

Addendum to:
**The State of the Multnomah County
Juvenile Justice System:**

**A Report to the Policymakers
and Citizens of Multnomah County**

June 2008



Crime Victims United of Oregon

www.crimevictimsunited.org

Ken Chapman

Juvenile Justice Policy Advisor

**Addendum to:
“We’re Not Law Enforcement”
Multnomah County Juvenile Services,
The Annie E. Casey Foundation, and
The Juvenile Detention Alternatives Initiative**

On May 28, 2008, Crime Victims United released a comprehensive report on the state of Multnomah County’s juvenile justice system, entitled “We’re Not Law Enforcement—Multnomah County Juvenile Services, the Annie E. Casey Foundation and the Juvenile Detention Alternatives Initiative” (see www.crimevictimsunited.org to download a free copy). This report included 18 graphs using state data, and survey data from custody workers and police officers in Multnomah County.

On June 5, 2008, we received a copy of the Department of Community Justice’s response, which was signed by Scott Taylor, Director, and sent to the Multnomah County Commission and other interested parties. A copy of that reply is included at the end of this document, along with an e-mail sent by Dave Koch, Assistant Director, to employees of Juvenile Services.

This addendum to our previous report will cover a number of issues raised by Scott Taylor’s letter and Dave Koch’s e-mail to employees. One of the complaints in Dave Koch’s email is the failure to use statistics regarding restitution and community service. Graphs illustrating such data are used throughout this addendum.

First, we would like to commend Juvenile Services for making at least one change in response to the Crime Victims United report. In May of 2007, in a much less comprehensive initial draft, Crime Victims United brought up the issue of the mission statement listed on the webpage for Juvenile Services. It read:

We are invested in continuing to develop, implement and provide efficient and effective services that are customer focused, culturally competent, and based on best practices to reduce recidivism rate, to increase high school completion and to increase good government.

Sometime just prior to or after the report was issued, however, the mission statement listed on the Juvenile Services website was changed to:

Our mission is to enhance community safety and reduce criminal activity by holding youth accountable in a fair and just manner, assisting them to develop skills necessary for success, and effectively using public resources.

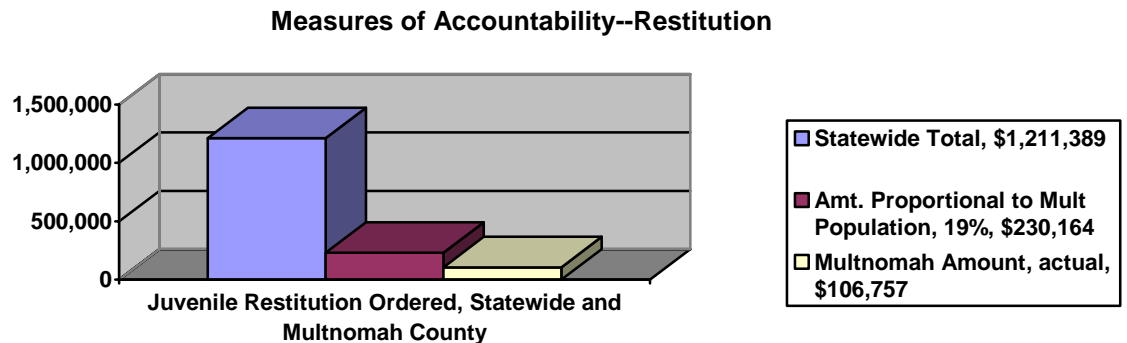
This was a small change, but a change in the right direction, as it at least mentions the need to reduce criminal activity. It still does not, however, mention restitution to victims, which is a legislatively mandated function of the juvenile justice system. The failure of

Juvenile Services to make a priority of restitution and other measures of accountability will be addressed throughout this report with data provided by the State of Oregon.

ISSUES NOT ADDRESSED IN JUVENILE SERVICES RESPONSES

One of the most notable aspects of Juvenile Services responses to Crime Victims United's report is the failure to substantively comment on issues raised by the report. Both the Director and Assistant Director have restated their confidence in the documents that justify the Casey Foundation's Juvenile Detention Alternatives Initiative, but they have failed to comment on or address evidence that the Casey initiatives are not working in Multnomah County.

