

PUBLISHED VERSION

Elizabeth Grant

The use of segregation for children & youth: Applying theoretical understandings to current practice

Presenting the 6th National Juvenile Justice Summit, 2017

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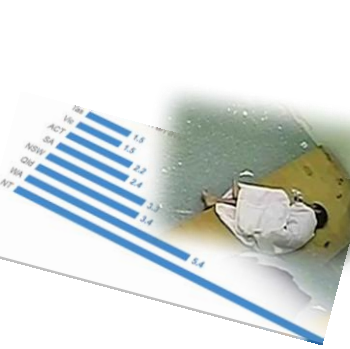
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The use of segregation for children & youth:
Applying theoretical understandings to current practice

Dr Elizabeth Grant
Office of the Deputy Vice
Chancellor & Vice President
The University of Adelaide



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What is segregation?

Segregation is the practice of holding people in solitary confinement, generally isolated from human contact (apart from prison staff)



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'Reasons' for segregating people in prison environments?

- For violations or under investigation of violations of the institution's regulations,
- Being deemed as a 'high profile' prisoner,
- 'Unable to be housed' in the mainstream population,
- Overcrowding,
- Prisoners on transfer (transfers between prisons for court appearances, medical appointments) due to bed shortages,
- Deemed 'at risk' of suicide or self-harming.

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Current rationale for the use of segregation in juvenile detention

Behaviour management tool
Suicide prevention strategy

Consequence Table	
C1	• VERBAL WARNING - Late to lesson - time to be made up.
C2	• WRITTEN WARNING - Name on board, moved within room.
C3	• 15min TEACHER DETENTION (Break Time) with note in planner and/or contact home. Note in planner for 1/2hr. Form Tutor to check planners for number of C3s.
C4	• Referred to Head of Department, 30min DETENTION (Lunchtime) and contact parent. May also include withdrawal from lesson within faculty and dept. report. Yellow slip to Form Tutor and Head of Year.
C5	• Referred to Head of Year, UP TO 1hr DETENTION (Lunchtime) and parent letter/meeting. May include withdrawal from lesson and subject report. Yellow slip to Form Tutor and Head of Year.
C6	• Senior Teacher Detention-After School/Isolation.
C7	• Internal Isolation/External Exclusion/Permanent Exclusion.

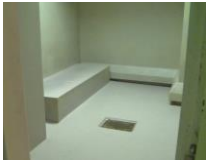
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What does a segregation cell look like?



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What does a segregation cell look like?



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Psychological effects of isolation

Extreme anxiety and heightened suggestibility occurs (even after short periods in isolation) (Suedfeld 1974; 1980; Fisher 1994).

Hypersensitivity to external stimuli, hallucinations, panic attacks, cognitive deficits, obsessive thinking, paranoia, and a litany of other physical and psychological problems (Grassian 2006).

High rates of nervousness, obsessive rumination, anger, violent fantasies, nightmares, trouble sleeping, as well as dizziness, unduly perspiring hands and heart palpitations (Shalev 2008).

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Physiological effects of isolation

Gastro-intestinal, cardiovascular and genito-urinary problems, migraine headaches and profound fatigue (Grassian and Friedman 1986).

Heart palpitations (awareness of strong and/or rapid heartbeat while at rest), diaphoresis (sudden excessive sweating), insomnia, back and other joint pains, deterioration of eyesight, poor appetite, weight loss and sometimes diarrhoea, lethargy, weakness, tremulousness (shaking), feeling cold and aggravation of pre-existing medical problems (Shalev 2008).

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Segregation as a suicide prevention tool

Prisoners housed in segregation are compelled to ruminate on events that they are unable to deal with due to their situation, thus increasing their distress and increasing the risk of suicide and self-harm.

The literature notes that the majority of prison suicides occur whilst the prisoner is alone, most commonly when the person is in isolation or segregation.

Prisoners regarded as 'at risk' may be confused and unclear as to whether they are being treated or punished when they are placed in an observation cell.

The use of segregation for people displaying 'at-risk' behaviors has been universally condemned

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What happens when a segregation is overused as a behaviour management tool?

