



MULTNOMAH COUNTY OREGON DETENTION REFORM INITIATIVE

Juvenile Justice Council (JJC)

October 20, 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:

| | | | | | | | | |
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| 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 | Thuy Vanderlinde |
| Tom Cleary | Carolyn Graf | Dave Knofler | Thach Nguyen | Charlene Rhyme | 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:

- Steve Doell, Crime Victims United
- Ken Chapman, Crime Victims United
- Kathy Ruberg, Department of County Human Services
- Megan Sage, Department of County Human Services

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| Welcome & Introductions Judge Waller | <p>The council members introduced themselves. David Koch introduced the new JSD Detention School Principal, Kevin Hunking.</p> <p>Judge Waller welcomed everyone and gave an overview of the history and mission of this council.</p> | <p>If you have general questions about this council or would like to apply for membership, contact:</p> <p>Judge Waller Family Court Judge 1021 SW 4th Avenue Portland, OR 97204-1123 Interoffice 101/362 (503) 988-3038 (503) 988-3425 fax nan.waller@ojd.state.or.us</p> <p>or contact her assistant, Gloria Martin at: 'Gloria.J.MARTI@ojd.state.or.us'</p> |

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| | | Kevin Hunking Supervisor, Incarcerated Youth Programs Department of Instructional Services 1401 NE 68th Avenue Portland, OR 97213 (503) 988-3577 (503) 988-5937 fax khunking@mesd.k12.or.us |
| Early Assessment & Support Alliance Program (EASA) Kathy Ruberg / Megan Sage Department of County Human Services Handouts attached | Kathy and Megan gave information on the EASA program which was created to help young people who are experiencing the first symptoms of psychosis. Research shows that getting help as early as possible makes treatment easier and recovery quicker. This program serves ages 16 to 25 in Multnomah County. | If you have questions or comments, please contact: Kathy Ruberg Supervisor Department of County Human Services Mental Health & Addiction Services 421 SW Oak Street Portland, OR 97204 167/1/520 503-209-8202 (503) 988-EASA (3272) Referral Line Kathy.a.ruberg@co.multnomah.or.us Megan Sage Mental Health Consultant Department of County Human Services Mental Health & Addiction Services 421 SW Oak Street Portland, OR 97204 167/1/520 (503) 988-3999 x28749 (503) 988- EASA (3272) Referral Line megan.sage@co.multnomah.or.us |
| Crime Victims United Report Review Judge Waller Handout attached | Judge Waller gave some background information on the review of this report and its addendums. It was decided to review the recommendations starting with item #5) <u>Juvenile Services needs to forge a positive, working relationship with police officers throughout the county.</u> It was believed this item could be easily remedied without having to effect any policy changes. Ken Chapman made the following recommendations: It was suggested to make checking in with police part of the JCC's | If you have questions or comments, please contact: David Koch Assistant Director Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-4171 david.m.koch@co.multnomah.or.us |

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| | <p>routine to help "cross-pollinate" agencies. There is a shared view that JSD is a black hole when getting feedback on crime reports. The police would appreciate some type of disposition notification on juvenile cases.</p> <p>Another suggestion would be for JCC's to regularly check in with teachers, therapists, and community stakeholders, etc. to keep all communication lines open.</p> <p>Tom Cleary responded that the department has already started towards this end in regards to connecting with stakeholders and opening the lines of communication. One example of this was the recent invitation of two "soon to be" officers to tour Juvenile Service Division which also involved an update of current policy and procedures.</p> <p>Item #2) <u>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.</u> CVU agrees with sorting but has a conflict with pass/fail and feels it should be prioritized which JSD already feels it is. It was noted this council comprised of judiciary, police, community partners, schools, etc. was involved in a 2-year process in developing and endorsing the RAI and associated policies.</p> <p>Item #3) <u>Treat front-line staff as an asset and 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.</u> JSD responded there are multiple forums for staff to give feedback on policy affecting their work. The question seems to be the "amount" of discretion folks have.</p> <p>Item #4) <u>Juvenile Services should utilize its full funded capacity in detention. The standard should be community safety, not adherence to the Casey philosophy.</u> JSD responded that utilization is based on 2 factors - first, which youth should be held based on objective risk screening, and two, the current budget. It was suggested to review capacity management to ensure beds are used in the manner they are funded - beds available should be used. Judge Waller stated she was proud of the work done by the juvenile justice community based on a decision-making policy not the Casey foundation - managing every youth on a case by case basis.</p> | <p>Jason Zeidenberg Communications & Policy Manager Department of Community Justice 501 SE Hawthorne Blvd, #250 Portland, OR 97214 (503) 988-4376 jason.h.ziedenberg@co.multnomah.or.us</p> <p>Rick Jensen Detention Reform Manager National Model Site Administrator Department of Community Justice 1401 NE 68th Avenue Portland, OR 97213 (503) 988-5698 rick.l.jensen@co.multnomah.or.us http://www.co.multnomah.or.us/dcjcjdetreform.shtml</p> <p>Steve Doell & Ken Chapman Crime Victims United contact@crimevictimsunited.org</p> |

