



# MULTNOMAH COUNTY OREGON DETENTION REFORM INITIATIVE

## Juvenile Justice Council (JJC)

July 21, 2008 (Monday)

12:00 pm – 1:30 pm

Juvenile Justice Complex - large conference room

1401 NE 68th Avenue

Portland, Oregon 97213

### MEETING MINUTES

#### Council Members:

Kathy Brennan	Lisa Fithian-Barrett	Linda Hughes	Julie McFarlane	Carla Piluso	Jim Stegmiller	Heather Updike	Donna Henderson	Bob Robison
Loren Calkins	Joanne Fuller	Rick Jensen	Keith Meisenheimer	Lorenzo Poe	Diane Stuart	Nan Waller	Ed Hamann	
Tom Cleary	Carolyn Graf	Dave Knofler	Thach Nguyen	Charlene Rhyne	Susan Svetkey	Michael Ware	Keith Bickford	
Tracey Cordes	Rob Halverson	David Koch	Louise Palmer	Tom Ryan	Scott Taylor	Carol Wessinger	Sulma E. Flores	
Tina Edge	Debbie Hansen	Paula Kurshner	Dana Pearman	Hillary Demary	Katherine Tennyson	Sara Westbrook	Joan Williams	
William H. Feyerherm	Carol Herzog	Michael Loy	Christine Pedersen	Brett Smith	Rod Underhill	Merri Wyatt	Betty Wagner	

Guests: Lisa Naito, Joanne Fuller

AGENDA TOPIC:	NOTES:	PLAN OF ACTION CONTACT INFORMATION
<b>Welcome</b>  Judge Waller	Introductions were made around the room. It was decided that JJC would not meet in August. The guest for August, James Pond, would be asked to attend JJC in September to talk about human trafficking.	If you have general questions about this council or would like to apply for membership, contact:  Judge Waller <b>Family Court Judge</b> 1021 SW 4th Avenue Portland, OR 97204-1123 Interoffice 101/362 (503) 988-3038 (503) 988-3425 fax <a href="mailto:nan.waller@ojd.state.or.us">nan.waller@ojd.state.or.us</a>  or contact her assistant, Gloria Martin at: <a href="mailto:'Gloria.J.MARTI@ojd.state.or.us'">'Gloria.J.MARTI@ojd.state.or.us'</a>

AGENDA TOPIC:	NOTES:	PLAN OF ACTION CONTACT INFORMATION
<p><b>RAI Update w/ Detention Screening Decisions &amp; Preliminary Hearing Recommendations Poster Review</b></p> <p>Rob Halverson</p> <p>Handout attached</p>	<p>Rob reviewed the latest draft of the Detention Screening Decision and Prelim Recommendation Policy. Each instant offense is mapped to specific decisions during the intake screening. The policy allows for an override to hold for youth when there are specific community safety issues. Rob walked everyone through the visual chart on detention screening decisions.</p> <p>At the next JJC in September there will be almost a years worth of data on the RAI that Rob can present to everyone.</p>	<p>If you have questions or concerns in the mean time, please contact:</p> <p>Rob Halverson, Supervisor  <b>BIST Team</b>  Juvenile Service Division  1401 NE 68th Street  Portland, OR 97213  (503) 988-4603  <a href="mailto:Robert.p.halverson@co.multnomah.or.us">Robert.p.halverson@co.multnomah.or.us</a></p>
<p><b>Budget Update</b></p> <p>David Koch / Tom Cleary</p>	<p>Dave gave an update on the impacts of the adopted budget. The Sex Offender Treatment Unit will be closing in September. We were able to retain the RAD (Residential Alcohol and Drug) Program. It is anticipated that the closure of another detention unit will be in January. JSD will retain 64 beds in detention.</p> <p>Tom stated that the DA's office has cut one attorney leaving four DAs to handle a caseload of 70-75 delinquency cases. They are having an increasingly hard time keeping up.</p> <p>Joanne Fuller talked about the budget effects on DCHS. Her department did not see big cuts from this budget. She wanted everyone to know that Cascadia was running despite their recent budget crisis. There are concerns that there are not enough resources in the community to address children's mental health issues.</p>	<p>If you have suggestions or questions , contact:</p> <p>David Koch  <b>Juvenile Service Division</b>  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></p> <p>Tom Cleary  <b>District Attorney</b>  1401 NE 68th Street  Portland, OR 97213  (503) 988-3460  <a href="mailto:david.m.koch@co.multnomah.or.us">david.m.koch@co.multnomah.or.us</a></p>
<p><b>Delinquency Court of Excellence Update</b></p> <p>Julie McFarlane</p>	<p>Julie gave an update on this committee. They may change the day that they meet because Mondays are not working well for this group. They have been discussing video conferencing for probation violation hearings to support the one youth/one Judge initiative. Some staff do not like the fact that they would not have face to face contact with the youth and family. There was agreement that cases from prelims can be set on the Judges dockets even if their schedule is full and they will make the time to hear the case.</p> <p>Victim notification cards are being revised. These cards are given to the victim by the police so they will have phone numbers to call to get more information to be involved in the case. OYA is taking steps to notify the victim on their cases. They enter victim contacts in JJIS.</p>	<p>If you have questions or suggestions for this subcommittee, contact:</p> <p>Julie H. McFarlane  Supervising Attorney  <b>Juvenile Rights Project, Inc.</b>  401 NE 19th Avenue, Suite 200  Portland, OR 97232  (503) 232-2540 ext. 227  <a href="mailto:Julie@jrplaw.org">Julie@jrplaw.org</a></p>

