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house youth as young as 12 in isolation for up to five days – the current limit in Oregon. Also of concern are the institution's "special programs," which allow the use of isolation rooms for up to 60 days, and the many exemptions to the five-day limit.

Across the country, states are changing their approaches to solitary confinement in lawsuit settlements. In 2014, Ohio agreed to eliminate the use of solitary confinement in youth detention centers completely and just this month, Pennsylvania agreed to stop housing mentally ill inmates in isolation.

State Rep. Lew Frederick, D-Portland, is introducing House Bill 2706 on Jan. 19, which seeks to limit isolation in juvenile detention centers to 60 consecutive hours and no more than 60 hours in one week.

"What I'm concerned about is how (isolation) is being used right now, and I've talked with some folks in OYA who are also concerned about how it's being used – how it is evaluated, when it is used – and that is one of the concerns that they have as well," says Frederick. "The idea that it is being used at all is a concern. The idea that it is used for long periods of time especially for young people is extremely concerning to me, and so how do we handle that? That is what this bill is attempting to address."

The bill was brought to Frederick by the Center for Intercultural Organizing. The organization claims that not enough has changed in OYA facilities since a 1985 judgment found the agency had violated the constitutional rights of its inmates by inflicting cruel and unusual punishment in the form of solitary confinement, and that it had violated inmates' rights to due process. The judge decreed that youth could only be confined in solitary when "that student has engaged in conduct that creates and imminent danger of physical harm to himself or others." In other words, not simply as punishment. Rules were also put in place requiring documentation and mandatory, continual evaluations by staff.

"Our youth need to be reminded that there are people who care, that the community is looking out for their rights and well being, and most importantly that they are not alone," said CIO spokesperson Salome Chimuku. "It is important that we are giving youth the services and education they need and not setting them back with trauma and excessive isolation."

According to rates compiled for Street Roots by OYA and Performance Based Standards – an organization that compares data voluntarily shared by different juvenile justice facilities – the average duration of isolation among OYA youth has ranged from 28 to 40 hours over the past three years, with nine to 11 youth sitting in isolation across all OYA correctional facilities on any given day. The number of youth in isolation is lower than PBS's participant average, but the average duration is more than twice as long. OYA spokesperson C. J. Drake says this is because OYA only uses isolation in the most extreme cases, whereas other facilities might use it more often, and for shorter periods of time. An average of 35 percent of in-custody OYA youth have spent time in isolation rooms during each quarter of 2014.

"The goal is to minimize time spent in isolation," says Berger. He explains that youth are placed in the intervention unit



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Above: Thomas Spisla, 20, is serving an eight-year sentence at OYA for a robbery he committed when he was 16. He's been sent to the intervention unit three times since his incarceration. While Oregon law places a five-day limit on isolation, exemptions allowed for Spisla to be isolated for 14 consecutive days during his second stay. He was not a physical threat to anyone at the time. His isolation was extended due to an investigation into drug use in his living unit.

Top right: Under MacLaren Superintendent Dan Berger's management, the Oregon Youth Authority corrections facility has expanded its vocational training programs and added trauma-informed care training for all of MacLaren's staff.

Bottom right: View from an isolation room within the North Block of MacLaren's Intervention Unit. The unit houses isolation rooms and a common room where kids can recreate for up to four or five hours a day if the circumstances surrounding their isolation allows.



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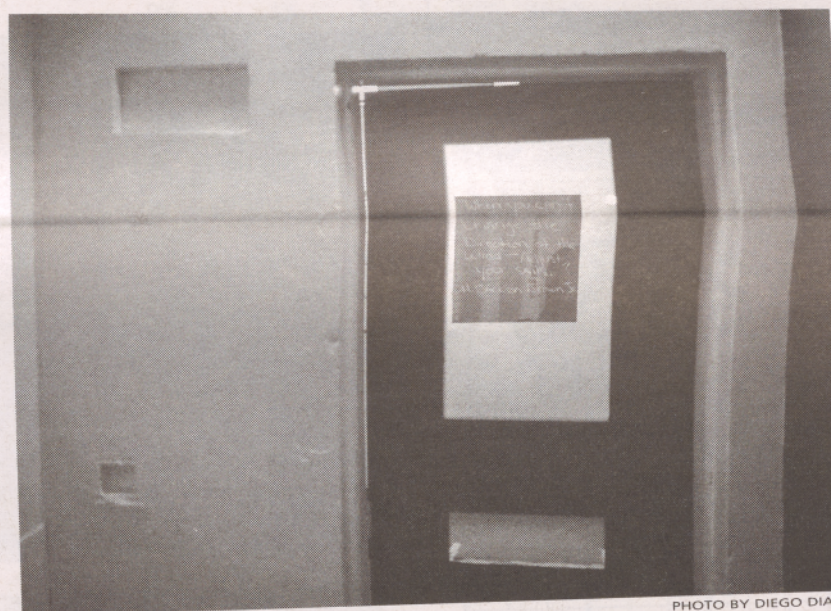


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when they pose a safety threat to themselves or others and when dangerous contraband is found in their possession – including weapons, drugs and electronic devices. Reasons may vary, but he says it's used as a last resort, and that each child undergoes an evaluation beforehand, and is monitored by a qualified mental health professional during their stay.

According to Oregon law, youth are to be removed from isolation as soon as they regain self-control. However, in the event of an investigation, this rule does not apply. An investigation may take place when contraband is found, says Berger. Staff needs time to determine who else has contraband and where it came from before letting the youth out of isolation. He says the hold can last up to three days, but usually only takes a few hours.

But when OYA inmate Thomas Spisla, 20,

was put in isolation during an investigation three years ago, it was for 14 days. Spisla says he's been sent to isolation three times since he was incarcerated at age 16 for robbery. The first time, he says, was because he and his roommates were being "rowdy." For that, he says he spent six consecutive days in one of MacLaren's tiny concrete isolation rooms, leaving only to shower. He says he slept through the early morning opportunities to come out for an hour of recreation. He slept a lot during his time in isolation, he says, to pass the time.

The second time, when he spent two weeks inside the isolation cell, he says it was during an investigation and the circumstances were similar, with the only time outside his cell spent in the shower. The third time was for one day after he says some photos from inside his living unit made it on to social media. While Street Roots was not allowed access to his file, OYA confirmed that the records in his file were consistent with what he told Street

Roots about the amount of time he spent in isolation, however they indicated slightly different reasons. According to his file, says Drake, the "rowdy" incident was a planned group fight, the investigation was into drug use in his living unit and the third time was due to possession of "dangerous contraband." Electronic devices that can be used to post pictures to social media are among items considered to be dangerous contraband.

The duration of Spisla's isolation exceeded the mandatory 5-day limit in two of the three cases, which occurred when he was ages 17 and 18. But because the consecutive two weeks he spent in lockdown was during an investigation, it was exempt from the rule. OYA files indicated that Spisla was allowed access to recreation outside his cell during the two-week period in isolation, says OYA spokesperson. While in some states kids are locked up in isolation for up to 23 hours a day, at

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