

**GOVERNOR'S TASK FORCE ON
JUVENILE JUSTICE**



FINAL REPORT

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INTRODUCTION

by Theodore R. Kulongoski
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Just inside the main administration building at MacLaren School is a plaque that reads: "State Board of Control, 1925, Walter Pierce, Governor." That plaque reflects a time when MacLaren was a place for runaways, small-time thieves and other delinquents. Profanity, drinking liquor, smoking tobacco and truancy were deep concerns of the times.

The juvenile justice system then is the same juvenile justice system of today. Only the crimes have changed. Today, we are talking about arson, assault, murder, distribution of illegal drugs, rape, robbery and sex abuse.

Meet a 13-year-old with over 60 arrests, the most recent for carrying a loaded weapon. Talk to him and you soon will learn that he has no values and no respect for human life. You will find yourself agreeing with the MacLaren staff member who says, "He is going to kill somebody some day."

Meet another young man at MacLaren who can spout all the latest "anger management" jargon. Ask him why he's there. He'll tell you that his girlfriend made him mad. So he stabbed her in the chest until she died.

Tragically, these cases are not uncommon and are quickly becoming typical. While adult crime rates have remained fairly constant in recent years, the rate of violent crime committed by juveniles increased more than 80 percent between 1988 and 1992. And it's not just the volume of juvenile crime that has changed. The type of crime has changed. What has not changed is our juvenile justice system, born at the turn of the century.

As it stands, our juvenile justice system wastes lives and it wastes resources. From the courts to detention centers, from police agencies to training schools, the system is swamped with young offenders. Crimes ranging in degree from shoplifting to auto theft often go unpunished. Even violent offenders regularly get away with little or no time in custody. Often, those offenders are placed in treatment programs intended for young people with less serious problems -- those who might have benefited but now must go without. And the worst of it: young juvenile offenders, new to the system, are ignored.

Right now, there are no consequences for unlawful actions. There is no certainty of punishment. There is no accountability. The result? An escalation of offenses until the conduct is so outrageous that the system is forced to respond.

Is it any wonder that young criminals consider the system a joke? Is it any wonder that Oregonians are fed up?

How did we get into this mess?

Juvenile corrections is the orphan of both our child welfare and criminal justice systems. Adult corrections is a separate department, with vocal advocates for its programs. Juvenile corrections is an administrative section within the Children's Services Division within the Department of Human Resources. Whenever a choice is made about resources for adult corrections, child welfare or juvenile corrections, juvenile corrections ends up at the bottom of the list.

I would never deny the value and importance of child welfare services. Early intervention and prevention programs are critically important, with literally hundreds of champions and advocates for continued and enhanced resources. But who is the advocate for the bad kid? Collectively, we have avoided being advocates for those young people who took the wrong fork in the road because they represent failures -- failure by parents and families, by programs, by our social institutions, failure by all of us.

These failures result in fears. People are afraid of these young criminals. And rightfully so. Whether adult or juvenile, a person who commits murder, rape, armed robbery or some other serious crime needs to be locked up. Citizens have every right to expect that their personal safety is just as important as a juvenile's welfare.

I have every confidence that we can meet that expectation. We can break the cycle of violence. We can and should devote our energy and our resources to keeping kids from getting into trouble in the first place. But before we can do that, we must first fix a system that has suffered from years of neglect.

I am profoundly grateful to the members of the Governor's Juvenile Justice Task Force and to our coordinator, L. Craig Campbell, who have labored for over a year to develop the proposals contained in this report. I believe these proposals give us the opportunity to make a difference, the opportunity to correct our mistakes, and the opportunity to restore the public's confidence in our juvenile justice system and in our ability to solve problems together.

BACKGROUND

In January 1994, Governor Barbara Roberts issued Executive Order 94-01, establishing the Governor's Task Force on Juvenile Justice. The Task Force was, directed to examine Oregon's juvenile justice system, to identify the components of the system that are working and those that are not, and to help amend and reform the system to meet current and future needs.

The Governor appointed Attorney General Theodore R. Kulongoski to chair the Task Force and authorized him to appoint the other members. Those appointments included:

- The Honorable Ann Aiken, Lane County Circuit Court
- Henry Drummonds, Professor of Law, Northwestern School of Law
- Hilda Galaviz-Stoller, Attorney-at-Law
- LeRon Howland, Oregon State Police Superintendent
- Ted Molinari, Praetzger Industries
- Dr. Charles Moose, Chief of Police, Portland
- The Honorable Roxanne Osborne, Klamath County Circuit Court
- The Honorable Gordon Smith, Oregon State Senate

The Task Force's mission is to develop and draft a comprehensive and specific blueprint that will give the citizens of Oregon a juvenile justice system that mandates and is based on the following standards and principles:

- Accountability and responsibility for an individual's conduct
- Community and family protection and safety
- Certainty and consistency of response and sanctions
- Effective and closely supervised reformation and rehabilitation plans and programs
- Early intervention and prevention
- Parental involvement and responsibility
- Highest and best use of available resources

The Task Force's primary goal has been to develop solutions to problems that have been plaguing the juvenile justice system for the last decade and, to some extent, for the last forty years.

The full Task Force, four subcommittees, and six special subcommittees and work groups, consisting of over 80 individuals, met 52 times in an 11-month period to develop the proposals ultimately adopted by the Task Force.

PROBLEM STATEMENT

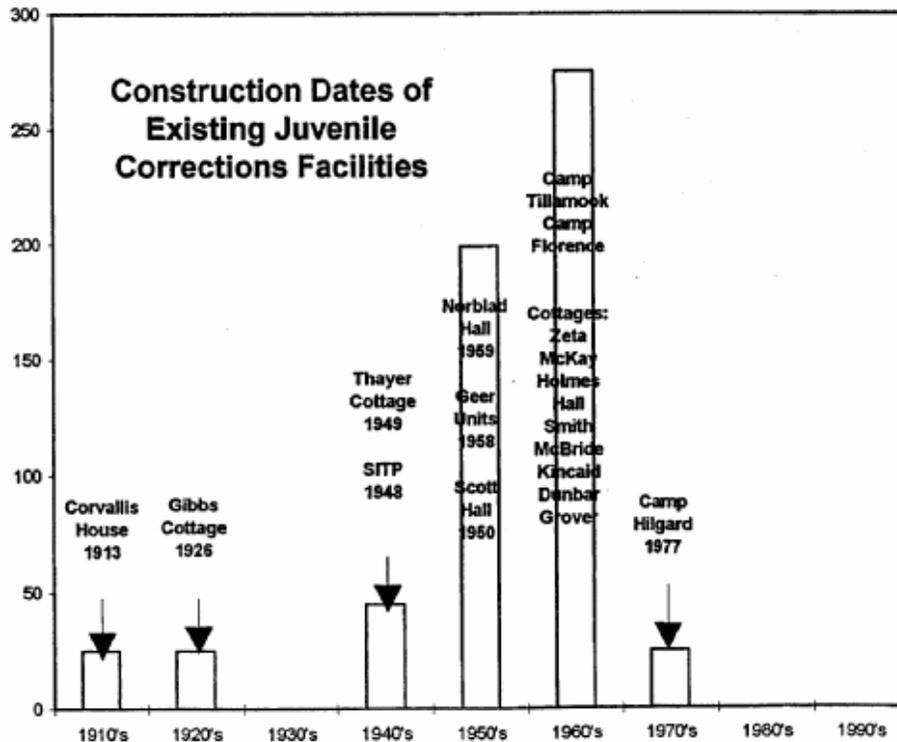
In 1891, George Breckonridge gained the distinction of being the first juvenile to be placed in the Oregon Reform School, now known as MacLaren School. His crime: stealing his neighbor's newspaper off the porch.