- There are 18 graphs in the Crime Victims United report. Fifteen of them are based on statistics published by the State of Oregon. Two of the remaining 3 are based on federal figures and a figure provided by the Casey Foundation. All of those graphs raise questions about the Casey Foundation's assertions of the dangerousness of detention, Juvenile Services lack of credible response to juvenile crime and the poor performance of Juvenile Services policies in reducing recidivism. Juvenile Services management has only asserted that their policies are correct, and have not responded to the evidence indicating that they are not. Merely mentioning literature cited by the Casey Foundation or other endorsements of their policies, does not address issues raised by data comparing Multnomah County unfavorably to other Oregon urban counties or to a statewide average.



Source: JJIS data and evaluation reports

- A survey was presented showing a significant lack of support for the Casey policies among detention staff. After 14 years of "reform," if there is still such opposition on the part of staff, perhaps there is a need to reassess the direction taken by management. While the Assistant Director did touch on this issue in his e-mail to employees, the Director in his official department response fails to even mention employees' concerns. His failure to address this issue gives credence to a survey result indicating that none of the employees had been consulted about

the changes in detention policy, despite their varying years of experience with the department.

- The survey of police officers was also ignored by the Director’s official response, but mentioned by the Assistant Director to the employees. Such an overwhelmingly negative response to Juvenile Services’ policies from over 250 police officers should have been a matter of great concern. When policies of Juvenile Services lack the respect of an extremely important part of law enforcement, the response should not be to merely circle the wagons in a defensive posture, but to re-examine those policies which have earned such little respect.

ISSUES RAISED BY THE REPORT

- The Director states, “Our extended collaboration with the Annie E. Casey and Robert Wood Johnson Foundations has indeed enhanced our national reputation for innovation, but more importantly it assisted our county with increasing good public safety and community justice outcomes.” The Director is entitled to his own opinion, but he makes assertions which are not supported by the data. Statistics used by the Casey Foundation and Multnomah County, generally describe Multnomah County in isolation, and do not compare the county’s results with other urban counties in the state or with a statewide average.

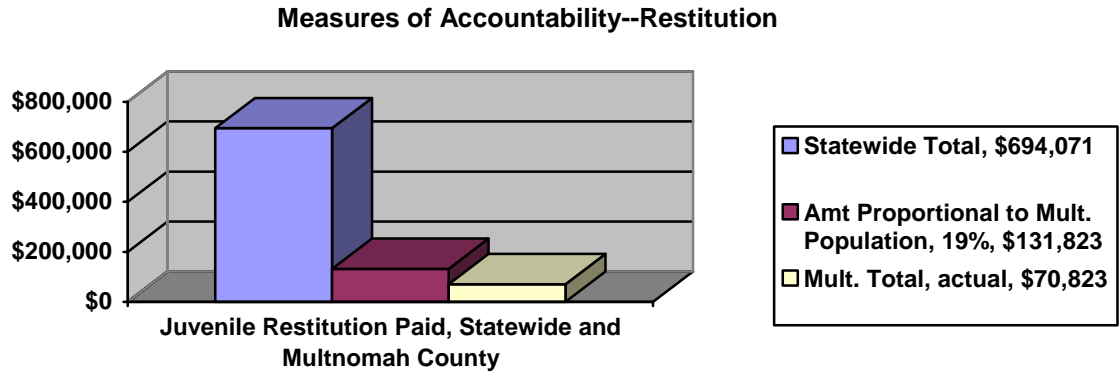


Source, JJIS data and evaluation reports

- In his official response, the Director describes the policies implemented through the Juvenile Detention Alternatives Initiative as being “scientifically supported programs.” This same phrase was repeated to me several times by employees who complained that when the changes were questioned, they were always told that the changes were “scientific.” If the “scientific” question is how to reduce detention population, then the science is rock solid. Juvenile Services has managed to reduce detention populations over the past 14 years. If the question, however, is whether the Casey-sponsored reforms do a better job of reducing crime and recidivism and holding youth accountable, the “science” appears to be highly flawed. Evidence in the report and in this addendum which is based on

state figures, shows that Multnomah County perennially underperforms in measures of both accountability and crime reduction.