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| | <p>Jason Ziedenberg stressed that Multnomah County is simply a model site that demonstrates how the Casey philosophy works so it may give the impression that Casey drives ALL decision making when it comes to policies when that is not accurate.</p> <p>It was decided to have the Juvenile Justice Executive Committee (comprised of Tom Cleary, Judge Waller, Dawn Andrews and David Koch) initially review the 15 CVU recommendations with Mr. Doell and Mr. Chapman then bring back discussion items to the Council. Rod Underhill also volunteered to participate.</p> | |
| <p>Open Discussion</p> <p>Next meeting</p> | <p>Due to the Governor's Summit, the November meeting will be moved from the 17th to 24th - time and location remain the same.</p> <p>Governor's Summit on Eliminating Disportionality 11/17 & 11/18 Bart Lubow: Keynote Speaker For more info go to: www.oregon.gov/OYA/dmcsummit/2008/summit.htm</p> <p>To register: http://www.oja.state.or.us/dmc/summit.htm</p> | <p>If you would like to receive email notifications, agendas, minutes, or would like more information on this council - please contact:</p> <p style="text-align: center;">Tina Edge JSD Treatment & Specialized Services Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-3083 tina.a.edge@co.multnomah.or.us</p> |

Facilitator: Judge Nan Waller Note taker: Tina Edge

Next meeting ...
November 24, 2008 (Monday)
 November 17th (cancelled due to Governor's Summit)
 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**

What happens once I'm in treatment?

EASA services are based on the most current research available. Working together, you and the team members will figure out the best treatment plan for you. Here are some of the EASA services available to you:

- Low-dose medication to manage your symptoms and avoid side-effects as much as possible
- Regular appointments with a counselor who can help you understand the illness
- Support so that you can be successful in your education
- Assistance with building job skills
- Help identifying your life's goals and how to work towards them
- Group activities to get involved in the community and discover new interests
- Education and support for your family so they can help you be successful in your recovery

"When I was in middle school I started hearing voices and thinking people were putting thoughts in my head. I got into drugs. My senior year people finally recognized my symptoms. I went from dropping out to graduating from high school. I just wonder how life might have been different if someone had seen the symptoms earlier."



"I thought people had tapped the phone and computer and were watching me. It made working really hard. I had been athletic but now I had no energy. I couldn't keep food in for nine months. Finally, I found EASA and they really helped."

Sponsored by Multnomah County
Mental Health and Addiction
Services Division

Multnomah County EASA is part of
a network of Oregon providers

503-988-EASA (3272)

*EASA serves ages 16 - 25 in
Multnomah County*

EARLY ASSESSMENT AND SUPPORT ALLIANCE

503-988-3272 REFERRAL LINE
503-988-5870 FAX



Welcome to EASA!



Early Assessment and
Support Alliance

503-988-EASA (3272)



DEPARTMENT OF COUNTY HUMAN SERVICES
MENTAL HEALTH AND ADDICTIONS SERVICES DIVISION
421 SW Oak St. PORTLAND, OR 97204

503-988-5464
503-988-5870 FAX

What is EASA?

EASA stands for Early Assessment and Support Alliance. It is a program that was created to help young people who are experiencing symptoms of psychosis. Research shows that getting help as early as possible makes treatment easier and recovery quicker.

What is Psychosis?

Psychosis describes a medical condition that affects the brain. It can make it difficult for you to think clearly. You may hear or see things that other people don't.

Medical researchers believe psychosis may be caused by vulnerabilities people are born with. When that vulnerability is combined with a physical illness, a lot of stress, or drug use, it can trigger psychosis.

Psychosis can happen to anyone. It affects 3 out of every 100 young persons. But with treatment, recovery is possible!

