



MULTNOMAH COUNTY OREGON DETENTION REFORM INITIATIVE

Juvenile Justice Council (JCC)

August 20, 2007 (Monday)

12:00 pm – 1:30 pm

Juvenile Justice Complex - large conference room

1401 NE 68th Avenue

Portland, Oregon 97213

MEETING MINUTES

Council Members:

Mary Claire Buckley
Loren Calkins
Tom Cleary
Tracey Cordes
Tina Edge

William H. Feyerherm
Lisa Fithian-Barrett
Shelley Flynn
Carolyn Graf
Rob Halverson

Debbie Hansen
Carol Herzog
Linda Hughes
Dave Knofler
Dave Koch

Paula Kurshner
Steve Liday
Michael Loy
Keith Meisenheimer
Leo Muniz

Lorenzo Poe
Tim Nacoste
Christine Pedersen
Tom Ryan
Wayne Scott

Helen Smith
Diana Stuart
Susan Svetkey
Scott Taylor
Katherine Tennyson
Carla Piluso

Heather Updike
Nan Waller
Michael Ware
Carol Wessinger
Sara Westbrook
Merri Wyatt

AGENDA TOPIC:	NOTES:	PLAN OF ACTION
Review and revise past minutes (if applicable) / approve today's agenda Referee Linda Hughes / Dave Koch	In Judge Waller's absence, Referee Linda Hughes and Dave Koch co-chaired the meeting. Dave asked that all edits to the minutes and updates to the council distribution list be sent directly to Tina Edge who is the administrative support for this meeting.	The agenda was approved and each member of the group introduced themselves. If you have changes to past minutes, contact: 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
Risk Assessment Instrument (RAI) Override Policy Update Rob Halverson	Rob stated the subcommittee has met 3 or 4 times already and they are making good progress. Recent meetings have had limited representation from partners with important perspectives on various issues. The District Attorney's office, Oregon Youth Authority, and Department of Community Justice were in attendance but there was no representation from the bench, the defense, or the police. DCJ needs a working policy in place when the new Risk Assessment Instrument rolls out in October, and Rob hopes the partners can	Rob will send out the latest policy draft with the next meeting invitation - he assures this attachment will make it thru the SPAM filters. He welcomes new members to the committee. If you are interested, contact him at: Rob Halverson, Supervisor BIST Team

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	<p>address issues now to prevent re-work later. This policy defines criteria for decision making at detention intake and for preliminary hearing recommendations. We will be able to collect better data on these decisions to monitor practice and identify other policy issues for consideration.</p>	<p>Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-4603 Robert.p.halverson@co.multnomah.or.us</p>
<p>Community Detention/Electronic Monitoring Expansion and Update</p> <p>Shelley Flynn</p>	<p>Dave Koch noted there has been a decline in detention alternatives over the years. They are currently in the process of crafting a proposal of options.</p> <p>Shelley stated they are currently seeing 30 -40 youth. There are 20 monitors/10 are cellular units and 10 are landline. Eventually, they would like to move to ALL cellular units but currently can not do that due to budget issues - they need to determine what makes the best usage sense. This process started July 1st and there are currently 33 youth in program utilizing all cellular units and 4-5 landline monitors. They hired 2 new staff 2 weeks ago - Andrea Luewellen and Charlene Drake who will coordinate referrals and manage the day-to-day operations. Current challenges are developing a process that deals with non-compliant, post-adjudicated youth. They are trying to avoid filing more PV's so they are working each issue on a case-by-case basis. The other challenge is youth on electronic monitoring and are extremely high-risk - staff cannot respond quick enough to issues. Judge Waller is currently working on finalizing a "fix" and will get back to the council. There is currently a workgroup called the Community Detention Monitoring subcommittee working with all stakeholders to develop a manual and trainings for JCC's. Note: a majority of youth are dual-diagnosis - both Shelley's group and MST (Multisystemic Therapy) team were able to successfully work together with this population.</p>	<p>Shelly would like volunteers for the Community Detention Monitoring subcommittee - next meeting is September 19, 2007 (Wednesday) 12noon - 1:30pm in the detention administration conference room.</p> <p>Please contact her at:</p> <p>Shelley Flynn Community Detention 1401 NE 68th Street Portland, OR 97213 503.988.3152 971.506.6723 shelley.k.flynn@co.multnomah.or.us</p>
<p>Youth Referred to Custody on a Firearm's Charge Policy Review</p> <p>Heather Updike</p>	<p>Heather solicited feedback on this policy at the last council meeting and did not receive a response. Some council members were not able to receive the attachment to the email due to their SPAM filters. Rob Halverson stated he knew away to bypass the filters and will send an updated copy of the policy along with a meeting invitation. He will work with Tina Edge on setting up the next meeting.</p> <p>There was concern over the possibility of having a disproportionate number of youth impacted when this policy is implemented. Will this instrument incriminate the youth that complete it? Dave will</p>	<p>Treatment Service staff currently implementing the GAIN and gun assessment immediately contact council on a choice of 2 dates for youth to take assessment. Defense would like to see an "immunity" policy developed for these youth. They support using the GAIN but have questions about the gun assessment.</p> <p>This policy is currently at the end of the 21-day review cycle and will be finalized once JJC</p>