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Going back to basics – understanding human behaviour in total institutions

Erving Goffmann
1957



Total Institutions

A total institution is a place of work and residence where a great number of similarly situated people, cut off from the wider community for a considerable time, together lead an enclosed, formally administered round of life.

Types of 'Total Institutions':

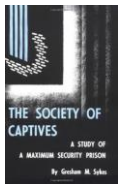
Orphanages, nursing homes, leprosariums, mental hospitals, sanitariums, concentration camps, P.O.W. camps, penitentiaries, jails, colonial compounds, work camps, boarding schools, ships, army barracks, convents, abbeys and monasteries.

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Gresham Sykes
1958



Responding to Losses

Studies of people in total institutions show that emotional and behavioural responses are reactions to the:

- loss of liberty,
- loss of autonomy,
- loss of goods and services,
- loss of heterosexual relationships and
- loss of personal security.

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Stanford Prison
Experiment
1971



Haney, Banks and Zimbardo studied the development of behaviour and the effects of roles, labels, and social expectations in a simulated prison environment



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Stanford Prison
Experiment
1971



- Participants' behaviours changed dramatically
- Guards felt the need to show their dominance.
- Prisoners learned they had little effect on what happened to them, ultimately causing them to stop responding and give up.
- Prisoners began to accept their roles as less important human beings.

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Resistance
Behaviours

Cohen & Taylor

Studies of prisoners have identified six types of behavioural reactions occurring in response to the prison environment.

These are termed 'resistance behaviours'

The six types include:

1. Self-protecting,
2. Campaigning,
3. Escaping,
4. Striking,
5. Confronting
6. Self-destructive (Cohen and Taylor 1981).

Resistance Behaviours

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Resistance Behaviours

Cohen & Taylor

Characteristics of Resistance Behaviours have shown that they :

- Need to be considered as a continuum rather a singular act,
- Are not exclusive,
- May not be sequential,
- May be displayed by the individual and as group collectives simultaneously.

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Resistance Behaviours

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Resistance Behaviours

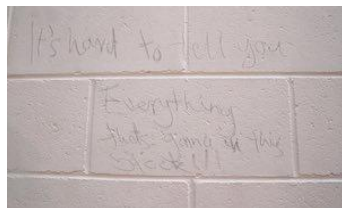
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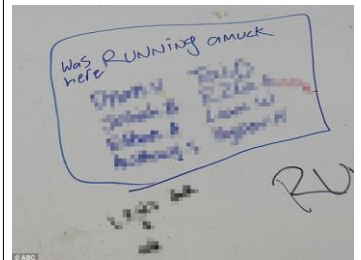
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Rate per 10 000 custody nights	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Aboriginal and Torres Strait Islander Children	1.7	0	1.6	na	4.1	0	10.3	7.2
Non-Indigenous Children	0.9	0.9	1.3	na	1.8	0	5.1	45.2
Total	1.2 (14)	0.8 (4)	1.5 (10)	na	2.9 (6)	0	6.8 (4)	8.9 (15)

Rate per 10 000 custody nights (total number of detainees) who self-harmed or attempted suicide in custody not requiring hospitalization 2013-14 (adapted from Australian Productivity Commission 2015: 16.31).

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Resistance Behaviours

Resistance Behaviours have generally been explained within two frameworks:

'The Importation Model'

'The Deprivation Model'

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Resistance Behaviours

More recent research suggests:

both theories have merit as "...both internal and external stimuli contribute to the pressures and strategies of coping in prison" (Parisi 1982:10),

and

"...the combination of both, distinct but complementary models aid in the discussion of the interaction between the person and the custodial environment" (Grant 2006:14).

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Resistance Behaviours

The Congruency Model

Overlaying importation and deprivation models has led to using 'congruency' as a way of explaining resistance to prison environments (Toch 1975; 1989; 1992; 1992a).

The congruency model identifies the emotional and behavioural responses as reactions to the level of congruency or 'fit' the user has with the environment.

