



## MULTNOMAH COUNTY OREGON DETENTION REFORM INITIATIVE

### Juvenile Justice Council (JJC)

January 25, 2010 (Monday)

12:00 pm – 1:30 pm

Juvenile Justice Complex - large conference room

1401 NE 68th Avenue

Portland, Oregon 97213

### MEETING MINUTES

Council Members:

Craig Bachman	Judy Griswold	Linda Hughes	Julie McFarlane	Carla Piluso	Ed Hamann	Heather Updike
Steve Walker	Joanne Fuller	Rick Jensen	Keith Meisenheimer	Merri Wyatt	Diane Stuart	Nan Waller
Tom Cleary	Carolyn Graf	Dave Knofler	Thach Nguyen	Charlene Rhyne	Susan Svetkey	Thuy Vanderlinde
Keith Bickford	Rob Halverson	David Koch	Louise Palmer	Tom Ryan	Scott Taylor	Carol Wessinger
Tina Edge	Debbie Hansen	Paula Kurshner	Donna Henderson	Hillary Demary	Katherine Tennyson	Sara Westbrook
William H. Feyerherm	Carol Herzog	Michael Loy	Christine Pedersen	Brett Smith	Rod Underhill	

AGENDA TOPIC / PRESENTER	NOTES	CONTACT INFORMATION
<b>Juvenile Minority Over-Representation in Multnomah County's Department of Community Justice: Year 2008 Data</b>  Liang Wu, Research & Evaluation Senior Analyst  Charlene Rhyne, Research & Evaluation Manager	<p>Liang reviewed this report with the council - summary of the report is:</p> <ul style="list-style-type: none"><li>The over-representation of African-American youth at the point of entering juvenile justice system increased while the over-rep of Hispanic youth decreased slightly in 2008</li><li>The number of youth brought to detention and actually detained dropped substantially in recent years. Meanwhile the gap in detention rates between minority and White youth has increased over the past a few years</li><li>For African-American youth, RRI at decision points of detention and adjudication were higher in 2008 than in 2007; However, RRI at YCF commitment dropped in 2008</li><li>For Hispanic youth, RRI at contact points of 'referral' and 'Brought to detention' was slightly lower in 2008 than in 2007; RRI at point of detention decision increased a little bit, with a larger increase in YCF commitment</li></ul>	<p>If you have questions or need more information, contact:</p> <p><b>Liang Wu</b> <b>Charlene Rhyne</b> DCJ Research &amp; Evaluation Unit 501 SE Hawthorne Blvd, #250 Portland, OR 97214 (503) 988-4564 <a href="mailto:liang.wu@co.multnomah.or.us">liang.wu@co.multnomah.or.us</a> <a href="http://www.co.multnomah.or.us/dcj/jcj.shtml">http://www.co.multnomah.or.us/dcj/jcj.shtml</a></p>

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	<p>There was a suggestion do have more information broken out regarding dismissed cases and suggested to have another graph on youth going to community placement on whether they were successful or not.</p>	
<p><b>CVU/JJC Draft Report to LPSCC Review</b></p> <p><b>David Koch</b> <b>Judge Nan Waller</b></p> <p><b>Handout attached</b></p>	<p>The council was provided a copy of this report days before this meeting for their review and comment. Judge Waller asked for approval to send it forward to LPSCC and the council agreed.</p>	<p>If you have questions or need more information, contact:</p> <p><b>David Koch</b> Assistant Director Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-4171 <a href="mailto:david.m.koch@co.multnomah.or.us">david.m.koch@co.multnomah.or.us</a> <a href="http://www.co.multnomah.or.us/dcj/jcj.shtml">http://www.co.multnomah.or.us/dcj/jcj.shtml</a></p>
<p><b>Juvenile Crime Prevention Plan (JCP) Process</b></p> <p><b>Craig Bachman</b> <b>Thuy Vanderlinde</b></p>	<p>Craig stated the process design was developed with help of Peter Ozanne and will be submitted later in the week. They believe development of the plan will involve all stakeholders including members of the Juvenile Justice Council and community members. The prior year 2000 plan will be used as a template and baseline for a "workday" planned. They are requesting volunteers - the dates will be either 2/19 or 3/5 - please let Craig or Thuy know if you are interested in participating. Judge Waller will submit a court representative.</p> <p>During this meeting, they will review the goal and accomplishments that took place in 2000 as well as compare the plan to application guidelines and statutes that may apply.</p> <p>More information on the plan and meeting will be distributed shortly.</p>	<p>If you have questions or need more information, contact:</p> <p><b>Craig Bachman</b> JSD Detention Manager Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-4824 <a href="mailto:craig.a.bachman@co.multnomah.or.us">craig.a.bachman@co.multnomah.or.us</a> <a href="http://www.co.multnomah.or.us/dcj/jcj.shtml">http://www.co.multnomah.or.us/dcj/jcj.shtml</a></p> <p><b>Thuy Vanderlinde</b> JSD Treatment &amp; Specialized Services Unit Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-5677 <a href="mailto:thuy.vanderlinde@co.multnomah.or.us">thuy.vanderlinde@co.multnomah.or.us</a> <a href="http://www.co.multnomah.or.us/dcj/jcj.shtml">http://www.co.multnomah.or.us/dcj/jcj.shtml</a></p>

