

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2017 Oregon Legislative Assembly

From: Mark McKechnie, Executive Director

Date: April 25, 2017

RE: Support for SB 82

Chair Barker and Members of the Committee:

My name is Mark McKechnie, and I am the Executive Director of Youth, Rights & Justice. For nearly 42 years, YRJ attorneys have represented youth in Oregon's juvenile court and juvenile justice systems. We have also served on a number of committees and work groups regarding juvenile justice policies and practices at the state and county levels. One of them has been the Oregon Youth Authority "Use of Isolation Community Advisory Group," on which I have personally served.

Youth, Rights & Justice supports SB 82. This important bill was developed based, in part, upon the advice of the advisory group, and it reflects the policy and practice direction that OYA has undertaken over the last several years regarding the use of isolation rooms in OYA facilities. The bill addresses two issues. First, it states unequivocally that isolation may not be used as punishment for any youth offender or young person in an OYA facility. This is consistent with national trends and with research on the trauma and other harm that can be inflicted by isolating young people.

Second, it will help ensure that there is no confusion between different OYA policies. While this bill is consistent with administrative rules that have been in place for some time, other rules, recently amended, arguably allowed the practice of isolation for the purpose of punishment. Placing this prohibition in statute will help avoid such confusion from recurring in the future.

The Oregon Youth Authority has made great strides in improving programs, services and conditions to benefit and rehabilitate youth who have broken the law. The OYA leadership has engaged in a focused and thoughtful process, engaging internal and external stakeholders to shift the culture, practices and policies of the agency, to promote positive human development among all of the youth and young people served and among the employees of OYA.

This bill supports and reflects a shift to evidence-based methods of intervention, such as Collaborative Problem Solving, that are more effective in managing youth behavior in the short term and in helping young people to develop problem-solving and conflict-resolution skills that will continue to benefit them throughout their lives. OYA has invested additional staff resources to manage and reduce conflict and has longer-term plans to redesign facilities to further promote these efforts.

SB 82 is one important piece of a comprehensive effort to reduce the use of isolation and to develop alternatives that promote better outcomes for youth and OYA staff. Following the unanimous support of the Oregon Senate, Youth, Rights & Justice urges the committee to support SB 82, as well.

An independent, not-for-profit law firm, Est. 1975

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