

Report says Oregon's touted model for juvenile justice isn't working

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Clackamas County District Attorney John S. Foote and retired Multnomah County deputy district attorney Charles French have issued a report that concludes the Annie E. Casey model of juvenile justice in Oregon isn't working. They note Oregon's poor performance in reducing juvenile property and drug crimes. (*The Oregonian*)

Maxine Bernstein | mbernstein@oregonian.com By **Maxine Bernstein** | mbernstein@oregonian.com

Email the author | **Follow on Twitter**

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For years, Multnomah County has been hailed as national model for its handling of juvenile justice.

The **Annie E. Casey Foundation**, which has helped fund the county's effort to reduce juvenile detention and find alternative ways to respond to young offenders, describes Multnomah County as a "learning laboratory" for other communities.

But **a new report** by **Clackamas County District Attorney John Foote** and retired Multnomah County Deputy District Attorney Charles French argues that the Casey model – now adopted by 11 of Oregon's 36 counties -- isn't working.

They cite 2011 FBI and Oregon arrest figures that show the state has the second highest juvenile drug arrest rates in the nation and the 12th highest juvenile property crime arrest rates.

"Disturbingly, in the last 10 years, statewide juvenile drug crime arrest rates have increased significantly in Oregon while they have decreased significantly in the rest of the nation," **their report says**.

Foote and French contend the rise in juvenile property crime rates has occurred largely because the state has adopted a hands-off policy for juvenile drug offenders by not detaining youth on drug offenses, routinely closing their cases and taking no action when a youth is referred by police or other authorities.

That means kids are likely to keep offending until they do something more serious and face arrest, the prosecutors argue.

"The truth is the model has not worked the way it's supposed to," said Foote, who recently served as the lone prosecutor on a state Public Safety Commission created by the governor. Clackamas County is not one of the official Casey juvenile justice sites.

Oregon juvenile justice directors counter that the state's system is based on the best research-based practices and



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Clackamas County District Attorney John Foote wrote in the report: "We believe good public safety policy requires constant reassessment and improvement using the best, more complete data. We look forward to working with our colleagues in the system to make this happen."

Courtesy of John Foote

that state statutes direct them to use the "least restrictive" intervention to ensure youths appear for their hearings. Keeping youths out of detention results in better outcomes, they argue, and allows for better treatment opportunities.

They contend that it's unfair to measure their work by arrest rates and point to a dueling statistic that shows decreases in youths referred to the juvenile system.

"We questioned a number of assertions in the report," said Scott Taylor, director of Multnomah County's Department of Community Justice.

It comes down to a philosophical difference, he said: "Does more punishment and harsher response get you better results? Today we have enough data and research to say there's a smart, intelligent graduated response ... and they don't like it."

Yet Foote and French said they got their numbers from the state.

"All this data is their data, or from the FBI," Foote said.

French said juvenile referrals have dropped over the last 15 years for several reasons: "First, arrests have decreased, but arrests and referrals have decreased everywhere in the nation just as crime has decreased everywhere. The point is that Oregon's trends have been worse than the rest of the nation. Second, referrals have decreased because cops have given up on referring juveniles. "

French said the report attempted to compare Oregon's system to others in the country. "We do worse, even though we claim to be a model system. Our property crime rates are worse, our drug crime rates are worse and the trends in reducing crime from

those high levels has been no better than the rest of the country," he said.

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Juvenile Drug Abuse Arrest Trends 2001- 2011: Blue line represents U.S. arrest rate. Red line represents Oregon arrest rate.
Juvenile Justice in Oregon report

When someone under 18 is arrested for a crime and referred by police to juvenile authorities, three actions can follow: The case can be closed at intake with no further action by juvenile authorities; an offender can be supervised informally by the county's juvenile department without involvement of the court system; or youths can be formally charged in the court system.

According to the Oregon Juvenile Justice Information System, the state's database on juvenile cases, 34 percent of Oregon juvenile referrals are dismissed at intake with no sanctions or supervision. In Multnomah County, more than half, or 56.9 percent, of juvenile crime referrals result in immediate dismissal. In Multnomah County, no action is taken on 53.1 percent of juvenile drug abuse referrals.

Law enforcement officers, according to the prosecutors' report, have become so disillusioned with what they consider a toothless juvenile justice system that Portland police in 2011 made only 129 juvenile drug arrests that year, and only 79 youths in the entire county were referred to the juvenile department for drug abuse incidents, police and state figures indicate.

"The dynamics produced by lesser enforcement and lesser system involvement for juvenile drug offenders result in forfeited opportunities to treat juvenile drug addicts who are never introduced into the system," their report says.

Oregon juvenile drug arrest rates are second worst in the nation, French said, despite the fact that cops "don't arrest juveniles for drug offenses in the largest county in the state."

Taylor said he believes the figures are "skewed."

County juvenile authorities work closely with new Portland police recruits to establish new relationships and explain how their system works, he said.

"We're not hearing a total disillusionment with the way we're doing business," Taylor said.

Faye Fagel, the president of the **Oregon Juvenile Department Directors Association** and director of Marion County's Juvenile Department, said the association has not discussed the Aug. 27 report. But the association did provide a written response in April to a draft that the prosecutors distributed early in the year, which the Willamette Week wrote about.

The juvenile directors pointed to a 22 percent decrease in youths reoffending between 2000 and 2013.

"Detention reform initiatives have suggested that keeping youth out of detention facilities would facilitate better outcomes," the association wrote. They have relied on other resources, such as placing a youth on electronic monitoring or house arrest, to minimize detention stays, the directors said.

Yet Foote and French said the way the juvenile justice directors measure recidivism is faulty, and isn't any better than that of other states. Oregon's juvenile authorities look only at a 12-month period after a youth's first referral to a juvenile justice department, only consider referrals of youths to the juvenile justice system and not arrests, don't track youths who have turned 18 and may have been committed a new offense, and don't consider out-of-state offenses, the report found.

"We don't want to lock everybody up, but their ideology is so extreme," Foote said.

The report, citing Multnomah County budget documents, further states that the county's juvenile detention budget has increased from \$3.6 million in 1995, when there were 62 full-time employees in detention, to \$9 million for the next fiscal year with 70 full-time employees – at a time when the county was touting dramatic drops in its youth detention numbers.

Taylor contends the figures are wrong. He said he used 191 beds in juvenile detention and had about 100 detention employees in 1995. Today, he said he uses 64 detention beds and has about 60 employees. Some of the beds are filled, Taylor said, by Washington and Clackamas county juveniles.

"How could I be spending more?"

Foote and French recommend that Oregon counties ensure there are "early and certain" sanctions for youth offenders, that the state change its definition of "recidivism" for youths and bring it more in line with a national standard that tracks a three-year period, and send juvenile criminal referrals to not only county juvenile departments, but to district attorney offices for a collaborative review of each case.

Foote and French said they're hoping their report will generate a greater public discussion and deeper analysis of the state's juvenile justice system.

Taylor said he's open to a public airing of the juvenile justice system, but said he's disturbed they've gone to the press to air their findings.

--Maxine Bernstein

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