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<p><b>Morrison Child &amp; Family Services Paso Program (staff-secure)</b></p> <p><b>Dixie Stevens</b> <b>Drew McWilliams</b></p> <p><b>Handout attached</b></p>	<p>Drew gave the details on this proposal.</p> <p><b><u>Program Description</u></b> The Division of Unaccompanied Children's Services (DUCS), within the Office of Refugee Resettlement (ORR), is responsible for the care and placement of unaccompanied alien children (UAC). As outlined in the Flores Settlement Agreement, ORR provides a safe and appropriate environment for UAC from the time they are placed in ORR custody until their reunification with family members or sponsors in the U.S. or until they are returned to their home country by the US Department of Health and Human Services immigration officials. ORR takes into consideration the unique nature of each child's situation and child welfare principles when making placement, case management, and release decisions that are in the interests of the child.</p> <p><b><u>Morrison grant from ORR for Staff-Secure Facility</u></b> Morrison will operate a 20 bed Staff-Secure residential DUCS facility at its Mt. Scott facility in Portland, OR. UAC will be provided with routine and emergency medical care, comprehensive assessments, educational services, recreation, individual and group counseling, acculturation and adaptation orientation, access to religious and legal services, and family reunification services.</p> <p><b><u>UAC Movement among Levels of Care and Partnering with Multnomah County</u></b> Occasionally UAC are placed in a level of care that is later determined to be inappropriate given the child's individual needs. This often necessitates the need to move them into either a less or more secure level of care. By operating multiple care facilities that provide different of care, Morrison will be able to facilitate movement and levels of care in a quick and efficient manner that provides the best service and safety to the UAC, Community, and program. Morrison has the unique opportunity to expand its grant award to include a secure program at the Donald E. Long facility. In order to provide for this expansion, Morrison would contract with Multnomah County for both space and professional services.</p> <p>There was concern that unadjudicated youth would be involved in this system and there did not appear to be an effective screening and sorting tool available. There was also great concern that the juvenile justice and courts system would not have the opportunity to collaborate on operational issues as they would simply be the "landlords" and not involved in the programming aspect.</p> <p>This topic will be discussed further at the next meeting.</p>	<p>Questions regarding Morrison Child and Family Service's DUCS Program may be directed to:</p> <p><b>Dixie Stevens</b> Division Director Morrison Child and Family Services (503) 736-6649 <a href="mailto:Dixie.stevens@morrisonkids.org">Dixie.stevens@morrisonkids.org</a> <a href="http://www.morrisonkids.org">www.morrisonkids.org</a></p> <p><b>Drew McWilliams</b> Chief Operating Officer Morrison Child and Family Services 9911 SE Mt. Scott Blvd Portland, OR 97266 (503) 258-4311 <a href="mailto:drew.mcwilliams@morrisonkids.org">drew.mcwilliams@morrisonkids.org</a> <a href="http://www.morrisonkids.org">www.morrisonkids.org</a></p>

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<b>Open Discussion</b>	<p>Judge Waller thanked everyone for attending and reminded folks of the next meeting:</p> <p><b><u>February 2010 Agenda</u></b> (Meeting moved to February 22nd due to President's Day holiday on Feb. 15th )</p> <ul style="list-style-type: none"> <li>• Probation Outcomes Report - <b>Charlene Rhyne, DCJ Research &amp; Evaluation Manager</b></li> <li>• CD/EM Update Report - <b>Steve Walker, JSD Detention Intake &amp; Community Detention Supervisor</b></li> <li>• Morrison Child and Family Services Paso Program (staff-secure) <b>Dixie Stevens &amp; Drew McWilliams</b></li> </ul>	<p>If you have general questions about this council contact:</p> <p>Judge Waller  <b>Family Court Judge</b>  1021 SW 4th Avenue  Portland, OR 97204-1123  Interoffice 101/362  (503) 988-3038</p> <p>(503) 988-3425 fax  <a href="mailto:nan.waller@ojd.state.or.us">nan.waller@ojd.state.or.us</a>  <a href="http://www.ojd.state.or.us/mul/index.htm">http://www.ojd.state.or.us/mul/index.htm</a></p>

Facilitator: Judge Nan Waller

Recorder: Tina Edge

Next meeting ...  
**February 22, 2010 (Monday)**  
12:00noon - 1:30pm  
Juvenile Justice Complex - Large conference room  
1401 NE 68th Avenue Portland, OR 97213

## **Juvenile Justice Council Report to LPSCC – Draft**

**Joint Preamble:** At the September 3, 2008 Local Public Safety Coordinating Council (LPSCC) meeting, it was recommended that the Juvenile Justice Council (JJC) and Crime Victims United (CVU) meet and review the recommendations made in CVU's document. At the full meeting of the JJC, CVU and the JJC agreed that representatives of CVU and the JJC Executive Committee (EC) would complete this process. During the next 9 months, representatives of CVU and EC met 5 times, discussed each recommendation, reviewed data and policies, and discussed each others' perspectives.

**Juvenile Justice Council Preamble:** We took the opportunity of the process afforded to us by LPSCC to meet with CVU, and helped identify parts of the system in need of some improvement. In the past year, the system has expanded its relationships with the police, improving some practices we had in place, and helped the system change practices that we now believe further the interests of public safety and positive youth development. As a result of this process, the Executive Committee believes the juvenile system is in a stronger position to carry out its unique mission. The meeting reflected a great deal of interest, and seriousness by the leadership of the JJC in probing the issues raised by CVU on how Multnomah County's juvenile justice system can improve its practices.

This document reflects the consensus view of the Juvenile Justice Council Executive Committee—a consensus position among the system partners. This document does not reflect a "vote" on how each individual stakeholder feels about every issue. Each of the partners in the system acknowledges that in reaching consensus, each stakeholder "gave something up" in terms of their specific viewpoint. Our goal—one that is central to the role and mission of the Juvenile Justice Council—was to develop a statement we could all support in our discussions with CVU, and we acknowledge that this is among many "give and take" processes that the juvenile justice system partners engage in regularly to develop effective public safety practices.

Finally, it is worth highlighting that, during the process of responding to this report, the system responded to significant changes in the state and local economy. The juvenile justice system has met the challenge by working together to realign the system, given available resources. Each system partner is maintaining their respective commitment to public safety, and public safety remains our highest concern.

