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REPORT ON

THE JUVENILE JUSTICE SYSTEM IN MULTNOMAH COUNTY

The Committee: Vern Jones, Karl Langbecker, Helen Lee, Kristine Olson Rogers, Sandra A. Suran, Raymond P. Underwood, Kathryn Wood, Ronald B. Lansing, Chairman.

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"To inform its members and the community in public matters and to arouse in them a realization of the obligation of citizenship."
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REPORT ON
THE JUVENILE JUSTICE SYSTEM IN MULTNOMAH COUNTY

To the Board of Governors,
The City Club of Portland:

“If our goal is to rehabilitate, we’re not doing it, and if we’re supposed to be
punishing, we’re not doing that either.”

Wayne Mucci, Director of the
National Juvenile Justice Standards Project

I. INTRODUCTION

Some national statistics: Reported juvenile delinquency has risen 1600 percent since
1955. Children under 15 commit more crimes than adults over 25. In 1974, 2.5 million
juveniles were arrested. Juvenile crime costs $12 billion each year.

Our study is juvenile justice in Multnomah County. We have no small problem here.
We have examined the matter for some 18 months. We could easily have spent 18 years.
Literature and commentary are endless. “Experts” abound. Statistics are endless. Research
in every quarter persists. Genuine concern pervades. Yet the patient is nonetheless ailing.
Delinquency in fact is growing. The juvenile justice system is faltering. One senses dis-
enchantment, resignation, commiseration. Counselors feel they are merely fighting a
“holding action.” Employee concern gravitates toward job security leaving little energy
for innovation. Administrative leaders see no solutions. Judges opt against change. Futility
has replaced the spirit of cause. There is fester, not healing.

Into this murky network, this Committee ventured in March 1975. Appendix B gives
a brief résumé of each Committee member. We have interviewed approximately 50 wit-
tesses (Appendix C), examined thousands of pages of literature (Appendix D) and spent
over 120 committee hours in debate and discussion and over 1,000 person hours of study.
We hope that the result which follows is, in its modest way, a lantern in the right direction.

II. SCOPE

The charge to this Committee from the Board of Governors was
“to review and make appropriate recommendations as to . . . the history, structure,
. . . mission . . . jurisdiction . . . and appropriate role . . . of the Juvenile Court in
Multnomah County in relation to that of other courts; . . . to that of the Board of
County Commissioners, . . . [and] to that of non-judicial public and private
agencies. . . .”

The Board’s charge arose at a time when the Multnomah County judges and Multno-
mah County Commissioners were locking horns on an issue of authority over the opera-
tions of the county’s juvenile justice system. That struggle between judicial and executive
control became the catalyst from which this study committee found a plethora of research
issues.

At the outset it was necessary to put some limitations on our study. They are these:

(1) Our report focuses on the systematic and administrative aspects of juvenile justice
(jurisdiction and procedures), not on the substantive societal norms for juvenile behavior.
We, therefore, did not examine what ails the delinquent but rather what ails the juvenile
justice system. For example, we might have taken a position on the issue of abolition of
the juvenile curfew laws as has been the case in the State of Washington and as is recom-
mended by the Oregon Legislative Interim Committee on the Judiciary, but we have not
done so because it is beyond the scope of a study dealing with the operation of the
administrative system.
We are principally concerned with Multnomah County's juvenile justice program, not the programs in other counties of this state. Indeed, some of the suggestions made herein might well be inappropriate to counties under 300,000 population.

Our examinations zero in on the center of the juvenile justice system in Multnomah County, i.e. the County's Juvenile Justice Department, the microsystem (see Fig. No. 2). Excluded, therefore, from our major examination were those public and private satellite institutions which orbit the Department to form the macrosystem (see Fig. No. 1).

For the most part our investigation focuses on delinquency procedures rather than dependency procedures, the former being problems of juvenile misbehavior and the latter most often (but not always) being problems of parental misbehavior. (See Glossary, Appendix E.)

Our report is in halves. One part is descriptive, the other prescriptive. The former lays a history for diagnosis, the latter suggests some treatment which hopefully is more than palliative.

An initial problem of language confronted us: what to call the microsystem that we sought to study? Many (including the juveniles) call it “JDH,” an acronym for Juvenile Detention Home. But this sounds too much like a euphemistic reformatory and, indeed, is misleading because it insinuates the detention function to the exclusion of the counseling, adjudicative, management and other functions. It is also sometimes referred to as “Juvenile Court.” But this label tends to overemphasize the adjudicative function. The statutes use the term “juvenile department” and this seems closest to describing the system. We opted finally to coin the term Juvenile Justice Department (“JJD”) in the hope that the insertion of the word “Justice” will prove a least a beacon if not a reality.

No special system can long exist without developing its own jargon. A system of juvenile justice is no different. This report will often contain certain esoteric terms. The reader's attention is called to a Glossary at Appendix E which may be a useful reference in reading this report.

III. DESCRIPTIVE DISCUSSION

The emphasis in this half of the report is on depicting the system as is, rather than as it ought to be. The Prescriptive Discussion discusses the latter aspect.

