

Juvenile Justice Symposium “Risk-based System” Workgroup

Meeting Minutes

April 13, 2010

9:00 am – 12:00 pm

Hillcrest Youth Correctional Facility – Administration Conference Room

Members attending in person:

Jeff Milligan, CEOJJC, Sponsor
Steve Doell, Crime Victims United
Troy Gregg, Oregon Youth Authority
Angelina Hinojos, Oregon Youth Authority
Michelle Maher, Lewis & Clark College
Donna McClung, Oregon Youth Authority
Karen Nibler, League of Women Voters of Oregon
Debra Patterson, Crook County Juvenile Department

Members attending by phone:

Staci Erickson, Baker County Juvenile Department
Dave Koch, Multnomah County Juvenile Department
Judge Nan Waller, Multnomah County Circuit Court

Members unable to attend:

Ellen Crawford, Clackamas County Juvenile Department
Wendy Hull, Washington County Juvenile Services
Liz Rehmel, Confederated Tribes of the Umatilla Indian Reservation

Others in attendance:

Helen Hoang, OYA Public Policy & Government Relations Manager
Cherie Lingelbach, OYA JJIS Policy & Standards Coordinator
Amanda Lowe-Davies, OYA Communications & Government Relations Assistant
Dr. Shannon Myrick, OYA Facilitator

Items of Consideration Specific to the “System Resources” Workgroup:

- Risk based versus offense-based system
- Youth accountability in risk-based system
- Measuring system effectiveness (costs and outcomes)
- Treatment around youth’s risk/needs
- Crime victims groups may not be in favor of risk-based systems, however, in juvenile cases there may be more exceptions
- Defining and measuring recidivism
- Access to timely and effective intervention/correctional treatment to address criminogenic risk factors

Items of Consideration to be Incorporated into All Workgroups:

- Data-driven
- County/state roles
- Gender issues
- Victims
- Disproportionality/over-representation of minority youth in the system
- Gangs
- Brain development/research (impulse control, cause-effect)

MEETING AGENDA

1. Understand Background and Directive from Steering Committee
2. Come Together as a Group
3. Clarify the Deliverables
4. Identify What is Needed to Accomplish Goals
5. Outline Process to Achieve the Goal
6. Clarify Issue Statement
7. Defining Areas of Agreement/Non-Agreement
8. Closing and Next Steps

Jeff Milligan welcomed the group to the meeting and talked about the background of the summit and workgroups. He talked about the forum that was held on March 16th and how the themes of the workgroups were formed from that discussion.

This workgroup will focus on how risk-based concepts can best be incorporated into the juvenile justice system.

Jeff gave a brief background and the purpose of the Juvenile Justice Summit Steering Committee and its members; in addition, he explained the differences in the four workgroups and the charge of each individual group.

The group gave introductions and explained their interest in participating on this workgroup.

Helen Hoang provided packets of printed material, which included detailed information with regard to statistics and the overall subject of youth offenders. All members present received this packet of information; packets will be mailed to members not attending in person. Cherie Lingelbach briefly went through the information contained in each packet.

Michelle Maher asked if the data can be broken down by county youth, not just OYA. Cherie noted that the OYA risk profile can be broken down, but the county youth is more difficult because, while all counties use the JCP Risk Assessment, there is not a standard for when the assessments are conducted beyond the first face to face contact. Developing a current profile with potentially antiquated risk assessments is likely to be inaccurate.

Michelle asked if closed custody is excluded from the recidivism measures. Cheri explained the different recidivism measures that are used for different populations. Recidivism for the county referral cohort is measured using the 12 month referral based indicator and close custody youth, along with any detention based youth care center youth are included in the cohort. On the other hand, OYA's cohorts are measured using the 36 month felony adjudication measure, and the cohorts are separated into youth placed on OYA probation and youth released from Close Custody on parole. This approach controls for time in close custody.

Steve Doell asked how it is measured when a youth commits a crime within the facility. Cherie said if a police report is filed and a new referral is entered and adjudicated, it is counted as a new crime from the point of parole. If a police report is not filed and the youth not adjudicated on the behavior, it wouldn't count toward recidivism.

Jeff brought the group focus on four themes: Focus vs. time limits, system realities, common areas all groups are looking at, and the need to focus on action recommendations. He noted that there will be time between meetings for people to work on and develop things brought up in meetings, but the time is very short before the summit.

Jeff handed out the juvenile justice code and an overview of the workgroup.

The juvenile justice system is different than the adult system. There have been comparisons between the two in terms of cost. There has also been talk about DOC taking on all corrections, including juvenile, and dissolving OYA.