### **JJC Executive Committee Attendees to the CVU-JJC Meetings**

- Tom Cleary, Senior Deputy District Attorney, Juvenile Unit, Multnomah County District Attorney's Office;
- Robert Halverson, Community Justice Manager, Juvenile Services Division, Department of Community Justice;
- Donna Henderson, Captain, Portland Police Bureau;
- Rick Jensen, Community Justice Manager, Juvenile Services Division, Department of Community Justice;
- David Koch, Assistant Director, Juvenile Services Division, Department of Community Justice;
- Elizabeth Levi, Juvenile Unit Supervisor, Metropolitan Public Defenders Office;
- Scott Taylor, Director, Department of Community Justice;
- Rod Underhill, Chief Deputy District Attorney, Multnomah County District Attorney's Office;
- Judge Nan Waller, Chief Family Law Judge, Multnomah County Circuit Court;
- Jason Ziedenberg, Public Information Officer, Department of Community Justice.

### **CVU Recommendations and JJC/CVU discussion responses.**

**"1) Multnomah County should convene a top to bottom review of the policies and practices of Juvenile Services for their adherence to the purpose clause of the Oregon Juvenile Delinquency Code."**

The JJC stakeholders have been meeting for more than a dozen years, have been reviewing the data and examining practices and policies of the system. The JJC includes representatives of the police, the District Attorney, defense bar, courts, child welfare services, education system representatives, treatment programs, multiple organizations that represent crime victims, Juvenile Services Division, youth advocates and youth serving organizations. CVU were members of the JJC when the collaboration first began, and they have attended JJC meetings.

Since the September 3<sup>rd</sup>, 2008 LPSCC meeting, representatives of CVU and JJC met more than 5 times (for nearly 20 hours of meetings), and discussed each recommendation contained in the CVU document. CVU and the JJC discussed each others' perspectives on how the system should work. Every recommendation in the report was discussed.

## **CVU Statement on Recommendation Discussions**

Juvenile Services was generous with the time allotted to discuss these issues. During the all-morning sessions with representatives of the judiciary, District Attorney's Office and the Department of Community Justice, there was a far-ranging discussion about Juvenile Services policies in general, although their adherence to the purpose clause of the Oregon Juvenile Delinquency Code was discussed through other issues and not specifically. While the discussions were broad and the expression of views candid, representatives of Juvenile Services, made it quite clear that the two most important recommendations, regarding the risk assessment instrument (RAI) and the lack of employee discretion were functionally off the table. Since those two elements are essential for any significant change, Juvenile Services and the Department of Community Justice had essentially made it clear that any changes would be at the margins.

### **"2) Juvenile Services should eliminate the RAI, and replace it with an instrument which has a goal of community safety, accountability and efficiency, not a reduction in detention population."**

The Detention Decision-Making policy is the overall policy that guides decisions concerning use of pretrial detention in Multnomah County. Along with a clear demarcation on the *mandatory* detention of youth for certain offenses and conditions, the policy contains Multnomah County's juvenile Risk Assessment Instrument (RAI) – a tool that shares similar characteristics to those tools used across the state and country to inform decisions around the use of detention. The JJC developed the Detention Decision-Making policy to have community safety as its underlying principle.

CVU and the JJC discussed the Detention Decision-Making policy. As part of these discussions, we explained how the policy works, and where the RAI is relevant, and where the RAI is not relevant to decisions over which young people are detained because of concern that they could harm the public, or themselves. As part of these discussions, we shared the RAI validation report that was conducted by an external evaluator. The validation report covered some of the issues raised by the CVU document.

CVU recommended changes to the RAI. The group reviewed those recommendations. Some of the policy proposals are reflected in the new Detention Decision-Making policy. A number of the recommendations in the CVU document are already part of the system's policy, including clarifying that the system will detain young people if they are arrested and charged for certain offenses, regardless of the RAI score. The RAI score recommendation will be overridden for a variety of public safety concerns (e.g., whether an appropriate safety plan can be developed). As with many of the processes that JJC seeks to shepherd, the process of improving the RAI and the overall Detention Decision-Making policy involved negotiation, and "give and take." As such, the Detention Decision-Making policy reflects changes that were made to the RAI in the policy review, and multiple stakeholders, including the District Attorney and the defense bar raised issues and concerns, many of which were addressed.

In its first full year of use, the Detention Decision-Making policy's implementation has resulted in improved public safety outcomes: in the year since the new policy has been in place, the proportion of young people rearrested for a new offense while on pretrial supervision declined, and the proportion of young people who Failed-to-Appear in court declined. During the same year that the new Detention Decision-Making policy has been in place, juvenile recidivism fell to its lowest rate in six years – fell more sharply than the statewide average – and juvenile arrests in Multnomah County fell by 11 percent.

The Detention Decision-Making policy has been tested, vetted, and reviewed by the council and all of the stakeholders involved in its development. At the November 24, 2008 meeting of the full JJC, the council approved the current version of the Detention Decision-Making policy; no opposition to its use was expressed at its adoption.

As the Detention Decision-Making policy is tested in its second year, the JJC may decide to make further improvements to the policy if it helps the system achieve its goals.

In the past year, the nine counties that agreed to participate in detention reform initiatives in rural Oregon began developing their own Detention Risk Assessment Instrument to help manage detention capacity in their respective systems. Ultimately any juvenile justice system must implement policies and have protocols in place to manage capacity in its most expensive resource.

## **CVU Statement on Recommendation Discussion**

Both Judge Waller and David Koch, Assistant Director, said that their bottom line included no change to the risk assessment instrument (RAI). This particular instrument was discussed in detail in the CVU report. It is important to know that this particular instrument does not even give points for the seriousness of the crime, unless the crime fits under an automatic detention exception. Since the report was issued, however, the number of automatic detention crimes has increased.