A. THE SYSTEMS

Early in our research we were impressed by the complexity and labyrinthine involvement of juvenile justice as a system. Juvenile Justice in Multnomah County, as everywhere, has grown into a complex hydra-headed macrosystem. This “topsy” growth is no doubt spawned by the genuine concern of persons in many quarters with the care of our society's children. That agony of concern has produced involvement from state government (e.g. Children's Services Division), from private operations (e.g. Youth Advocates), from law enforcement agencies (Portland Police's Youth Division), from religious organizations (e.g. Lutheran Family Services, Christie School), from special penal institutions (e.g. McLaren, Hillcrest), from family concern (e.g. foster homes), from schools, shelter care centers, bureaus of human resource, and now from this City Club research project. Figure No. 1 partially diagrams this macrosystem and may aid the reader in his or her study of this report.

At the center of this vast network in Multnomah County is the Juvenile Justice Department (JJD). It is a system within a system. A close-up of that center reveals an intricate microsystem. See Fig. No. 2 at the centerfold. We aim then at the bull's eye of a much larger target.

Figure No. 2 charts the flow of procedures within the JJD microsystem. The flow begins with the first moment when the child is physically brought in at “Intake” or when the informal complaint against him is received by JJD and ends with final disposition of
the case. The alphabetic notes on Figure No. 2 (centerfold) make reference to the fol-
lowing narrative:

A. Of the approximate annual 10,000 referrals to JJD, approximately one-quarter of
the juveniles are brought in physically and go through the intake procedure; in the other
7,500 cases, the referral is accomplished by a report prepared by police, schools, or others.

B. The Counseling Supervisor assigns a field counselor to each case. He does so based
on the geographical location of the child's home. Each counselor serves a specific area.

C. The case against the child may be dismissed at this point, with the approval of the
judge or referee. This usually occurs if the district attorney advises the counselor that
there is insufficient evidence in the case.

D. The field counselor's duties at this point are to advise the child of his rights, pro-
vide follow-up counseling, and get an attorney for the child. The court cannot force a
child who has denied the crime to accept counseling before his formal hearing.

E. The preliminary hearing is usually composed of the referee, the field counselor,
parents, and attorney. The referee is an attorney appointed by the judges; he has almost
the same authority as a circuit court judge.

F. The traffic referee and traffic procedure are completely different from the criminal
procedures charted here. To conserve space and remain within the self-imposed limits of
our study, details of this system are omitted from this diagram. The traffic referee handles
auto, boating, fish and game violations, and unauthorized use of a vehicle (first offenders).
He is usually a counselor, civil service appointed and approved by the judges.

G. Children 16 or 17 years of age may be transferred (remanded) to adult court for
criminal trial after a juvenile court hearing. The child at this point has a right to legal
counsel prior to remand hearing.

If nothing else, Figure No. 2 graphically depicts the maze into which the bewil-
dered juvenile is thrust. Certainly a beginning part of rehabilitation is for the errant youth
to understand and to appreciate the nature and workings of the process that reaches out
to assist him or her. At present, the system seems incomprehensible to research analysis
let alone to a bewildered child or distraught parents.
FIGURE NO. 1
THE JUVENILE JUSTICE SYSTEM
(Macro-system Flow Chart)

JJD

COUNSELING
DIRECTION
(POSITIVE)

COMMUNITY
Guidance
Clinics

CSD

DIVERSION
CENTERS
49 Youth
Facilities
PARENTS

SCHOOLS

POLICE

REMAND
COURT

ADULT
COURT

TEMPORARY
SHELTER

HOME

REENTRY DISPOSITION

FOSTER
HOMES
GROUP

EDUCATIONAL
ADVENTURES
EXPERIENCY,
HOME

YOUTH CARE

CORRECTIONAL

INSTITUTIONS
HELPES

YAHTA
HOMES

FOSTER
HOMES

REENTRY
DISPOSITION

FIGURE NO. 1
THE JUVENILE JUSTICE SYSTEM
(Macro-system Flow Chart)
B. HISTORICAL DEVELOPMENT

Oregon established its first juvenile court in 1905. The Juvenile Court Act of that year established circuit court jurisdiction over minors aged 16 and under, and created a separate juvenile court presided over by judges who heard only juvenile matters. The court's authority extended to delinquent and dependent children. Separate records were maintained. After assuming jurisdiction over a child by legal proceedings, the court could commit the child to an institution or foster home, with jurisdiction terminating either by the child's reaching 18 or by earlier court termination. The Act changed juvenile detention procedures. Juvenile offenders were no longer tried by a Justice of the Peace or police magistrate. No minor under 12 could be jailed.

The first amendment to this Act came in 1907; it raised the age limit to 18 and set the minimum age for jail commitment at 14. Provision was made for juvenile detention facilities, for court personnel (probation, detention and court staff), and for prosecution by the district attorney. Provisions regarding circuit court jurisdiction, detention facilities and prosecution by district attorney applied only to Multnomah County.

By virtue of amendments in 1913, 1915, 1919 and 1929, the court gradually evolved into its present form with a Circuit Court Department of Domestic Relations having jurisdiction over juvenile and domestic matters. This structure has not been significantly changed since then, except for an increase in the number of judges assigned to the Multnomah County Domestic Relations bench.

