

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Human Services and Housing, 2015 Oregon Legislature

From: Mark McKechnie, Executive Director, Youth, Rights & Justice

Date: March 30, 2015

Re: HB 2706 – Support for Reducing the Use of Isolation in Juvenile Detention

Chair Keny-Guyer and Members of the Committee:

Youth, Rights & Justice was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system. YRJ has also worked extensively with the Legislature, the Oregon Law Commission, various state agencies and other organizations to improve policies and services to the children of Oregon during that time.

YRJ supports the goal of HB 2706 to strictly limit the circumstances and the amount of time that youth in juvenile detention facilities could be placed in isolation. The extensive use of juvenile detention and incarceration, as well as practices like isolation and shackling of youth in the United States, have caught the attention and scorn of national and international human rights groups. Our country is unique in its propensity to incarcerate large numbers of children. HB 2706 focuses on one of the most troubling aspects of these practices.

Research has established that isolation harms youth psychologically, physically and developmentally. Isolation has also been shown to increase the risks of youth suicide and other forms of self-harm. A 2009 report by the Department of Justice revealed that, of the suicides that occurred in juvenile detention and correctional facilities, over half took place while youth were isolated in their rooms.¹ Additionally, over 60% of youth who committed suicide in detention had a history of isolation.²

We know from county, state and national data that youth in the justice system suffer disproportionately from mental disorders, such as depression and Post-Traumatic Stress Disorder, and most have experienced multiple traumas in their lives. Isolation can be particularly harmful to youth who suffer from such conditions and can exacerbate symptoms that lead to self-harm and suicidal behaviors.

¹ ACLU, *Alone & Afraid: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities* 5 (2014) (citing Lindsay M. Hayes, Nat'l Ctr. on Institutions & Alternatives, *Juvenile Suicide in Confinement: A National Survey* (2009)).

² *Ibid.*

Isolation also takes a physical and developmental toll on youth. Because youth in isolation are often denied meaningful physical exercise outside of their cells, isolation harms the physical health, wellbeing, and growth of children.³ And because youth in isolation are often denied important programming—such as access to education, access to reading materials, and access to contact with loved ones—isolation negatively impacts the ability of children to develop into healthy, functioning adults.⁴ Recognizing the developmental vulnerability of youth, the American Academy of Child and Adolescent Psychiatry has concluded that prolonged isolation poses a particular danger to children.⁵

In addition to continuing to reduce the rates of incarceration of youth in county detention and Oregon Youth Authority facilities, we must also make serious efforts as a state to reduce the use of isolation and limit the amount of time any young person spends in an isolation cell.

We are aware of and acknowledge recent efforts of the Oregon Youth Authority to reduce the use of isolation and reassign staff to take more pro-active approaches to respond to youth behavior. In addition, OYA's 10-year facilities plan includes a significant reduction in the facilities designed and used for isolation. There have been positive efforts at the county level, as well. Youth, Rights & Justice hopes that this legislation and other ongoing efforts will result in further reductions in the use of isolation with youth and youth offenders across Oregon.

³ ACLU, *Alone & Afraid: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities* 5 (2014)

⁴ *Ibid.*

⁵ *Ibid.* (citing Juvenile Justice Reform Comm., *Solitary Confinement of Juvenile Offenders*, Am. Acad. of Child & Adolescent Psychiatry (Apr. 2012), http://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx).