

Second Addendum to:
The State of the Multnomah County
Juvenile Justice System:
A Report to the Policymakers
and Citizens of Multnomah County

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Crime Victims United of Oregon

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POST-REPORT DEVELOPMENTS

On May 28, 2008, Crime Victims United released a comprehensive critique of the policies and practices of the Department of Community Justice Juvenile Services and its fixation on the juvenile justice model advocated by the Casey Foundation. This model sees juvenile detention as being seldom necessary and usually involving long-term and negative consequences to the juvenile offender. To avoid the use of detention extraordinary efforts are made to minimize enforcement of court-ordered obligations.

Our report (<http://www.crimevictimsunited.org/issues/juvenilejustice/multcoreport.pdf>) was data-driven and contained a number of specific recommendations. It was dedicated to a young man on probation who was murdered on the streets of Portland after his mother begged for him to place in a longer-term secure setting, but was refused due to the Juvenile Services and judicial imperative of keeping youth out of secure settings and in the community.

At the time the report was released, Multnomah County Commissioner, Lisa Naito, made a negative comment about the report, but also said that she had not read it. Later, she indicated that there would be a full hearing on the report. During the summer, however, it was decided that the matter would be heard by the Local Public Safety Coordinating Council (LPSCC). Crime Victims United was told that the Multnomah County Commission often relied on the recommendations made by LPSCC, and that the Council always had “open and frank discussions.”

On September 2, 2008, Crime Victims United used its allotted 15 minutes to give an overview of the report. Juvenile Services used its 25 minutes to give a presentation on new crime statistics. After the presentations, the District Attorney’s Office made supportive statements about the report and the need to respond to the recommendations. Following those comments, and without further discussion, Commissioner Naito said that the matter should be referred to the Juvenile Justice Council. Chair Ted Wheeler said that he agreed, and without a motion or vote, the matter was referred to the Juvenile Justice Council. No timeline or expectations were mentioned when the referral to committee was made. The Juvenile Justice Council has 50 members, some of whom, such as employees of Juvenile Services and contract providers for the department, might find it uncomfortable to candidly discuss the report.

Nearly 5 months after the report was released, there has been no substantive discussion of it in an open meeting.

Shortly after the report was issued, brief written responses were made by Dave Koch, Assistant Director for Juvenile Services, and Scott Taylor, Director of Community Justice. Based on those responses, Crime Victims United issued an addendum (<http://www.crimevictimsunited.org/issues/juvenilejustice/multcoaddendum.pdf>). That first addendum, among other findings, documented the relative lack of use of community service and restitution to victims by Juvenile Services. That issue, like the others raised in the initial report, has yet to be substantively addressed by Juvenile Services.

In the initial report, Crime Victims United reported that we attempted to survey the opinions of the Juvenile Court Counselors who function, in essence, as probation officers. That attempt was unsuccessful after a complaint was made to a commissioner's office. From contacts developed after the report was released, we were able to get surveys placed in the department mailboxes of the Juvenile Court Counselors. Prior to the employees receiving those surveys, however, most of them had been removed. Scott Taylor, director of the Department of Community Justice, wrote an e-mail to employees apologizing for the unauthorized mail and asking that they discuss any concerns they have about policies and procedures with management. It appears at this time that Crime Victims United will not have enough responses to make accurate statements and report valid results. What can be said, however, is that if the administration of Juvenile Services had faith in their employees, they would have little fear of the results of a survey, authorized or not.

CLAIMS OF CRIME REDUCTION

On September 2, 2008, the Department of Community Justice, at the LPSCC meeting mentioned above, released its annual "Juvenile Crime Trends and Recidivism Report" for 2007. The one-page executive summary of the 21-page report is a compilation of almost totally positive developments:

- Overall, the juvenile "crime rate" decreased by 11% in 2007, including decreases in assaults and sexual offenses.
- Property offenses decreased by 3%, with significant decreases in burglary and fraud/forgery.
- Drug offenses decreased by 31%
- Weapons offenses increased by 18%, the only negative statistic listed in the executive summary.