AGENDA TOPIC:	NOTES:	PLAN OF ACTION CONTACT INFORMATION
<b>General topic</b>	<p>Judge Waller stated that an APC (Alternative Placement Committee) subcommittee will begin in the fall. Some of the concerns about APC are not having enough time to screen the cases when the hearings are the next day.</p> <p>Lisa Naito says there will be a forum for further response and discussion of the Crime Victims United report. This will be held the first Tuesday of September.</p>	<p>If you would like to receive email notifications, agendas, or minutes and would like to - please contact:</p> <p style="text-align: center;">Tina Edge  <b>JSD Treatment &amp; Specialized Services</b>  Juvenile Service Division  1401 NE 68th Street  Portland, OR 97213  (503) 988-3083  <a href="mailto:tina.a.edge@co.multnomah.or.us">tina.a.edge@co.multnomah.or.us</a></p>

Facilitator: Judge Nan Waller    Note taker: Vickie Parker

Next meeting ...  
**\*\* Please note: August meeting cancelled \*\***  
September 15, 2008 Monday  
12:00noon - 1:30pm  
**Juvenile Justice Complex**  
Large conference room  
1401 NE 68th Avenue    Portland, OR 97213

\*\* Meetings normally take place 3rd Monday of every month 12:00noon - 1:30pm\*\*

## DETENTION SCREENING – Mapping the Instant Offense and Victim Protection to Automatic, Override, and Scored Decisions

**Automatic Decision:** The behavior is so serious that there's nothing to think about – the decision is automatic.

**Override Decision:** The behavior is so serious that detention should be used unless a plan adequately providing for public safety is in place.

**Scored Decision:** The youth passes the policy test and we can rely on the validated assessment score to indicate the best placement option.

