



**Multnomah County
Department of Community Justice
Policy and Procedures**

<u>DIVISION:</u> Juvenile Services Division		
<u>SUBJECT:</u> Delinquency Assessment and Disposition Decisions		
<u>APPROVAL:</u> Assessment Policy Steering Committee ¹	<u>EFFECTIVE DATE:</u> 06/08/2010	<u>REPLACES (policy # and date):</u> N/A

- I. **PURPOSE:**
To establish standards and practices for assessing youth referred to the Juvenile Services Division in order to make a consistent and objective determination as to the most appropriate case disposition based on the youth's risk to re-offend and other determining factors, including but not limited to, public safety issues and youth accountability and success.

- II. **REVIEW HISTORY:**
Originating

- III. **CONTACT:**
Community Justice Manager, Intake, Assessment, and Intervention Unit.

- IV. **PERSONS AFFECTED:**
Records Technicians (RT), Office Assistants (OA), Juvenile Court Counselors (JCC), Community Justice Managers (CJM.)

- V. **CROSS REFERENCES:**
ORS 419A.255 Maintenance; disclosure; providing transcript; exceptions to confidentiality
ORS 419B.010 Duty of officials to report child abuse; exceptions; penalty
ORS 419B.015 Report form and content; notice
ORS 124.060 Duty of officials to report
ORS 124.065 Method of reporting; content; notice to law enforcement agency and to department
ORS 419C.001 Purposes of juvenile justice system in delinquency cases; audits.

¹ Assessment Policy Steering Committee Members: Tom Cleary, Sr. Deputy District, Thanh Dang, Community Justice Manager, Michelle DeShazer, Juvenile Court Counselor (JCC), Sheryl Goodman, JCC, Judy Griswold, Department of Human Services, Child Welfare Services Supervisor, Debbie Hansen, Oregon Youth Authority Agency Supervisor, Donna Henderson, Capt. of Family Services Division, Portland Police Department; Candace Johnson, JCC, Leslie Nelson, Defense Attorney, Metropolitan Public Defender, Juliette Mackins, Northwest Professional Consortium, Inc. (NPC Research), and Merri Souther-Wyatt, Multnomah County Circuit Court Judge.

VI. **RATIONALE:**

Research shows that juveniles who are diverted from formal adjudication re-offend at a lower rate than similar youth who have cases processed through the formal juvenile justice system. Using an objective, validated assessment instrument to clearly identify risk indicators and protective factors is consistent with evidence-based practices. This approach addresses individual issues in ways that are developmentally and culturally appropriate to eliminate or reduce the risk to re-offend. Such an approach allows for the discernment of normal adolescent behavior from serious criminal and/or substance abuse patterns.

An assessment approach to determining dispositions is consistent with the Department of Community Justices' strategy of aligning resources with the highest risk and highest need youth. It represents an effective investment in behavioral change. By safely diverting identified children and youth from the formal justice system, public resources are maximized and better public safety outcomes are achieved for Department of Community Justices' highest risk youths.

Quality information is the foundation upon which an accurate assessment of the youth is made and a case disposition decision is determined. An accurate JCP assessment enables the supervising JCC to develop an appropriate case plan to effect behavior change to reduce the youth's risk to re-offend and increase positive outcomes.

By having a clearly defined assessment and disposition policy, Juvenile Services Division staff will be able to provide explicit justification and support for disposition decisions and recommendations. Clarity increases timeliness, accuracy, and consistency in the decision-making process.

Using available access to various information systems in the gathering of youth/family information increases efficiency in the case processing and assessment process.

This policy intends to reduce recidivism, repair harm to victims, help youth in developing skills necessary for success and behavioral change, ensure fair and impartial treatment, facilitate better direction of youth under supervision in the community, and be useful for program evaluation and organizational data-driven decisions.

VII. **DEFINITIONS:**

Developmentally and Culturally Appropriate: Practices and decisions are based on theories of child and adolescent development, recognition of the youth's strengths and needs through the use of validated assessments, awareness of the youth's physical, emotional, spiritual, and gender aspects that contribute to the youth's experience and way of interacting with the world, and knowledge of the youth's cultural background as defined by his/her community, family history, and family structure.

Disposition Decision: A decision made by the Juvenile Department which directs a course of action on a referral or a particular case.

Evidence-Based: An approach or program that incorporates significant and relevant practices based on scientifically-based research, that is intended to reduce the likelihood that the youth will commit a new law violation, and that is cost effective.

Formal Accountability Agreement (FAA): A voluntary contract between a youth alleged to have committed designated crimes and a juvenile department whereby the youth agrees to fulfill certain conditions in exchange for not having a petition filed against the youth.

Intervention Level: Placement of youth in the most appropriate, least required intervention level matches the intensity of sanctions, services, and supervision to the youth's assessed risk to reoffend that integrates interventions to address risk and protective factors simultaneously while increasing the likelihood of positive outcomes.