**You can call us seven days
a week, 24 hours a day.
503-988-EASA (3272)**

Is EASA right for you?

If you have experienced several of the symptoms below, EASA is probably right for you:

Feeling like something's "not right"

- Not able to do schoolwork or your usual job
- Very sensitive to sights, sounds, smells or touch
- Feeling cut off from life and the world

Jumbled thoughts and confusion

- Trouble focusing and paying attention
- Difficulty reading or understanding sentences
- Not understanding what others say
- Have a hard time making decisions

Not interested in friends, family, and activities

- Not motivated/No energy
- Big changes in sleeping or eating patterns
- Little or no interest in your appearance, or things you used to enjoy doing

Hearing sounds/voices that others don't hear

- Seeing or hearing things others don't see or hear
- Feeling like someone is putting thoughts into your brain

Becoming fearful of others

- Worrying that others are thinking bad thoughts or wish to harm you



What happens when I call?

When you call us the first thing we do is make sure you are safe. Then we ask some basic questions to find out more about you. After that first phone call, an EASA team member will call to tell you more about the program. Together you will decide if the program is a good fit for you.

EARLY ASSESSMENT AND SUPPORT ALLIANCE

503-988-3272 REFERRAL LINE
503-988-5870 FAX



Psychosis Fact Sheet for Professionals

Symptoms of Psychosis

Anyone can develop psychosis, however onset is usually youth or early adulthood. It is most likely to occur during young adulthood, between the ages of 15 – 30. Three out of every 100 individuals experience a psychotic episode. Symptoms may emerge gradually but onset tends to be earlier for males.

Early Symptoms

- Difficulty following conversation or understanding sentences
- Changes in a person's behavior, such as withdrawal from social activities
- Increased sensitivity to sensory input
- A change in how the person describes feelings, thoughts and perceptions

Acute Symptoms

- Hallucinations, like hearing or seeing things that aren't there
- Delusions: false beliefs about reality that are held onto despite evidence to the contrary
- Behavior that is out of character or bizarre, reckless or dangerously impulsive
- Major changes in sleep or eating patterns

The Importance of Early Intervention and Treatment

The consequences of delayed treatment include potential for a slower and incomplete recovery, further disruption of the person's family life, school or work life and interference with psychological and social development. There is also an increased risk of depression and suicide, addiction, and involvement with the criminal justice system. For these reasons and more, early intervention has been the standard of care for psychosis in most of the western developed world since the 1990s.

Who Should be Referred to the EASA Program

If you have a young person in your care whom you believe might be exhibiting early signs of psychosis not caused by a known medical condition or by drug use, contact EASA at 503-988-3272 for referral information. The team currently serves young people between the ages of 16 and 25.

How the EASA Team Works

The medical and mental health professionals who make up the EASA team work in *partnership* with local communities, primary care and individual clinicians to reduce delays in accessing treatment. Once a young person is in the program, he or she is assessed to determine treatment needs. If medication is necessary, EASA prescribers use low dose anti-psychotic medication to avoid treatment-interfering side effects. Counseling, therapy, practical and psychosocial assistance, vocational and occupational therapy are also provided. The family and friends of the young person are considered part of the treatment team and are treated as such.

Outcomes of Early Intervention Programs

The EASA program is modeled after the successful Early Assessment and Support Team (EAST) program begun by Mid-Valley Behavioral Healthcare in 2001. From 2001 through 2006, the rate of hospitalization among the program's 300 participants was reduced from 50% to 10% and continues to decrease. 74% of the program participants experienced a remission of their symptoms or only slight disruption from them by one year. Approximately 70% of participants remained in school or work.

Call the EASA team at 503-988-3272 if you have questions or for referral to the program.



DEPARTMENT OF COUNTY HUMAN SERVICES
MENTAL HEALTH AND ADDICTIONS SERVICES DIVISION
421 SW OAK ST. PORTLAND, OR 97204

503-988-5464
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15 POINT CRIME VICTIM UNITED REVIEW

(excerpt from The State of the Multnomah County Juvenile Justice System: A Report to the Policymakers and Citizens of Multnomah County - Crime Victims United of Oregon 2008)

PART 7: RECOMMENDATIONS

Before discussing our recommendations, it is important to acknowledge that Crime Victims United and Juvenile Services share a number of similar views. We both believe that a clear majority of youth being referred to the juvenile justice system do not need to be dealt with formally through the court nor do they need to be placed in detention. We both believe that the juvenile justice system offers many advantages over the adult justice system. We both believe that long-term incarceration should be reserved for dangerous offenders. We would both like to see offenders change while living in their own communities, when they can safely do so. Finally, we support all current efforts to provide treatment to youth offenders. In fact, a prime motivation in making these recommendations is to enhance the effectiveness of treatment by recognizing the realities of dealing with delinquent youth. Despite these similarities, this report has highlighted the very significant differences that Crime Victims United has with the governing philosophy of Juvenile Services. Our recommendations, if adopted, would change that philosophy fundamentally.