CVU believes that assessing risk is important, and that a risk assessment tool can be quite helpful in making efficient use of a scarce resource. Where we part company with Juvenile Services, however, is that the department's RAI is meant to reduce admissions, not prioritize them. For instance, it might be appropriate, if space is available, to detain a youth for a highly-planned Burglary II (business), or a Burglary II by a youth on probation. The RAI would not allow it.

Since the RAI is one of two keystones of "detention reform," the other being a check on employee discretion, it is important to look at the results in crime reduction. Even after 14 years of implementing this version of detention reform, Juvenile Services policies have resulted in a rate of crime reduction over the past 8 years that is less than half that of the state as a whole—9% vs. 22%. Additionally, Multnomah continues to account for approximately 40% of all juvenile robbery and homicide referrals in the state, even though its percentage of juvenile population is 17%.

**"3) Treat front-line staff as an asset, give them the latitude to make discretionary decisions within broad policy guidelines, seek their opinions and ideas when appropriate and hold them accountable to state law, not JDAI philosophy."**

The juvenile justice system has taken a number of steps to harness the assets of our staff, and engage them more in how the system works and system decision-making

The JJC has opened up slots on the council to various staff within the Juvenile Services Division, including the counseling, treatment, and custody services sections. Along with open invitations to staff to attend trainings on juvenile justice policy, we have engaged more of the staff as faculty when Multnomah County receives visitors to tour the system.

The Juvenile Services Division has refocused its efforts to engage Juvenile Court Counselors (JCCs) in operational issues. JCCs are part of the Juvenile Services and Alternatives Team (JSAT), which is compiling information about system resources, identifying gaps in services and reorganizing JSD services to better address risk factors in the delinquency population.

JCCs are now part of the Juvenile Accountability Programs and Juvenile Assessment working groups, bodies charged with improving practices in community service, Educational Success Center, Youth Development Services, educational support, and risk/service assessment processes.

JCCs were at the table, and part of the process that developed the High Risk Probation Violators/Safe Streets program and the Minor Victims of Sex Trafficking sweeps, in collaboration with local law enforcement.

### **CVU Statement on Recommendation Discussion**

JDAI is the Juvenile Detention Alternatives Initiative, a Casey Foundation sponsored program giving money to jurisdictions to reduce detention admission, and specifically not to just use detention more efficiently. As quoted in the CVU report, there are statements discussing the problems with giving staff discretion to make detention admissions.

When the issue of micro-managing staff came up in the discussions, Juvenile Services representatives said that staff can make many decisions. When asked whether they can decide to seek a warrant, lodge a youth, recommend out-of-home placement for a youth without prior management approval, Juvenile Services management said no, that these decisions involved use of funds. The Director of the Department of Community Justice, Scott Taylor, said that while a discussion of staff discretion "might be interesting" nothing was going to change in this area.

Having a trained and motivated staff without significant decision making power is like having books in a library that are never used—it represents a valuable resource being wasted. All important decisions appear to be made by those removed from the day-to-day contact with youth. CVU continues to believe that this top-down management style is out-dated and inefficient. Inviting staff to participate in meetings means very little if staff's ideas must stay within the current orthodoxy

Before we can empower youth to make behavioral changes, we need to empower staff with appropriate discretion and trust in their abilities. Management can monitor that discretion within policy guidelines.

During the discussions, Juvenile Services stated the number of committees where staff are invited to participate. Being part of a committee and being able to make substantive criticism of existing policy, however, are two different issues. Our information is that substantive criticism is seen by staff as detrimental to future promotion. Until Juvenile Services promotes a culture of open discussion and a willingness to question basic assumptions, there is little chance of change in this area.

**“4) Juvenile Services should utilize its full funded capacity in detention. The standard should be community safety, not adherence to the Casey philosophy.”**

As of July 1, the county will fully fund the operation of 64 juvenile detention beds. As part of the discussion around our Detention Decision-Making policy and overall population management, we discussed with CVU how these policies were revised and the RAI modified to ensure that beds are used to promote community safety; the JJC reaffirmed this as the overriding goal of the use of detention.

**CVU Statement on Recommendation Discussion**

When the report was issued, there was significant unused capacity in detention. That has since changed, due to the closing of a unit in detention. Considering the beds contractually obligated to Washington and Clackamas counties, Juvenile Services has only 36 beds available for all offenders. When accounting for Measure 11 offenders, however, there are only a handful of beds available for facing action under the juvenile code. In a relatively recent memo to juvenile court counselors, the custody services manager informed them that probation violators could not be accepted in detention due to a lack of space. Whether that restriction is still in place is unknown to CVU, however the memo shows the critical lack of detention space which distorts the continuum of care and consequences that are essential to the juvenile justice system.

Juvenile Services management, needs to take some responsibility for the closure of a unit since for years it has maintained that detention is inherently harmful to youth. In a statistical review of 2007, issued by the department, the following are listed as the consequences of placing youth in detention:

- More likely to reoffend
- More likely to be committed to state care
- More likely to be unemployed
- More likely to not return to school
- Detention may make mentally ill worse.

This was a virtual invitation to close detention. More recently, in the department's monthly newsletter, there was a link to an article stating, once again, the inherent dangers of detention.

Due to the closure of the unit, Juvenile Services has little capacity to respond to new crimes or continued offending by probationers.

**“5) Juvenile Services needs to forge a positive, working relationship with police officers throughout the county.”**

The JJC generally, and JSD specifically, has spent a great deal of time strengthening the relationship with local law enforcement in important policy discussions. The JJC believes our working relationship with various police agencies has been strengthened, and new partnership agreements with law enforcement developed that have fortified the system.

