

House Bill 3537

Sponsored by Representative FREDERICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes guidelines and standards for placement of youth offenders in isolation in youth correction facilities and training camps.

A BILL FOR AN ACT

1
2 Relating to isolation interventions for youth offenders.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 420.005 to**
5 **420.915.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **“Isolation” means confinement of a youth offender alone in a locked room because**
8 **of the youth offender’s behavior or conduct in a youth correction facility or work and**
9 **training camp.**

10 (b) **“Work and training camp” means a work and training camp established under ORS**
11 **420.210.**

12 (2) **The Oregon Youth Authority shall utilize isolation of a youth offender in a youth**
13 **correction facility or work and training camp in accordance with this section.**

14 (3) **The purpose of isolation is to remove a youth offender from a facility’s or camp’s**
15 **general population to give the youth offender an opportunity to regain self-control and to**
16 **facilitate a subsequent placement in a less restrictive setting or a return to the general**
17 **population of the facility or camp as soon as practicable.**

18 (4) **Isolation must occur under the following conditions and circumstances:**

19 (a) **In a locked, individual room.**

20 (b) **Only when a youth offender is a danger to self or others, or is an immediate threat**
21 **to the safety, security or order of the facility or camp.**

22 (c) **Only as authorized by the superintendent of the facility or the director of the camp,**
23 **or a designee of the superintendent or director.**

24 (d) **Isolation may not be used as punishment, as a convenience or as a substitute for staff**
25 **supervision or individualized treatment.**

26 (e) **The youth offender must be monitored by staff every 15 minutes while in isolation for**
27 **well-being and possible return to the general population of the facility or camp. Observations**
28 **made during monitoring must be documented in writing.**

29 (f) **Isolation may continue only until the youth offender regains self-control and can re-**
30 **turn to a less restrictive setting or the general population of the facility or camp.**

31 (g) **Isolation may not exceed five consecutive days.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (h) If any period in isolation requires use of a restraint device, the youth offender must
 2 be continually observed and monitored by staff of the facility or camp while the restraint
 3 device is used.

4 (i) A youth offender placed in isolation must be afforded the same opportunities to
 5 maintain health and dignity as those afforded youth offenders in the general population of
 6 the facility or camp, consistent with the rules and policies of the Oregon Youth Authority.

7 (j) A youth offender, upon placement in isolation, may be searched in accordance with
 8 the rules and policies of the Oregon Youth Authority.

9 (5) If an isolation continues for more than 24 consecutive hours, the following must oc-
 10 cur:

11 (a) Placement in isolation must be reviewed by the superintendent of the facility or the
 12 director of the camp, or by the superintendent's or director's designee. The person reviewing
 13 the placement may not be a person who was involved in an incident or circumstances that
 14 resulted in the placement of the youth offender in isolation.

15 (b) An isolation hearing must be held in accordance with subsection (6) of this section.

16 (c) The youth offender must receive a daily visit from at least one member of the youth
 17 offender's treatment team while in isolation.

18 (6) When a youth offender is placed in isolation for more than 24 consecutive hours, an
 19 isolation hearing must be held by the superintendent of the facility or the director of the
 20 camp, or a designee of the superintendent or director. The hearing must be conducted by a
 21 person who was not involved in an incident or circumstances that resulted in the placement
 22 of the youth offender in isolation. The hearing must be conducted in accordance with the
 23 following requirements:

24 (a) The youth offender must receive written notice of the reason the youth offender was
 25 placed in isolation prior to the hearing.

26 (b) The superintendent, director or designee must appoint a staff representative to assist
 27 the youth offender during the hearing and throughout the hearing process.

28 (c) The youth offender may be present at the hearing unless the youth offender waives
 29 that right in writing or the youth offender's presence at the hearing could unduly jeopardize
 30 safety.

31 (d) The youth offender may make a statement, present documentary evidence and call
 32 witnesses on the youth offender's behalf unless doing so could unduly jeopardize safety.

33 (e) The youth offender shall be given a written statement setting forth the evidence re-
 34 lied upon and the decision of the person or persons conducting the hearing.

35 (f) The youth offender is entitled to appeal the decision in the isolation hearing through
 36 a grievance process established pursuant to rules adopted by the Oregon Youth Authority.

37 (7) If a youth offender who is placed in isolation has been identified with severe or ex-
 38 treme mental health treatment needs is placed in isolation, a clinical interview must be
 39 conducted and documented by a mental health care practitioner as soon as practicable after
 40 placement in isolation. The youth offender or staff of the facility or camp may also request
 41 an interview by a mental health care practitioner at any time during the time that a youth
 42 offender is in isolation.

43 **SECTION 3.** Section 2 of this 2015 Act applies to youth offenders placed in isolation in
 44 youth correction facilities or work and training camps on or after the effective date of this
 45 2015 Act.