The juvenile justice system that exists today was created over a century ago. It is basically the same system that dealt with troubled youth like George Breckonridge. But today, the system is dealing with far more trouble: it is dealing with murderers, rapists and armed robbers.

Since the Oregon Reform School was built in 1891, the State of Oregon has slowly added to its facilities for the incarceration of juvenile delinquents. With the exception of Camp Hilgard (a 25-bed minimum security camp) in 1977, no new secure custody bed space for young offenders has been constructed in the last three decades. (See Figure I.)

The infrastructure for juvenile justice, ignored for so long, is now woefully inadequate to face the demands, not of Mr. Breckonridge and his breed, but of violent young criminals.

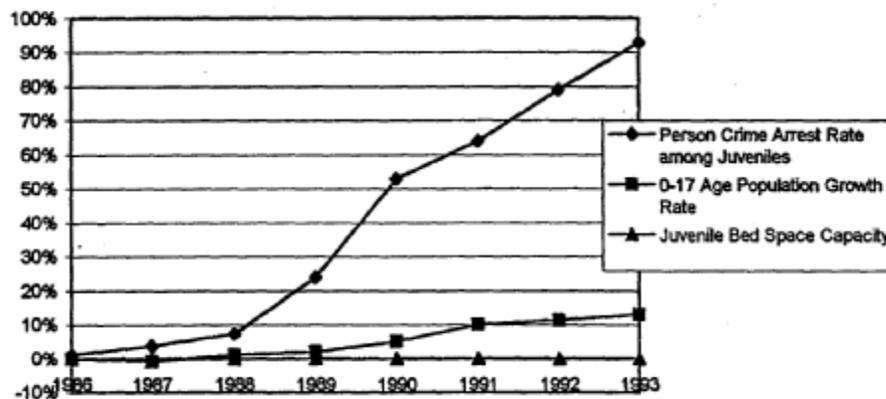
FIGURE I



In 1985, in an attempt to prevent the incarceration of young offenders and to emphasize supervising and reforming them in the community, whenever possible, the Oregon legislature reduced and limited the number of secure custody beds at state training schools from 750 to 513. That number remained static until 1993, when the legislature authorized an increase in the capacity limit (“the cap”) to account for growth in Oregon’s age 0-17 population, as determined each January. The cap now stands at 522.

During the period that the cap remained at 513, the age 0-17 population in Oregon increased by 13%, and the number of arrests of those under 18 for “person” crimes increased by a staggering 93%. (See Figure II.)

FIGURE II



Unable to incarcerate the increasing numbers of more violent juvenile offenders, counties are forced to place them in residential programs and foster care. There, these offenders are often disruptive and overtax staff not trained or equipped to work with them, and their placement effectively excludes from participation those young people who could benefit from the programs.

Likewise, because of the increased demand on local juvenile detention facilities, they cannot be used either as a sanction for first-time or younger offenders or for those who should be removed from treatment programs when they become disruptive. The entire system operates like a pressure pump: at each level, more and more violent offenders are being forced into fewer and fewer appropriate placements. The result is that the juvenile justice system does not hold offenders accountable, the potential deterrent effect has been lost, and the public safety is at risk.

Inadequate funding for juvenile justice at the state level, over several decades, has compounded the problem. Under adult corrections administration, juvenile corrections programs fared poorly in the allocation of resources. Young offenders competed directly with their older, and then more violent, counterparts for dollars. When the program was transferred to the Children's Services Division, it came into an inevitable philosophical conflict with the child-welfare orientation of its oversight organization. Funding for Oregon's juvenile corrections facilities and programs has been woefully inadequate to deal with the changing and growing tide of violent juvenile crime.

SUMMARY OF PROPOSALS

1. The Juvenile Justice Task Force first recommends that the state *construct and operate four 4 400-bed maximum security facilities*. The safety and security of Oregon's citizens require that these facilities be available as quickly as possible. The construction of these secure facilities will mean that juvenile offenders who should be in custody *will* be, and that an offender's return to the community will be a closely supervised, graduated transition, with accountability and responsibility placed firmly on the shoulders of the young offender at each stage.

2. The Oregon Legislature should provide for *emergency siting authority* for additional youth corrections facilities. Given the pressing need for these facilities, the number of facilities to be sited, and the fact they are to be sited regionally (each serving several counties), an exception to Oregon's land use planning process should be made. An expedited comprehensive planning and siting process is necessary.

3. A *multi-tier system* should be established to allow a graduated series of sanctions for young offenders, beginning with the first offense. For a majority of young offenders, early appropriate sanctions will be sufficient to deter them from more serious criminal acts in the future. The proposed *multi-tier system* includes the following components:

- a. Youth Corrections Intake
- b. Secure Regional Youth Facilities
- c. Youth Accountability Camps and Restitution Centers
- d. Regional Residential Academies

- e. Community-Based Parole and Supervision Programs
- f. Youth Offender Review Panel

The existing juvenile justice system simply does not provide the necessary options or flexibility to respond consistently and effectively to juvenile crime. The result: minimal or no consequences for progressively violent and more frequent criminal acts.

4. In order to *implement Measure 11, as it applies to juvenile crime*, the Task Force proposes legislation that: (a) requires that 14-year-olds charged with committing aggravated murder, murder, or certain sex crimes be prosecuted as adults; (b) adds to the list of offenses for which 15 to 17 year-olds must be prosecuted as adults seven new offenses including aggravated murder and conspiracy to commit murder, and limits the second-degree kidnapping and second-degree sex offenses covered by the measure to those involving the use or threatened use of a deadly weapon; and (c) requires that juveniles convicted and sentenced under the measure be committed initially to the legal and physical custody of the Department of Youth Authority.

5. To ensure the public's safety, guarantee certain punishment for juvenile offenders, and provide an incentive for real self-reform and rehabilitation, a "*Second Look*" hearing should be held. The "Second Look" will not occur until the offender has served at least one-half of the sentence imposed, at which time, the sentencing court will determine whether the offender should be incarcerated for the entire remainder of that term or, instead, requires some lesser degree of supervision and control. In either case, the offender's sentence may not be discharged or shortened and must be served, whether the offender remains incarcerated or is conditionally released under the jurisdiction of the sentencing court and the supervision of the Department of Corrections. The Second Look procedure does not apply to juvenile offenders found to have "personally" committed the most serious Measure 11 offenses.

6. Both now and for the long-term, our commitment to an effective, sustained attack on juvenile crime in this state warrants, if not requires, *the creation of a Department of Youth Authority*. Separate and independent status for juvenile corrections administration will assure that adequate, available funding and administrative resources are focused on juvenile crime.

7. The Task Force proposes a *revision of the policy statement of the Oregon Juvenile Code* as applied in delinquency cases to state clearly the appropriate relationship between "public safety" and the welfare of the juvenile. The Task Force also proposes changes in the dispositional criteria for delinquency cases to give effect to that revision in policy.

8. Because of the seriousness of juvenile violent crime and in order to provide a clear picture of an individual offender's criminal history and to track the rate of recidivism, most *juvenile records should be open to public inspection*.

PROPOSALS OF THE TASK FORCE

I. Establish a Multi-Tier Infrastructure

The existing juvenile justice system does not provide a range of dispositional options allowing graduated sanctions for repeat offenders. Although limited services and supervision are available through county juvenile departments, juvenile courts and juvenile departments do not have adequate alternative sanctions and resources to back up an order of formal probation when a juvenile offender violates the conditions of probation or department supervision. Many young offenders simply move through the system until they are committed for custody to one of the state's juvenile training schools after finally committing an act so egregious that they no longer can be ignored. The public's safety is at risk when young offenders who should be in some form of secure custody or under close supervision are not.