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. This review should include the Commissioners' Office, District Attorney's Office, and leadership within the police departments of the county, the judiciary and interested members of the general public. There should also be representatives from custody and probation. This review would inevitably engage the issue of whether Multnomah County wants its juvenile justice agency to be a part of law enforcement, or an adjunct to the child welfare system, as too often appears to be the case at the present time. If the decision is to rejoin the law enforcement system as a true juvenile justice agency, major and far-reaching policy changes will be necessary.

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. State law already significantly restricts the sorts of crimes which can result in immediate detention. Even with those existing restrictions, however, nobody would argue that all youth who commit a detainable crime should be locked up. On the other hand, a system, like the RAI, which requires a certain score to qualify for detention, acts as an extra layer of law. It is designed to lower admissions, not use available space more appropriately or efficiently. A more rational system would prioritize all legally detainable crimes and offenses such as probation violations and court warrants to guide detention decisions. Factors to be considered other than the crime would obviously include prior referrals, warrants, past and present, premeditation of the crime and trauma to the victim. The priority of the crime would then be applied to the available detention space. For instance, if detention is full, it would not be appropriate to lodge a youth for Burglary in the Second Degree. If space is available, however, it would be appropriate. Staff should also be given discretion to make decisions based on other factors which impact public safety.

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. While phrases like "data driven" or "objective criteria" are used to dress up the lack of discretion allowed to juvenile court counselors and custody staff, they really amount to little more than old-fashioned micro-management and a lack of confidence in staff. Thirteen years after Juvenile Services started adopting the Casey model, there is still so little staff buy-in to that philosophy that it is necessary to seriously limit the professional judgment of those doing the day-to-day work of the department. That alone should make the county in general and Juvenile Services in particular rethink their current direction. Juvenile court counselors should be allowed to make the recommendations which fit the youth and his crime(s), not the sanctions grid. They should also be able to make basic decisions about detention, motions and warrants. Matrixes should be guidelines based on state law, not strait jackets based on the Casey philosophy. For its custody staff, Juvenile Services should also put both discretion and authority into the hands of those who receive the calls from police. Those personnel hear some of the details of the crime from the police officer. They should be making decisions about which youth are to be detained within the constraints of juvenile law, available space and a list of priorities when detention space is not available. Despite the fervent wish of Casey and Juvenile Services management, a

matrix cannot and should not substitute for staff that are empowered to ask questions and make judgments consistent with public safety and offender accountability.

Within detention, Juvenile Services should be concerned that 81% of those answering the survey thought that detention was not being operated to maximize safety for youth and staff. The disciplinary procedures should be reviewed to see whether they are proportional and credible to the offenses. Detention standards adopted by Juvenile Services make it necessary for youth to have unsupervised and free phone calls. Instead of spending so much time mandating privileges for the detained, management should spend more time defining appropriate and credible disciplinary actions that can be imposed by staff without supervisory approval, and overturned only in the exceptional case. A belief that their judgment and actions will be supported is crucial for staff morale. Staff who feel valued and supported are far more willing to accept responsibility and make positive contributions to the county.

If Multnomah County decides that its juvenile justice agency will be part of law enforcement, requiring management approval for such basic decisions as the use of detention, filing of a warrant, filing of motions, detention overrides for obviously violent, dangerous or chronic behavior and the imposition of credible discipline in detention would be like requiring a police officer to get permission to make an arrest. Staff should be trained appropriately, allowed to exercise their judgment within broad policy guidelines and judged on the timely and appropriate execution of their duties.

4) Juvenile Services should utilize its full funded capacity in detention. The standard should be community safety, not adherence to the Casey philosophy. While Multnomah County provides funds to operate 80 detention beds, the average population has been far fewer. The District Attorney's Independent Review showed an average population of 64 in 2006. After 2006, the average population continued to go down, though in the last few months, as pressure for reform has increased on the department, the detention population appears to have gone up dramatically. Since mid to late February, detention has often been at capacity.

This has not been the general rule. More commonly over the past years, there has been significant unused capacity in detention which could be as many as 15-20 beds. Unless the current population is a reflection of a change in philosophy, the use of detention could decline once again if Juvenile Services believes that the pressure for more community safety and offender accountability has abated.

5) Juvenile Services needs to forge a positive, working relationship with police officers throughout the county. Instead of just informing the police that changes are being made, Juvenile Services should seek out the opinions of both police management and police on the streets. While the police are the single most important agent for providing help to delinquent youth, Juvenile Services shows little interest in their involvement in planning and implementation. Showing a willingness to listen to and respond to police concerns will lead the police to look more closely at the complexities of dealing with youth and their families, and allow them to see Juvenile Services as a part of the law enforcement team, rather than as an impediment to public safety.

Several immediate steps could be taken to show good faith and recognition of the importance of a good police/Juvenile Services relationship. Officers have complained about additional requirements when taking a youth to detention as opposed to jail. For detention, all reports have to be completed before the officer leaves the facility. At the jail, the reports have to be submitted by 9 AM the following day. Since both facilities have the same legal standard-- probable cause-- and both the police and Juvenile Services are represented by the District Attorney's Office, the difference seems arbitrary and aggravating to police who must baby-sit youth while completing their reports.

Second, officers don't know when they pick up a youth whether or not he/she is on probation unless there is a warrant. If the department put the names of probation youth in the law enforcement data system (LEDS), or simply issued a monthly list to Multnomah County police agencies giving the names of the youth, the charges which resulted in detention and the name and contact numbers of the juvenile court counselor, it would allow a more accurate screening of high-risk youth. This would be no greater courtesy to the police than that extended to the Homeless Youth Continuum which is informed of the warrant status of homeless youth without a corresponding duty to report those youth.

Juvenile court counselors would think nothing of checking with therapists, school officials or others working with probationers. The police, however, are seldom contacted. Juvenile court counselors who supervise a caseload should be known to the officers who patrol the areas where their probationers live. This can be done with an occasional drop-in at a precinct office. During that visit, the juvenile court counselors can leave the list of their probationers, any special concerns that they might have about those youth and contact numbers if their probationers have police contact or if the officers

need to make contact with the juvenile court counselor. After a few months, the juvenile court counselors, if they respond to police inquiries and requests, might see the beginning of a more positive and trusting relationship with the police.

Juvenile Services should also consider instituting a policy that lets police know the disposition of the cases they submit. In the police survey, a number of officers referred to Juvenile Services as the "black hole" where reports go and are never seen or heard from again. Informing police of the disposition of a case seems a rather obvious courtesy, but one which has not yet been extended in Multnomah County. Instituting such a courtesy could be as simple as a form in triplicate which gives a case number, youth's name, officer, officer's department, offense and disposition. Given the current case handling profile, however, the results might be less than favorable to the department. A more aggressive stance, however, would inevitably lead to more credibility with police departments.

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

Many non-criminal people are in treatment to help them have a better, more fulfilled life or to deal with trauma. Those are the voluntary clients, the persons Dr. Stanton Samenow refers to as "the worried well". It is entirely different, however, for criminal adults and delinquent youth. Truly voluntary clients for programs dealing with criminal behavior are non-existent. Therefore, looking at treatment with the same assumptions for the voluntary and/or traumatized client as for the criminal and traumatizing client is doomed to failure. Those whose value systems allow them to engage in serious or chronic criminal behavior don't initially attend treatment or other required activities because they believe it is good for them. If they attend, it is because they believe that the consequences of not doing so will outweigh the benefits. Any sex offender, violent youth, chronic thief, or addicted youth would prefer the freedom of the street to attending afternoon or evening treatment programs. When enforcement is minimal to non-existent there is little motivation to attend treatment as mandated by court order, and even less motivation to work hard in treatment.

The reason most justice systems have probation officers is to provide for enforcement of court mandates. When those personnel are not allowed to enforce in a credible manner, the justice system is seriously out of balance.

An officer's most immediate contact with Juvenile Services is usually through detention. This is where Juvenile Services must communicate the change of culture to its law enforcement partners. Currently, the impression left with officers is similar to that expressed by a Portland police officer in one of the surveys:

"I recently took a juvenile to JDH for Burglary I [burglary of a residence, a Class A Felony]. When I asked how long he would stay, the intake person acted like I had asked a ridiculous question. I was told he would be released to his parents immediately because this was his first offense and JDH's philosophy is 'rehabilitation, not incarceration'."

It is imperative that Juvenile Services correct the simplistic and incorrect view that detention is not an integral part of rehabilitation for seriously delinquent youth. Instead, it must communicate the more inclusive and holistic view that detention is an important ingredient of rehabilitation for serious criminal conduct. It will be incumbent on the county's political leadership to make sure that Juvenile Services management is able to make such a culture shift, and then help lead its employees out of the 13 or 14 year period of indoctrination which saw incarceration as antithetical to rehabilitation.

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

Juvenile Services seldom recommends the use of the youth correctional facilities such as MacLaren. Often, Multnomah County has 20-30 beds available in MacLaren which it does not utilize. Residential treatment facilities that are available through the Oregon Youth Authority are used even more infrequently. This leads to a vicious circle where youth who should be placed in more controlled settings remain on probation and those who should be on probation don't even make it to court.

One of the most persistent comments heard during this investigation was that by the time Multnomah County youth are sent to residential or youth correctional facilities, they are so delinquent and have so many criminal referrals that they have less chance to change than youth from other counties. Allowing a delinquent youth to chronically offend in the name of keeping them in community is inherently harmful to the youth and the community.

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

Multnomah County has far too much crime to afford to give up powers that help provide control of juvenile offenders. Considering the lack of enforcement powers of a juvenile court counselor in Multnomah County, they have functioned essentially as caseworkers in a child welfare system. State law grants juvenile probation officers peace officer powers for those under their jurisdiction (ORS 419A.016). Juvenile Services has far too little credibility with youth to continue with its current child-welfare approach to serious delinquency.

The employee of a metro-area juvenile department, who was mentioned earlier in this report, also mentioned the “caseworker-mentality” of Multnomah juvenile court counselors. A caseworker mentality is just right for a caseworker with a caseload of abused and neglected children. It is not appropriate when dealing with seriously delinquent youth. A probation officer is most appropriately a combination of caseworker and cop, blending support, direction and enforcement. The cop part has diminished to the point of irrelevance.

Under state law, those who supervise delinquent youth can be referred to as either juvenile court counselors or probation officers. Some departments have retained the old description of juvenile court counselor while mandating that those employees exercise the authority allowed by law. Juvenile Services seems to literally see their juvenile court counselors as counselors only, not probation officers. To make the change clear and unambiguous, it will probably be necessary to change the title of Juvenile Court Counselor to Juvenile Probation Officer.

A change to probation officers empowered to enforce court mandates is especially important in Multnomah County where youth who in other counties might be sent to residential treatment or secure custody are instead kept in the community. For the community to support juvenile probation there needs to be an assurance that all reasonable measures are being used to protect the public and hold the youth accountable. That assurance is not possible without the use of enforcement powers.

Adding enforcement to social work will take new training and a leadership which supports a more robust presence in the community and on the streets. This would most appropriately be done in stages, first by empowering juvenile court counselors to take the legal steps of enforcement, such as filing of motions, warrants, and authorizing the use of detention. The department should then have several personnel trained in defensive tactics and arrest procedures or perhaps contract with the Portland Police Bureau for training. Once the trainers are in place, personnel dealing with youth should be required to take the level of training necessary to make cooperative arrests, use handcuffs appropriately and transport restrained youth safely. The vast majority of arrests are cooperative, i.e. the youth is neither anticipated to physically resist, nor does he resist. When there is reason to believe otherwise, the police would still be used.

State law changed in 1995, making prime goals of the juvenile justice system the protection of the community and the reduction of juvenile delinquency. Juvenile Services needs to adapt to those goals, rather than cling to a newer version of the old, pre-1995 child welfare system.

9) Juvenile Court Counselors need to get out of the office, and spend more time on the streets and in the homes. A more visible presence in the community would involve probation officers/juvenile court counselors spending more time visiting youth in their homes, making their own patrols of areas where youth spend idle time and checking on youth in schools. This presence would be with the assumption that those doing the supervising are trained and prepared to take immediate enforcement action when necessary. Ideally, a youth on probation should never know when a supervising officer might visit and where that visit might take place. In the Davonte Lightfoot case, his mother said that in 18 months of probation there was only 1 home visit that she could remember, though she was willing to say 2, just to be fair. Other information we have received confirms a lack of emphasis on home visits, especially those that are unscheduled. Homes and streets are where juveniles act out their criminal behavior. This is where those given the responsibility for supervision should be spending the bulk of their time.