**Operation Safe Streets.** Under this program, a limited number of sergeants with the Portland and Gresham Police Bureaus now have the authority to bring probation youth directly to detention, if that officer has probable cause to believe the youth was violating probation, or if the young person is likely to be involved in a serious offense, or suffer injury. Under the direction of police sergeants and Juvenile Services Division managers, JCCs will review these cases, and make determinations as to whether the probationer should be detained. The initiative is credited with helping de-escalate some serious incidents in the community that relate to gang violence, and are credited with helping confiscate a half dozen weapons from young people.

**Operation Cool Down, and Reducing Gang Violence in Portland.** The recent flare up in gang violence in Northeast Portland offered a challenge and an opportunity for the juvenile justice system to work more effectively with local law enforcement. Juvenile Services Division staff are now regularly meeting with, and closely working with the Portland Police Bureau and the East Multnomah County Gang Enforcement Team.

**The Minor Victims of Sex Trafficking Partnership.** The Juvenile Services Division, the District Attorney's Office and the Portland Police Bureau all partnered with the FBI and the U.S. Attorney's Office through the Oregon Human



Trafficking Task Force to help get children out of the sex trade. DCJ's Juvenile Service Division worked with our partners to help identify, and provide juvenile female offenders with protective service assessments, and necessary services. Seven juvenile girls were taken off the streets as part of this operation. JSD staff were recently given an award by the FBI, recognizing our "outstanding assistance to the FBI in connection with its investigative efforts."

**Police Recruit Training Partnership.** The DCJ's adult and juvenile services division are now partnering with police agencies on their police recruit training curriculum, working with police to develop a stronger understanding and relationship with the juvenile justice and the adult probation and parole systems. The Juvenile Services Division is now helping train officers in basic system competencies and how the juvenile justice system works, roles of JCCs and adult probation/parole officers and functions of these systems in the broader public safety arena, and how both systems can work well together.

Portland Police Bureau training coordinators are planning to be housed at the Juvenile Justice Complex.

**Outreach to Law Enforcement Leaders.** The assistant director for the Juvenile Services Division met with law enforcement officials to hear their concerns about the functioning of the system. As well, he met with the Portland Police Bureau's and Gresham Police Department's command staff, as well as various operations group. As a result of these discussions, juvenile justice system partners have been meeting regularly with law enforcement regarding operations of the juvenile justice system, and critical public safety issues. Changes in practice have been made in response to these discussions. On an ongoing basis, law enforcement is now coming to Juvenile Justice Council meetings, and are raising concerns and noting ways to improve the system.

The Juvenile Services Division Assistant Director contacted the Portland Police Association in regard to getting an article by the JJC placed in their newsletter, "The Rap Sheet."

#### **CVU Statement on Recommendation Discussion**

CVU believes that the department shown insufficient concern for the results of the police survey (Part Three of the original report), which were overwhelmingly negative toward the department's policies and effectiveness. While the department did admit to the need for a better relationship with the police, much of the department's statements had to do with management to management contact— i.e. trickle down communication. They seemed uncomfortable with encouraging street officer with juvenile court counselor contacts. This is extremely important since the vast majority of street officers surveyed said that both juvenile probation and detention had little credibility on the street.

If there have been recent developments encouraging contact at the street level, it would be a very positive development. If not, however, it would indicate a business as usual atmosphere at the department.

**"6) There needs to be a culture shift which recognizes that enforcement is necessary for treatment, and that treatment without enforcement is futile. "**

The system has clarified, and increased the ability for the juvenile system and particularly JCCs to respond swiftly and surely to delinquent behavior, and non-compliance with treatment conditions.

The system has clarified the arrest powers for JCCs regarding non-compliant youth, including failure to complete court-ordered treatment: non compliance with treatment plans is considered the first step to relapse. Those young people who fail in treatment, and who are deemed a risk to public safety may experience detention and commitment to a youth correctional facility.

The alternative placement committee (APC) – a group that meets weekly to review where probationers can be placed to receive treatment and associated services – has been expanded to address issues of treatment failures and difficulties in community-based placements. The APC is co-chaired by a JSD manager and OYA supervisor, and includes JCCs, community provider representatives and JJC stakeholders.

Currently, JCCs have the power to take a young person to court and to put young people in detention or not, based on their compliance. To help manage changes in the system that relate to a reduction in Detention Beds, the Juvenile Services Division will be pilot testing an expansion of JCC arrest powers for those youth in violation of probation.

The Juvenile Services Division has a long-established policy on graduated sanctions that provides a range of options available to JCCs when responding to probation violations. These are based on a combination of probationer risk to re-offend and severity of violation behavior. Detention as a sanction is available for high and medium risk probation youth

whose violation behavior is considered a serious risk to public safety. This is consistent with acknowledged and proven juvenile justice best practices.

### **CVU Statement on Recommendation Discussion**

This issue was discussed on numerous occasions, with the department stating that it was not anti-enforcement. However, it continues its assault on the use of detention for both immediate safety issues and enforcement of court orders by publicizing what CVU believes is an incorrect assumption that detention is inherently harmful to youth. Other policies encourage little or no action on probation violations which include misdemeanor offenses and failure to abide by treatment recommendations, payment of restitution and completion of community service.

#### **“7) Juvenile Services needs to recommend the use of the full range of alternatives available within the juvenile justice system. “**

Juvenile Justice system representatives have met with the OYA director and other OYA representatives a number of times to discuss how Multnomah County can make more zealous use of the alternatives available through the state system, and a variety of attendant issues. In the past year, Multnomah County has reached its maximum discretionary bed allocation capacity of Oregon Youth Authority close custody beds, and on occasion exceeds its allocation.

The system continues to have discussions with OYA to ensure that this county can access the appropriate level of community placements that probation youth require. Currently, the county does not have access to the necessary number (or type) of community-based beds that allow us to safely manage probationer's risk and reformation needs in the community.