Based on these positive findings, Dave Koch, Assistant Director of Community Justice, touted the "Multnomah Model," which he said was being adopted by other jurisdictions throughout the nation. At another meeting in late September, the author of the "Juvenile Crime Trends" report said, in substance, that the trends are going in the right direction "which shows that detention reform works."

The report purports to be about juvenile crime, but in fact, the statistics document juvenile arrests. Implying an equivalency between juvenile crimes and juvenile arrests seems a curiously shallow analysis for a department with the resources to have a Ph.D. and two other research and evaluation analysts prepare a lengthy, chart-filled report.

To illustrate the problem with relying solely on arrests as an indicator of the level of crime, consider the following four questions:

1. What would happen to the number of juvenile arrests and the rate of recidivism (the percentage of youth referred in one year who are arrested the next year) if 25% of the county's law enforcement officers were fired?
2. What would happen to the number of juvenile arrests and the rate of recidivism if 25% more law enforcement officers were hired?
3. If there is an increase in serious crime, would the police give those crimes the priority over more numerous and less serious crimes?
4. Drug arrests decreased 31%. Does anyone seriously believe that felony drug possession, manufacture or dealing decreased 31%?

Since the number of arrests can be influenced factors other than the actual level of crime, it is misleading to use only overall arrest statistics to make general conclusions. Multi-year trends and comparison to statewide averages should be used extensively. Analysis of statistics that don't appear to fit the rise or fall of the raw arrest numbers should be a part of any report on crime trends.

An example of how arrest statistics might vary independent of the amount of crime is found in the original report on Multnomah Juvenile Services by Crime Victims United. In that report, a survey of police officers showed that 47% of the 255 officers responding to the survey answered yes to the following question: "Are there times when you don't write a report on a juvenile incident because you believe nothing will happen?" For those answering yes, 26% said that it happened "frequently," 61% "occasionally," and 13% "seldom." While this response has no comparative data to other counties, it certainly gives reason to look more deeply at the criminal arrest data.

The Department of Community Justice seldom compares itself to a statewide average, and never compares itself to a statewide average over a period of time, therefore statistics tend to be presented in isolation and not in a statewide context. When a comparative figure is given, it more than likely is a national average. To provide some statewide perspective, the following chart shows the history of juvenile arrests over the period of time from 2001 to 2007. The % column always refers to the percentage of change relative to the base year of 2001.

Figure A

**Seven Year History of Youth Criminal Arrests for Multnomah County and Statewide
Juvenile Arrests Since 2001**

	2001	2002	%	2003	%	2004	%	2005	%	2006	%	2007	%
Mult.	4069	3913	-3.8	4085	+.4	4004	-1.5	4105	+.8	4209	+3.4	3716	-8.6
State	28695	27064	-5.6	26252	-8.5	24723	-13.8	23845	-16.9	24268	-15.4	23381	-18.5

Source: JJIS Data and Evaluation Reports

- The absolute numbers presented here are not nearly as important as the change over time. Using the base year of 2001: Multnomah County has achieved a level of arrest reduction less than half that of the state as a whole, 8.6 % vs. 18.5%.
- In addition, Multnomah County had absolute increases in juvenile arrests for three of the six years that are compared to 2001. Its highest year for juvenile arrests was in 2006.
- In comparison, the statewide figures were highest in 2001.
- All six comparison years for the state showed a decrease from 2001.

What About Serious Crime?

In the “Juvenile Crime Trends Report” the executive summary discusses crime trends without mentioning an increase in both robberies and homicides, even though having the space to highlight a decrease in fraud and forgery arrests. The troubling statistics involving robbery and homicide are not mentioned until page 4, and there is no discussion or analysis of these crimes.

In its recommendations on the final page of the report, the only discussion involves the disproportionate percentage of African American youth in the juvenile offender population. The disproportionate number of African American victims of violent crime is not addressed. The long-term trend of robberies is not addressed, nor is the number of Measure 11 admissions to detention.