Jeff explained further about the concern surrounding the “adulthood” of the juvenile justice system. He also touched on crime victims and how they fit into this workgroup’s theme.

There is also the reality of future reduction of beds throughout the state.

In 2003, the legislature reduced beds in OYA by 40%. Since then, counties have been managing close to the same number of kids as OYA. Low-risk youth were moved to the counties and the high-risk youth remained in OYA.

Jeff brought up SB 267 and how it covered not only evidence-based practices but also cost effectiveness. If the legislature cuts back resources, they will not cut back on this area.

Jeff went on to address gender and ethnicity issues, and how disproportionality reflects not only in the offender population, but also when looking at crime victims.

Shannon Myrick asked each member of the group to explain how they got here today. She noted that she is here to facilitate.

Karen Nibler said she was asked by her lead office to represent at this group.

Michelle said that disproportionality is a focus for her.

Angelina Hinojos said that being part of OMS, there is a focus on the disproportionality, as well as working with victims and gender-specific issues.

Donna talked about her work as a parole supervisor with eight different counties and developing consistency.

Steve said he was here for several reasons. To make sure that whatever is decided, crime rate must be driven down. He pointed out that Oregon now has historically low crime-rates and he is concerned that there may be a return to 20 years ago, when they were much higher. He also wants there to be a focus on victim disproportionality. He is also concerned that risk will become more important than crime or behavior.

Debra Patterson is part of the Steering Committee and is acting as a representative for juvenile directors in the state.

Judge Waller is also on the Steering Committee and has been involved in the juvenile system for more than 20 years. In Multnomah County, they do focus on risk and she believes they are doing well. She is focused on measuring recidivism and reducing the risk of future crime.

Staci Erickson is here to look at the financial issues. She also wants to look at crime rate.

Dave Koch is interested in the definition of recidivism and how to improve on that. He is also concerned about responding to offenses and behavior that triggers criminal behavior. He wants to look at what to do with scarce resources; looking at what makes the most sense on making informed decisions with the resources we have available.

Troy Gregg received an email request to join one of the groups. He has been involved with juvenile justice since 1991 across the state. As superintendent of Hillcrest, the intake center for OYA, risk is very important. Mixing high-risk with low-risk kids increases the risk of the lower group. He wants to look at how to enable youth to be successful. He appreciated Steve's comment about crime and ensuring they do not commit crime again when they get out.

Karen noted that when she left the juvenile justice field, Measure 11 had just started and she had questions of how these youth would be handled. She would like to see the district attorneys have some evaluation tool in putting youth in the adult system. There should be a more accurate tool in assessing that.

There was discussion about Measure 11 crimes and their severity.

Michelle said that in the move toward risk-assessment, the system is doing its best to identify the highest risk to reoffend. She would like to know among those non-high-risk youth, how many reoffend. What are their conditions and demographics? She touched on identifying risk accurately. What are the demographics and what is missing in the risk assessment? The data is available. Cheri responded that these are big research projects to look at the JCP assessment and

refine that data. Michelle noted that many risk factors are not created equally, yet they are all treated the same in the assessment. She talked about sex offenders and young women and how the assessments should be more comprehensive for those groups. Cherie agreed and noted that while the JCP weighs all risk factors the same, the OYA RNA does not.

Troy noted one of the challenges is there are so many people doing assessments across the spread of the system. How do we get more uniformity?

Jeff told the group that he is here because he works a lot with rural communities and wants to make sure they have access to basic services like the larger urban areas have. There is increase in gang activity in counties. Looking ahead, the system will be readjusted significantly in the next session given the economy and new governor. We have a chance in this group, as well as the other workgroups, to help form the system in the next session.

Karen offered that it could be like in the adult system, some offenses are served on the local level and more serious offenses are served in OYA.

Michelle noted that New York City is moving toward a school-based model, keeping kids in school and increasing contact time with the youth. She talked about that model. They've moved juvenile justice under their child welfare agency.

Shannon noted there is a shared theme of why everyone is here: assessing risk and reducing crime.

The group shared personal examples of events in their life that help bring them to the table today.

One of the things Shannon wanted to focus on is finding out what the product of the workgroup will be. Helen noted that the Steering Committee will be meeting on April 30th and they will be reviewing the first round of workgroup meetings.

Shannon suggested that the group talk about who is missing from this conversation. District attorneys, law enforcement, and DOC were all recommended. Judge Waller has been working with some of her contacts to generate more participation.

Steve recommended contacting Rod Underhill and John Foote for the district attorneys. For law enforcement, he offered Rob Gordon in Washington County and their lobbyist, John Powell. For chiefs of police, Steve offered to contact Kevin Campbell.