<b>MOST SERIOUS INSTANT OFFENSE</b>  <b>OR</b>  <b>WHAT WE'RE PROTECTING THE VICTIM FROM</b>	<b>DETENTION SCREENING</b>  <b>Policy Mapping</b>	<b>Criteria for Overrides</b>  <b>(Access to the threatened person is prerequisite)</b>
Intentional homicide (aggravated murder, murder)	Automatic Detention	A. Youth makes stated threats against the victim or another person
Attempted Murder or Class A Felonies involving violence or use or threatened use of a weapon (including Rape I, Sodomy I, and Unlawful Sexual Penetration I involving forcible compulsion)	Automatic Detention	
Burglary I	Automatic Detention	
Class B Felonies involving violence or use or threatened use of a weapon	Automatic Detention	B. The youth's behavioral patterns indicate similar behavior is likely to happen again
Rape I, Sodomy I, Sexual Penetration I not involving forcible compulsion	Automatic Added Conditions if Detain Override Criteria do not apply, otherwise Override to Detain	
Class C Felony involving violence or use or threatened use of a weapon	Automatic Added Conditions if Detain Override Criteria do not apply, otherwise Override to Detain	C. The victim states a credible, serious concern about what the youth might do to her/him
All other Class A and B Felonies	Release if Detain Override Criteria do not apply (conditions added if appropriate), otherwise Override to Detain	
All other Class C Felonies	Override to add Conditions if appropriate, otherwise go by the score	D. The youth's behavior is volatile, impulsive, unstable
Misdemeanor involving violence, or possession, use or threatened use of a weapon	Go by the score unless override criteria apply and behavior of concern includes serious physical injury or sexual victimization.	
All other Misdemeanors	Go by the score.	E. Youth's behavior can't be controlled by an adult/ placement
Probation/Parole Violation	Go by the score unless override criteria apply and behavior of concern includes serious physical injury or sexual victimization.	
Other. e.g., status offense (MIP, runaway, curfew, etc.)	Unconditional Release	F. No Safety Plan possible

## PRELIMINARY HEARINGS – Mapping the Instant Offense and Victim Protection to Automatic, Override, and Scored Decisions

**Automatic Decision:** The behavior is so serious that there's nothing to think about – the decision is automatic.

**Override Decision:** The behavior is so serious that detention should be used unless a plan adequately providing for public safety is in place.

**Scored Decision:** The youth passes the policy test and we can rely on the validated assessment score to indicate the best placement option.

<b>MOST SERIOUS INSTANT OFFENSE OR WHAT WE'RE PROTECTING THE VICTIM FROM</b>	<b>PRELIMINARY HEARING RECOMMENDATION Policy Mapping</b>	<b>Criteria for Overrides (Access to the threatened person is prerequisite)</b>
Intentional homicide (aggravated murder, murder)	Automatic Detention	A. Youth makes stated threats against the victim or another person
Attempted Murder or Class A Felonies involving violence or use or threatened use of a weapon	Automatic Detention	
Class B Felonies involving violence or use or threatened use of a weapon	Automatic Added Conditions if Detain Override Criteria do not apply, otherwise Override to Detain	
Rape I, Sodomy I, Sexual Penetration I with or without forcible compulsion	Automatic Added Conditions if Detain Override Criteria do not apply, otherwise Override to Detain	B. The youth's behavioral patterns indicate similar behavior is likely to happen again
Class C Felony involving violence or use or threatened use of a weapon	Automatic Added Conditions if Detain Override Criteria do not apply, otherwise Override to Detain	C. The victim states a credible, serious concern about what the youth might do to her/him
All other Class A and B Felonies	Release if Detain Override Criteria do not apply (conditions added if appropriate), otherwise Override to Detain	
All other Class C Felonies	Override to add Conditions if appropriate, otherwise go by the score	D. The youth's behavior is volatile, impulsive, unstable
Misdemeanor involving violence, or possession, use or threatened use of a weapon	If Override Criteria apply and behavior of concern includes serious physical injury or sexual victimization, Override to detain. Otherwise release (with conditions if appropriate).	
All other Misdemeanors	Go by the score.	E. Youth's behavior can't be controlled by an adult/ placement
Probation/Parole Violation	Go by the score unless override criteria apply and behavior of concern includes serious physical injury or sexual victimization.	
Other, e.g., status offense (MIP, runaway, curfew, etc.)	Unconditional Release	F. No Safety Plan possible



## Detention Screening Decisions

Multnomah County Department of Community Justice - Juvenile Services Division

### Do Automatic Unconditional Release Criteria Apply?

Special agreements allow certain youth to be brought to Detention Intake instead of the Reception Center even though they cannot be held in detention. These youth must be released to a parent/guardian or responsible adult. Special agreements include:

- **Banned From Reception Center:** Youth who have been temporarily banned from the Reception Center for serious behavioral issues endangering staff or other youth at the facility, and who **do not** meet grounds for preadjudication detention or 36 hour hold criteria.
- **Public Transportation Nuisance:** Youth causing major disruption on public transportation, and who **do not** meet grounds for preadjudication detention or 36 hour hold criteria.