- The Director attempts to explain Multnomah County’s poor performance on reducing recidivism by stating: “In Multnomah County, a smaller percentage of the total youth population is placed on some form of supervision when compared to other counties.....Thus while we supervise a lower percentage compared to other counties, those we do supervise are more likely to recidivate due to our focus on the highest-risk offenders.



Source: JJIS data and evaluation reports

The Director has made a factual error, which is perhaps explained by the fact that his experience has been in the adult system. The definition of recidivism used by the Oregon Youth Authority is a youth having a criminal referral (i.e. not a status offense such as curfew, possession of alcohol or marijuana, etc.) in one calendar year who has a criminal referral in the next calendar year. The definition has nothing to do with the disposition of that referral. The data cited by Crime Victims United is correct. The Director’s alternative explanation is not.

- The Director speculates that a more accurate figure for recidivism “...might be the rate of placement with OYA (Oregon Youth Authority)...When compared to all of the other large counties statewide, Multnomah has the lowest OYA placement per 1,000.”

The Director once again proposes an alternative explanation to Multnomah County’s recidivism figures. Once again his explanation has no validity. Juvenile Services does have a very low rate of commitment to the Oregon Youth Authority. That low rate is due, however, to policy, not to a lack of crimes appropriate for commitment. The Director should look at his own sanctions matrix or attend his own Alternative Placement Committee. The policies of his department are designed to make it extremely difficult for a juvenile court counselor to make the recommendation, as illustrated by the Davonte Lightfoot case. His tragic story is told in Chapter 5 of our report and illustrates how policy

has trumped common sense. It might also be instructive for the Director to review pages 49-50 of the report, and Figure K. This portion of the report shows recommendations made in very serious cases with significant prior offenses, none of which involved a recommendation for placement with the Oregon Youth Authority.

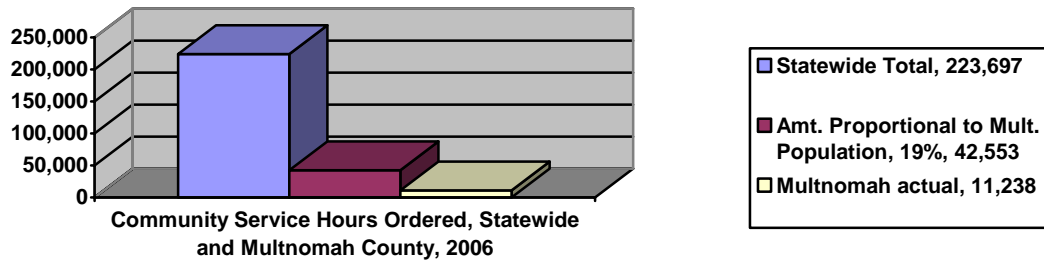
- The Director states that the Crime Victims United report “...appears to be based on a philosophical belief rather than reporting objective information.” To this, Crime Victims United pleads guilty-- with an explanation. The following is our underlying “philosophical belief” which guided the report:

“419C.001 Purposes of juvenile justice system in delinquency cases; audits. (1) The Legislative Assembly declares that in delinquency cases, the purposes of the Oregon juvenile justice system from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior. The system shall be open and accountable to the people of Oregon and their elected representatives.”

Based on that “philosophical belief,” the report presents data from state sources comparing Multnomah County’s levels of accountability and crime reduction with other counties, and with a statewide average. This would seem to qualify as “objective information.”

- The Assistant Director’s e-mail to employees complained that the report had focused on “interpretations supportive of their position,” rather than looking at community service hours and restitution.” We acknowledge the lack of restitution and community service information in the report, and have tried to remedy that problem throughout this addendum. The figures provided by Juvenile Services did not have any context and failed to make any effort to rate their figures against a statewide average. The figures provided by the State of Oregon provide such context, and yet again show how the policies instituted by Juvenile Services have failed to serve the youth or citizens of Multnomah County.