The Task Force recommends the establishment of a multi-tier, graduated system of custody, supervision, sanctions, and rehabilitation to be administered by a Department of Youth Authority (discussed below). The multi-tier system includes: (a) regional secure facilities; (b) boot-camp accountability/restitution centers; (c) regional residential academies; and (d) community-based probation and supervision.

Regional siting of the proposed facilities better serves the counties in the state's geographic areas, furthers the goals of restitution and accountability and parental involvement, and permits a more coordinated and effective transition of the offender back to the community.

The system will operate on the following principles:

- (1) The first priority is the public's safety;
- (2) The burden to reform and to change behavior is on the individual offender;
- (3) Response to and sanctions for violations of rules or the conditions of custody or supervision will be immediate, appropriate and consistent;

- (4) Young offenders should be provided with education, job skills training, life skills training and appropriate treatment programs (i.e., drug and alcohol abuse treatment and sex-offender treatment).

The difference between each tier of the system is the level of security and direct supervision required and provided. Each tier will have the same core programs, services and policy. A Youth Offender Review Panel (discussed below) will administer and supervise both the transfer of juvenile offenders within the and their return to the community.

A. Youth Corrections Intake

Accurate, thorough screening and evaluation of young offenders is essential to assure appropriate placement within the system. A juvenile offender committed to the Department of Youth Authority would be sent to one of four regional intake and assessment centers. The intake center staff will:

- (1) determine and recommend in each case the most appropriate placement, educational and vocational programs, and treatment services (i.e., mental health, substance abuse, or medical); and
- (2) prepare each offender to enter the system and make clear what the rules and expectations will be.

The intake procedure should take no longer than 60 days.

B. Facilities and Programs

1. Regional Secure Facilities

The proposed secure regional facilities provide the highest level of custody and staff supervision. Juvenile offenders convicted and sentenced in the adult court under Measure 11 would be placed in these facilities, as would those committed to the Department of Youth Authority by the juvenile court who, after intake, are found to require a period of secure custody.

Four 100-bed regional maximum security facilities are proposed for construction. Each would consist of an 80-bed juvenile corrections section, a 20-bed regional detention section (to supplement local detention capacity), and associated support services, to include vocational and educational classrooms, administrative offices, food services, medical clinic and recreation area. The number of juveniles in

custody at the MacLaren and Hillcrest schools (which are over-crowded) would be reduced, and those two training schools would operate primarily as regional secure facilities for the north and central Willamette Valley. MacLaren would continue to maintain the crisis intervention unit for all of the regional facilities.

2. Youth Accountability Camps and Restitution Centers

Youth Accountability Camps and Restitution Centers will provide a highly-structured regimen of work, physical and mental discipline, and community service projects to instill a work ethic, build vocational skills, and develop individual accountability and responsibility through payment of restitution to both the victim and the community. Like the secure facilities, Youth Accountability Camps will have a regimented daily schedule for young offenders. At many of the camps, wages for payment of restitution would be earned through project contracts with the U.S. Department of Fish and Wildlife and U.S. Forest Service and other government agencies.

Eight 50-bed regionally sited camps would be built. Most juvenile offenders committed to the Department of Youth Authority by the state's juvenile courts would be placed initially in these facilities. That group will include juvenile offenders who have violated conditions of probation.

The camps are not intended to be a "stand alone" program but to serve as an integral part (or stage) in the multi-tier system. Recognizing the limited state resources for the 1995-97 biennium, the Task Force encourages the establishment of at least two accountability camp/restitution center "pilot programs" in different regions of the state.

3. Regional Residential Academies

These facilities would provide year-round educational, vocational and life skills training on secure, closed campuses. Juvenile offenders placed in the academies are those who are committed to the Department of Youth Authority by the juvenile court and who: (a) are found at the time of intake not to require a higher level of custody and supervision; or (b) when first committed, were placed in more secure facilities and, since that time, have demonstrated the level of participation, responsibility, and self-discipline required to merit a transfer to one of the academies. The program at these facilities will require participants to work toward the completion of an education and to develop job skills through apprenticeship training, in cooperation with private industry and business.

Four 100-bed regional residential academies are proposed and, like the maximum security facilities and accountability camps, they would serve regional populations and needs. Again, recognizing the state's limited resources, the Task Force urges consideration of a pilot academy.

4. Community-Based Parole and Supervision

The Task Force proposes that the Department of Youth Authority be authorized to contract with individual counties, or with groups of counties, to administer and provide parole and community-based supervision functions currently handled by the state for offenders under juvenile court jurisdiction. Clearly defined, concrete measures of performance and effectiveness would be established for these contracted services and results would be reviewed to determine whether those standards are being met.

The Department of Youth Authority would develop rates for specific services, based on a review of existing contracts and market rates for those services within the community. Contracts would be issued to providers who submit proposals for services and who can meet state standards and licensing requirements. Contracts would be open-ended; i.e., there would be no guaranteed minimum number of referrals and no guaranteed cap.

The community-based parole and supervision system requires case-specific services to be identified and provided as follows:

- (1) The juvenile would be evaluated and an individualized supervision, education, rehabilitation, and treatment plan determined.
- (2) The juvenile would be assigned to one or more community-based providers.
- (3) The provider(s) would be responsible for delivery of the services and supervision identified in the plan.
- (4) The provider(s) would be reimbursed according to the service rates developed by the Department of Youth Authority, as those services are delivered.

The state would contract and pay for only those specific services required in each case, rather than paying a lump sum for a contract that includes services that a juvenile does not need.

C. Youth Offender Review Panel

The Task Force recommends the creation of a Youth Offender Review Panel of three members, to be appointed by the Governor to serve a four-year term. The director of the Department of Youth Authority would serve as an ex officio, non voting member of the Panel.

The Panel would be responsible for reviewing petitions for transfer from one tier of the juvenile corrections system to another, petitions for transfer from one facility to another, and petitions to grant or revoke a juvenile offender's parole.

The Panel would develop objective standards by which its placement decisions would be made, consistent with the proposed revised policy statement for the juvenile code and analogous to the criteria proposed to guide juvenile courts in determining the disposition to be made in a case.

II. Implementation of Measure 11, as it applies to Juvenile Crime

“Notwithstanding any other provision of law, when a person charged with any of the offenses listed in [Measure 11] is 15, 16 or 17-years of age, at the time the charges are filed, that person shall be tried as an adult.” That one sentence in the voter-approved measure requiring mandatory sentences for violent offenders raises many practical and legal questions that now must be addressed and resolved to give effect to the new law, as it applies to juvenile offenders.

In anticipation that Measure 11 would pass, the Juvenile Justice Task Force reviewed its implications and consequences and has developed recommendations for legislative action to fill in the measure's substantive and procedural gaps.

A. Egregious Violent Crimes Committed by Juveniles Under 15

Measure 11 does not address the commission of serious violent acts by juveniles under 15 years of age. Under existing law, a 14-year-old murderer-rapist cannot be tried as an adult or confined in juvenile facilities beyond his or her 21st birthday, whether or not the youth is a threat to the community and likely to re-offend. With an increasing number of serious violent crimes committed by individuals under 15, this glaring omission from Measure 11 represents a continuing threat to public safety.

While most of the crimes on the Measure 11 list are more appropriately tried in juvenile court for offenders under 15, certain violent crimes should require transfer into the adult system: aggravated murder and murder, and the sex crimes of forcible rape, forcible sodomy and forcible unlawful sexual penetration.

Accordingly, the Task Force recommends that Measure 11 be amended to require adult prosecution for 14-year-olds charged with aggravated murder, murder, or one of the forcible sex offenses.

