### Third Addendum to:

The State of the Multnomah County Juvenile Justice System:

A Report to the Policymakers and Citizens of Multnomah County

December 2009



Crime Victims United of Oregon <a href="https://www.crimevictimsunited.org">www.crimevictimsunited.org</a>
Ken Chapman
Juvenile Justice Policy Advisor

### **INTRODUCTION**

In 2008, Crime Victims United released three reports (available at <a href="www.crimevictimsunited.org">www.crimevictimsunited.org</a>) regarding the policies and practices of the Multnomah Department of Community Justice-Juvenile Services. The original report was a comprehensive review of detention practices and how the department's adherence to the anti-incarceration views of the Casey Foundation, a contributor of funds to the department, has led to its current practices which violate the spirit, if not the letter of Oregon law. Among other things, the report debunked the assertion by the Casey Foundation that detention is a dangerous place, by comparing the death rate within secure custody to that of the general population of adolescents. The report also included the results of a survey of 255 police officers in Multnomah County, which showed an overwhelming lack of confidence in Juvenile Services. To a question asking for a general assessment of the juvenile justice system in Multnomah County, 92% of the respondents answered "poor."

This report was dedicated to Davonte Lightfoot, a talented but troubled young man on juvenile probation who was murdered on the streets of Portland by another young man who was also on juvenile probation and had been released from detention following a robbery referral. Davonte had been continually recycled back into the community despite his mother's plea for a longer-term controlled setting and abundant evidence that such a placement was necessary.

The first addendum addressed statements made in the department director's letters to staff and other stakeholders following release of the first report. The report documented the failure of the department to make proportionate use of such juvenile justice basics as restitution and community service. While the department's response failed to address the data presented in the first report, it disagreed with the conclusions drawn from that data, and implied that the conflict was merely difference of opinion on the importance of incarceration as an effective tool in juvenile justice.

The second addendum responded to the department's press release touting a decrease in crime. Director Scott Taylor had previously been quoted as saying that the department's collaboration with the Annie E. Casey Foundation had allowed "....us to develop, implement and evaluate cutting-edge, evidence-based programs and approaches." To the contrary, the report included data showing that Multnomah County, even after 13 years of "cutting-edge, evidence-based programs and approaches", had continued to have disproportionate levels of serious crime, as shown by criminal arrests, robbery arrests and admissions to detention for Measure 11 offenses, i.e. A and B person felonies committed by youth 15 and above.

One result of the reports was an agreement between Crime Victims United and Juvenile Services to meet and submit a report about areas of agreement and areas of continued disagreement. The last meeting was held in February of 2009. Our assessment was that there had been little agreement in substantive matters, but that a joint report could still be helpful in clarifying issues. Crime Victims United contacted Juvenile Services in March of 2009 to start setting the parameters of the report. There was no communication between Crime Victims United and Juvenile Services until late November, 2009.

In April, however, Crime Victims United was made aware that Scott Taylor, Director of DCJ, had written a letter to a state legislator is an apparent attempt to get a budget note inserted which would allow the department to take over responsibilities for parole and probation currently held by the Oregon Youth Authority. This demonstrated what Crime Victims United believes to be irreconcilable differences between our organization and Juvenile Services, since the thrust of our reports was that Juvenile Services was not even adequately dealing with its current responsibilities. In addition, Juvenile Services had written the letter in February, and referenced a "prior telephone conversation" about the subject with the legislator. The Oregon Youth Authority was not informed of the letter until April. The lack of transparency was obvious. Crime Victims United took a visible role in opposing the back-door maneuver which would have had statewide consequences. The attempt by DCJ was not successful.

Crime Victims United was also struck by the fact that Juvenile Services had, by attempting to take over Oregon Youth Authority responsibilities, violated its previous co-management agreement with the agency. In that agreement both parties agreed, among other things, to "...respect each agency's roles and responsibilities." Further, both agencies agreed to "...continue building a sense of teamwork." Clearly, Juvenile Services showed a highly flexible sense of commitment to this written agreement with a state agency.

Another notable development in the last 6 months has been the closing of one 16 bed unit in juvenile detention. Although the move was made due to deteriorating budget resources, it should also be acknowledged that for 14 years, Juvenile Services has been talking about the negative effects of placing youth in detention. It seems only logical, therefore, that the Multnomah Board of Commissioners would see detention as an appropriate budget item to cut. Indeed, material presented to the Local Public Safety Coordinating Committee in September of 2008, was a virtual invitation to close detention. After asking the question "Why does Multnomah County engage in detention reform?" Juvenile Services asserted the following as the consequences of detention on youth:

- More likely to reoffend
- More likely to be committed to state care
- More likely to be unemployed
- More likely to not return to school
- Detention may make mentally ill worse.

