous and inconsistent with best practices and that excessive isolation can constitute cruel and unusual punishment.” Hence,
solitary confinement should not be used as a means of discipline except in the most extreme, short-term cases. Rather, children and adolescents must have access to age-appropriate services and programming to prepare them to return to the community as healthy and productive young people.

In closing, we would like to thank you for your leadership in developing S. 329. If you have any questions, or if our Association can be of assistance in your efforts, please contact Gabriel Twose, Ph.D., in our Government Relations Office (gtwose@apa.org, 202.336.5931). We look forward to working with you to advance human rights both for justice-involved youth and in society at-large.

Sincerely,

Clinton W. Anderson, Ph.D.
Interim Executive Director
Public Interest Directorate

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x Letter from Robert L. Listenbee, Administrator, US Department of Justice, to Jesselyn McCurdy, Senior Legislative Counsel, American Civil Liberties Union (Jul. 5, 2013).