



January 12, 2018

TO: Senator Floyd Prozanski, Chair, Senate Interim Committee on Judiciary
Rep. Jeff Barker, House Interim Committee on Judiciary
FR: Sarah Radcliffe and Bob Joondeph, Disability Rights Oregon
RE: Juvenile Detention Facilities

Disability Rights Oregon (DRO) is the designated Protection and Advocacy program for Oregon. DRO is mandated by federal and state law to advocate for the rights of individuals with disabilities. Our work includes individual advocacy, systemic advocacy and monitoring of conditions in institutions serving Oregonians with disabilities. Because children with disabilities are disproportionately represented in the juvenile justice system, DRO has been increasing our attention to how that system addresses the care, treatment and educational needs of those children.

Accordingly, in 2017 we investigated conditions for youth confined at NORCOR Juvenile Detention Facility over the course of six months. We conducted three monitoring visits to NORCOR, interviewed approximately 23 youth, reviewed records for three youth, reviewed policies and documentation, and interviewed staff. Our findings were released in early December and included the following:

- Kids were locked in their cells for multiple hours each day, without access to basic coping tools like books, or pen and paper;
- Contrary to requirements in state law, there was no documentation of how long or how often kids were locked in their cells;
- Kids were required to follow 62 rules, many of which were arbitrary and unrelated to any legitimate purpose, such as:
 - Do NOT look out any windows
 - You will not ask what time it is
 - You will remain on silence until staff gives you permission to speak
 - You will look forward at all times
- Some kids were subjected to long-term disciplinary status, which effectively denied all meaningful human contact for weeks and sometimes months. According to NORCOR policy, youth in the “special sanction program” are denied phone calls and visits, and receive meals, education and exercise on a solitary basis. We reviewed records for one boy who remained on disciplinary status for 69 consecutive days due to infractions such as talking and “being needy” or seeking attention.
- Staffing and administrative hurdles stood in the way of kids accessing a full day of education.
- Many kids stay at NORCOR for months. We reviewed 10 months’ of data (227 youth

booked between January and October 2017), which reflected an average stay of 22.18 days, but 42 youth stayed for an average of 83 days. This is a significant period in the life of a young person.

No one would argue that these conditions are developmentally appropriate for children. The past several decades have produced a wealth of research establishing, as Dr. Jetmalani states in our report,

Attachment and sustained positive relationships are the primary resilience factors that allow for emotional regulation, cognitive processing and problem solving. When youth experience adults as interested in them, willing to listen and focused on their safety and success, youth are much more likely to participate in prosocial productive activities.

Almost universally, kids in the juvenile justice system have been impacted by trauma. Being locked down, alone in a cell, without human contact or any outlet for the fear, rage, or hurt that they're feeling is the worst possible response to children in crisis.

When we discovered what was happening at NORCOR, we assumed that sheriffs, elected officials, judges, juvenile directors, and state agencies were unaware that a youth facility was utilizing an approach that was so harmful. We were wrong. After the release of our report, we discovered that the Annie E. Casey Foundation had facilitated a comprehensive Juvenile Detention Alternatives Initiative (JDAI) assessment and issued a 116 page report about conditions at NORCOR in April 2015. The report was created by Oregon-based experts in the field, with fidelity to a nationally recognized assessment tool, and it carefully documented most of the concerns that Disability Rights Oregon cited, two years later. Specifically, the JDAI report found that, instead of positive behavior interventions, the facility relied on a punitive and counterproductive approach that needed to be completely overhauled (p. 54). The report also found that the facility lacked a protocol governing use of cell confinement or documentation reflecting how often youth were locked down (p. 95), and that youth reported too much cell time (p. 54). Furthermore, youth were not offered a way to report abuse, neglect, harassment, or retaliation to an entity outside the facility (p. 95).

The fact that 2 ½ years later the deficiencies cited by the JDAI report remain unchanged is suggests that Oregon's juvenile detention facilities lack meaningful oversight. We know that legislators share our concern that youth in juvenile detention facilities experience safe conditions and have access to adequate healthcare, programming, and practices that are trauma-informed and evidence-based. A number of models exist to provide independent oversight for juvenile detention facilities. Successful models are fully autonomous, supported by clear statutory authority, given unrestricted access, and adequately funded. (See *Center for Children's Law and Policy: Independent Monitoring Systems for Juvenile Facilities*, <http://www.cclp.org/wp-content/uploads/2016/06/IM.pdf>)

As we have engaged with stakeholders in the juvenile justice system (kids, lawyers, juvenile directors, and advocates), the overwhelming message that we have heard is that a lack of community-based behavioral health services and a resource-strapped child welfare response are the primary drivers of youth involvement in the juvenile justice system. We stand ready to work with legislators and other stakeholders to improve conditions for kids in juvenile detention and address the safety and behavioral health needs that often precede their justice system involvement.

Thank you for this opportunity to testify.