Angelina offered to contact Maria Palacios.

Troy suggested having an OYA staff from Hillcrest's intake that actually performs the risk assessments. He will assign a staff to join the group.

Dave Koch suggested Juliette Mackin, who has an extensive knowledge of constructing the JCP, and Robert Barnoski, a Washington State Institute for Public Policy retiree who designed the RNA. Dave will make those contacts.

Shannon encouraged the group to think about debriefing these people on what we're expecting from their input.

Shannon brought back Michelle's point of having more data on non-high risk youth who reoffend. She asked the group what other resources or data is needed. Karen responded by requesting drug use information, including high-risk reoffenders and how they match with alcohol and drug data. Cherie talked about the information available on that issue, and the group discussed.

Jeff pointed out that you can have a high-risk youth, but through good treatment and supervision, he becomes low-risk. He talked about interventions and how the youth can often fail without them.

Shannon said that there is a secondary set of questions around doing the right thing once the risk is assessed. Jeff noted that it depends on many factors. We call kids high-risk without looking at a variety of factors. High-risk can mean many things.

Steve asked what the group is truly trying to accomplish – looking just at the risk-factors or at the crime. He asked what happens when a youth from a good neighborhood and background commits a crime, and when you have a minority youth from a bad neighborhood and background that does the exact same thing.

Michelle said that corrections have lost significant funding and in an effort to make it more fair, the risk assessment was developed. What happens is that the focus is moved away from preventing crime to moving services to high-risk youth. The neighborhood that a youth lives in is a risk factor. She is concerned about the fallout on the other side. She feels the focus of the group should be to make sure that youth don't slip through the cracks.

Staci noted that in a small county, the community perception is a big deal. When a youth commits a serious crime, he is sent to closed custody.

Debra said that community norms and family are looked at in her county and are heavily considered in the court system. Risk factor numbers aren't really emphasized.

Troy said that resource-wise, two years can be very different than it is now. The reality is that if OYA had 1,200 beds, there would be 1,200 youth locked up. We don't have that many beds, so we use the risk-assessments to determine which kids are the most appropriate to stay or go. OYA must use the resources they are given.

The group discussed risk-assessment tools outside of OYA and how to make sure youth get the services they need. There was discussion around sending youth to OYA or sending youth to services in the community.

Debra talked about Crook County's use of a community resource team, which consists of OYA, school, law enforcement, etc. The decision is made as a group looking at the individual youth.

Jeff noted an area of concern in rural communities is the standardized risk levels, as they may be very high in urban areas. Crime is very visible in small communities. He talked about what the counties and communities consider.

Michelle noted that the restorative justice system sometimes has a lot of possibility. Youth is more on the line in small communities.

Steve talked about a study on risk he saw a few years ago. He talked about associations (peer groups, gang involvement) and how that is often considered a risk factor. There are a number of cases that if the bad associations weren't there, the youth would have been better off. Cherie noted that current anti-social friends and associations is a risk-factor in both the RNA and the JCP.

The group discussed what the topics of focus are. Dave talked about community placements and OYA placements, and reducing risk-factors. Once a youth gets into closed custody, what is the evaluation that drives the parole decision? How is a determination made about the level of supervision and when does the parole end? He would like a very systemic look at how these decisions are made.

Karen brought up sex offenders and how they are evaluated when they come into the system. Jeff noted it is really about understanding what kind of youth they are.

Cherie asked how to evaluate if a youth becomes low-risk through interventions. Are there systematic ways to measure this on the county-level? Currently OYA does not reassess risk but evaluates progress by competency development through ratings.

Jeff talked about recidivism and measuring success.

Michelle suggested looking at the accuracy of the risk-assessment tool. Cherie said that there was an evaluation that validated OYA's use of the tool and she can provide that to the group. Michelle said that if it is 60% effective, who is it not effective for – who is being missed?

Angelina noted that families are unaware of what these risk-assessments are and we are lacking assistance in these tools from communities of color. Monolingual families are often not as involved. She talked about examples of how many minorities don't have the money to be able to avoid being put into the system. The group discussed the need for culturally-relevant services and understanding.

Jeff asked how we use that information as it relates to case planning.

Steve expressed concern about taking behavior and turning it into a subjective issue; using risk-factors instead of looking at behavior and crime. He noted that Measure 11 has in some ways leveled the playing field. There is a standard sentencing for all offenders of a certain crime, regardless of race or wealth.

The group discussed the system before and after Measure 11.

Angelina brought up gender-specific issues and gender-appropriate placements. Michelle noted that cultural- and gender-assessments and interventions are very important.

