

# NORCOR

## Juvenile Detention

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November 27, 2017

Sarah Radcliffe, Attorney  
Disability Rights Oregon  
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Dear Ms. Radcliffe-

Thank you for the opportunity to review and respond to the report prior to its release. I have summarized several areas where I have found information that may need clarification and/or that I have found to be inaccurate. Those areas of concern are as follows: 1. Psychotropic medications; 2. Continuous lock-down; 3. Visits/phone calls; 4. Length of stay; 5. Programming; and 6. Education. Details of those areas of concerns are found in the following places:

Page 3, Sec. 2- Only two youth interviewed by DRO had a disciplinary status that lasted longer than one week. Only one of those youth was on that status longer than five weeks. One of the youth had visits and phone calls to family throughout that time. The other had phone calls during time on disciplinary status but did not have visits from family even when not on disciplinary status. Characterizing this as some youth being on disciplinary status for months seems inaccurate when there was only one on that status for 10 weeks. Saying the youth were deprived of visits and phone calls is not accurate when they actually had them.

Page 3, Sec. 2- The statement that conditions were harsher and more restrictive than any adult jail you had visited seems inconsistent with your reports concerning the Oregon Department of Corrections and the Multnomah County Jail.

Page 6, Sec. 4.a.- OYA rules and certification govern the entire YCC program, not just kids in OYA custody who are in the program.

Page 6, Sec. b.- The information stated in the report regarding Measure 11 admissions was accurate based on the information provided. However, further research into the admissions reasons revealed there were actually three admissions for Measure 11 offenses in 2017. One was given the reason "New Law Violation" and another was admitted after the statistical run provided to DRO. A fourth youth was admitted in June 2016 for a Measure 11 offense and lodged until October 2017 so was not counted in the 2017 admissions statistics.

Page 6, Sec. b, 3<sup>rd</sup> paragraph- On the three dates DRO visited, the number of youth on

medications for a mental health condition ranged from 30% to 33%. This percentage is far more accurate and reflective of the normal number of youth on meds, not 80% as stated in the report.

Page 7, Sec. 5- While we would agree that there is not licensing authority or process for formal complaint, NORCOR (and other facilities) are inspected annually by the State Fire Marshal, local Public Health (both food service and sanitation), the Wasco County Grand Jury, the Wasco County Court and the State Department of Corrections. These inspections may not cover the humane conditions you refer to, but seem to go toward an aspect of safety

Page 7, Sec. 6- NORCOR and one other facility in the state are the only two juvenile detention facilities that have YCC programs. Length of stay data is affected by the YCC programs. It is different than pre-adjudication and detention sentences.

Additionally, the low N in NORCOR's statistics can be misleading. Without going into too much detail regarding the 187 day stay on a VCR (due to not having a release of information on that case), the underlying charge for that youth was a Measure 11 offense. While the statistic provided in the report is true, this one case, a significantly serious offense, changes the average length of stay from 10 days for five youth to 40 days for six youth.

Page 9, Sec. 7a- NORCOR provides all youth programs such as education, A&D education (by a CADDC), yoga (a best practice), and access to volunteer groups such as AA, church, and Master Gardeners program. YCC youth can participate in additional best practices programs such as the Criminal Attitudes Program, Coping with Stress, Forward Thinking and additional A&D groups. Youth on disciplinary restriction may be temporarily suspended from attending the groups. The practice of allowing youth to have access to journals and pens in their rooms was began after a request by DRO, but youth had previously been allowed to journal when requested by the youth or a Mental Health worker.

Page 12, Sec. 8a- A review of video on three different days (chosen by a party who was given no indication why they were picking three different days) showed most youth in their rooms for no more than three hours during waking times. Saying a day could consist of almost 24/7 lockdown is not accurate according to this random sampling.

Page 14, box, 2<sup>nd</sup> bullet- No youth at NORCOR has ever had a disciplinary sanction for scratching at their arms. We have no record of a youth scratching at his arms nor do we have reports from staff or other youth indicating such. That behavior would result in a referral to Mental Health. If this youth believes he was sanctioned for such behavior, it is clear that we would need to better clarify what behavior he was sanctioned for.

Page 14, box, 3<sup>rd</sup> bullet- Youth frequently have the opportunity to play basketball and cards during social time with other youth. Typically, about a minimum of an hour each day is allowed for social time. I'm not sure why a youth would say he didn't have the opportunity to do those things.