Both robbery and homicide had significant increases during 2007. Of the two crimes homicide is, of course, the most disturbing and devastating to families and the community. For any one jurisdiction in Oregon, however, the number of juvenile homicide arrests is relatively small. This leads to significant percentage increases if arrests increase by only 2 or 3.

Robbery numbers are far larger than homicides, making a statistical comparison year to year more accurate. Therefore, another way to put some perspective on juvenile criminal arrests is to look at robbery arrests. Robbery data are important for several reasons:

- All robberies involve at least two crimes— a violent crime through the use of force or threat, and the subsequent crime such as theft. Robberies reflect a reasonable approximation of the safety of the community. For instance, if property crime numbers are down, but robberies are up, the community is likely to feel less safe.
- No matter what jurisdiction, robbery is considered to be extremely dangerous and receives a high priority from law enforcement. There is likely to be little difference in the tolerance for robbery between urban and rural counties.

It is therefore informative to look at juvenile robbery arrests to see how they are trending in Multnomah County and statewide.

Figure B

Seven Year History of Juvenile Robbery Arrests, Multnomah County and Statewide

Multnomah’s Percentage of Statewide Juvenile Robbery Arrests

	2001	%	2002	%	2003	%	2004	%	2005	%	2006	%	2007	%	7 year average
Multnomah	101	36.6	102	39.3	89	38.3	110	42.6	76	38.4	112	48.9	117	47.3	41.6 %
Statewide	275		259		232		258		198		229		247		

Source: JJIS data and evaluation reports

The colored figures above represent numbers of juvenile robbery arrests for Multnomah (in red, top) and statewide (in light blue, bottom). Figures listed under %, represent Multnomah’s percentage of statewide juvenile robbery arrests. Multnomah County has 19% of the state’s overall population.

There are several significant factors about these data which once again use 2001 as the base year:

- Multnomah's juvenile arrests for robbery **increased** from 101 in 2001 to 117 in 2007, during this 7 year period, a 16% increase.
- Statewide, robbery arrests dropped from 275 in 2001 to 247 in 2007, or a **decrease** of slightly over 10%.
- Multnomah's share of juvenile robbery arrests increased from 36.6% of the statewide total in 2001, to 47.3% in 2007.
- Multnomah's highest robbery figure was in 2007.
- The statewide robbery figure was highest in 2001.
- In six of seven years, Multnomah County's share of statewide robbery arrests was more than twice its percentage of statewide population.
- Statewide robbery arrests were below the base year of 2001 in all 6 comparison years.
- Multnomah's robbery arrests were below the base year in only 2 years, 2003 and 2005.

Yet another way to screen for trends in serious juvenile crime in Multnomah County is to look at the number of youth booked into detention for Measure 11 crimes. These crimes represent the most violent of felonies. Robbery is one of those crimes, and like robbery, the other Measure 11 crimes are taken very seriously by the public and law enforcement in whatever jurisdiction they occur. This figure therefore gives the public and policymakers a way to gauge the actual level of violent juvenile crime. Comparing the trend of admissions to detentions for these crimes for the county and for the state as a whole, provides some context as to whether the county is actually making progress in reducing serious juvenile crime.

It has to be acknowledged that urban areas will generally be more violent than less densely populated areas. In evaluating the following chart, what is important is not the numbers alone, but the trend of the data, both statewide and in Multnomah County.

Figure C

**Six Year History of Measure 11 Admissions to Detention Statewide and
Multnomah County, with Percentage Change since 2002**

	2002	2003	%	2004	%	2005	%	2006	%	2007	%
Mult	79	109	+25	103	+30	83	+5	124	+57	126	+60
State	165	189	+15	165	0	136	-18	178	+8	187	+13

Source: JJIS data and evaluation reports

While the trend has generally been an increase in Measure 11 detention admissions both statewide and Multnomah, there has been a vast difference in the degree of the trend.