Steve said he was concerned that law enforcement did not attend. He handed out a letter to the group addressing their concerns and several reports commissioned by Crime Victims United. It talks about the risk-based system. He talked about specific examples of looking at risk instead of crime.

Jeff asked to go around the room one more time for parting comments. This is a complicated subject as there are many issues.

Karen said the League of Women Voters of Oregon know that the financial situation will determine what happens to the system. She noted it is important to use the resources wisely.

Michelle said it is very important to be cautious on the use of the risk-assessment. We're doing what we say we're doing in the right spirit. She is an advocate for less computer work and more human contact.

Angelina said that at the last Governor's Summit, they talked about participating in other groups outside of the summit. She wanted to make sure that DMC was discussed in this workgroup. As a member of the Latino community, she advocates for equal services. She hopes there are more community members working in the juvenile justice system that will participate. She recommended Dr. Briggs, who is a member of the OYA African American advisory committee, be asked to participate.

Donna said it is critical to look at the whole continuum and the decisions being made. She noted there is so much subjectivity in determining what happens with a youth. With limited resources, how do we decide who goes where? She was involved in a workgroup where they looked at a hypothetical youth and used risk-assessment in placing that youth. Everyone came back with different decisions.

Steve said that Crime Victims United is not about locking youth up, but they do want to prevent future victimization. Lower recidivism means fewer victims and lower crime rates. He noted that we are the only state in the US that uses evidence-based practice. He thinks we should go beyond evidence-based and use scientifically, rigorously evaluated programs that work. Jeff offered that we should also pay attention to victims and how they are treated in the process. Sometimes when victims are involved in the case-planning, it can add another level to humanizing the crime for the youth.

Debra said she is passionate about this topic. She has seen resources come and go, and she wants to be part of designing the changes that comes.

Cherie noted there should be some clarification on what we look at in assessments to make sure everyone understands their content. She also suggested that the concepts of risk and crime are not mutually exclusive. Both risk assessments used in Oregon include the frequency and severity of criminal behavior at risk factors. Troy's offer of bringing a staff from Hillcrest in who performs the OYA risk-assessments might help.

Troy said the most important thing is bringing together a vastly diverse group of people who are all passionate about the same thing. The more he listens and interacts with others, he realizes that the system will never be perfect. He hopes we can come up with something that pushes us forward. He looks forward to being involved in this process.

Helen noted this information will be shared with the legislature and the new governor – not as a view from OYA or counties, but from the system as a whole. She thanked the group for taking the time to participate. She asked that the workgroup communicate with her to ensure they have everything they need in future meetings.

Helen reviewed the recommendations from the group on who is missing from this conversation. She confirmed with the group who would be contacting those listed.

There was discussion about the Mental Health Gap Assessment.

The group also discussed what information Cherie will be providing to the group.

Jeff asked the group to review the materials and be prepared to discuss the topics brought up today.

NEXT MEETING: **May 11, 2010**

8:30-11:30 am

**OYA Central Office
530 Center Street NE, Suite 200
Salem, Oregon 97301**

ADDENDUM:

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.

(2)(a) Programs, policies and services shall be regularly and independently audited. Audits performed under this subsection must include program audits and performance audits, as defined in ORS 297.070. Programs, policies and services that were established before, on or after June 30, 1995, are subject to audit under this subsection.

(b) The programs, policies and services of county juvenile departments shall be subject to regular review pursuant to this subsection.

(c) The Secretary of State shall perform an audit that includes the performance of county juvenile departments.

(d) ORS 297.405 to 297.555 do not apply to an audit conducted pursuant to this subsection.

(e) Notwithstanding ORS 297.040, the costs and expenses of audits conducted under this subsection may not be charged to the county juvenile departments. The Secretary of State shall pay the costs and expenses of audits conducted under this subsection from funds available to the Secretary of State.

(3) To facilitate an audit under subsection (2) of this section:

(a) The Secretary of State may subpoena witnesses, require the production of books and papers and the rendering of reports in such manner and form as the Secretary of State requires and may do all things necessary to secure a full and thorough investigation.

(b) The custodian of information that the Secretary of State deems necessary to conduct the audit shall provide the Secretary of State or the auditor selected by the Secretary of State access to the information notwithstanding the fact that the information may be made confidential or access to the information restricted by ORS 419A.255 or another law. Information obtained by the Secretary of State or the auditor pursuant to this paragraph and made confidential by ORS 419A.255 or another law may be used by the Secretary of State, the officers and employees of the Secretary of State or the auditor solely for the purpose of performing the audit required by subsection (2) of this section and may not be used or disclosed for any other purpose. [1995 c.422 §1a; 2001 c.904 §16; 2007 c.688 §1]