Juvenile Justice Information System (JJIS): The JJIS is an electronic information system administered by the state through the Oregon Youth Authority.

Oregon Juvenile Crime Prevention (OJCP) Risk Needs Assessment: An objective, validated assessment instrument used to determine areas of risk to reoffend, treatment needs, and program eligibility for youth across Oregon.

Victim: Any person determined by the District Attorney's Office, the Juvenile Department or the Juvenile Court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, "victim" includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

Youth: At the time of the incident, a person who between the ages of 12 and under 18, is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

VIII. **POLICY:**

It is the policy of the Juvenile Services Division that: staff will:

- Comply with JJIS data entry requirements.
- Comply with established case management time frames.
- Comply with the Victim Services policy.

It is also the policy that the JCCs shall:

- Adhere to confidentiality requirements in all aspects of information gathering, sharing, and maintenance.
- Report suspected abuse or neglect of a child regardless of whether or not the knowledge of the abuse was gained in the JCCs official capacity.
- Report suspected abuse or neglect of an elderly or developmentally disabled adult to the Department of Human Services or law enforcement if knowledge of the abuse was gained while acting in an official capacity.
- Complete a JCP assessment if a youth meets criteria for an assessment.
- Conduct a comprehensive interview with a JCP eligible youth and their family/guardian, review the youth's social and legal history, seek to obtain all

- possible and/or necessary collateral information, and complete the JCP Assessment in JJIS.
- Make a notation of any information which cannot be obtained, substantiated, or confirmed in the applicable section/s of the Assessment Summary.
 - Write the Assessment Summary in strength-based language and complete the Summary in the established format.
 - Make a dispositional decision/recommendation according to this policy that follows logically and persuasively from the JCP and information that is gathered.
 - Staff a case according to established protocols to adjust the Intervention Level for Sanctions, Services, and Supervision prior to disposing of a referral on cases in which the JCC believes that the youth's Intervention Level should be adjusted.
 - The minimum sanction for any Level 1 youth referred for a felony shall be an Informal Sanction.
 - A youth's Intervention Level may be adjusted up from Level 1 to Level 2 on designated misdemeanor or felony.
 - A youth's Intervention Level may be adjusted up from Level 2 to Level 3 for adjudication if there are community protection concerns and/or the youth needs access to JSD-based services and intense supervision to address risk indicators and build protective factors.
 - A youth's Intervention Level may be adjusted down from Level 3 to Level 2, or from Level 2 to Level 1, if the assessment indicates that the youth has a high potential to favorably respond to lesser or informal handling, has protective factors that reduces the youth's risk to re-offend, and has access to community-based resources and family support without the intervention of the Juvenile Services Division.

IX. **PROCEDURES:**

A. Community Justice Manager Responsibilities – The following assignment process will be used for all cases received by IAI CJM for review, disposition, and/or assignment:

1. Referral and JJIS review

- a. Review the law enforcement report to determine what allegation(s) can be disposed of without further review based on established guideline and/or if the youth should be referred to a JCC for an assessment to determine further disposition.
- b. Review JJIS record, Notes, Transfer/Closing Summaries, and/or any available documentation as to the youth's history and determine if the youth meets criteria for a disposition without further case assignment and assessment.

2. Routing determination

- a. Complete appropriate sections of the Referral Processing form.
- b. Record the case assignment in IAI case assignment Excel spreadsheet.
- c. Make a JJIS Note as to the disposition and/or routing of the case.
- d. Attach available referral materials on the outside of the social file including:
 - Referral Processing form, LSR or FSD form.
 - DDA Diversion Memo
 - Law enforcement report

- DHS ICDB if there is an open DHS case
 - Printouts from eSIS, DOC, etc.
 - e. Place the social file in the designated area for further processing.
- B. Office Assistant Responsibilities** – The following process will be used for all cases received by IAI OA for assignment to a JCC for assessment:
- 1. JJIS data entry and social file notation**
 - a. Write “Assign, JCC Name, and the date” on the right-hand side of the social file.
 - b. End the Pend Assign worker, e.g., Pend Assign, Assessment or Pend Assign, DDA Review
 - c. Assign the designated JCC as the Primary worker in JJIS.
 - 2. Case preparation**
 - a. Check for data regarding parents in DOC, PPDS, OJIN, SWIS, and eSIS.
 - b. Print out reports for any record found in the above-referenced databases.
 - c. Make a notation on the Referral Processing form that the database checks are complete.
 - 3. Case Routing**
 - a. Complete the appropriate sections of the Referral Processing form.
 - b. Attach available referral materials on the outside of the social file and deliver the file to the assigned JCC.
 - 4. Victim Notification**
 - a. Follow the protocols outlined in the Victim Services Policy (Exhibit 6)
 - b. Create and mail a Victim Letter and Victim Forms in JJIS for the identified victim/s in the referral as instructed.