Yes

Unconditional  
Release

No

### Do Automatic Detention Criteria Apply?

All of the following youth are automatically detained at Intake regardless of their RAI score:

- **Adult Detainer:** A youth on adult supervision and the adult probation officer requests that the youth be held pending further action.
- **Court Order:** A youth who is court ordered to be detained.
- **Escape From Secure Custody:** A youth who has escaped from secure custody in a detention center or youth correctional facility and is now in custody for the first time since the escape.
- **Firearm/Destructive Device:** A youth with alleged possession or use of an operable firearm or possession or manufacturing of a destructive device (not hoax) offense. See JSD Youth Referred to Custody on Firearm Charge Policy.
- **Firearm/Destructive Device Under Age 12:** Pursuant to ORS 419C.100, 419C.103, a child under age 12 must be held in detention until a preliminary hearing if charged with Unlawful Possession of a Firearm (ORS 166.250), Possession of a Firearm/Destructive Device in a Public Building (ORS 166.370), or Possession of a Destructive Device IF the charge involves possession of a firearm/destructive device in a public building or court facility and occurred within the last 120 days. Prior judicial review for detaining children under twelve under ORS 419C.133 does NOT apply. See Firearm Charge Policy. The Custody Services Manager must be notified immediately when this section applies, and special arrangements in detention will be made to house the child away from detained youth.
- **I.C.E. Detainer:** A youth with an Immigration, Customs and Enforcement detainer.
- **Material Witness Warrant:** A youth who has a Material Witness Warrant.
- **Measure 11 Charge or Warrant:** A youth 15 years or older, with an alleged Mandatory Minimum Sentencing offense as listed in ORS 137.707 or a warrant for one of these offenses.

- **Other County Warrant:** A youth who has a warrant from another county and the other jurisdiction is not able to pick the youth up within a reasonable waiting time in Custody Services Intake. See Oregon Juvenile Departments Mutual Aid Compact.
- **Out-of-State Runaway:** A youth who is an out-of-state runaway and the parent or jurisdiction is not able to pick the youth up within a reasonable waiting time in Custody Services Intake.
- **Out-of-State Warrant:** A youth who has a warrant from another state and the jurisdiction is not able to pick the youth up within a reasonable waiting time in Custody Services Intake.
- **Parole Violator With New Felony or Warrant:** A youth on parole with an alleged new felony law violation or a parole violation warrant.
- **Parole Youth with Misdemeanor:** A youth on parole from a Youth Correctional Facility whose parole officer requests detention pending a parole revocation hearing, and where an Override Approver authorizes detention based on the severity of the charge and victim and community safety factors.
- **Other County Law Violator:** A youth whose legal residence is in another county who commits a crime in Multnomah County, and for whom the other county requests detention until the next weekday for transportation back to the home county. Special approval from an Override Approver is done based on communication with the home county and considers the severity of the charge, victim and community safety factors, and the other county's transportation plan. See Oregon Juvenile Departments Mutual Aid Compact.
- **Very Serious Instant Offense:** A youth brought in on any of the following types of charges will be automatically detained until preliminary hearing:
  - Intentional homicide (aggravated murder, murder)
  - Attempted Murder or Class A Felonies involving violence or use or threatened use of a weapon (including Rape I, Sodomy I, and Unlawful Sexual Penetration I involving forcible compulsion)
  - Burglary I
  - Class B Felonies involving violence or use or threatened use of a weapon

Yes

Detain

No



## Is the RAI Score 6 or Higher?

If Automatic Hold Criteria Do Not Apply, Detain if RAI Score is 6 or Higher. Applies only for youth who meet Grounds for Preadjudicated Detention.