- Over the period of 2002 to 2007, the statewide admissions to detention for Measure 11 crimes have increased 13%.
- Multnomah had a rate of increase over 4 times that of the state - 60%.
- The state had one year which had an actual decrease from the base year of 2002, and one year equal to the base year.
- Multnomah County increased from the base year in all comparison years.

When Measure 11 arrests of Multnomah youth have increased so dramatically, especially when compared with statewide figures, there would appear to be reason to look quite seriously at how Multnomah Juvenile Services deals with juvenile crime in general. If Multnomah had just increased at the same rate as the state as a whole, the total admissions for Measure 11 crimes in 2007, would have been 84, rather than 126. That excess of 42 admissions is not just a number. It represents 42 or more additional victims of serious, violent crime. It represents 42 youth with criminal behavior so serious that they could potentially face prosecution in adult court and face periods of incarceration equal to that of adults. Those extra 42 seriously violent crimes help to degrade the community's feeling of security at home and on the street.

A FURTHER DETERIORATION IN PUBLIC SAFETY

A good example of the lack of responsiveness of Multnomah County to the issues raised in Crime Victims United’s can be found in the apparent decision of the Multnomah County Commission to close an additional unit in detention. The first report was issued in May of 2008. At approximately the same time as the initial Crime Victims United report, May 2008, the county appears to have determined that, notwithstanding the facts presented in the reports, detention admission practices were appropriate and that unused detention space could be safely eliminated. As stated previously, Juvenile Services fervently believes that “detention reform works.” Since detention reform means restricting detention admissions, more “reform” translates to less use of detention.

At the time of the first Crime Victims United report, Multnomah County had a detention facility funded for 80 beds. This figure, however, does not accurately reflect the space available to respond to serious juvenile crime. A more realistic view of the space available to respond to juvenile crime in Multnomah County has to include the following changes:

Funded Capacity (5, 16 bed units)	80
Contractually Obligated to Washington County	-14
Contractually Obligated to Clackamas County	-14
Youth charged with adult crimes (ranges from high teens to mid-20’s)	-20
Total available to Multnomah County for new law violations, probation violations, parole violations warrants, and violations of release agreements	32

Even this figure does not give an accurate view of the space that is generally available to deal with juvenile crime. The vast majority of serious crime is committed by males. Recognizing the seriously delinquent cohort of Multnomah youth in detention, however, existing policy requires that detained youth be segregated by gender. This is an admirable policy to maximize safety and security for females who are detained. The female unit, however, which comprises 16 beds, is seldom full. A rough average of unused capacity in the female unit is 6 to 10. Figuring the average female population at the higher end—9 beds, a working capacity to deal with serious juvenile crime is as follows:

Total available for Multnomah Youth	32
Average unused space in the female unit	-7
Average working capacity for Multnomah youth charged with juvenile crimes, probation violations parole violations, warrants and violations of release agreements	25

When Crime Victim United’s investigation began, it was common for detention to have 15-20 available beds, due to Juvenile Service’s restrictive policies for admissions. By the end of 2007, however, detention showed a significant rise in population. At the present time (September 2008), detention is full almost every weekend.

By far the most common reason to be booked into detention is to serve a court-ordered sentence of 8 days or less. Judges most often order youth to serve those days on weekends to minimize or eliminate the amount of school which is missed while the youth is in detention. It is not uncommon for youth to be scheduled for detention, but to have no space available. When that happens, the youth gets credit for the time ordered, even though it was never served. The citizens of Multnomah County have every right to wonder about the effect on changing behavior when delinquent youth get credit for time they never served.

Even with the most restrictive detention admission policies in the state, the current policy of giving credit where credit is not due, and the multitude of issues raised by Crime Victims United’s two reports, Multnomah County seems determined to cut detention space even further. According to numerous sources, Chairman of the Multnomah Board of Commissioners, Ted Wheeler, has stated to employees that an additional unit will be closed in January of 2009. An e-mail sent to the Chair to confirm or deny the report was answered in detail in a letter by Scott Taylor, Director of Department of Community Justice.