B. Extending Measure 11 to Cover More Serious Crimes Committed by Juveniles 15 to 17

Measure 11 contains a list of 16 crimes for which a conviction carries a mandatory minimum sentence. Under the measure, a person between the ages of 15 and 17 who is charged with any of those crimes must be prosecuted as an adult.

Inexplicably omitted from the Measure 11 list are a number of serious violent crimes, including aggravated murder and attempted murder. The legislature should correct this omission by adding seven crimes to the list of those covered by Measure 11: aggravated murder; conspiracy, solicitation, and attempt to commit aggravated murder; and conspiracy, solicitation, and attempt to commit murder.

C. Elimination of Certain Less Serious Crimes

The Measure 11 list includes some second-degree crimes that, if committed by a young offender age 15 to 17, should not automatically require adult prosecution because, in many circumstances, their commission does not involve a serious threat of violence. Amendment of the Measure 11 list to exclude some of these offenses, when committed by juveniles, would permit a greater share of the state's limited resources to be used for the prosecution and incarceration of juveniles who commit more serious crimes.

The Task Force proposes that adult prosecution not be required under Measure 11 for juveniles charged with the following second-degree offenses, *except in cases where the juvenile committed the offense by using or threatening to use a deadly weapon*: second-degree rape, second-degree sodomy, second-degree unlawful sexual penetration, second-degree kidnapping and second-degree robbery. Juveniles who are alleged to have committed those offenses without using or threatening to use a deadly weapon still would be subject to adult prosecution if waived by the juvenile court.

D. Amendments Required to Implement Measure 11

1. Define Terms and Specify Procedures

As applied to juvenile offenders, Measure 11 does not define what is meant by the filing of “charges,” does not explain or define the phrase “shall be tried as an adult,” and does not demarcate the boundaries between juvenile court and adult court jurisdiction. To correct these omissions, the Task Force recommends the following amendments to Measure 11, as it applies to juveniles:

(a) a juvenile is “charged” under Measure 11 when an accusatory instrument is filed in the adult criminal court;

(b) the phrase “tried as an adult” is amended to read “prosecuted as an adult in criminal court,” and “prosecuted” is defined to mean the pretrial and trial procedures, requirements and limitations provided for in criminal cases;

(c) the filing of an accusatory instrument charging a Measure 11 offense will divest the juvenile court of jurisdiction in the matter and, on receiving notice from the district attorney that a juvenile has been charged, the juvenile court will enter an order necessary to transfer the matter to the adult court.

2. Offenses that Are Part of the Same Act or Transaction and Lesser Included Offenses

In some cases, the same criminal episode or “transaction” will include a violent offense covered by the requirements of Measure 11 and one or more other offenses not subject to its provisions. For example, in the course of committing a rape-murder, a 16-year-old might steal a car or commit burglary.

The Task Force recommends amending Measure 11 to provide that, in these cases, both the Measure 11 and non-Measure 11 charges be tried in adult court, and that, if convicted on both charges, the juvenile be sentenced by the adult court on both convictions. If the juvenile is acquitted on the Measure 11 charge and convicted on the other charge, the adult court would do the following: order a presentence report, set forth in a memorandum appropriate recommendations and observations, and transfer the case to the juvenile court for disposition. The same procedure would apply if, after trial in adult court, the juvenile is acquitted on the Measure 11 charge

but convicted for a lesser-included offense that is not covered by Measure 11. A juvenile transferred by the adult court to the juvenile court under the circumstances described herein would be subject to a waiver proceeding in the juvenile court and could be returned to the adult court for sentencing, if the juvenile court determines that waiver is appropriate in the case.

3. Remove the Age-21 Limitation on Juvenile Court Jurisdiction

This proposal is directed at reducing recidivist behavior.

The Task Force proposes to extend juvenile court jurisdiction and the custody jurisdiction of the proposed Department of Youth Authority to age 25 for persons who commit criminal acts before age 18.

Presently, a juvenile offender who is not waived to the adult system must be discharged from juvenile court wardship and released outright from custody when he or she reaches age 21. In light of the data showing that recidivist criminal behavior occurs most frequently when a person is between the ages of 20 and 25, it simply makes no sense to follow an ironclad “release at 21” rule. Under the Task Force proposal, the juvenile system should have the option to extend jurisdiction, custody and supervision beyond a juvenile offender’s 21st birthday.

III. “Second Look” Hearing After Juvenile Has Served Not Less than One-Half of the Sentence

The Task Force recommends legislation establishing a “Second Look” procedure to ensure protection of the public by providing both certain punishment and an incentive for juvenile offenders to cooperate in and benefit from rehabilitation, education, and drug and alcohol treatment programs while incarcerated. The “Second Look” will mitigate the long-term costs of implementing Measure 11 without compromising public safety or the policy underlying Measure 11.

Under the Second Look proposal, a juvenile prosecuted and convicted in adult court under Measure 11 would be sentenced under the measure’s provisions. However, subject to the exceptions outlined below, the sentencing court will commit the convicted juvenile to the legal and physical custody of the Department of Youth Authority, and thereafter, the terms and conditions of the juvenile’s incarceration are determined by the results of the Second Look hearing.

The Second Look does not apply in the following cases: (a) the juvenile is prosecuted under the provisions of Measure 11 applicable to 15 to 17 year-olds and the trier of fact finds that the person “personally” committed any of the following crimes — aggravated murder, murder, manslaughter in the first degree, first-degree rape, sodomy, or unlawful sexual penetration (where the victim is subjected to forcible compulsion), or assault in the first degree (which causes permanent injury or disability); (b) if the juvenile is prosecuted under the Measure 11 provisions applicable to 14-year-olds and the trier of fact finds that the person “personally” committed any of the following crimes -- aggravated murder, murder, or first-degree rape, sodomy, or unlawful sexual penetration (where the victim is subjected to forcible compulsion). Persons coming within these exceptions will be committed to the legal custody of the Department of Corrections under ORS 137.124. The Second Look proposal also provides for “early transfer” from the Department of Youth Authority to the Department of Corrections for those who either pose a danger to staff or others in the facility or are not likely to benefit from available rehabilitation and treatment programs.

If not excluded from the Second Look procedure, a juvenile (hereinafter “person”) who has served at least one-half of the sentence imposed is subject to a Second Look hearing before the sentencing court. After notice to interested persons and agencies (including the district attorney and the victim), the sentencing court would hear testimony about the person’s progress (or lack of progress) while in custody, testimony from victim(s), the recommendations of the Department of Youth Authority and the Department of Corrections, and other relevant testimony and evidence. The court would then order one of the following dispositions:

(a) the person should be committed to (or continued in the legal and physical custody of) the Department of Corrections to serve the full remaining term of the sentence imposed;

(b) the person should remain committed to the legal and physical custody of the Department of Youth Authority for the remainder of the person’s sentence, provided the person will have served the entire term before the person’s 25th birthday;

(c) postpone the Second-Look determination until a later time; or

(d) the person should be conditionally released, based on findings that the person has been rehabilitated and has reformed and *the person has proved by clear and convincing evidence* that, if released, the

person will not threaten the safety of the victim or the community and will comply with supervision and the conditions of release.

If conditionally released, the person's sentence is *not* discharged. To the contrary, the person remains committed to the legal custody of the Department of Corrections, under the jurisdiction of the sentencing court, and subject to the conditions imposed by the court *for the entire remainder of the sentence imposed*. In addition to other sanctions available for violations of the conditions of the person's release or supervision, the sentencing court *must revoke the order of conditional release* and return the person to the physical custody of the Department of Corrections to serve the remainder of the person's sentence if the court finds *any one* of the following: (1) a conviction for a new crime; (2) violation of the condition prohibiting ownership or possession of a weapon; (3) suspension of conditional release two times within past 18 months; or (4) the conditional release is no longer in the best interests of the community.