Budget reductions at the county and state level have diminished our local continuum of alternatives. Local alternatives, such as secure sex offender treatment, and the Multi-Systemic Therapy program have been eliminated due to budget reductions. The system's outpatient treatment, supervision and accountability capacity has been further reduced.

### **CVU Statement on Recommendation Discussion**

This was a major discussion item during the meetings, which resulted in no immediate progress, as Juvenile Services did not acknowledge that there were any problems in their own policies regarding placement in residential treatment. In explaining their disproportionately low use of residential care facilities, the department maintained that Multnomah youth were not being admitted to the facilities as often as other counties. In a meeting attended by CVU, one department staff member made it quite clear her belief that racism was the reason.

CVU's investigation, however, made it quite clear that Multnomah youth are, in fact, referred at a low rate to begin with and at such an advanced state of criminality that non-secure facilities are reluctant to accept them. CVU believes that Multnomah youth are disadvantaged in accessing such treatment solely because of the department's reluctance to refer youth at an appropriate stage in their criminal behavior.

#### **“8) Juvenile court counselors need to be trained to use the enforcement powers granted by state law. “**

As a representative of the District Attorney's office said in one of the JJC sessions with CVU, it is important when a probation officer becomes aware of high risk behavior that they are able to respond quickly to hold youth accountable, and to keep the community safety.

To that end, and in close discussion with the district attorney and law enforcement, the Juvenile Services Division is working with our JCCs to invoke their arrest powers in the interest of public safety, and to ensure a swift and sure response when appropriate.

Under the changes to our community detention and monitoring program, we are working with our JCCs to use their authority under certain criteria to arrest and detain supervised youth. Under this new pilot, JCCs will undergo the same training that adult PPOs receive, absent training on use of firearms.

### **CVU Statement on Recommendation Discussion**

In discussion of this issue, Juvenile Services stated that juvenile court counselors not being able to use their enforcement powers had been a long-standing policy of the department, but that the original rationale was not known. We all agreed

that it would take significant training to safely use such powers. The department made tentative statements that perhaps the issue would be discussed further.

While the department points to instances of youth being taken into custody by juvenile court counselors, it has essentially been the sort of custody available to anyone—i.e. the youth is asked to get into a non-secure car to be transported voluntarily.

Without the actual ability to enforce, juvenile court counselors are seen as basically impotent on the street.

Implementing this recommendation would take considerable training and a change in mindset. With juvenile court counselors having so little ability to make important decisions, making a decision to take a youth into custody might be intimidating in itself.

**“9) Juvenile Court Counselors need to get out of the office, and spend more time on the streets and in the homes.”**

The Juvenile Services Division has improved how we deploy our JCCs in the community on a variety of public safety initiatives.

For example, the system has redeployed JCCs to community events (funerals, concerts, film openings, and sporting events) where there were concerns that violence might flare up. Staff stepped up home visits for gang involved youth, developed specific safety plans for young people identified at risk of gang violence, and placed more juveniles involved in gangs on 24/7 house arrest and electronic monitoring. JCCs have been working more closely with other law enforcement agencies, and are a regular presence at North Portland Emergency Response Team meetings, police precinct roll calls, etc. JCCs are working with police to map the connections between people involved in serious violence to help identify times and places where there might be flare ups and an increased risk of violence.

CVU and the JJC did discuss home visits. The system encourages JCCs to conduct home visits, and the systems deployment of JCCs reflects best practices of risk, need and responsivity, and to ensure the best public safety outcomes; within the context of diminished resources. The deployment of JCCs corresponds to young people’s needs (which frequently involve home visits), but also corresponds to geographical needs and critical public safety issues, such as those evinced by the issues of gangs and human trafficking.

As a result of reviewing our practices, we have revised our Community Detention/Electronic Monitoring practices, and enhanced the responsiveness of Juvenile Court Counselors in monitoring young people in the community. JCCs inspect, supervise, arrest and pay closer attention to young people’s progress and their compliance with terms of their supervision. As a result of these changes, Juvenile Court Counselors are interacting more with various school systems, employers and service providers, and now are working more in the community than they were in the past.

**CVU Statement on Recommendation Discussion**

There appeared to be a consensus on this issue, though there was no clear commitment from the department as to what action it would take. The department did admit that there was no mandate for home visits, announced or unannounced, and agreed to look at the issue. CVU is not aware of new requirements for home visits and other unannounced community contacts of probationers. If such requirement have been implemented it would be a very positive development.

**“10) Stop ignoring entry level crime.”**

At one time, the system, through the police, issued citations for young people who were arrested for “Minor in Possession” (MIP) of alcohol. The data show that among the population of young people who received this citation, 85 percent did not go on to re-offend.

In the past year, the system has changed its case handling policy relating to MIP. If there is a subsequent referral for MIP, the system will adjudicate the case. This may result in any number of dispositions (specifically referral to assessment and substance abuse education/treatment) to address this behavior, and ensure that young people do not go onto more serious offending.

In the context of diminished resources that affect how the system tactically deploys its staff, we have begun development of a specialized assessment unit that will be applying a validated risk/need assessment tool to youth entering the system in order to prioritize limited system resources for those youth presenting the greatest risk to public safety.

The Juvenile Delinquency Intervention and Prevention (JDIP) program provides cost effective consequences and case management to minors who could be formally adjudicated in court. However, given the young person's age, the nature of their charges, and the absence of a significant criminal history, some of these young people may not need to be on formal probation. Instead, they will be held responsible for their behavior through contracts which require them to do community service, repay and apologize to victims, attend victim impact classes, participate in mediation, cooperate with assessments and treatment, and learn the skills needed to stay out of trouble. JDIP youth who do not comply with agreements or who continue to demonstrate unsafe, illegal behavior can be adjudicated and placed on formal probation.