In 1967, the U.S. Supreme Court rendered a landmark decision, In re Gault (see Glossary, Appendix E) which affected juvenile law concepts throughout the nation. The Gault case was the first of a series of cases which began to alter traditional theories and to extend constitutional safeguards to juveniles charged with crimes. Before Gault, a child essentially had no procedural rights. From the inception of the juvenile court system children had been viewed as needing protection and custody rather than punishment. A patronizing philosophy (parens patriae) developed wherein the judicial attitude favored guiding the delinquent child's future development over observing the child's fundamental legal rights. Society's handling of a juvenile was supposedly geared to the child's "best interests," and adult criminal procedures were therefore altogether inapplicable. The child was not denied rights by these concepts because he or she had none in the first place. Since Gault and other recent cases, many due process protections have been extended to juveniles. The general theme of cases like Gault is to emphasize the child's legal procedural rights as against the traditional emphasis on the court's and society's fulfilling a parental role toward the child.

Juveniles are now entitled to sufficient notice to apprise them of the nature of the charge and to enable them to prepare a defense. They have the right to counsel at trial, and the right to remain silent. Juveniles have the right to confrontation of witnesses, and the protections of the rules of evidence. Juveniles today are entitled to proof beyond a reasonable doubt, and are protected against double jeopardy. It is hard to imagine that prior to 1967 the foregoing rights were not afforded to juveniles as a constitutional right. Rights not yet expressly afforded juveniles by statute or court decision include the right to bail, the right to counsel in pre-petition negotiations, and jury trial.

C. STATISTICAL AND OPERATIONAL ANALYSIS

JJD personnel and this Committee tried to secure data for a statistical analysis of the Multnomah County system. However, past record keeping in Multnomah County has been incomplete. Witnesses and committee members have groped through a county-wide maze seeking consistent information, only to be frustrated by the lack of any coordinated record keeping. This lack of evaluative materials makes it hard to decipher realities, a fact readers of this report should bear in mind when statistics are herein reported.

The geographic seat of Multnomah County's Juvenile Justice System is the Donald E.
Long Home, located at N.E. 68th and Halsey St., Portland. It currently houses 44 court counselors, detention facilities, support personnel (secretaries, cooks, etc.), and the juvenile courtroom itself. The facility was completed in 1950 after voters had approved a construction levy of $1,133,415 in 1946. Prior to that time children had been housed in community facilities which were "deplorable," according to a 1946 City Club study, and the juvenile staff had been scattered over four floors of the downtown County Courthouse. The scattered physical layout had produced unnecessary expense and inefficiency.

The newness of the facilities together with public and professional support of detention policies, compelled an immediate full utilization of the Home. The daily detention population increased steadily so that two new wings, costing $530,000, were completed in 1965. The peak year for detention admissions was 1969, when 4,887 juveniles were temporarily confined to the Home throughout the year. The average daily population that year was 115; on the highest day, 159 children were in detention. During these early years the number of overall referrals also climbed.

In the 1970s, things began to change. Several factors contributed to a swift reversal of status quo:

(1) The implementation of procedural concepts mandated by the 1967 Gault decision and its progeny cases.

(2) The creation of the Children’s Services Division in 1971 and the assumption of responsibility by that state agency for many cases previously handled by JJD.

(3) A change in policy emphasis toward diversion of delinquency cases away from JJD and toward newly developed Youth Service Centers. (See Glossary and further description at Sections III-E and IV-B(5).

(4) The initiation of Case Management—a federally funded, high intensity project aimed at thwarting juvenile crime through experimental methods. See Glossary.

(5) Action by the Multnomah County Commissioners reducing funds for detention facilities at the Donald E. Long Home.

In 1973 all seven wings of the Home were still in operation, but four were closed by 1974. By 1975, and at the present time, only two of the wings are used by JJD. The decrease in detention was met by an increase in diversions under (3) and (4) above. The 1975 average daily population in detention was 30 children. Various proposals for occupying the empty wings include a detoxification center, a residential facility for boys with behavior problems, and a family court. One wing is currently being used as an adult women's jail.

The foregoing operational and conceptual changes had a distinct impact on JJD staff. The number of counselors decreased significantly, especially in 1973 and 1974 when Case Management took some of the JJD personnel. There are no statistics to depict the impact of functional re-alignments. This has left questions and created disagreement about actual workload differences. During the 1970s there were also several turnovers in administrative leadership. The lineage of JJD Directors in the last 20 years is: Al Green (1954-1972); Fielding Weatherford (1972-1973); Harold Hart (1974-1976); Harold Ogburn (1976-present). The resultant shifts in internal policies imposed on the staff, together with budget cuts and feelings of job insecurity, produced a staff morale problem especially marked during 1975.