The major advantage to a Second Look system is the creation of an incentive for a young offender to accept and demonstrate personal responsibility and direct accountability for his or her own conduct. A person's ultimate term of incarceration depends on the individual's conduct and progress while in the corrections (adult or juvenile) system. The total responsibility for the person's change is on the *person, not the system*.

IV. Creation of Department of Youth Authority

A child-welfare orientation is both inconsistent and ineffective in dealing with violent juvenile crime. Citizens of Oregon, state policy makers, victims of crime, juvenile corrections professionals, court officials and the young people of this state deserve to have a state government organization that will take on the problem of juvenile crime and correct both its immediate consequences and root causes. The existing Office of Juvenile Corrections is, in effect, buried within an umbrella human resources structure at a time when we demand increased attention to and accountability for public safety.

The Juvenile Justice Task Force urges the creation of a separate Department of Youth Authority.

This department will be responsible for administration and services related to secure custody, rehabilitation, treatment, parole, placement and supervision of

juveniles found to be within the jurisdiction of the juvenile court or convicted in adult court. Programs to be administered by the Department of Youth Authority include:

- Regional maximum security facilities
- MacLaren and Hillcrest schools
- Youth accountability camps
- Regional boot camp-style restitution centers
- Regional residential academies
- Parole and probation services
- Out-of-home placement programs
 - o Foster care
 - o Residential care
 - o Shelter care
 - o Group homes
- Young women transition programs
- Gang intervention funding
- County diversion funding

These programs would be developed and administered in accordance with these principles:

- Individual accountability and responsibility for past, present and future conduct;
- Restitution to victims and to the community;
- Parental involvement and responsibility;
- Mandatory education and skill development;
- Clearly defined and concrete goals and expectations;
- Certainty and consistency of response and sanctions;
- No tolerance for non-compliance with standards of conduct and conditions of placement; and
- The highest priority given to public safety.

Educational programs offered for juveniles in the custody of the Department of Youth Authority, either in out-of-home placement or secure custody, would be provided and administered by the state Department of Education, consistent with ORS 326.111.

The Department of Youth Authority should be in place within one year. On July 1, 1995, the Office of Juvenile Corrections would become a distinct division within the Department of Human Resources and, effective July 1, 1996, the division would become a separate department of state government. Accounting and other

central support services will continue to be provided by DHR, through interagency contract during the phase-in process. This transition process will reduce costs associated with the creation of a new department.

Ultimately, the creation of the new department will require the transfer of administrative staff from the Children's Services Division, and the creation of additional administrative positions to provide services in personnel and training, payroll, disbursements and purchasing, research and statistics, information management and technology support, accounting and budget administration, contracts and licensing, and management of residential care.

V. Revision of the Policy of the Delinquency Section of the Juvenile Code

The Task Force recommends revision of the general policy statement for "delinquency" cases in the Juvenile Code. This clarification is important in order to join the "public safety" goal of the juvenile justice system with the goal to act in the "best interests" of the juvenile's welfare. Passage of Measure 11 reinforces the Task Force's conclusion that revision of the existing policy statement is appropriate.

The existing policy statement in ORS Chapter 419A.002(2) reads:

"The provisions of this chapter and ORS chapters 419B and 419C shall be liberally construed to the end that a child coming within the jurisdiction of the court may receive such care, guidance, treatment, and control and will lead to the child's welfare and the protection of the community."

While this broad policy statement appears to put public safety and the child's welfare on equal footing, it can be interpreted in different ways. Moreover, other provisions of existing law create additional ambiguity about the relationship between the accused juvenile's welfare and the public safety. (For example, ORS 419C.349 requires that, to transfer a juvenile to adult court, the juvenile court must find that "retaining jurisdiction will *not* serve the interests of the child and of society.")

Because of these seemingly conflicting statements and the public policy expressed by Measure 11, the Task Force recommends that the policy statement be clarified. Too much focus on *either* the "public safety" *or* the "child's welfare" sets up a false dichotomy. The juvenile's "welfare" is important to the public safety, because concern for the juvenile's "welfare" reflects, among other things, a concern that the juvenile does not become a recidivist or adult offender later in life. By the

same token, *protecting the public safety is a vital component in any program of accountability and rehabilitation* designed to be in the juvenile's "best interest." The concept that links the "public safety" with the "welfare" of the juvenile is the concept of personal accountability. Without personal accountability, no program of treatment or incarceration adequately protects either the juvenile's "welfare" or the "public safety." According, the Task Force proposes adoption of a revised policy statement as follows:

"In delinquency cases, the purposes of the Oregon juvenile justice system from apprehension, forward are to protect the public, reduce juvenile delinquency, and rehabilitate offenders.

The system shall be founded on the principles of personal responsibility, accountability and reformation within the context of public safety. There shall be a continuum of services that emphasizes prevention of further criminal activity by the use of early and certain sanctions, reformation programs, and swift and decisive intervention in criminal behavior.

Policies, services, and rules used to carry out this mission shall be regularly subject to independent evaluation as to their effectiveness in preventing a return to crime, and providing public safety.

The system shall be open and accountable to the people of Oregon and their elected representatives."

Under the Task Force proposal, following adjudication and disposition, a judge may order that:

- (1) the juvenile be placed in the custody of the Department of Youth Authority;
- (2) the juvenile be placed in the temporary custody of the Field Services Division of the department for placement in a residential shelter or treatment program as a condition of probation; or
- (3) the juvenile be placed on probation under the supervision of the county juvenile department.

VI. Juvenile Records Reform

This series of proposals concerns compilation, confidentiality and expungement of juvenile records. Each is intended to emphasize the seriousness of juvenile criminal conduct, provide an ongoing record for tracking youth recidivism, and provide sentencing courts with a clear picture of adult offenders with a significant youth criminal history.

A. Compilation of Juvenile Records

When juvenile court has not waived jurisdiction

Juveniles from 12 to 18 years of age should be photographed and fingerprinted when taken into custody for conduct that, if committed by an adult, would constitute a crime. Photographing and fingerprinting would be done by the agency that takes the juvenile into custody. This information would then be entered into a central state repository in the same manner and for the same authorized uses as fingerprint and photograph records of adults. Upon disposition of the criminal case, notice of the disposition would be sent to the central state repository. If the juvenile is adjudicated as being within the jurisdiction of the juvenile court for conduct that if committed by an adult would constitute a crime, a copy of the juvenile court disposition, and the photograph/fingerprint record of the juvenile, would be maintained for a period of five years and 30 days from the date the record of disposition was received by the central state repository, after which it should be destroyed.

If no petition is filed or the petition is dismissed, the record in the central repository should be destroyed within one year from the date the record of disposition is received by the central repository. If no record of disposition is received within one year from the date the juvenile is taken into custody, the records related to that custody in the central state repository should be destroyed.

Information from juvenile records placed in the central state repository in the manner just described should be subject to the same confidentiality accorded to other records in the central repository, pursuant to ORS 181.540.

When juvenile court has waived jurisdiction

If the juvenile is waived to adult court, pursuant to ORS 419C.340-.374, the records should be maintained in the central state repository under the same conditions that apply to adult records.

B. Confidentiality of Juvenile Records

An accurate understanding of the successes and failures of the juvenile justice system is not possible if the system is shrouded in secrecy.