#### **CVU Statement on Recommendation Discussion**

Despite talking about the importance of preventing significant involvement in the juvenile justice system, Juvenile Services has the state's lowest rate of actually dealing with entry-level crime. While youth committing low-level criminal offenses might be considered low-risk, it is at this low level when diversion and other alternatives are likely to be most effective.

**“11) Unless there is a significant change in the philosophy of Juvenile Services, the District Attorney's Office should consider rescinding the current case handling agreement.”**

The county and the state have reduced their spending on the juvenile justice system, including reductions that affect the District Attorney's office, the judicial system, the police and juvenile probation.

As a result of changes in funding, there will be related changes in the system's processes, and likely result in changes to the case processing agreement.

These changes to the agreement will be made, in the context of the work of the Juvenile Services and Alternatives Teams, which is reorganizing the system's services in light of diminished resources, and young people's risk to re-offend. Based on the system's assessment of young people's risk to re-offend, based on the new continuum of services and alternatives – and with the agreement of the District Attorney – some young people who once may have received a different response will receive different levels of intervention than they did in the past, to include warning letters, informal handling, sole sanctions, and formal adjudication.

As soon as the new assessment protocols are established, the case processing agreement will be renegotiated.

#### **CVU Statement on Recommendation Discussion**

While Crime Victims United believes the recommendation to be important, we also believe that a joint meeting with CVU was not the venue for such a discussion, which would most appropriately be between upper management of the District Attorney's Office and Juvenile Services.

**“12) Make probation a sanction, not just a word.”**

As discussed above, the system has changed how probationers are sanctioned. This includes the changes outlined under the Safe Streets initiative, the change in policy governing JCCs ability to detain youth, and the system's ability to work with local law enforcement to ensure that, when young people violate the terms of their probation, a swift and sure response is applied.

#### **CVU Statement on Recommendation Discussion**

This issue was discussed, however no significant changes were proposed at the time by Juvenile Services. There was some indication by Juvenile Services that problems needed to be addressed, and there were comments made about possibly making changes for “high risk” probationers. Those changes were not spelled out. Due to a lack of detention space, there are even more obstacles to making probation meaningful and credible.

Crime Victims United maintains that since Juvenile Services has a very low number of youth on probation relative to the population, all probation youth are high-risk, though some are higher risk than others. Placing a youth on probation without credible enforcement of court mandates is likely to be counter productive, producing more cynicism than change.

**“13) Resources are not the issue, at least not in the near term.”**

As noted in the preamble, in the past year, adequacy of resources has become an issue in the near term, and is likely to remain an issue in the long-term.

As part of the enacted city, county and state budget, each stakeholder in the system – the police, the District Attorney, the defense bar, the judiciary, and juvenile services – has seen some reduction in their budgets. In meetings of LPSCC and the JJC, and through cross-stakeholder discussions, the entire system is adjusting to successfully manage re-deployment of limited public safety resources.

LPSCC has engaged its partners in a process of studying the “streams of offenders” so that each part of the public safety system can adjust practices to ensure that each agency’s practices are in alignment with an overall public safety strategy.

With regard to specific resources applied to detention, as part of the county budget process, the enacted budget includes funding for 64 juvenile detention beds. The contracts the county has in place with Clackamas County and Washington County to detain youth from those jurisdictions in the Donald E. Long home remain: in these fiscally restrained times, the ability to be able to cost share the expense of the most expensive part of the juvenile justice system helps Multnomah County keep funding available for our local continuum of juvenile sanctions, services and supervision.

As regards youth charged with Measure 11 offenses, the Board of County Commissioners has considered this issue and unanimously passed the following resolution in December, 2008: “The Board of County Commissioners directs that juveniles in custody in Multnomah County be held at the Donald E. Long Juvenile Detention Home unless the Sheriff and the Director of the Department of Community Justice, or their designee, agree to alternate placement.”

To fulfill the requirements of this resolution, now more than ever, the system will need to focus on the appropriate use of detention, and the full range of detention alternatives.

#### **CVU Statement on Recommendation Discussion**

Due to the deterioration of the economy, this recommendation is less clear than it was in 2008. However, a department which cannot find the funds to: (1) adequately fund detention, (2) deal with entry level crime and (3) have reasonable enforcement of probation rules, is clearly either a department in crisis, or a department which needs to take a fresh look at its budget priorities.

Crime Victims United does not have sufficient information about the budget to make specific recommendations in this area. It does seem time, however, to reorient priorities to be more in line with the preamble to the juvenile code, which stresses the reduction of crime and enhanced community safety through offender accountability and reformation programs.

**“14) Be prepared for strong resistance from those philosophically opposed to dealing with delinquent youth according to current state law, those who benefit from the present system and the youth who expect few consequences for violating law and the orders of the court.”**

There are disagreements between what CVU believes are the appropriate policies to achieve juvenile justice system goals, and the consensus position reached by the JJC.

That said, the JJC stakeholders frequently have different views on issues at the outset of any policy discussion governing how delinquent youth will be managed. These different views reflect the dynamic tension that is part and parcel of the different roles respective stakeholders assume in the juvenile justice system, between the functions of arresting, adjudicating, detaining, supervising, treating and ultimately, to rehabilitating young offenders. Dynamic tension is built into the system, and it is no surprise that we start our discussions from different viewpoints.

Through the consensus oriented processes of the JJC, the system has designed a mechanism to balance this tension. The JJC works to find consensus on the best way the system can promote public safety, hold youth accountable, and provide opportunities for youth to change their behavior, within the context of our different roles within this system. This approach is consistent with values and principles articulated in the purpose statement of ORS419C.001.

#### **CVU Statement on Recommendation Discussion**

There was no open discussion of this recommendation; however, given the department’s opposition to fundamental change, coping with “strong resistance” has not been necessary.