According to Mr. Taylor, the decision to close a unit was based on studies showing an average daily population of 64 in detention during 2007. The problems with that figure, which was based on the District Attorney independent review, are that:

- 2007 figures are being used to fund capacity in 2009
- In early 2008, Dave Koch, Assistant Director for Juvenile Services stated, in response to a question from Crime Victims United, that the detention population was currently “more often than not” above the previously cited figure of 64.
- In budget documents for 2008-2009, Juvenile Services asserts in its justification for a detention budget funding 80 beds, that the current 80 beds are utilized “at almost 100% capacity each day.”
- Sources within detention confirm that there has been a considerable increase in detention admissions during the first 8 months of 2008. The average now appears to be over 70.

Mr. Taylor states in his letter that there would be funding available "...for occasional opening of an additional unit based on population spikes." He further explains that Community Justice "...may well request funding to keep the unit open," if population forecasts warrant such action.

Unless the Multnomah Board of Commissioners decision is changed, however, the following would be the amount of space available to respond to serious juvenile crime in Multnomah County within the next 3 months:

With coed units:

Total funded capacity	64
Contractually obligated to Washington County	-14
Contractually obligated to Clackamas County	-14
Youth charged with adult crimes	-20
Space available for new law violations, violations probation, violations of parole, warrants and violations of release agreements	16

This figure is based on a rough average of Measure 11 defendants in detention. The figures below show the problems in maintaining gender-specific units under average assumption and if the average assumptions are inaccurate:

With gender specific units (average assumptions):

Total Funded Capacity	64
Contractually obligated to Washington County	-14
Contractually obligated to Clackamas County	-14
Youth charged with adult crimes (average)	-20
Unused capacity in female unit (low range)	-6
Space available for new law violations, violations of probation, violations, parole, warrants and of release agreements	10

With gender specific units (less favorable assumptions)

Total Funded Capacity	64
Contractually obligated to Washington County	-14
Contractually obligated to Clackamas County	-14
Youth charged with adult crimes (higher range)	-25
Unused capacity in female unit (higher range)	-10
Space Available for new law violations, violations of probation, violations of parole, warrants and violations of release agreements	1

Without a definitive explanation of how Multnomah County intends to deal with a potentially dangerous situation, it seems apparent that community safety has once again taken a back seat to the Casey Foundation-inspired imperative of reducing detention population. Having talked for years about the negative effects of detention, and its overuse, the department is now the victim of its own rhetoric. Unfortunately, the community which needs protection and the youth who need credible reasons to change have also been victimized by such rhetoric.

CONCLUSIONS

When the lead author of the “Juvenile Crime Trends” report said that “detention reform works,” her statement was woefully inadequate and communicated very little, other than her advocacy of the status quo. The Yugo was one of history’s worst cars, but it worked most of the time. The real question is: detention reform works better than what?

It seems apparent that the statement could not be made in that manner because the available evidence does not support any finding of superiority for the Casey Foundation-inspired detention reform model. On the contrary, using information on juvenile criminal arrests over a period of years, the “Multnomah Model” appears to be less than half as effective as the model adopted by the rest of the State of Oregon.

The “Juvenile Crime Trends Report” fails to make any analysis of the disturbing trends involving violent crime. Three highly qualified analysts put out a 21 page report purporting to be about “trends” but failed to make any effort to deal with evidence of increasing levels of violent crime. It is not out of line to speculate whether the mandate of the report was advocacy rather than analysis.