The Task Force believes that juvenile court records should be open to public inspection. This includes the date of birth of the juvenile, the crimes alleged in the petition, and written formal and informal dispositions. This allows greater public knowledge of what sanctions are available, both with and without an adjudicatory process. It also adds an incentive for juvenile probation officers to follow through on provisions of informal dispositions. Additionally, making such information a part of the public record will allow data to be gathered on the success rate of efforts to deter youth from future criminal acts.

The following information, arising out of a proceeding in juvenile court pursuant to ORS 419C.005 or 419B. 100(1), should be filed with the clerk of the court: (a) information provided under ORS 419A.225(5); (b) the juvenile's date of birth; (c) the charges filed; and (e) written records of any formal disposition. Informal dispositions also would be made available to public inspection.

C. Expungement Proceedings

Since many juvenile sex offenses were made non-expungible, a variety of efforts have been used to avoid the intent of the law by refusing to adjudicate delinquents for serious sex offenses. While the reason given for doing so is to prevent juveniles from being labeled as sex offenders for the rest of their lives, the effect is altogether different. First, juvenile sex offenders are less likely to be successful in treatment because the severity of their conduct has been judicially down-played. Second, it ignores the impact on victims.

The Task Force proposal would allow expungement of most sex offenses, but only after a strict judicial review, in which the burden is on the person seeking expungement to show that expungement is appropriate under precise guidelines applied by a judge. The intent here is that judges who are not adjudicating juvenile sex offenders because of a perceived stigma attached to a non-expungible record would do so if future “labeling” was uncertain.

All juvenile sex offenders would be required to register in a sex offender registry which cannot be expunged under the juvenile code. Information regarding the juvenile’s offense could be released, when appropriate, by law enforcement personnel, until ten years have elapsed. After that time, an individual could seek relief from the registration requirement.

Person-to-person Class A felonies should not be subject to expungement, because these crimes are so serious that juvenile offenders should not be given special consideration. Other serious crimes of lesser degree would go through the same judicial review process as provided above for certain sex offenses.

The Task Force recommends the expungement laws involving juveniles be revised as follows:

Offenses not subject to expungement

Records of person-to-person Class A felonies identified by the adult-sentencing guidelines, and including attempted murder, conspiracy to commit murder, and solicitation to commit murder, should not be subject to expungement.

Offenses subject to expungement upon judicial review

A juvenile found to be within the jurisdiction of the juvenile court for conduct that, if committed by an adult, would constitute one or more of the crimes listed in ORS 419A.260(1)(d), which do not qualify as person-to-person Class A felonies, or attempts to commit such crimes, may apply to the court of disposition for a hearing to determine whether the record should be expunged. The application may be filed pursuant to the provisions of ORS 419A.262.

In making an expungement decision, a court should be required to consider the following:

- a. The extent of injury, either physical or emotional, suffered by the victim;

- b. The use, or threatened use, of force during the offense;
- c. The number of offenses committed;
- d. The statements and recommendations of the victim, or the victim's parents if the victim was a juvenile at the time the offense was committed;
- e. The premeditated and willful manner in which the offense was committed;
- f. The age difference between the victim and the offender;
- g. The offender's willingness to accept personal responsibility for the offense;
- h. The offender's participation in appropriate crime-specific treatment;
- i. The duration of treatment activities;
- j. Reports and recommendations from those who provided the offender with treatment;
- k. The offender's efforts to pay the victim's expenses for counseling and other trauma-related expenses, or other efforts to mitigate the effects of the crime;
- l. The offender's employment history;
- m. The protection afforded the public by the continued existence of the record; and
- n. The offender's subsequent criminal record or lack thereof.

An applicant for record expungement should not be permitted more than two hearings to request expungement of an offense, and a minimum of two years must lapse between hearings. Upon receipt of a request for a hearing, the clerk of the court should provide at least 30 days' written notice to the district attorney's office, the county juvenile department, the victim, and the victim's parents if the victim was a minor at the time of the offense. Persons requiring notice should be considered parties to the hearing and have the right to present testimony at the hearing.

Sex offenses

Juveniles adjudicated for sex offenses should be required to register with the Oregon State Police under the same provisions that exist for adult sex offenders. These records are not subject to the expungement provisions in the juvenile code, but the conditions imposed under the sex offender registration provisions may be relieved after ten years pursuant to a separate proceeding.

Crimes subject to automatic expungement

All other crimes not listed above are subject to expungement, consistent with ORS 419A.292.

CONCLUSION

Anti-crime proposals must be shaped by the problem, not by paranoia. The majority of adults convicted of violent crime began their criminal careers when they were children. The juvenile justice system that is supposed to break that cycle of crime is itself broken and needs fixing. The failure of our system feeds public cynicism about devoting the energy and resources that we need to keep kids from getting into trouble in the first place.

The proposals of the Governor's Juvenile Justice Task Force provide sure sanctions for juvenile offenders, provide rehabilitation of those who can be helped, and — most importantly — reduce the threat of violence in our streets and neighborhoods.

These proposals do not come cheap. But by breaking the cycle of violence, Oregon and its citizens will surely save in generations to come.

It is urgent that Oregon recommit itself to its young citizens and bring reform to our system of juvenile justice.

APPENDIX A

The following Preamble is recommended to guide policy makers in 1995-97 and beyond in juvenile justice system reformation.

PREAMBLE

Any system of juvenile justice must reflect a comprehensive approach to ensure public safety. Any system must include not only the critical elements of incarceration and rehabilitation, but also intermediate sanctions for non-violent offenders, a special focus on sanctioning first-time offenders to prevent recidivist behavior at the earliest opportunity, and efforts to prevent young people from committing criminal offenses in the first instance.

To these ends, in addition to the proposals from the Governor's Task Force on Juvenile Justice, the following elements should be developed to restore Oregon's system of juvenile justice:

Whereas intervention is most effective at a youth's first point of contact with the juvenile justice system; and

Whereas immediate, certain, consistent and appropriate sanctions are critical to deterring recidivist behavior at the earliest stages; and

Whereas a series of graduated sanctions holds youth accountable and provides increased deterrence as the level of criminality increases; and

Whereas timely access and availability of detention is critical to public safety, to hold youth accountable and to provide graduated sanctions; and

Whereas local detention is critical for communities to be effective in deterring criminal activity; and

Whereas costs for planning, development, construction, and operation of local short-term holding facilities and long- and short-term detention facilities for juveniles should be shared between counties and the state;

Therefore pre-arrest and pre-adjudicative programs and facilities, including local short-term holding facilities and long- and short-term detention facilities for juveniles should be developed and utilized at the local government level to prevent recidivist behavior and the development of criminal tendencies; and

Therefore the state, in cooperation with communities and local government units, should provide funding as an economic incentive for pre-arrest and pre-adjudication programs, and/or facilities including local short-term holding facilities and long- and short-term detention facilities for juveniles.

APPENDIX B
CRIME PREVENTION STRATEGY

Presented to and adopted by Governor Kitzhaber

“If we want to reduce crime tomorrow, not just control it today, we must treat the causes of crime as well as the symptoms.”

Governor-Elect John Kitzhaber

INTRODUCTION:

The voters’ demand for increased public safety and their concern about the role and size of government were very strong themes in the 1994 election cycle. Many citizens do not feel safe in their homes, neighborhoods or schools. They see an alarming rate of drive-by shootings, sexual assaults and robberies perpetrated by increasingly youthful juvenile offenders and career criminals. Furthermore, a profound cynicism about government’s ability to solve these problems has resulted in a widespread and understandable response — lock them up and throw away the key.

But while the citizens of Oregon demand swift and immediate punishment for violent crimes, the message of 1994 continues to be redefining the role and size of government. Citizens increasingly suspect that their tax dollars are being squandered through inefficiency and waste. Too many believe that faceless bureaucracies push paper and protect themselves while services are few, hopelessly complicated and of poor quality. Furthermore, many Oregonians feel that local control of schools and government has been lost to increasingly centralized state government agencies.