**“15) Acknowledge that the constituency of Juvenile Services is the entire citizenry of Multnomah County.”**

In the past year, we have re-engaged our partners at the JJC. Under Judge Nan Waller's leadership, the system has increased JJC membership by 50 percent. The JJC now has a stronger representation of community members, system partners, contractors, police and law enforcement agencies, and multiple organizations that represent crime victims.

In the past year, there have been multiple Multnomah County briefings that have been witness to vigorous discussions around how the juvenile justice system works, strengthening our relationship with the community, and strengthening the community's stake in our success.

The system welcomed the opportunity to review its practices in a transparent and thoughtful way. The JJC believes that the process has helped identify the need to alter some policies and practices to promote public safety as well as positive youth development.

#### **CVU Statement on Recommendation Discussion**

At the time the original report was written, a trip to the Juvenile Services website showed an apparent mission statement without mention of either crime or community safety. Juvenile Services responded that Crime Victims United had made a mistake, and that the mission statement for the Department of Community Safety, which shows on the adult program website, applied to the entire department. Shortly after the report was issued, this fact was made clear by a mission statement which was the same as that on the adult website.

**US Department of Health and Human Services  
Office of Refugee Resettlement  
Division of Unaccompanied Children's Services  
Program Description and FAQ's  
Program Description**

The Division of Unaccompanied Children's Services (DUCS), within the Office of Refugee Resettlement (ORR), is responsible for the care and placement of unaccompanied alien children (UAC). As outlined in the *Flores Settlement Agreement*, ORR provides a safe and appropriate environment for UAC from the time they are placed in ORR custody until their reunification with family members or sponsors in the U.S. or until they are returned to their home country by the US Department of Health and Human Services immigration officials. ORR takes into consideration the unique nature of each child's situation and child welfare principles when making placement, case management, and release decisions that are in the interests of the child.

### **Frequently Asked Questions**

**1) For what reasons are UAC leaving their home countries for the U.S.?**

Children have indicated that they come to the U.S. to rejoin family already in the U.S., to escape abusive family relationships in their home country, or to find work to support their families in their home country.

**2) How many UAC are in ORR custody in a given year, and what is the average length of stay in ORR facilities?**

ORR has approximately 7,200 UAC a year in its facilities. The average length of stay is approximately 65 days before children are released to family members and other sponsors, or before aging out or before being returned to their home countries.

**3) What are the general demographics of UAC?**

78% of UAC in ORR custody are male and 87% of UAC are between the ages of 14-18. Over 95% of UAC come from Latin American countries and the most common countries of origin are Mexico, Honduras, Guatemala, and El Salvador.

**4) How are UAC cared for?**

The majority of children are cared for through a network of ORR-funded care provider facilities, most of which are located close to areas where immigration officials apprehend large numbers of these youth. There are currently more than 41 ORR-funded care provider facilities in 10 different states.

**5) What services are provided at care facilities?**

Children are provided with classroom education, health care, socialization/recreation, vocational training, mental health and drug abuse services, family reunification, access to legal services, and case management.

**6) With what agencies does ORR collaborate on this program?**

ORR collaborates with representatives from the Anti-Trafficking in Persons Division to identify victims of human trafficking in the UAC population, the Department of Homeland Security, Immigration and Customs Enforcement, and Customs and Border Patrol, the Department of Justice, Executive Office for Immigration Review and non-profit community-based legal service providers.

## **Morrison grant from ORR for Staff-Secure Facility**

Morrison will operate a 20 bed **Staff-Secure** residential DUCS facility at its Mt. Scott facility in Portland, OR. UAC will be provided with routine and emergency medical care, comprehensive assessments, educational services, recreation, individual and group counseling, acculturation and adaptation orientation, access to religious and legal services, and family reunification services.

### **Residential Structure: The ORR Continuum of Care**

- **Shelter Care** – The aim is to provide the least restrictive environment and emphasizes a child-centered approach within a congregate residential setting. Shelter care includes shelter, group home care and transitional foster care settings. Service provision is designed for a transient population due to the relatively short length of stay of the majority of UAC.
- **Long-Term Foster Care** – The least restrictive option in the ORR continuum of care, long term foster care provides quality care in a family and community-based living environment. UAC will typically access their care in several locations, including public school, foster care agency offices, foster homes, and counseling centers.
- **Staff-Secure** - Providers maintain a heightened level of security measures within a licensed shelter care context. Staff-secure is designed for a UAC who requires a heightened level of staff supervision, communication, and services to control problem behavior and prevent runaways. The population is primarily made up of UAC with an offender history, but does not typically include UAC with serious offenses.
- **Secure** – Providers maintain both a heightened level of staff supervision as well as structural and physical barriers to prevent escape and respond to disruptive behavior. Staff are qualified and well trained to control violent behavior and prevent escapes. Secure detention allows the ORR to meet security requirements for even the most violent, disruptive, flight risk UAC offender. This population is primarily made up of UAC with a very serious offender history.

### **UAC Movement among Levels of Care and Partnering with Multnomah County**

Occasionally UAC are placed in a level of care that is later determined to be inappropriate given the child's individual needs. This often necessitates the need to move them into either a less or more secure level of care. By operating multiple care facilities that provide different levels of care, Morrison will be able to facilitate movement among levels of care in a quick and efficient manner that provides the best service and safety to the UAC, Community, and program.

Morrison has the unique opportunity to expand its grant award to include a secure program at the Donald E. Long facility. In order to provide for this expansion Morrison would contract with Multnomah County for both space and professional services. Exploration of this opportunity is in process.

Questions regarding Morrison Child and Family Service's DUCS Program may be directed to:

Dixie Stevens  
Division Director  
Morrison Child and Family Services  
(503) 736-6649  
dixie.stevens@morrisonkids.org

Information excerpted from U.S. Dept. of Health & Human Services, Division of Unaccompanied Children's Services