Measures of Accountability--Community Service

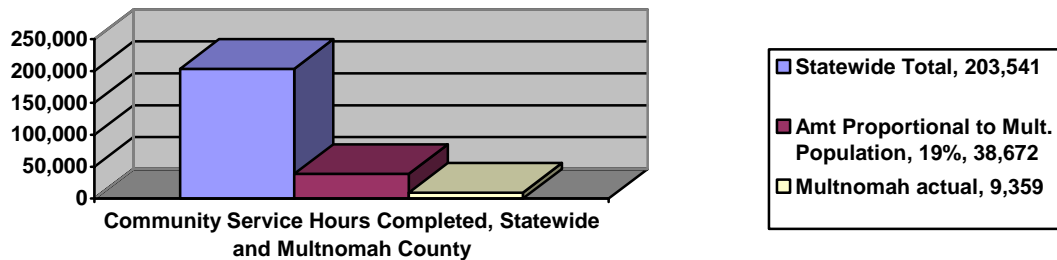


Source: JJIS data and evaluation reports

- The Assistant Director defends Multnomah County’s participation in the Juvenile Detention Alternatives Initiative by stating, “Multnomah County began its partnership with JDAI in 1994 and the system reform efforts have produced solid results: decreases in disproportionate minority confinement; reduced reliance on expensive detention through development of detention alternative and use of objective risk screening tools/policies; and improved conditions of confinement.”

The Assistant Director’s defense of JDAI seems rather light on the issue of crime reduction and accountability. As usual, there is no mention of Multnomah’s performance in relation to a statewide average or in comparison with the other Oregon urban counties.

Measures of Accountability--Community Service

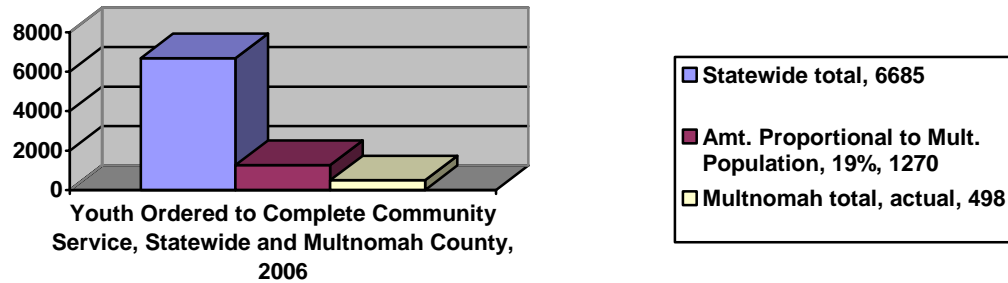


Source: JJIS data and evaluation reports

Having spent 14 years touting the success of their model, it will be extremely difficult for the management of Juvenile Services to look critically at the results of their policies. They are stuck promoting a brand of their own making, while ignoring evidence that it is an inferior product.

Crime Victims United believes that the policies of Juvenile Services have the clear effect of disadvantaging Multnomah County’s delinquent youth. Youth who should be given a clear and appropriate message that their behavior is unacceptable and then offered programs to change that behavior are instead allowed to continue a pattern of criminal behavior. Such policies are neither progressive nor compassionate. They are unacceptable and dangerous to youth and the community.

Measures of Accountability--Community Service



Source: JJIS data and evaluation reports

From every measure of accountability, responsiveness to community safety and mandating help for delinquent youth, the policies of Multnomah Juvenile Services fail the community and the youth who need to change if they are to avoid involvement in the adult criminal system. Early crime is too often ignored and consequences for serious crime are minimized. Therefore, fewer youth are in treatment and even fewer have been given credible reasons to change. This defines neither a good juvenile justice system nor one adhering to Oregon law.