The statistics in Figure No. 3 are from annual reports of JJD and from information supplied by former Director Hal Hart and current Director Harold Ogburn. The figures give a purely numerical indication of the system’s involvement, and show the increments and reductions of the past few years.
**FIGURE NO. 3**

<table>
<thead>
<tr>
<th>Year</th>
<th>Over-all referrals* * (excluding traffic)</th>
<th>Detention Admissions</th>
<th>Counselors*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>7,258</td>
<td>3,694</td>
<td>30</td>
</tr>
<tr>
<td>1967</td>
<td>8,173</td>
<td>3,827</td>
<td>35</td>
</tr>
<tr>
<td>1968</td>
<td>8,700</td>
<td>4,305</td>
<td>53</td>
</tr>
<tr>
<td>1969</td>
<td>9,442</td>
<td>4,887</td>
<td>41</td>
</tr>
<tr>
<td>1970</td>
<td>9,721</td>
<td>4,808</td>
<td>58</td>
</tr>
<tr>
<td>1971</td>
<td>9,568</td>
<td>4,802</td>
<td>64</td>
</tr>
<tr>
<td>1972</td>
<td>9,701</td>
<td>4,686</td>
<td>60</td>
</tr>
<tr>
<td>1973</td>
<td>9,724</td>
<td>3,716</td>
<td>49</td>
</tr>
<tr>
<td>1974</td>
<td>9,622</td>
<td>3,202</td>
<td>40</td>
</tr>
<tr>
<td>1975</td>
<td>8,936</td>
<td>2,763</td>
<td>40</td>
</tr>
</tbody>
</table>

Generally, referrals to the JJD fall in one of five categories:

1. **Delinquency**—“Adult” criminal acts committed by children under 18.
2. **Status Offenses**—Act which would not be illegal if the person were over age 18; e.g., running away, beyond parental control, curfew violation, minor in possession of alcohol, truancy. The term “status offense” is often used to describe a form of delinquency.
3. **Dependency**—Child abuse, parental neglect or abandonment; i.e., cases where the child is not an offender.
4. **Traffic**—Only for those children age 15 and under. There is a blanket remand to adult court for older juveniles.
5. **Special proceedings**—This includes housing and investigative services for other agencies, consent to marry or to enlist in the Armed Services, termination of parental rights, and miscellaneous others. Cases in this area have risen from 242 in 1954 to nearly 1,800 in 1975, but record keeping has been inconsistent and has changed over the years.

* In developing a ratio between referrals and counselors, one must consider that the above figures for 1973, 1974 and 1975 include approximately 475 cases per year that were handled by Case Management; the figures for counselors, however, do not include the persons working in Case Management. Statistical extrapolation computes that a caseload increase of 33% per counselor evolved over the last five years.

** Because of recidivism and reappearance, these “referrals” do not correspond to the actual number of children. For example, between 1969 and 1975, a consistent average of 26% of the juveniles were referred more than once per year; 4,276 children created 6,097 status and delinquency referrals in 1975. The figures also reflect only JJD case openings; the numbers would approximately double if referrals closed at intake or diverted away from JJD were included.
Figure No. 4 illustrates the percentage of JJD involvement in each of these categories based upon the number of cases referred in 1975.

**FIGURE NO. 4**

1975 Juvenile Justice Department Case Court Involvement

While dependency matters do not require court adjudication which thereby partially involves JJD, the primary casework responsibility for dependency matters lies with Children’s Services Division. Thus, the judges and the District Attorney’s office expend considerable effort in this area, but JJD counselors have minimal involvement. As shown in Figure No. 5 dependency referrals have remained fairly stable over the last twenty years.

The bulk of JJD’s workload is comprised of delinquencies including status offenses. Referrals come from a variety of sources including schools, parents, and the police and sheriff. Figure No. 5 indicates referral patterns between 1955 and 1975. Delinquency referrals peaked in 1972 with 8,241; 53 percent of those cases were status offenses. Status offenses have constituted from 45 percent to almost 60 percent of reported delinquencies over the past 15 years.

Annual police and sheriff reports classify crime in two categories. Class I crimes include the more serious crimes of murder, aggravated assault, rape, robbery, burglary, larceny, and auto theft; Class II includes all other lesser offenses and encompasses status offenses. Portland Police statistics show a steady increase for juveniles in both classes between 1955 and 1975. For example, the Class I category rose from 684 to 2,866 crimes in that period. In 1975, juveniles were arrested for 2,805 Class II offenses. (These are only City police figures, and do not include sheriff arrests.) JDD referrals are not the same as the arrest figures because in recent times law enforcement authorities have been diverting many juveniles “on the street.” This means they are sent home or directed to a Youth Service Center without ever entering the door of JJD.

Portland Police records indicate that 50 percent of the total arrests for Class I crimes are juveniles. The figure is nonetheless shocking even though it is partly explained by the fact that juveniles are more easily apprehended than adults and are more likely to act in groups so that one crime may lead to several arrests. One must also be mindful of the fact that arrest figures do not reflect the actual number of crimes committed by juveniles.

When the Multnomah County Juvenile Court was first established in 1905, one Circuit
Judge presided. The department was small; consequently, coordination between judge and staff was smooth. By the 1950s there were two juvenile judges. There are now four judges who rotate from domestic relations cases to juvenile cases on a monthly basis so that only one judge sits in Juvenile Court at a time. The current judges are Judge Jean Lewis, Judge Harlow Lenon, Judge George Van Hoomissen and Judge Mercedes Deiz.

Unfortunately, the initial cohesiveness did not continue as the system evolved. Responsibility for coordinating policy was retained by all judges; therefore, under the rotation system, staff eventually attempted to respond to four separate judicial styles. In the last four years here have been three different JD directors, whereas in the 18 years preceding, there had been the stabilizing influence of a single director. Needless to say, this variety of judicial and administrative leadership has been a source of staff frustration and public perplexity.