Yes

No

## Do Detain Override Criteria Apply AND Is There Override Approval?

The following criteria are to be used when determining whether or not to request an override to hold for a youth with a RAI score of less than 6 who meets Grounds for Preadjudicated Detention OR 36 Hour Hold Criteria:

- **36 Hour Hold** - The following criteria are to be used in determining whether or not to hold a youth pursuant to ORS 419C.136. A youth can be held for up to 36 hours from the time police bring a youth into custody in order to establish a release plan that considers the youth's safety and his/her appearance in court when all of the following circumstances exist:
  - the youth is charged with a misdemeanor or felony law violation, and
  - there is no parent, guardian or a responsible adult available to assume responsibility for the youth (does not require an adult picking-up a youth from the detention facility), and
  - there is no alternative placement available (Boys and Girls Aid Society, Harry's Mother, or Department of Human Services) to assume responsibility for the youth, and
  - release of youth to self is not deemed safe for the youth.
- **Arson Charge – No Safety Plan**: A youth with an alleged new arson charge for whom a safety plan to adequately provide for community safety cannot be made.
- **Domestic Violence – No Safety Plan**: A youth with an alleged domestic violence charge for whom a safety plan to adequately provide for community safety cannot be made.
- **Extradited Youth**: A youth extradited from another jurisdiction to Multnomah County on a warrant.
- **No Shelter Available**: A youth whose release to home or a parent/guardian-approved placement is not an option and there is no placement available in shelter, with DHS, or another program.
- **Placement Interruption – No Appropriate Release**: Detention will not be used as a respite for youth with behavioral problems in residential programs. With special approval detention may be used for a probation youth whose current placement is no longer an option, for whom there is no safe alternative placement that meets appropriate release criteria, and on whom the JCC has filed a probation violation petition. Special approval includes the RAI Override Reviewer's approval and the Juvenile Court Counselor's Community Justice Manager's approval.

- **Sex Offender – No Safety Plan**: A youth with an alleged sex offense for whom a safety plan to adequately provide for community safety cannot be made.
- **Strong Indications of Failure To Appear**: A youth presents a pattern of recent (within 1 year) behavior that provides a compelling reason to believe the youth will not appear for court even with the support of detention alternative programs. Examples (others may exist):
  - multiple recent warrants/runaways;
  - very recently on run or warrant status for one or more long period/s of time;
  - youth's current assertion is an intention not to appear;
  - youth recently cut off an Electronic Monitoring device;
  - it is clear that a very recent Failure to Appear was due to noncompliance rather than a lack of information about the scheduled appearance; or
  - there is historical documentation that indicates that the Juvenile Court Counselor has made many efforts to get the youth to court and the youth has not complied
- **Strong Indications of Imminent Violence – No Appropriate Release**: The youth's circumstances provide clear and convincing evidence that the youth poses a danger of serious physical injury to or sexual victimization of the victim or another person while the youth is on release, and for whom a safety plan to adequately provide for public safety cannot be made. Circumstances include but are not limited to the presence of a qualifying current offense AND override criteria below:
  - **Qualifying Current Offenses**:
    - Rape I, Sodomy I, Sexual Penetration I not involving forcible compulsion
    - Class C Felony involving violence or use or threatened use of a weapon
    - All other Class A and B Felonies
    - Misdemeanor involving violence or possession or threatened use of a weapon (reminder: youth must meet grounds for preadjudicated detention or 36-hour hold).
    - Probation Violation
  - **Override Criteria**:
    - The youth makes a threat of, the youth's behavioral patterns indicate the likelihood of, or the victim states a credible, serious concern about:
- Serious physical injury of another person
- Sexual victimization of another person
  - The youth's behavior is volatile, impulsive, unstable
  - The youth's behavior can't be controlled by an adult/ placement
  - No Safety Plan is possible
- **Youth In Imminent Danger – No Appropriate Release**: A youth presents circumstances that provide a compelling reason to believe that the youth is in imminent danger and it is very likely that the youth will not be protected from this danger if released.

Yes

No

Detain



### Do Criteria to Automatically Add Conditions Apply?

Youth who meet Grounds for Preadjudicated Detention (see *Definitions*) not detained above will automatically have conditions added to their release, including a summons to a preliminary hearing, a safety plan if applicable, and, if applicable, placement in a shelter or with Community Detention if court is more than 24 hours in the future, if any of the criteria below apply. Where a safety plan is not required, these youth and, if possible, their parents must receive a release agreement outlining behavioral expectations while awaiting action on the case.