Appendix 1: Letter from Director Scott Taylor

MULTNOMAH COUNTY OREGON

Office of the Director

**501 SE Hawthorne Boulevard, Suite 250
Portland, Oregon 97214
(503) 988-3701 phone
(503) 988-3990 fax**

June 4, 2008

Greetings Colleagues:

As the Director of the Multnomah County Department of Community Justice (DCJ), I have responsibility for both adult and juvenile corrections. I received the document recently distributed by Crime Victims United of Oregon (CVU), "A Report to the Policymakers and Citizens of Multnomah County." I believe the report draws conclusions far different than my experiences during my first 11 months as Director.

I have been working in corrections for over 30 years in Oregon. The last 18 years were with the Oregon Department of Corrections, having become an Assistant Director in 1995. I am very committed to the criminal justice system making the community safer and holding offenders accountable. I know those who work in Multnomah County share this value.

Contrary to the version noted in the report, our Mission Statement, which is on the county web site (<http://www.co.multnomah.or.us/dcj/vision.shtml>) states: "Our mission is to enhance community safety and reduce criminal activity by holding youth and adults accountable in a fair and just manner, assisting them to develop skills necessary for success, and effectively using public resources." I believe we can best impact community safety through the effective use of incarceration, supervision and treatment

Multnomah County has a culture that honors collaboration and few places demonstrate that more than the Juvenile Services Division (JSD). Representatives from every element of the system meet monthly to review the policies, budgets, programs and make adjustments in the system. While the CVU document paints a picture of a department acting in isolation, the fact is that all of the players (the Juvenile Justice Council, which includes the district attorney, judiciary, police and other stakeholders) have been at the table for the last 16 years.

This outstanding collaboration enables us to develop, implement and evaluate cutting-edge, evidence-based programs and approaches. All of the stakeholders involved have been continuously dedicated to our scientifically supported programs. Our extended collaboration with the Annie E. Casey and Robert Wood Johnson Foundations has indeed enhanced our national reputation for innovation, but more importantly assisted our county with increasing good public safety and community justice outcomes. To respond to CVU's concern that we have been "bought" by the Casey Foundation, it is notable that less than one percent of the annual county juvenile budget is provided by the foundation.

We continue to enhance our evidence-based practices in times of budget reduction. There have been eight straight years of budget cuts, resulting in the loss of over 52 FTE (down 21% since 2001) and almost \$10 million in general fund (a decrease of over 27% since 2001). Needless to say, the continuum of choices and programs has been dramatically reduced for both adults and juveniles. We have chosen to review the research data and support those responses which yield best public safety and reformation results.

We prioritize our budgeting approach and intensively supervise high-risk youth. We review research and data and support those approaches which are most effective. For example, the Centers for Disease Control and Prevention published a paper; "Strategies to Prevent Youth Violence," which notes that intensive family-based treatment "produced results more quickly and with one-third less reliance on incarceration" (CDC National Center for Injury Prevention and Control 2002, p. 50). Based on research and good practice, JSD has implemented treatment for high-risk youth.

The report takes issue with our development of a Risk Assessment Instrument (RAI) as part of a detention retention policy. The most recent version of this tool and its use within our detention policy continues to reflect reductions in new crimes by those released and in failure to appear rates. This policy and the revised tool has been reviewed by our Juvenile Justice Council and accepted. In fact, a publication by the US Department of Justice notes that "detaining youth in facilities prior to adjudication should be an option of last resort only for serious, violent, and chronic offenders and for those who repeatedly fail to appear for scheduled court dates" (Juvenile Justice Bulletin, September 2005, p.1).

In addition, our detention retention policy has worked to balance out the rate at which youth of color are disproportionately represented in our juvenile justice system. We have chosen a number of target outcomes (such as decreasing minority overrepresentation) and recognize that every element of the system may have one they prefer. However, we are pleased with our outcomes thus far.

The CVU report cites the "recidivism rate" used by the Oregon Youth Authority. In Multnomah County, a smaller percentage of the total youth population is placed on some form of supervision when compared to other counties. This means that those who have the greatest need for supervision end up being managed, while the lowest risk are not. Thus while we supervise a lower percentage compared to other counties, those we do supervise are more likely to recidivate due to our focus on the highest-risk offenders.