Congruency is the level to which an "environment fits with the users' knowledge, constraints (actual or perceived) in the environment" (Gifford 1987:8).

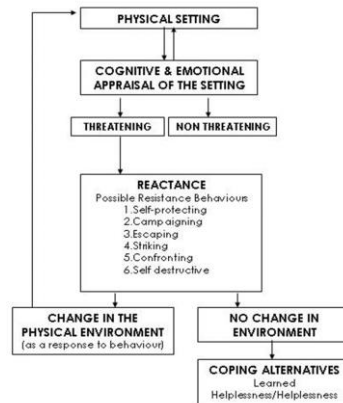
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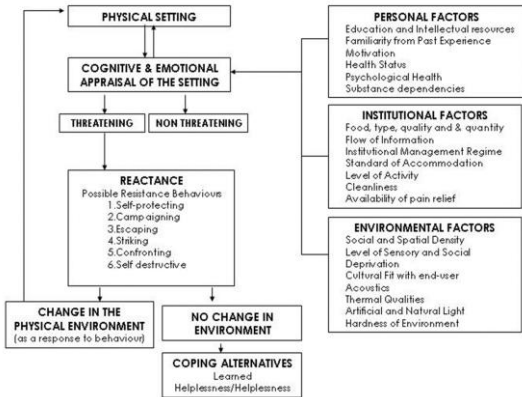
Resistance Behaviours

Three factors influence the congruency between the prisoner and the prison environment. These include:

- Personal Factors
- Environmental Factors
- Institutional Factors

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Learned Helplessness

Learned Helplessness – Martin Seligman

- Dogs in electrified cage at first not able to escape the impending shock.
- Later, all they had to do was cross to the other side but they didn't even try.

"The dogs had learned they were "helpless" to avoid the shock and just sat there and took it without trying to escape."

People in states of 'learned helplessness' display:

learned apathy belying acute distress,

- a negative affect,
- reduced aggression,
- low frustration level.

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Learned Helplessness



Generally people:

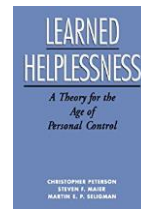
- do not avoid adverse situations,
- have slower task solving,
- have greater failures in completing tasks,
- higher tolerance of medications, and
- will persevere with unproductive strategies.

'Learned Helplessness' is:

- causal of depression,
- The individual in a state of learned helplessness will continue to attempt to regain control of the environment, however, after repeated unsuccessful attempts goes into a state of 'helplessness'.

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Helplessness



People in a state of 'helplessness' generally display:

- Continuation of the behaviours of 'learned helplessness,
- A severe depressive state,
- Low persistence and low levels of tolerance for frustrations occur long after incongruent environmental conditions have dissipated (Seligman 1973; 1974; 1975),
- Dependence on illicit and licit drug dependencies,
- Can result in premature death (Parisi 1982).

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So where to from here? Reconceptualising the juvenile justice paradigm

Step 1: Banning segregation

- 2012, the American Academy of Child and Adolescent Psychiatry released a policy statement opposing the use of solitary confinement.
- 2013 the United Nations Special Rapporteur on Torture, stated that the effect that a prolonged period in isolation can have on a child's mental health is so severe that countries should implement "an absolute ban" on solitary confinement and seclusion of any duration for children as well as people with psychosocial disabilities
- 2014, the American Medical Association approved a resolution saying solitary confinement is detrimental to adolescent health and should be prohibited.

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Step 1:
Banning
segregation

- 2013 The Victorian Equal Opportunity and Human Rights Commission advised that the solitary confinement of children was likely to be considered degrading treatment and that '[a]s a principle, solitary confinement should never be used for prisoners under 18 years'
- 2015 President Obama announces review of 'the overuse of solitary confinement and bipartisan legislation to ban punitive solitary confinement for juveniles in federal custody.'
- 2016 US Justice Department released its Final Report and Recommendations concerning the use of Restrictive Housing, outlines principles to reduce the use of segregation, in particular for special needs groups (including people with a serious mental illness and juveniles).