The problem with adopting and advocating for a particular orthodoxy is the difficulty in acknowledging systemic problems with that orthodoxy. It is even more difficult to take a candid look at problems when the department is showered with compliments and honors by the sponsors of the orthodoxy. Having people come from around the country, or going to other parts of the country to proselytize the “Multnomah Model,” must be a heady experience—one that is hardly duplicated when serious flaws have to be acknowledged. How could a spokesperson for the “Multnomah Model” be sent to a Casey Foundation sponsored site and talk about the fact that Multnomah County has decreased juvenile criminal arrests by less than half as much as the State of Oregon as a whole? How could that spokesperson talk about the sharp difference between statewide juvenile robbery arrests and Multnomah’s juvenile robbery arrests? How could that spokesperson discuss the fact that in 2002, Multnomah youth accounted for 48% of the state’s detention admissions for Measure 11 offenses, and in 2007, that figure was 67%?

As long as the policies and practices of Juvenile Services have to fit the outline of the Casey Foundation’s view of juvenile justice, the department will not be able to take a candid and in-depth view of where it is, and how to make positive change. Crime Victims United does not question that there can be positive aspects to the “Multnomah Model.” There is nothing wrong with questioning the number of detention admissions. However, that question should be paired with a healthy respect for community safety, an understanding of the dynamics of dealing with youth with seriously criminal behavior, and a willingness to look at the necessity of increasing detention admissions.

Although, as previously mentioned, we have insufficient information to comment in detail on the views of Juvenile Court Counselors, we do have adequate information to comment on the lack of real consultation with staff. Real consultation involves giving the staff, when appropriate, a chance to give opinions when that opinion might make a difference, as opposed to merely talking about policies that are actually not subject to significant change. An administration wedded to a particular philosophy, can hardly expect consistently good communication with staff.

Despite the entrenched views of top management, however, we know that there were some very significant employee meetings that resulted from the initial Crime Victims United report. At those meetings, a number of employees expressed opinions that were not particularly favorable to the status quo. Our information is that despite the candid nature of those opinions, no discernable changes have been made. If true, that would be the ideal environment for an even higher level of cynicism.

The reluctance to discuss issues is also shown in the fact that after 5 months since the Crime Victims United report was issued, there has been no significant discussion between the parties. The report will now be discussed by a committee of 50 (who are giving up their lunch hour to attend) with no stated instructions or timeline. The committee meets for an hour and a half monthly and usually has other agenda items. These facts are a recipe for inaction.

RECOMMENDATIONS

- The Board of County Commissioners should rescind its decision to close a unit in detention. During the last decade, Juvenile Services has already closed at least one general population unit. To close yet another at a time when, in the words of the Juvenile Services budget document, the 80 bed facility is utilized “at almost 100% capacity each day,” would make quite clear that community safety is a rather low priority. Considering the sort of serious and chronic crimes that do not presently get detention, it is irresponsible to consider cutting detention further.
- Juvenile Services needs to evaluate itself based on comparative data from the State of Oregon. A statement saying that the “crime rate in Multnomah County experienced a marked decrease of 11% compared to 2006,” is hardly the same as a statement saying that Multnomah County had less than half the arrest reduction of the state as a whole over a 7-year period. The former is generally accurate, although it conflates crime rate with arrest numbers and has no historical context. The latter statement is both accurate and more meaningful, as it gives both the benefits of context and performance over time.
- Any meaningful discussion of “crime trends” must explore statistics which do not necessarily support the argument that “...detention reform works.” It seems incredible given the increase in robbery, homicide and weapons offenses, that no attempt was made to analyze those disturbing increases and see whether they were one-year anomalies or a long-term trend.
- Crime Victims United believes that disproportionate representation of minority youth in the justice system is an important issue to address. However, equally important is the disproportionate rate of criminal victimization of minorities. Discussing the one without discussing the other elevates the needs of offenders above that of victims.
- The Department of Community Justice should allow Crime Victims United to survey the Juvenile Court Counselors. That survey can be conducted after consultation with Juvenile Services management regarding the proper administration of the survey. Juvenile Court Counselors must implement many of the variety of policies imposed under detention reform. Their opinions, if sought in a manner which gives confidentiality and the ability to give a range of opinions, will be invaluable in determining what positive changes are necessary.