If juveniles sent to detention have worse outcomes than those who are not sent to detention it is because they were higher risk to begin with. There is no justification for attributing negative outcomes to detention itself, other than to parrot the anti-incarceration views of Juvenile Services management and the Casey Foundation. If Juvenile Services actually believes these bogus statements, why have detention for anyone?

For a more complete discussion of the amount of space actually available to deal with juvenile crime, refer to the Second Addendum, pages 9-12, available at <a href="www.crimevictimsunited.org">www.crimevictimsunited.org</a>. Since closing a 16 bed unit in juvenile detention, a number of serious offenders have had to be released early. While Juvenile Services uses the figure of 64 beds as the funded capacity of detention, 28 of those beds are contractually obligated to Washington and Clackmas Counties. Of the 36 beds for use by Juvenile Services, 16 are for girls, and usually only half of those beds are filled. Of the remaining 20 beds, there are normally 15-25 male youth awaiting Measure 11 charges in adult court. At the current budgeted level for detention, Juvenile Services has very little ability to respond with appropriate levels of secure detention, even if department management agreed that such detention space was needed and not harmful to youth.

Ken Chapman, Juvenile Justice Policy Advisor Crime Victims United

### **THE GOOD NEWS**

During 2008, juvenile criminal referrals in Multnomah County declined .4% from the previous year. The decrease from 3717 to 3707 was the second year of decline from an eight year high in 2006 of 4209. Within that raw number are some hopeful and significant declines in particular categories. Person crimes decreased by 8%, due mainly to a significant drop in assault referrals. Assaults were down by 11%, from 630 to 555. Publicly available data, however, do not distinguish between felony and misdemeanor assault. Since reports of misdemeanor assault can reflect the availability of police to take a report and the expectation of the reporting party of action or inaction, the significance of the numbers is subject to various interpretations. A decrease in felony assault would be a more definitive indicator of a decrease in violence. Whatever the breakdown, however, a decrease must be looked at favorably.

There was a notable decrease in a number of property crimes, including an almost 50% drop in arson referrals from 35 to 18, and a 17% drop in burglaries. The publicly available data on burglaries do not differentiate between burglary of a business and the more serious residential burglary. A decrease in residential burglary would have a greater impact on community safety.

One of the more positive statistics was a 20% decrease in weapons violations from 120 to 97.

### THE BAD NEWS

While there is good news regarding juvenile criminal referrals in Multnomah County for 2008, there is even more bad news, both immediately and long-term.

- While juvenile criminal referrals dropped slightly less than one half of one percent in Multnomah County, juvenile criminal referrals in the State of Oregon dropped 5%--ten times more than in Multnomah County
- Homicide referrals increased from 11 to 18, the second highest figure during the last 10 years.
- Theft was up significantly by slightly over 10%. The State of Oregon as a whole had a 2% increase in juvenile theft referrals. Without the increase in Multnomah County, the state's theft figure would have declined.

Criminal statistics can vary from year to year. Last year criminal referrals declined more in Multnomah County than in the state as a whole. By far the most accurate data are those accumulated over time when given a point of comparison. For instance, a drop in juvenile criminal referrals of about one half of one percent would seem a positive development until compared with the statewide drop

of 5%. When crime statistics are given context and presented within a significant time frame, there is reason for Multnomah residents to be concerned. In the second addendum, a chart was presented with a 7 year history of criminal referrals in Multnomah County and statewide. Here is the chart updated with the 2008 statistics.

Chart A

## Eight Year History of Youth Criminal Arrests for Multnomah County and Statewide Yearly Percentage Change since 2001

		2001	2002	%	2003	%	2004	%	2005	%	2006	%	2007	%	2008	%
M	ult	4069	3913	-3.8	4085	+.4	4004	-1.5	4105	+.8	4209	+3.4	3717	-8.6	3702	-9
St	ate	28695	27064	-5.6	26252	-8.5	24723	-13.8	23845	-16.9	24268	-15.4	23381	-18.5	22296	-22

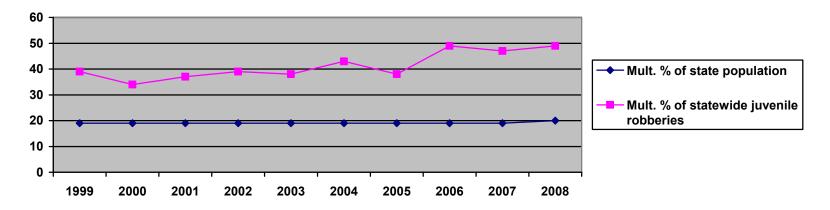
Source: JJIS Data and Evaluation Reports

Compared with the base year of 2001, Multnomah has underperformed the state in all but one year, 2007. The cumulative reduction in juvenile criminal referrals over time shows that statewide referrals have decreased 22%. By contrast, Multnomah County's juvenile criminal arrests have dropped less than half as much -- 9%. All of the covered years are long after Juvenile Services began touting its detention reform success. Indeed, these are all years when Multnomah County made itself available as a destination resort for other jurisdictions looking to adopt the Casey/Multnomah model.