It is also true that 19% of referrals are dismissed by the DA with no charges filed. In most counties the rate is closer to 3-5%. Therefore, statistics which use a new referral as a measure of recidivism may be inaccurately portraying the net result of our supervision. Another way to measure recidivism might be the rate of placement with OYA, since that decision involves a judge, DA and defense attorney. When compared to all of the other large counties statewide, Multnomah has the lowest OYA placement rate per 1,000.

Multnomah County's Donald E. Long Home is one of the most expensive facilities in the state. This is primarily due to the economies of scale, construction debt and urban costs. We are thus faced with the choice of lowering the cost per head by increasing total numbers of youth held (and also having a higher total cost) or keeping the numbers effectively managed (and having a higher per youth cost). To date we have chosen the higher per youth cost and lower total cost model which has also resulted in the outcomes noted earlier.

As DCJ's director, I am always examining our performance, costs and relationships with our partners in our criminal justice effort. CVU's report has triggered a variety of conversations within our community. No matter our differences, respecting our colleagues is paramount. The report appears to be driven by a philosophical belief rather than reporting objective information. We have been portrayed as a program that does not understand the dual role we play. We clearly understand that we must hold youth accountable and when possible redirect them into positive community behavior. This balance requires continuous review of our practices and results. Our business does not allow the luxury of "either/or" thinking with regards to incarceration and community reintegration but requires us to balance accountability and behavior change to achieve quality long term public safety.

We can best impact youth and adults through the effective use of incarceration, supervision and treatment. I believe our efforts for continuous improvement and good outcomes will result in a safe, productive community.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott M. Taylor". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott M. Taylor, Director
Multnomah County Department of Community Justice

Appendix 2: Email from Assistant Director Dave Koch to employees

I've had a chance to review the report and am dismayed at the inaccuracies and mischaracterizations used to describe the important work conducted in Multnomah County's juvenile justice system. Despite efforts of various staff to provide current and accurate information, in many instances the authors chose not to include some materials (no reference was made to community service hours and restitution earned through Project Payback, or our array of treatment services and accountability programs), and simply offered interpretations supportive of their position. The misrepresentation of our detention screening practices is most disconcerting. There are however some grains of truth in the document that warrant further examination. Foremost among these are concerns expressed by Intake staff about the adequacy of safety plans and clarity of screening protocol. As well, the fact police officers reportedly have such little understanding of and confidence in juvenile justice is indicative of the need for greater educational efforts and examination of our policies in relation to their activities. Additionally, conversations with probation staff are necessary to ascertain whether our policies and practices are meeting needs of youth and practitioners. Clearly there's some work to be done in our working relationship with the district attorney's office - they and the police are critical partners in a system whose primary focus is community safety. These areas will be addressed in the coming months.

It's important to set the record straight on system reform efforts and resulting accomplishments. Our collaboration with JDAI has been a successful and rewarding experience; to characterize it as anything less does a disservice to the entire juvenile justice system. Multnomah County began its partnership with JDAI in 1994 and the system reform efforts have produced solid results: decreases in disproportionate minority confinement; reduced reliance on expensive detention through development of detention alternatives and use of objective risk screening tools/policies; and improved conditions of confinement. While the JDAI framework was developed by Casey, the local Juvenile Justice Council developed policies and pursued system reforms unique to and appropriate for this jurisdiction - a model that meets the needs of the local community, which does not compromise public safety. Moreover this partnership laid the groundwork for creation of a data system which allows us to evaluate impact of reform policies and make adjustments as necessary. All of these accomplishments are the result of talented and hard-working juvenile justice staff and system partners who care equally about holding youth accountable, providing opportunities for behavioral change and enhancing community safety.

Lastly, I am personally disheartened by references to concerns about retaliation. Comments like these emerge occasionally and are always perplexing because I can say with a clear conscience that I have never retaliated against any member of this staff. To the contrary I encourage open dialogue and communication, and seek to problem solve whenever issues are identified.

The Department in conjunction with the Juvenile Justice Council is preparing various responses for consideration by the media. Additionally we will be preparing a response to this report in order to clarify our practices, offer a different perspective on the data, and correct factual inaccuracies.