Step 1:
Banning
segregation

- 2016 Victorian Supreme Court (upheld on appeal 28 December 2016) has found that the transfer of several children to a facility previously used for high security adult prisoners, and their detention there in circumstances which included "very long periods of solitary and prolonged confinement", was unlawful. The Supreme Court also concluded that the Government's actions breached the right not to be treated in a 'cruel, inhuman or degrading way'

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Rethinking the nature of the juvenile justice system
What should 'normal' juvenile justice detention look like?

What should 'normal' juvenile justice detention look like?

Providing a 'normalised' environment which fits the environmental and cultural needs of the user group is paramount in reducing the impact of the prison environment on the individual.

- Ban segregation for all children and youth.
- Provide normalised environments with high levels of personal control for all children and youth.
- Use trauma informed responses.
- Provide residential treatment options for psychiatrically ill and self harming detainees.
- Consider the specific needs of girls and LGBTQ children and youth

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What should 'normal' juvenile justice detention look like?

The designed environment should mirror and promote activities and routines which may occur in the outside society. Levels of security in prison environments should be proportional to the 'risk' a person presents to society and provide the prisoner with the highest achievable level of personal control over their environment.



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References

Cohen, S. and L. Taylor (1981). *Psychological Survival: the Experience of Long-Term Imprisonment*. New York, Penguin Books.

Haney, C., W. Banks and P. Zimbardo (1973). 'A Study of Prisoners and Guards in a Simulated Prison.' *Naval Research Review* (September).

Cifford, R. (1987). *Environmental Psychology: Principles and Practices* 2nd Edition, Toronto, Allyn & Bacon.

Grant, E., Lulham, R., & Naylor, B. (forthcoming 2017). The use of segregation for children in Australian youth detention systems: An argument for prohibition. *Advancing Corrections*.

Grant, E. (2016). *The use of segregation for children in the Northern Territory Youth Detention System: Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory*, Adelaide: The University of Adelaide.

Grant E. (2008) Softening the Aboriginal prison experience through architecture: emerging trends in restorative or ameliorative Aboriginal prison environments in Moore, G. & Lu, D. (eds) *People, Environment and Society*, Springer

Naylor, B., Grant, E. & Lulham, R. (2017), Melbourne: RMIT *The segregation & isolation of children and young people in the Victorian Juvenile Justice System: Rethinking a flawed system: Submission to the Inquiry into Youth Justice Centres in Victoria*

Parisi, N. (1982). 'The Prisoner's Pressures and Responses' in *Coping with Imprisonment Perspectives in Criminal Justice* N. Parisi (Ed.) Beverley Hills, Sage Publications.

Parisi, N. (1982a). *Coping with Imprisonment: Perspectives in Criminal Justice* No. 3. Beverley Hills, Sage Publications.

Reser, J. (1979). 'A Matter of Control: Aboriginal Housing circumstances in remote communities and settlements in A Black Reality: Aboriginal Camps and Housing in Remote Australia. M. Hespell (Ed.) Canberra, Australian Institute of Aboriginal Studies: 65-96.

Seligman, M. (1973). 'Fall into Helplessness.' *Psychology Today* June: 43 - 48.

Seligman, M. (1974). Depression and Learned Helplessness in *The Psychology of Depression: Contemporary Theory and Research*. R. Friedman and M. Katz (Eds). New York, Wiley.

Sykes, G. (1958). *The Society of Captives*. Princeton, Princeton University Press.

Toch, H. (1975). *Men in Crisis: Human Breakdowns in Prison*. Chicago, Aldin Publishing Co.

Toch, H. (1992a). *Mosaic of Despair: Human Breakdowns in Prison*. Washington, DC, American Psychological Association.

Toch, H., and K. Adams (1989). *Coping: Maladaptation in Prisons*. New Brunswick, New Jersey, Transaction Publications.

Toch, H., (1992). *Living in Prison: the Ecology of Survival*. Washington DC, American Psychological Association.

Zamble, E. and F. Porporino (1988). *Coping Behaviour and Adaptation in Prison Inmates*. New York, Springer-Verlag.

Questions



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