Another way to look at the performance of a county juvenile justice system is to examine the most serious referrals, which are also those that are reported most consistently. Numbers are not as important as percentages. For instance, it means little to say that Multnomah youth had 107 robbery referrals in 2008, unless you know that the total for the entire state was 218. The figure becomes even more informative, if you are aware that Multnomah County had 20% of the statewide population in 2008, but accounted for 49% of the statewide juvenile robbery referrals.

The following chart shows a ten year history, giving Multnomah County's percentage of statewide juvenile robbery referrals and the county's percentage of statewide population.

Chart B
Multnomah County Percentage of State Population versus Percentage
Of Statewide Juvenile Robbery Referrals 1999-2008



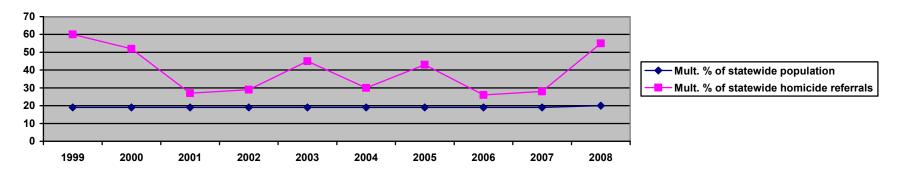
Source: JJIS data and evaluation reports.

The ten year average for Multnomah County's proportion of the state juvenile robbery referrals is 41%. More troubling is that the rate during the 99-03 period was 37%. The rate for the 04-08 period was 45%, a significant increase in Multnomah's proportion of robbery referrals as the Casey model was fully implemented and widely touted.

Homicides are even more accurately reported than robberies. Homicides, however, involve lower numbers and can vary significantly over time. Most counties have so few juvenile homicide referrals that comparing their numbers would be meaningless. Multnomah County, however, has enough referrals that it is possible to look for trends, or the lack thereof.

Over a ten year period, Multnomah County had an average of just under 40% of the statewide juvenile referrals for homicide. Its highest year was 1999 at 60%, followed by 2008 at 55%. Its lowest year was in 2001, with 27% of the statewide juvenile homicide referrals.

Graph C
Multnomah Percentage of State Population versus Percentage of Statewide
Juvenile Homicide Referrals, 1999-2008



Source: JJIS data and evaluation reports.

It should be especially troubling to the citizens of Multnomah County that there is <u>no other county in the state</u> that so consistently has disproportionate percentages of robbery and homicide referrals. If the "Multnomah Model", as Juvenile Services likes to refer to their policies, is a better way to conduct the business of juvenile justice, there would, after 14 years, be clear evidence to justify that claim.

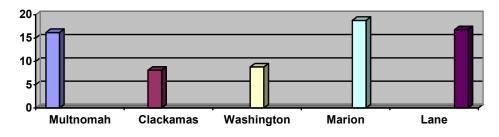
# DOES POVERTY CONTRIBUTE TO THE POOR PERFORMANCE OF MULTNOMAH COUNTY?

Most people assume that poverty is a major contributing factor to crime. While poverty is a risk factor, economic factors are only part of a very complex picture. In Oregon, the highest unemployment is in the eastern counties, where unemployment can go over 17%. These counties are not known for their disproportionate rate of violent crime. From 1960 to 1985, Oregon and the United States experienced huge increases in violent crime rate while per capita income grew steadily, making any argument for simple causation between poverty and crime problematic (see <a href="http://crimevictimsunited.org/measure11/presentation/pdf/per capita income.pdf">http://crimevictimsunited.org/measure11/presentation/pdf/per capita income.pdf</a>).

For the more populous counties in Oregon, there is also a lack of correlation between poverty and crime. The largest county outside of the Willamette Valley is Jackson County (Medford), which takes a far more robust response to juvenile crime than Multnomah County. Jackson County continually suffers from an unemployment rate which is significantly higher than that of the other large counties, and generally has higher levels of poverty and families and children living in poverty. There is also a significant population of Hispanics who are disproportionately poor and underprivileged. Despite these economic factors, over the past 10 years Jackson County, with approximately 5% of the state population, had only 3 homicide referrals, or slightly over one percent of juvenile homicide referrals. The statewide total during that period was 289. Multnomah County's total was 116, or 40% of the statewide juvenile referrals

Chart D

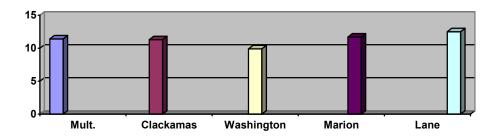
### Percentage of Children in Poverty for Five Largest Oregon Counties



Source: U.S. Census, 2000

Chart E

#### **Unemployment Rate, July 09 for Oregon's 5 Largest Counties**



**Source: Oregon Employment Department** 

For the five largest counties in Oregon, Multnomah's levels of economic well-being tend to be generally in the middle. Clackamas and Washington counties have lower levels of poverty, but Lane is marginally higher in poverty levels than Multnomah and Marion is several points higher. Neither Lane nor Marion have consistently disproportionate levels of violent crime.