Page 14, Sec. 8b- A couple different areas state that only one 15-minute visit is allowed per week. There are four days of visitation each week and youth may have visitors on each of those

days. Requests for extra visitation times due to distance of travel have always been granted. Multiple family members can visit at once, although it usually is limited to no more than three due to space restrictions in the visitation room. Arrangements have frequently been made to allow for an occasional contact visit with family for youth who are here for an extended period. Arrangements have also been made for some form of video visitation when travel restrictions are in place. Youth in the YCC program can not only have contact visits, but can have outings with family.

Page 15, Sec. 8c- As stated before, on only two occasions during at least the past two years did a youth spend longer than a week on disciplinary status. Any youth on disciplinary status is given regular opportunities to re-engage in regular status. There is daily contact with detention staff and regular contact with other staff including the teacher, nurse and Mental Health worker. Opportunities are afforded to have social time with other youth, typically starting with small group interaction. Visits and phone calls are no longer suspended for any length of time while on disciplinary status but had always been allowed after a brief period of time.

Page 16, Sec. 8.c.ii- Policy 10.4 is confusing in the aspect that it implies a youth may be placed on Special Program as a disciplinary status if they are highly suicidal. While that is how the policy reads, no youth is disciplined for being suicidal. Special Program in this case may mean a suicidal youth gets a paper eating utensil rather than a hard, plastic one that may be used for self-harm. This policy will be revised to more accurately reflect that piece (as well as any other revisions that may need to be made).

Page 17, Sec. 8.c.ii- As stated above, youth on disciplinary status have contact with detention staff and support staff on a daily basis. Saying youth are denied 'all' human contact during periods of discipline is an over-exaggeration and is not accurate.

Page 19, Sec. 8.d.i- Saying that a youth who does not speak English 'hope' they sit next to a bilingual classmate to help them follow may be a perception of the youth, but is not accurate. For over four years, the assigned NORCOR teacher spoke Spanish and was able to communicate with Spanish-speaking students. After a brief delay following his resignation, the school district provided services of an ELL/ESL specialist, as well as connection to ELL/ESL curricula for Spanish-speaking students.

Page 19, Sec. 8.d.ii- The practice of passing a rules test has been stopped. Other methods of assuring the youth understand their rights and facility rules, such as video or staff presentation, will be implemented. However, nowhere is it stated that the youth had a copy of the rules and rights with them during the test and each answer was word for word on that copy.

Page 20, Sec. 8.d.ii- 990 educational hours per year in a regular 180 day school calendar is actually 5.5 hours per day, not 6. An hour of daily exercise counts toward PE credit, so the total educational hours per day during the period in question was 4 to 5.5 hours. While educational time sometimes fell short, changes to staffing patterns have assured all youth receive required educational time and that time will be more accurately documented.

While we clearly have concerns about the report, there are several items in the report and several things we talked about during your visits that raised awareness to some changes that have

already been implemented. Those changes include:

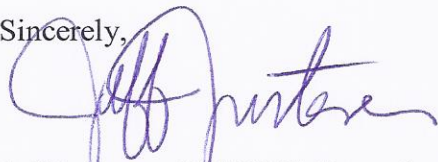
- Journals and flex pens in rooms. These items are removed only when youth write on walls or give themselves tattoos with the pen.
- Elimination of written rules test. Youth begin class the morning after admission (afternoon of the same day if admission is in the morning).
- Elimination of several rules such as 'do not look around', 'do not look out of any windows', 'do not ask what time it is' (we are purchasing clocks that will be visible to the youth in several areas of the facility) .
- Books are only removed from rooms if youth has damaged books on multiple occasions.
- Visits and calls are not suspended during disciplinary status.
- Increased posters/other art on walls throughout the secure area of the facility.

Additionally, several other changes are in process but have not yet been implemented. Those areas include:

- Developing a strengths/needs-based programming plan.
- Increasing socialization.
- Increasing property limits.
- Incentive-based level system.
- Providing opportunities for increased contact visits.

Again, thank you for the opportunity to review the report and the opportunity to respond prior to release.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Justesen". The signature is fluid and cursive, with a large initial "J".

Jeff Justesen, NORCOR Detention Manager