**FIGURE NO. 5**

<table>
<thead>
<tr>
<th>Year</th>
<th>Referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>500</td>
</tr>
<tr>
<td>1956</td>
<td>550</td>
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<td>1957</td>
<td>600</td>
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<td>1974</td>
<td>1450</td>
</tr>
<tr>
<td>1975</td>
<td>1500</td>
</tr>
</tbody>
</table>

**DEPENDE NY REFERRALS**

**DELIQUENCY REFERRALS**

INCLUDES STATUS OFFENSES;
EXCLUDES TRAFFIC AND SPECIAL PROCEEDINGS.
D. STATUTORY AUTHORITY

Who is endowed with management powers and responsibilities at JJD? Is it the Multnomah County Circuit Court generally? The Domestic Relations Judges specifically? The Multnomah County Commissioners? The Chairman of the County Commissioners? The JJJD Director? The Director of Multnomah County's Justice Services? The Director of Multnomah County's Human Services? Is it the State Children Services Division? Each of the above possible sources of leadership has been concerned enough with the problems of juveniles to attempt to take a hand at the reins of or, at least, to ride shotgun for juvenile justice in Multnomah County. The statutory scheme for allocation of powers and responsibilities is found chiefly in Oregon Revised Statutes, Chapters 3, 419 and 423. What follows is a summary of these provisions.

The circuit court and judges of most Oregon counties (including Multnomah County) are authorized to exercise all juvenile court jurisdiction, authority, powers, functions and duties.

"Court services" for juvenile matters include services and facilities relating to intake screening, juvenile detention, shelter care, investigations, study and recommendations on disposition of cases, probation on matters within the jurisdiction of the court, family counseling, group homes, and psychological or psychiatric or medical consultation and services provided at the request of or under the direction of the court. The circuit court may obtain court services by employing or contracting for personal services or contracting or entering into agreements with public or private agencies or with private firms or individuals. Court services are subject to the circuit court's supervision. The Children's Services Division (CSD) of the Oregon Department of Human Resources assists and maintains liaison with counties and circuit courts in developing plans and programs relating to court services. Through CSD, the state provides financial assistance for court services to counties which make timely application therefor. Pursuant to ORS 423.320 an advisory committee to advise and coordinate the functions of CSD and the domestic relations courts is also created.

The expenses of court services are determined by the circuit court but are subject to the approval of and are paid by the county.

The Multnomah County Circuit Court (4th judicial district) is given original and exclusive jurisdiction of all juvenile court proceedings. A majority of the judges of the Multnomah County Circuit Court may make rules for transaction of judicial business. Any judge of the Multnomah County Circuit Court may act in any department of the circuit court.

Four of the 18 judges of the Multnomah County Circuit Court sit in the department of domestic relations. Each of these four judges is elected to that department by vote of the citizens for a term of six years. The chief judge of that department is elected by a majority vote of the judges in that department. The jurisdiction of the department of domestic relations of the Multnomah County Circuit Court includes juvenile court proceedings. The domestic relations judges appoint the director of the county juvenile department (JJD) to serve at the pleasure of the appointing judges; the director's salary is designated by the judges and approved by the county commissioners. The JJJD counselors are appointed pursuant to statutes governing county civil service employees.

The director is the chief administrator of JJD. His supervision encompasses the staff of the juvenile department and detention facilities, subject to the direction of the appointing authority (i.e., the juvenile court judges). The statutory duties and peace officer power of the director are set out in ORS 419.608 and 419.610.

ORS 419.616 mandates that the cost of maintaining JJD is to be budgeted by the Board of County Commissioners and to be levied from county funds.

The juvenile court judges in Multnomah County are directed by ORS 419.587(1) to appoint a seven-person juvenile advisory council. This advisory council should be distinguished from the one created by ORS 423.320. Our research, including interviews with
juvenile judges and JJD directors, did not reveal any current activity of either advisory
council in Multnomah County.

There appears to be some uncertainty within the Circuit Court as to the ultimate
authority and responsibility for management of the JJD. On the one hand there are the
statutory provisions vesting in the full (18 judge) Multnomah County Circuit Court the
exclusive jurisdiction of all juvenile court proceedings. On the other hand there are the
statutory provisions vesting jurisdiction of juvenile court proceedings in the department
domestic relations of the Multnomah County Circuit Court (4 judges). See ORS 3.330.
In practice the full bench of the Multnomah County Circuit Court does not exercise its
jurisdiction over juvenile court matters. The domestic relations department conducts the
juvenile court business of the Multnomah County Circuit Court.

The statutes do not make clear what functions of the JJD can be delegated by the
Court to others, e.g. to the director, counselors, hearing officers. In practice there is con-
siderable de facto delegation of authority.

E. BUDGET

County budget and appropriation reporting procedures have varied from year to year.
Consequently, gathering exact comparative data has been extremely difficult. This Com-
mmittee has frequently observed a lack of clarity and continuity in record keeping and a
budgeting process of almost Byzantine complexity. This situation renders County fiscal
processes almost incomprehensible even to informed lay persons. While we were not able
to obtain a copy of the 1976-77 budget, we were told that the JJD budget is now being
prepared on a funds (by program) basis, which represents a definite improvement.