10) Stop ignoring entry level crime. Though we did not get access to many files showing referrals received but not dealt with, the overall statistics available in JJIS make it clear that the police officers’ complaints that their reports usually result in nothing but a warning letter to parents are unfortunately accurate. This is corroborated by Juvenile Service’s failure to take any enforcement action on alcohol and marijuana charges. Allowing youth to conclude that crime is being ignored, or at least not taken seriously, erodes any future attempts to stop the escalation of criminal behavior. Any responsible parent can attest to the fact that if you deal with the small issues first, there are fewer larger issues in the long run. This runs contrary to Juvenile Services continual talk of “risk based” decision making, which gives the philosophical justification for ignoring early signs of criminal conduct.

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. This agreement allows Juvenile Services to decide on the disposition of almost all misdemeanors and Class C property felonies. Although misdemeanors are the exception in court in any county, they do occur in fairly significant numbers in other counties. Class C property felonies include such crimes as Unauthorized Use of a Vehicle, Identity Theft, Theft I and Burglary in the Second Degree, which involves entering a building other than a residence and committing a crime inside. Adjudications for those offenses are common in other juvenile courts. A reasonable adherence to state law would lead to a significantly higher rate of adjudication, and one more in line with the state average.

12) Make probation a sanction, not just a word. Failing to detain probation youth who are contacted by the police in violation of probation rules or who are arrested on other than a major new crime, makes a mockery of probation in general. It should be no surprise that the word "joke" was used so often by police officers when describing the current juvenile justice system in Multnomah County.

Up to the extent of funded capacity, youth found to be in violation of probation, whatever the level of "risk" assigned to them by the department, should be lodged at least until the preliminary hearing. At the hearing, their level of risk and compliance would determine whether there was a recommendation for continued detention or release. Although detention might just be until the preliminary hearing, it is crucial to disrupt the criminal mindset which allows a probationer to violate probation with impunity.

13) Resources are not the issue, at least not in the near term. Juvenile Services has funds for 80 beds in detention. Considering their contractual obligations to Washington and Clackamas Counties, Multnomah has the use of 52 of those beds. If detention space becomes an issue, Juvenile Services should look at whether Measure 11 suspects, who are 16 or 17, should remain in detention or be transferred to jail as allowed by law. In fact, the law actually specifies that 16 and 17 year olds shall be lodged in jail unless both the sheriff and the director of the juvenile department agree to house them elsewhere. There are normally 12-16 Measure 11 suspects in detention at any one time. Additionally, a more appropriate use of commitments to a youth correctional facility (MacLaren) would also be likely to free up space in detention.

Avoiding the appropriate use of detention now because space is limited, is a direct contradiction of past assertions that detention space could be closed because it was not needed. If detention is being used appropriately and is, therefore, often at capacity, there is more justification for the political leadership of Multnomah County to increase the funded capacity of the Donald E. Long Home.

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. If Multnomah County calls for a new direction for its old-line child-welfare-like system, there will be a need to make a number of scheduled transitions to change. Each will be painful for an administration, and some employees, who have been schooled in a system where community safety and meaningful accountability has been viewed as being harsh and punitive. While those invested in the present system may see their role as being in danger, a system based on the stated purpose of the Oregon Juvenile Delinquency Code, would still have the need for a healthy partnership with non-profit agencies which can appropriately provide services to youth involved in criminal conduct.

It would be naïve, however, not to acknowledge the fact that many of the current participants in Multnomah County's juvenile justice system would be vocally and strongly opposed to fundamental change in the system. Once a decision for change has been made, it will be important for the leadership of Multnomah County to decide which of the changes to implement quickly, and which to implement over a period of 12-18 months.

15) Acknowledge that the constituency of Juvenile Services is the entire citizenry of Multnomah County. All the citizens are impacted when a crucial part of the law enforcement system fails to take community safety and offender accountability seriously. Those citizens are not well served by a mission statement which fails to mention crime, community safety or offender accountability. The importance of mission statements can be overblown. For Juvenile Services, however, a new and more inclusive mission statement which seemed in harmony with state law could help the department make the changes which are so obviously needed.