The ascendance of a new majority in Congress and in the state legislature creates a new political reality. In Washington, Senator Kassebaum proposes transfer of welfare and nutrition programs to the states, while placing Medicaid under federal authority.

Congressional leaders propose welfare reform, abolishing the Department of Education and establishing orphanages for children of unwed mothers. In Oregon, initiatives are being proposed that continue to transfer to local communities the responsibility for

prevention of abuse and neglect and early intervention resources for children and families.

The opportunity for your administration, at its simplest, is that resources for children and families be based on human values and outcomes rather than on bureaucratic eligibility and compliance. This movement of authority from centralized State and Federal structures to local and community-based agencies should form the basis of your leadership agenda. Your task will be to assure that this inevitable transition occurs with the highest quality and accountability.

Our strategy for dealing with juvenile delinquency immediately addresses Oregonians' personal vulnerabilities and insecurities and simultaneously offers hope that our citizens' tax dollars can be directed to provide wisdom and value in addressing these social ills.

A RANGE OF SERVICES AND SANCTIONS

Our system for dealing with juvenile delinquency and crime is broken. In the past, the system provided a choice of treatments and sanctions for youths, whether it was the youth's first involvement with anti-social behavior or the commission of a violent crime. But no more. With limited resources and ever more violent behavior by our youths, we have fallen back to the last line of defense: Providing services only in the most severe cases -- locking up and treating juveniles who have committed the most offensive crimes.

This is irrational. It's as if we chose to focus all our attention on providing health care only in the emergency room, but ignored the need for early childhood immunization. By not providing a range of services, from true prevention through early intervention through true emergency care, we doom our delinquency and juvenile crime services to failure. We must provide a range of services, including graduated services and sanctions:

Strengthening families and communities in providing guidance and discipline, and providing sound values for our young children -- immunizing them against involvement in anti-social behavior.

Intervening with youth immediately and effectively when delinquent behavior first occurs. Police can tell you that they have many contacts with delinquent youths before their crimes earn them the sanctions and services they deserve. **Every crime must have a sanction.** Giving youths a slap on the hand only reinforces their belief they can get away with delinquent behavior. We must

have an early intervention system of graduated sanctions, including fines, restitution, mandated drug or alcohol treatment, work crew assignments and other community, non-residential programs.

Hard beds for hardened youths. Oregon does not have enough space to remove truly violent youths from the community. We must expand our juvenile corrections system.

PREVENTING PROBLEMS

Violence is not the human condition. It is learned behavior, and therefore preventable. Early support in the home, school and community offers children and families the chance to move away from lives of violence and dependency on welfare.

Children who grow up in homes where domestic violence, drugs and alcohol, or chaotic parenting styles occur are at great risk for lives of anti-social behavior. We can identify these anti-social behavior patterns as early as 18 months of age, and these patterns are the best single predictor of delinquency in adolescence. The more deviant the behavior of the parent, the more entrenched the behavior becomes in the child, resulting in higher arrest rates for property crimes and violent personal crimes. If an anti-social pattern is not changed by age 8 or 9, there is little hope that it can be cured. Anti-social, delinquent behavior must then be treated as a chronic condition, much like diabetes, which requires lifelong management and continuing interventions.

Preventing violence requires participation and education by all segments of society. If early prevention is neglected at the expense of incarceration, a steady and increasing flow of anti-social children will ultimately overwhelm us. If Governor-elect Kitzhaber's goal of "treating the causes of crime" is ever to be more than a hope, thoughtful and effective support must be planned at the earliest point in a child's life.

One such example is the First Steps program currently being implemented in Lane County schools. First Steps is a home and school intervention that diverts at-risk kindergartners from a path leading to antisocial behavior. First Steps is implemented during the first three to four months of kindergarten. The program has three components: 1) early screening to detect at-risk students; 2) a school intervention to improve classroom and playground behavior; and 3) a parent training program to teach parents and caregivers six key skills to assist children in getting along with others and getting work done.

First Steps is a highly effective prevention program. Follow-up across school years indicates that the kindergartners preserve most of the gains they achieve in subsequent years. First Steps is being considered for adoption by the Lane County Commission on Children and Families.

INTERVENING EARLY

Our teachers, police and juvenile case workers know who is going to end up in our juvenile system long before the youths are sentenced. They simply don't have the tools they need to stop the youth's inevitable slide into violence and criminality.

They need effective tools for treating and rehabilitating these kids, combining accountability and sanctions with increasingly intensive treatment and rehabilitation. Every offense should have a sanction, and that sanction must fit the offense. This involves nonresidential and residential alternatives, and the families must be integrally involved in treatment and rehabilitation. Examples of this approach can be found in school resource officer programs in Corvallis, Salem, McMinnville, Woodburn and Tualatin, where law enforcement officers work in the school as role models; Oregon State Police's C.R.E.A.T.E. program, which has been so effective in rural school districts throughout Oregon; the Self Enhancement, Inc., programs in Portland that use mentorship models to teach inner city youths the attitudinal and life skills needed for success; public-private cooperative efforts providing employment opportunities for at-risk youth; and multidisciplinary early intervention teams of police, community service and school personnel that work to divert youthful offenders from criminal lifestyles. Until the political leadership is provided to address these needs, we will be unable to provide safety to the public or to control the flow of younger children into lifestyles of crime.

VIOLENCE IN SCHOOLS

In order to address the increase in school violence, schools should develop "safe school" plans. By training teachers in behavior management and social skills, and by using effective screening tools already in place to identify children at risk, schools can act as a first line of prevention for children. The schools would identify at-risk children and refer them to appropriate services early on. To be successful however, social service agencies, local commissions on children and families, and juvenile courts must work hand-in-hand with schools to provide services to respond to school referrals

with adequate services to deal with at-risk populations before violent tendencies develop. Only with this cooperative effort could “safe school” plans be effective.

To assist in this effort, the public must be made more aware of prevention efforts via a statewide public awareness campaign. In addition, new and existing funding needs to be specifically targeted toward pre-kindergarten programs, K-3 programs, and technical assistance for the implementation of safe school plans. Violence in schools is a major concern, and a cooperative, prevention-oriented approach is the only way to assure a lasting solution.

JUVENILE JUSTICE SYSTEM

Oregon faces an immediate need and a public demand for more juvenile close custody beds. Some cases can be treated only by removing the offender from his or her community. This is an important tool to protect the public safety. Juvenile crime is growing, and demographic and other factors suggest that further increases reasonably may be anticipated. Whereas the juvenile justice system was originally designed to focus on comparatively minor cases of juvenile “delinquency,” a rising tide of violent felony offenses now confronts the system. Furthermore, juveniles committing more minor offenses receive — in some cases at least — minimal sanctions and treatment for patterns of multiple and progressively more serious offenses. As a result, the juvenile justice system is widely perceived as failing to satisfy the critical imperative of protecting the public safety. However, we will never be able to incarcerate our way to a satisfactory solution to youth violence. The challenge is not to build close custody beds until we meet the need but to reduce the need in the future. In developing needed changes to confront the problems of juvenile violence, the many but often less publicized success stories of the juvenile justice system must be kept in mind. That is, to avoid worsening the threat to the public safety, reform proposals must avoid “throwing out the baby with the bathwater.”

GETTING THE JOB DONE

State government must be accountable to Oregonians for their safety and resolving the problem of juvenile crime. By focusing resources and attention on the problem and ensuring accountability through the Oregon Benchmarks, the state will provide leadership.