Following the relatively halcyon days of the 1960s, JJD, along with other County
agencies, has faced increasingly stringent budget limitations. In the JJD budget, avail-
ability of a large federal grant for the Case Management program in the years 1973 to
1976 masked the effect of County budget cuts. That program was terminated June 30,
1976. Aside from a small State grant, the full burden of funding the Court's adjudicative,
counseling and detention activities has reverted to the County.

In addition to funds appropriated directly to JJD, other County agencies provide
services to juveniles, delinquents or dependents. Salaries of deputy district attorneys, and
funds for medical care, food, and other services have been included in other budgets in
recent years. As Figure No. 6 shows, this support has fluctuated from year to year.

On balance, in the four years from 1973 to 1977, total funds available to JJD and
juveniles in its jurisdiction have declined by 25 percent. The County's appropriation to
JJD has fluctuated, and is now 8 percent less than the 1973-74 appropriation. Since 1973
inflation for state and local governments has risen by at least 20 percent, making the
decrease even greater than the dollar reduction appears.

Measured as a percentage of the total County Budget, JJD funding cuts have been
relatively severe. From 3.86 percent of the County's budget in 1973-74, the JJD's appro-
priation has been reduced to 2.01 percent of the current fiscal year's budget. In other
words, in the last four years while Multnomah County's total revenue from County tax-
payers has increased by 30 percent, the budgeted amount for JJD has decreased 8 per-
cent.

The effect of this budget cut has been even more acute in terms of staffing at the
Court. While total funds available have declined by 25 percent in this period, staff per-
sonnel has been reduced by 49 percent. This is a reflection of increased salary levels,
exacerbated by a civil service phenomenon known as "bumping"; i.e., an employee of
greater seniority, faced with being laid off, can choose instead to take the job of another
employee of lesser seniority. Thus the "bumping" higher seniority employee goes into the
lower job slot at a salary and fringe benefit level larger than the "bumped" lower seniority
employee.

This Committee also was concerned with the budgetary effects wrought by U.S.
Supreme Court decisions like *Gault* which mandated the appointment of legal defense counsel at government expense. The appropriation of monies for defense counsel has grown from $3,000 in 1965 to $125,000 in 1976. That $125,000 represents less than 6 percent of the JJD appropriation and is not, in itself, a major cause of the Court's budget problems.

For the most part, the reduced emphasis on detention at the Donald E. Long Home and increased practice of diverting youth to city and private care and counseling facilities has caused a reduction in budget and staff. At its peak in the late 60s and early 70s, JJD was operating seven detention units, with an average population of around 115. Currently, the Home is operating two dentention units, housing a daily average of 30 youths. The primary diversion facilities are operated by the Portland Youth Service Centers where, in 1975, 1,582 juvenile were referred by police and JJD. These referrals represent 62 percent of the YSC caseload. The YSC budget of $425,825 is derived from city and federal funding programs and is not included in Figure No. 6.

Although increasing numbers of juveniles are being diverted from JJD prior to or at intake, for the most part, those diverted represent the less severe cases. The result is that the present JJD caseload consists of the more difficult and time-consuming dependency and delinquency cases.

At JJD, one judge, one referee, three deputy district attorneys, 44 counselors, and approximately 40 other support personnel are charged with fulfilling society's mandate to the County to attend to our errant and dependent children. To meet this mandate the budget and supportive data reveals this: Faced with a budget down 25 percent, with the withdrawal of federal funds, with the close of the Case Management program, with a 49 percent reduction in staff *vis a vis* a mere 14 percent reduction in case referrals, the Juvenile Justice Department is less well equipped to fulfill its mandate to the juveniles in its charge than at any time in recent history.
**FIGURE NO. 6**

**JUVENILE JUSTICE DEPARTMENT BUDGET INFORMATION**

<table>
<thead>
<tr>
<th></th>
<th>1973-74</th>
<th>1974-75</th>
<th>1975-76 (Revised)</th>
<th>1976-77</th>
<th>% Change 73-74 to 76-77</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total JJD Budget</td>
<td>$3,005,580*</td>
<td>$3,612,464*</td>
<td>$2,571,312*</td>
<td>$2,309,818</td>
<td>-23%</td>
</tr>
<tr>
<td>Plus Support Received from Other County Agencies</td>
<td>278,871</td>
<td>175,572</td>
<td>299,586</td>
<td>158,626</td>
<td>-43%</td>
</tr>
<tr>
<td>Total Funds Spent on JJD</td>
<td>$3,284,451</td>
<td>$3,788,036</td>
<td>$2,870,898</td>
<td>$2,468,444</td>
<td>-25%</td>
</tr>
</tbody>
</table>

**Sources of Funds**

- **Federal (Grant for Case Management)**
  - 1973-74: 602,630
  - 1974-75: 568,035
  - 1975-76 (Revised): 546,400
  - 1976-77: -0-
  - % Change: NA

- **State**
  - 1973-74: 20,871
  - 1974-75: 33,068
  - 1975-76 (Revised): 61,000
  - 1976-77: 40,462
  - % Change: +94%

- **County**
  - 1973-74: 2,660,950
  - 1974-75: 3,186,933
  - 1975-76 (Revised): 2,263,498
  - 1976-77: 2,427,982
  - % Change: -8%

- **Total**
  - 1973-74: $3,284,451
  - 1974-75: $3,788,036
  - 1975-76 (Revised): $2,870,898
  - 1976-77: $2,468,444
  - % Change: -25%

- **Staff (Includes Case Mgt.)**
  - 1973-74: 167
  - 1974-75: 117
  - 1975-76 (Revised): 107
  - 1976-77: 86
  - % Change: -49%

- **Referrals (Includes approximately 15% Traffic Referrals)**
  - 1973-74: 12,235
  - 1974-75: 11,746
  - 1975-76 (Revised): 10,492
  - 1976-77: -?
  - % Change: -14%

*Includes Case Management.