The employment rate also places Multnomah essentially in the middle of the pack when comparing Oregon's five largest counties. Washington County had the lowest rate. Multnomah, Clackamas and Marion were within a tenth of one percent of each other and Lane had the highest unemployment.

There is no clear relationship between economic factors and crime as the only variables, which is demonstrated by the fact that juvenile crime in Oregon decreased during 2008, a time of economic recession.

### **WHAT ABOUT RACE?**

A comprehensive discussion of the role race plays in crime is beyond the scope of this report and the expertise of the writer. It must always be acknowledged that racism cannot be dismissed as a factor in the causes of crime. However, it should also be recognized that Multnomah County appears to make disproportionate representation of minorities in the justice system a greater priority than the reduction of crime itself. Despite making disproportionate representation such a priority issue for the past 14 years, there is no evidence that it has made any difference in crime or in the number of youth of color who are referred to the justice system. On the other hand, Juvenile Services appears to show no interest in the disproportionate representation of minority victims in Multnomah County.

Crime Victims United believes that a culturally appropriate approach to crime is important, however, all delinquent youth, whatever their racial or ethnic background, respond to realities on the street. If the response of Juvenile Services lacks credibility, it matters little whether that response is culturally competent.

### THE TROUBLING NEWS

Throughout the written material provided by both Juvenile Services and the Casey Foundation, the phrase "data-driven decisions" is common, giving the impression of crime-fighting precision that adapts quickly to objective evidence. It is therefore ironic, but predictable, that Juvenile Services never responded to the data provided in the prior three reports, which contained over 30 graphs detailing the sub-par performance of Juvenile Services.

Juvenile Services' lack of interest in inconvenient data is hardly unique. After the original report was released, the data was ignored by the Chair of the Multnomah County Commission, Ted Wheeler, who continues to support the current policies of Juvenile Services. Another commissioner, since retired, responded to the original report by stating that detention wasn't the answer, an assertion that was never made in the report. An Oregonian editorial supporting Juvenile Services, dismissed the report as "more heat than light," and never addressed the data which supported our conclusions and recommendations.

<sup>1</sup> On August 21, 2009, in an op-ed in the Oregonian regarding youth and gang violence in Multnomah County, Chair Wheeler said "First we need to question our assumptions about youth violence." We couldn't agree more.

Juvenile Services has adopted an orthodoxy of limited intervention, minimal accountability and drastically reduced use of detention, rather than the goal of reduced crime and community safety. Having adopted that philosophy and made continual assertions of its superiority, it seems impossible for Juvenile Services to fundamentally question its assumptions. It is even more difficult when those in positions of power and influence also seem to lack an interest in outcomes over the past 14 years.

The data are clear and the conclusion inescapable: Multnomah County's response to juvenile crime has not worked effectively. In an eight year period, Multnomah County reduced juvenile criminal referrals <u>less than half as much</u> as the state as a whole. It continues to have levels of robbery and homicide referrals which are highly disproportionate to its share of the state population. That sub-par performance is not just objective data, it represents victims, a community less safe than it should be and far too many youth not given credible reasons to change their behavior.

Fourteen years after adopting the Casey Foundation's view of detention as a negative and ineffective tool in juvenile justice, and employee discretion as incompatible with detention reform, Juvenile Services continues to embrace the Casey Foundation's child welfare view of juvenile crime, rather than the accountability and community safety model enacted into Oregon law. While large metropolitan areas with relatively dense population are likely to have disproportionate amounts of crime, there is no acceptable reason why the percentage reduction of crime statewide cannot be matched in Multnomah County. Until Juvenile Services seriously questions its assumptions, policies and procedures, the current trends will likely continue. More importantly, delinquent youth will continue to be disadvantaged by responses which lack credibility and effectiveness, and the community will be less safe.

At one of the meetings between Crime Victims United and Juvenile Services, there was a discussion regarding a recommendation in the first report that Juvenile Services management abandon its top-down management style and give staff more discretion and input into decisions. Scott Taylor, Director of the Department of Community Justice, by way of rejecting the recommendation said that "...we like our results." We believe that the citizens of Multnomah County when presented with objective data will see it differently.