But the service must be planned, designed and implemented at the local level. Communities and local citizens must take ownership of the challenge and solution. We

need strong commitment from individuals, community organizations, schools, businesses, churches and congregations — every part of a community — to meet our goals. That is best achieved not through top-down dictates from state government, but through local action.

Oregon previously has achieved success through local empowerment — the Regional Strategies for economic development, site-based planning in our local schools, and, most recently, the commitment to local Commissions for Children and Families. Local communities have risen to the challenge and have responded with creative, collaborative efforts that cut through standard bureaucracies to focus on real results.

The creation of the Oregon Commission on Children and Families, through House Bill 2004, ushered in a new era of investment in children and families, based on local planning strategies. This investment allows communities to develop and implement a seamless web of support to meet the individual needs of young Oregonians throughout their lives. This early investment will prevent the very expensive costs relating to illness, abuse and neglect, special education, youth violence, teen pregnancy and life long dependency on public assistance or incarceration.

The 1993 Legislature adopted HB 2004 in response to very real concerns about the plight of children and families in Oregon. In 1992, 32 Oregon children died at the hands of their parents or adult caretakers. In addition, the Children's Care Team found a fragmented and often inaccessible system of delivering services to children and families. And the University of South Maine's study of Oregon's child protective services concluded that the system was punitive and confusing. Oregon removes thousands of children from their families to protect them, yet is unable to deliver a core set of services to help children and families avoid or resolve their crises. State government's efforts to prevent abuse, neglect, delinquency and crime were "too little, too late." Many Oregonians believe that the solution lies not in more resources or tougher laws, but in redeploying existing resources to encourage each citizen to contribute to the care, nurturing and education of our children.

A fundamental change caused by HB 2004 is the transition from state-level control of service delivery to county-level planning and resource development and accountability. Each of Oregon's 36 counties have completed comprehensive local plans to promote wellness for children and families. Each county plan focuses on preventing the "risk factors" that contribute to child abuse, neglect and anti-social behavior in youth. By bringing people together at the community level, more people are involved, and they achieve greater success.

As we look at these issues, two things are given:

We face limited government resources and tough choices; and

Investment more than pays for itself over time; you will be judged on how well you meet today's needs.

We ask you today to build on the logic of the Oregon Health Plan, and boldly include enhanced prevention of abuse and neglect and related problems as part of your immediate, as well as long term solution.

What does that mean? It means funding Healthy Start statewide as you reconfigure the state's close custody system for juveniles. It means establishing crisis nurseries as you develop community-based alternatives for juvenile offenders. We must not sacrifice critical prevention services in favor of demand for ever greater punishment for juvenile crimes, but must strike a balance between the public's demand for personal safety and our ability to effectively treat the causes of crime.

We recommend four actions:

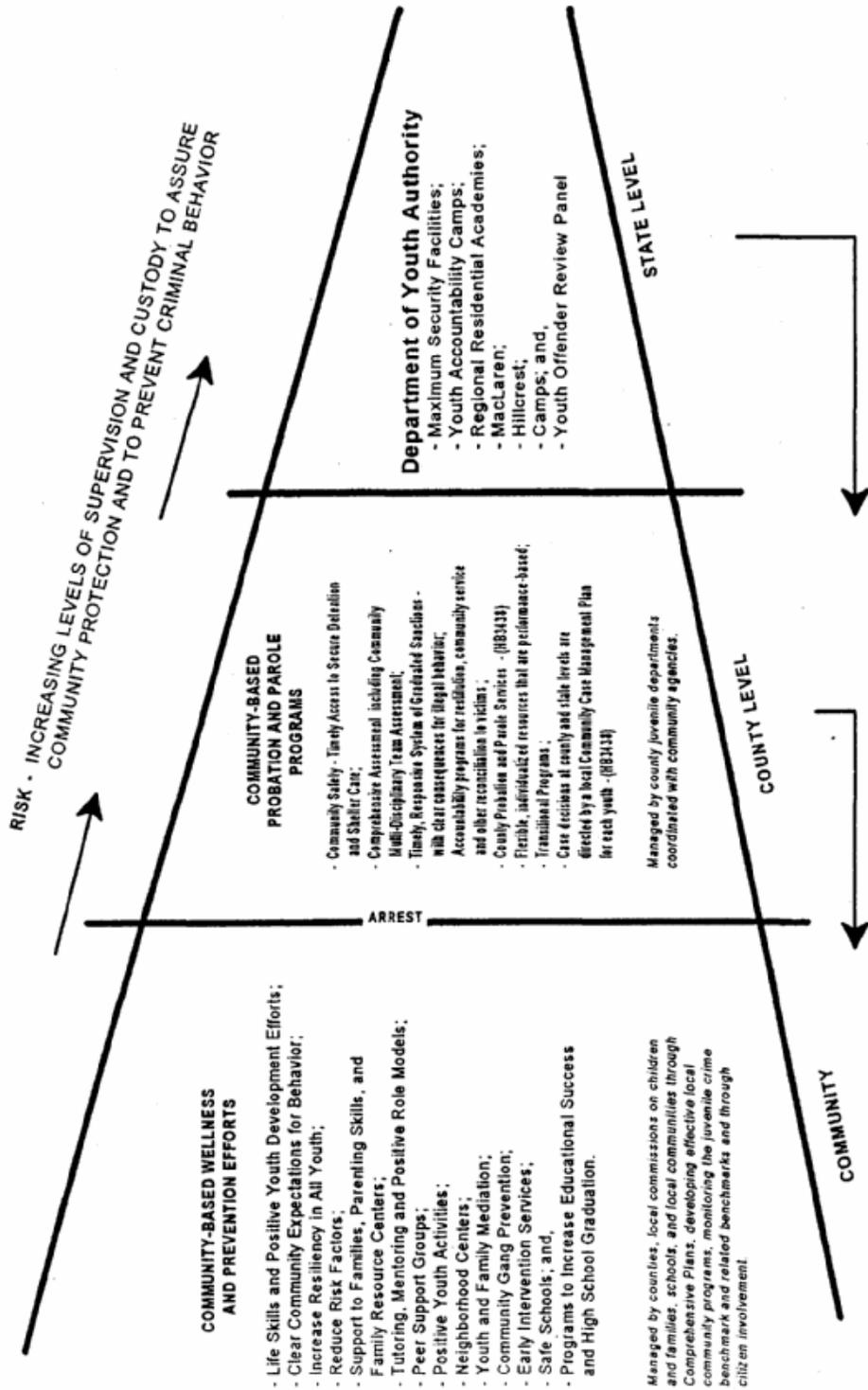
1. Put resources into hard beds for violent juvenile offenders.
2. Provide leadership for prevention services. Oregon needs leadership, especially with issues that are either consensus items such as Healthy Start or state-of-the-art issues such as crisis response capabilities, First Steps and juvenile diversion programs.
3. Convene a blue ribbon "Commission on School Safety." This will include people from the prevention and intervention perspectives, interagency representatives and law enforcement. The goal of this group will be to implement the findings from the recently convened Gang Summit.
4. Convene a bipartisan group of legislative, community and professional leaders on the topic of "Flexibility in Government for Children and Families."

Now is the time to tackle juvenile delinquency and crime. The public is demanding action and change. Our children, families and communities need and deserve our attention. Our tax dollars must be better spent -- in ways that truly help solve the problem. It does not take a leader to build more hard beds for juvenile offenders although that is part of the solution. It takes a leader to build a system that works, that

keeps our youngest children from falling into delinquency, that treats the behavior once it begins, and that removes the chronic and violent offenders from our communities.

OREGON'S MULTI-TIER JUVENILE JUSTICE SYSTEM

APPENDIX C



Juvenile Justice Task Force
Office of the Attorney General
12/9/94