Source: Office of County Management, Multnomah County, Oregon.
IV. PRESCRIPTIVE DISCUSSION

Our discussion here shifts to suggested cures for what ails the current system.

If our studies revealed anything, it had to be the broad vistas confronted here. Awed by that panorama, this Committee chose to take a selective approach rather than a comprehensive approach. Accordingly, we do not touch all bases. With that preface, what follows is a melange of suggestions and observations which were impressed upon us and which, in the hands of the specialists, may be of modest value. The outline of the following material is predicated on a breakdown of three basic functions which we believe the Multnomah County Juvenile Justice Department performs, i.e. Management, Counseling, and Adjudication.

A. MANAGEMENT FUNCTION

A catalyst for this City Club study was a front page conflict between the County Commissioners and the Circuit Court concerning the amount of control over the juvenile justice program to be exercised by the commissioners in view of their power over the “purse strings.”

While the judges have the statutory power of administrative control, the County Commissioners have the financial responsibility (ORS 419.616). Prior to the 1970s, JJD monies seemed plentiful, but in recent years budgetary crisis has become the norm. While there has been some financial augment from state and federal sources (see Figure No. 6), the unpredictability of such funding makes these sources virtually useless for program projections. Thus it is that the County and its regressive property tax method carries the brunt of JJD's financial support. Failure of the state to provide more financial support than it has is unfortunate. The product of youthful anti-social behavior is a malignant harvest which the state as a whole will reap in eventual costs for increased correction, restitution and rehabilitation. The financial damage wrought by delinquency is oblivious of county lines. Use of the graduated state income tax places the bill for those costs more equitably.

Out of the County Commissioners' financing obligation there comes a partial, but natural, authority over program. Indeed, it was County executive authority, not the Circuit Court, that initiated the major change in emphasis from detention to diversion of juvenile delinquents.

1. The Court as Administrative Supervisor:

There is a lack of consistent policy and administrative leadership by the Circuit Court over the JJD operations. This is understandable. Each of the domestic relations judges exercises varying degrees of management authority. One short-lived proposal called for the designation of a single judge as the “administrative judge” to manage the JJD. This proposal was implemented for a number of months until discontinued because the “administrative judge” did not wish to continue in that role. The chief judge of the domestic relations department (a role that is annually rotated) has from time to time exercised management functions to a degree after weekly consultation meetings with the other three judges. The lack of consistent policy and strong administrative leadership by the domestic relations judges may be partly due to this part-time nature of each judge's juvenile court service. The four judges rotate monthly in sitting in juvenile court. Thus, each judge sits in juvenile court only three months each year.

The role of the domestic relations judges in the budgeting process for JJD has been largely advisory; however, the judges did participate significantly in the 1976-77 budget process for the first time. Moreover, there does not appear to be any significant advocacy by the domestic relations judges for support of improved programs or policies for JJD. Among the judges there is diversity of views as to a Judge's proper role here. The very nature of the judicial posture, i.e. detached reflection, works contrary to executive function. The current system, ordained by statute, forces upon the judges a mix of judicial and executive functions—a counter productive duality.
The proposed advisory council would also help

4. ADVISORY COUNCIL:

Local cost sharing of public schools and mental health programs.

IDF funding should be shared by the County and the State in the case of state

Board just as shared by the director of the Mintum County

would have the advantage of more rapid resolution of the Mintum County.

would be the better choice for County Commissioners or staff.

would create divided loyalties among the County Commissioners.

The proposal administrative function of the domestic relations judge? Reconsidering ID.

The proposed superior court:

would be preferred over judges assigned to the
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The proposed superior court:

would be preferred over judges assigned to the
to the adjudication of cases.
FIGURE NO. 2
(Microsystem Flow Chart)
MULTNOMAH COUNTY JUVENILE JUSTICE DIVISION

OUT OF SYSTEM  |  INTAKE STAGE  |  COUNSELING STAGE

CASE MANAGEMENT (DEFUNCT)

PHYSICAL REFERRAL BY BODILY ARREST

MINOR OR STATUS OFFENSE

INTAKE COUNSELING INTERVIEW

MAJOR CRIME

RELEASE PENDING

ATTITUDE CHANGE

FIELD COUNSELING

HOLD

HOME (WITH OR W/OUT COUNSELING)

WARN & CLOSE

DIVERSION (E.g., YOUTH SERVICE CENTER)

REFERRAL BY PAPER REPORT

[Alphabetic letters make reference to notes in “Systems” section.]
establish better and closer JJD relationships with the multitude of juvenile-concerned public and private entities. See Figure No. 1. This committee could be especially helpful in assisting in formal periodic evaluations of JJD. The authority for such a council already exists under ORS 419.587(1). The council could be established and structured, for example, along the following lines: The committee might consist of seven members, two to be appointed by the four domestic relations judges, two by Multnomah County Commissioners, one by the Mayor of Portland, one by the State Human Resources Department and one by the Oregon State Bar. At least one full-time staff person for the advisory committee should be provided for in the JJD budget in order to give practical implementation of its advisory actions.