- **Arson Charges With Safety Plan:** A youth with an alleged new arson charge and for whom a Safety Plan to adequately provide for community safety can be made.
- **Domestic Violence With Safety Plan:** A youth with an alleged domestic violence charge and for whom a Safety Plan to adequately provide for community safety can be made.
- **Sex Offense With Safety Plan:** A youth with an alleged sex offense and for whom a Safety Plan to adequately provide for community safety can be made.

- **Violent Charge With Safety Plan:** The youth's circumstances raise a concern about serious physical injury or sexual victimization of another person, but a safety plan can be made to adequately provide for public safety. Circumstances of concern can include but are not limited to the presence of a qualifying current offense:

- Rape I, Sodomy I, Sexual Penetration I not involving forcible compulsion
- Class C Felony involving violence or use or threatened use of a weapon
- All other Class A and B Felonies
- Misdemeanor involving violence or possession or threatened use of a weapon (reminder: youth must meet grounds for preadjudicated detention or 36-hour hold).
- Probation Violation

- **Warrant Youth:** A youth brought in on a Multnomah County Failure to Appear, Failure to Comply with Conditions of Release, Unable to Locate, or Probation Violation warrant. All released warrant youth will receive a summons for a preliminary hearing and, if applicable, be placed on Community Detention if court is more than 24 hours in the future. These youth and, if possible, their parents must receive a release agreement outlining behavioral expectations while awaiting action on the case.

Yes

Complete a safety plan

No

### Is the RAI Score between 0 and 5?

For Youth Not Detained, Release With Conditions if RAI Score is Between 0 and 5. Applies only for youth who meet Grounds for Preadjudicated Detention. Conditions include a summons to a preliminary hearing, and if applicable, placement in a shelter or with Community Detention if court is more than 24 hours in the future.

If the youth's current offense includes a violent charge, a safety plan to adequately provide for public safety must be completed. Where a safety plan is not required, these youth and, if possible, their parents must receive a release agreement outlining behavioral expectations while awaiting action on the case.

Yes

Complete a release agreement

No

### Do Conditional Release Override Criteria Apply AND is There Override Approval?

If Score is Less than 0, Determine if Conditional Release Override Criteria Apply:

The following criteria are to be used when determining whether or not to request an override to a Conditional Release for a youth with a RAI score of less than 0 who meets Grounds for Preadjudicated Detention (see *Definitions*). Conditional release includes a summons to a preliminary hearing, and if applicable, placement in a shelter, or with Community Detention if court is more than 24 hours in the future. If the youth's current offense includes a violent charge or the youth's circumstances raise community safety concerns, a safety plan to adequately provide for public safety must be completed. Where a safety plan is not required, these youth and, if possible, their parents must receive a release agreement outlining behavioral expectations while awaiting action on the case.

- **Dangerous Behavior:** A youth whose recent behavior has placed the youth or others in danger of serious injury may be released with a summons to a preliminary hearing, and if applicable, placement in a shelter, or with Community Detention if court is more than 24 hours in the future. A safety plan to adequately provide for public safety must be completed for these youth.
- **Family Placement Not Workable:** A youth whose release to parent/guardian or a parent/guardian-approved placement is not an option may be released with a summons to a preliminary hearing and placement in shelter.
- **No Verifiable Community Ties:** A youth who is not able to provide information that can be verified regarding his/her school enrollment, and/or employment and residence, i.e. living with family, friends, relatives or independently, can be released with a summons to a preliminary hearing and placement in shelter.
- **Warrant/Runaway History:** A youth whose recent history of warrants or runaways causes a moderate concern about appearing for court, can be released with a summons to a preliminary hearing, or with Community Detention if court is more than 24 hours in the future.

Yes

Complete a safety plan for dangerous behavior  
Complete a release agreement for all others

No

### Is the RAI Score between -9 and -1?

Release All Other Youth Without Conditions. If none of the above criteria apply, the youth will be released with no added conditions. This includes youth who do not meet Grounds for Pre-adjudicated Detention, and youth with RAI scores less than 0 who do not meet any of the automatic or override decision criteria above.

These youth and, if possible, their parents must receive a release agreement outlining behavioral expectations while awaiting action on the case.

Yes

Complete a release agreement

Conditional Release

Unconditional Release