Note: Materials for non-English speaking persons are created in Microsoft Word.

- c. Print and file a copy of the Victim Letter (just the letter, no forms) in the social file behind the tab labeled “Victim.”
 - d. Enter a JJIS Note that the victim letter has been mailed, including the referral number and the date the response is due in the JJIS Note.
 - e. Mail a “Legal Rights for Crime Victims in Oregon” if requested by the JCC, and enter a JJIS Note that the date mailed, name of victim, and a notation as to the referral number.
- C. Juvenile Court Counselor Responsibilities** – The following process will be used for all cases received by a JCC for review, assessment, and disposition:
- 1. Referral and JJIS Review**
 - a. Read the referral materials that are attached to the social file.
 - b. Review JJIS record, JJIS Notes, Transfer/Closing Summaries, and any available documentation as to the youth’s history.
 - c. Complete the appropriate sections of the Referral Processing form.
 - 2. Youth and Family/Guardian Contact:**
 - a. Initiate phone contact with the youth and family/legal guardian according to established protocols.

- b. Mail an appointment letter if no response is received from the youth/family after the initial phone contact attempt.
 - c. Schedule the appointment no later than ten (10) days out from the date the letter is being mailed.
 - d. Send a confirmation letter if the youth and family/legal guardian responds to the initial telephone contact and if the appointment is not scheduled within the next three (3) business days.
 - e. Enter a JJIS Note to document telephone contact and/or letters.
- 3. Collateral Contact**
- a. Initiate phone contact with DHS/OYA/DDA if Referral Processing form indicates an open case with the respective agency.
 - b. Initiate phone contact with the school, residential program, etc. if the referral indicates the incident occurred at such site.
 - c. Initiate phone contact with any sources as determined appropriate.
 - d. Obtain any information as possibly can without a signed Release.
 - e. Enter a JJIS Note to document the contact, information obtained, and/or decisions made pertaining to the youth being assessed.

Note: The goal of this initial contact is to determine whether the matter has been resolved without further JSD intervention.

4. Accountability/Victim Services

- a. Follow the protocols outlined in the Victim Services Policy (Exhibit 6)
- b. Review financial loss information contained in the law enforcement report, JJIS Notes, and in the victim response if the victim has responded.
- c. Note the status of the victim's response in JJIS on the day following the victim response due date if not previously noted.
- d. Determine the youth's ability to pay restitution by considering the following factors:
 - youth's age;
 - availability of paid employment to the youth;
 - financial resources of the youth and the burden that payment of restitution will impose, with due regard to the other obligations of the youth;
 - present and future ability of the youth to pay restitution on an installment basis and to meet other conditions to be agreed upon by the youth and JSD; and
 - the rehabilitative effect of payment, including rehabilitation through the method of payment and enhanced awareness of the consequences of criminal conduct.
- e. If there is no request for restitution, determine the applicable number of community service hours based on established protocols.

5. Social History Interview and JCP Assessment

- a. Conduct a social history interview with the youth and family/guardian.
- b. Obtain school, treatment, and/or other releases and obtain any available collateral information.
- c. Complete the JCP Assessment in JJIS according to established protocols.

- d. Review the JCP to determine the distribution of high risk indicators, violence indicators, static and dynamic risk indicators, and protective factors.
- e. Draft the Assessment Summary using the established outline including a notation of static risk indicators, dynamic risk indicators, protective factors, violence indicators, and indicators that a response may indicate the need for further assessment.

6. Disposition Determination

- a. Refer to the Delinquency Disposition Guide and Intervention Level for Sanctions, Services, and Supervision to determine the recommended Intervention Level (See Exhibit 3,4, and 5).

Note: Disposition options include closing the referral at Assessment with no further action, Level 1 intervention provided by the Assessment JCC, transfer to Informal for Level 2 intervention in the form of a FAA, or staffing the case for Level 3 intervention through adjudication.

- b. Determine if reasons exist to adjust the youth's level up or down.

Note: Adjustment examples are available on the Adjustment Circumstances and Factors list.

- c. Staff the case with the CJM and/or team if an adjustment to the intervention level is indicated.
- d. Enter a JJIS Note with the results of an Intervention Level staffing, detailing the options discussed, the rationale for an Intervention Level adjustment, and the rationale for the disposition decision.

X. **EXHIBITS:**

Exhibit 1: Assessment Model Work Flow

Exhibit 2: Assessment Summary

Exhibit 3: Delinquency Disposition Guide

Exhibit 4: Intervention Level for Sanctions, Services, and Supervision

Exhibit 5: Adjustment Circumstances and Factors

Exhibit 6: Victim Services Policy