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	<p>research and get back to the committee. Rob Halverson was asked to follow up on three questions:</p> <ol style="list-style-type: none"> 1. What is the total workload implication when this policy is enforced and what is the total number of youth affected? 2. Will there be a differential impact on youth of color? 3. Will a baseline be developed? We will be able to see movement of those numbers coming in? 	<p>members have had a chance to respond to the policy related documents being forwarded to them. If you have questions or concerns, please contact Heather at:</p> <p>Heather Updike, Juvenile Custody Specialist Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-5587 heather.k.updike@co.multnomah.or.us</p>
<p>Probable Cause Process</p> <p>Adrian Navarro</p>	<p>In March - June some years back, courts closed one day a week. Since they have now gone back to a 5 days a week schedule, this process needs to be reinstated. Adrian shared a handout of the process which met the statutory requirements.</p>	<p>If you have questions/concerns about this policy (attached below), please contact:</p> <p>Adrian Navarro, Community Justice Manager JSD Admissions/Intake - Detention Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-4603 adrian.m.navarro@co.multnomah.or.us</p>
<p>Proposed agenda items for next meeting:</p>	<ul style="list-style-type: none"> • Role of Probation Programming & Judicial Use of Programming • Failure to Supervise Hearings for Parents of Curfew Violators/Minor in Possession (MIP) Truancy Dockets • Beyond Detention Reform • JDAI Update • Model Court Subcommittee Update (Julie McFarlane) • Preliminary Hearing Policy (Heather Updike) • Ballot Measure 11 Youth Workgroup Update - this workgroup will review the entire detention population. Budgeted for 80 beds, there is no emergency release plan (matrix) to identify which youth need to be displaced when population is maxed. There is a need to develop a plan on how to handle 16 & 17 years olds - should they be handled differently than they are now? Should Sheriff pay for those beds or should the youth be sent to adult jail? The county commissioners give the Sheriff the authority to make that call but note, the money all comes out of the general fund. Dave Koch will be researching some of these issues and responding back to the council. 	<p>Interested in getting on the next agenda or have questions about the Juvenile Justice council, 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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Miscellaneous	<p>Welcome new members:</p> <p>Dave welcomed Gresham Chief of Police Carla Piluso and Carol Wessinger, staff to Commissioner Naito</p>	They have been added to council membership.

Facilitator: Referee Linda Hughes/Dave Koch

Note taker: Tina Edge

Next meeting ...
 September 17, 2007 (Monday)
 12:00noon - 1:30pm
Juvenile Justice Complex
 Large conference room
 1401 NE 68th Avenue Portland, OR 97213

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

Juvenile Custody Services Intake

Process for Transmitting Probable Cause Information

Purpose

All youth admitted into juvenile custody on a new law violation are required to have a probable cause determination hearing within seventy-two hours of being admitted into custody in accordance with ORS. 135.010

Definition

Probable Cause "...is the reasonable belief that a crime has been committed and that the person is linked to the crime with the same degree of certainty." Oxford Companion to American Law. Probable Cause refers to the standard by which a police officer may make an arrest, conduct a personal or property search or obtain a warrant. It is frequently described as being "more likely than not" that this individual has committed the described crime.

Proposed Process

- This process will cover youth brought into Intake and held on new law violations only in the time period between Friday at 5:00 AM to Saturday at 1:30 PM.
- Law enforcement officers that transport arrested youth to Juvenile Custody will be required to complete the Affidavit of Probable Cause and the Probable Cause Waiver.
- Custody Intake staff will process arrested youth and determine whether the youth will be admitted into custody, summonsed for a hearing or released unconditionally according to established intake procedures.
- If a youth is held, Juvenile Custody Services Intake staff will fax the FAX cover sheet, Affidavit and Waiver, to the Recog Unit at the Multnomah County Detention Center (503)988-3033. Affidavits and Waivers will be faxed by Custody Intake staff every Saturday at 1:30pm. The Affidavits and Waivers will be faxed simultaneously. After 1:30 PM on Saturday, Probable Cause Affidavits and Waivers will *not* be faxed to the Justice Center.
- Designated Custody Intake staff will certify the Waiver before faxing.
- The Recog Unit will follow the established Procedures for Probable Cause 21.1 used in handling adult cases. Probable Cause hearings take place every Saturday at the Justice Center at 4:30pm.
- During the PC hearings the judge will make a probable cause determination. Upon completion of the hearing process, MCDC Recog will fax Juvenile Custody Intake staff the completed affidavit and waiver every Saturday evening.
- Completed and signed Affidavits and Waivers will be attached to the youth's Intake packet and placed in the preliminary hearing box.
- If there is a finding of *no probable cause*, the youth will be *released* from custody. It will be the responsibility of the on-duty Custody Intake staff to contact parents for the release of any youth.

Performance Measure

- Intake staff will follow the Intake procedure of JJIS note entries and Risk Assessment Instrument scoring according to established procedures.

Recommendation

- Review of the Probable Cause process in six months.
- Distribute and communicate the intake Probable Cause process to:
 - Portland Police Bureau
 - Multnomah County Sheriff
 - Presiding Family Court Judge Nan Waller
 - Senior District Attorney Tom Cleary
 - Assistant Direct Dave Koch
 - Juvenile Custody Manager Tim Nacoste
 - Juvenile Counseling Manager Thach Nguyen
 - Community Justice Manager John McVay
 - Trial Court Administrator Doug Bray

Staff Consulted

- Senior District Attorney Tom Cleary
- Community Justice Manager John McVay
- Preliminary Hearing Lead Juvenile Court Counselor Patty Iwamoto

Attachments

- Affidavit of Probable Cause
- Waiver of Probable Cause