B. COUNSELING FUNCTION

While this Committee commends the JJD for its effort to serve youth in a counseling capacity, the Committee discovered gaps and weaknesses in the area of providing optimal counseling services to delinquent young people.

1. Continuity and Clarity

During interviews with delinquent youngsters, court counselors, and directors of several youth care centers, the Committee was confronted with the lack of clarity and continuity which the current juvenile counseling system provides the youngster. The young people for whom the juvenile system exists often find the system to be confused, impersonal, and bureaucratic. Delinquent indicated that they had seen so many "counselors" in such a short period of time that they were unclear as to who was their "real" counselor.

To understand this confusion, one need only examine the maze through which the delinquent travels (see Figures No. 1 and 2) and the number of adults labeled or serving as "counselors." If the young offender is brought directly to JJD, he will first see an intake counselor. This "counselor's" function is to make an initial decision regarding the most appropriate intervention procedure available to the court. At this point the child may be referred to a counselor outside the juvenile justice system; e.g., a private therapist, mental health worker, or youth diversion counselor. The youngster may also be assigned to a JJD field counselor. If his case requires adjudication, the delinquent may also be interviewed by a special services counselor, who, along with the field counselor, has major responsibility for providing the district attorney's office with evidence regarding his "client's" case. Under the current structure, intake, field, and special service counselors all share the common title of Juvenile Court Counselor. If the case requires placement outside JJD, the young offender will be assigned a Children's Services Division case worker. Indeed, the legal attorney assigned to the juvenile is often greeted as "counselor." Given the large number and diverse functions being carried out by adults titled or perceived by the youngster as counselors, it is understandable that the young person wonders whom she or he should talk to and who is serving his or her interests.

Throughout the interactions with JJD, the young person should be provided with clear explanations regarding the functions being carried out by the adults with whom he or she comes in contact. The title of "counselor" should be reserved for those adults whose responsibility it is to provide extended personal and family counseling. Consequently, intake workers and special services personnel ought to receive titles more commensurate with their functions. While there are times when it is therapeutically productive to change counselors, an effort should be made to develop a situation in which the delinquent youngster works continuously with one counselor.

2. Separating the Counseling and Prosecutorial Functions

The Committee was concerned with the lack of clear separation between the counseling and prosecutorial functions. Field counselors are assigned major responsibility for presenting the district attorney's office with materials and witnesses necessary for prosecuting their charge's case. In addition, field counselors frequently make decisions regarding which court-appointed attorney should represent their client.
One attempt to separate the counselor and prosecutorial roles has been the establishment of special services counselors whose role is primarily to assist the district attorney's office. However, since both the field counselor and special services counselor are civil service employees defined as counselors, the distinction often escapes the young person. Furthermore, the fact that both individuals work under the same director, share a similar title, and have similar professional training creates a situation which increases the potential for conflicting loyalties and role confusion among the counselors. If the field counselor's function is truly to provide optimal support and counseling services to delinquent clients, the current situation is detrimental. All aspects of the prosecutorial function should be carried out by personnel under the supervision of the district attorney's office.

Field counselors should have no involvement in appointing attorneys. Appointments should be based upon a random selection of available private attorneys. An increased number of available defense attorneys should be obtained from the Juvenile Law Center. This Committee commends the establishment of the Juvenile Law Center. (See discussion under Adjudication Section.) The Center provides a situation in which the delinquent youngster receives legal assistance from someone who is both readily available and who has a primary focus on juvenile law. Given the complexities of the juvenile justice system and the skills needed to work effectively with delinquent youngsters, these qualifications are extremely important.

3. Staffing

Staff morale has increased with the appointment of a new director of JJD. This has created a better climate for providing much needed improvements in the area of staffing and staff development.

During the past five years there has been a significant decrease in the number of counselors employed by JJD. This decrease has not been accompanied by a commensurate decrease in the number of referrals made to the court (see Figure No. 3). More specifically, while referrals have decreased by only 7 percent since 1971, the number of court counselors has been reduced by 37.5 percent. The average case load for a field counselor at any given time varies between 40 and 60 clients. In contrast, most private therapists and public mental health personnel consider 20-25 clients to be a full case load. The large number of cases handled by field counselors has obvious implications regarding their ability to provide the delinquent youngster and family with the necessary support and services.

The Committee notes that the staffing at JJD does not include the services of either a full-time psychologist or psychiatrist. Given the severity and complexity of the problems presented by many of the young offenders, this is a major omission. The JJD should place a high priority on obtaining the services of an experienced psychologist or psychiatrist.

We note with concern the recent staffing recommendation made by the County Personnel Department in their Classification/Compensation Study. In addition to continuing the policy in which the field counselor has considerable responsibility for prosecuting his client, the report recommended considerable reduction of the professional qualifications for the position of field counselor. Specifically, the study recommended the following minimum requirements: "Two years of experience in a child welfare agency or employment with responsibility for the care, custody, and welfare of juveniles." Given the increasing complexity of the concerns experienced by delinquents and the vast increase in knowledge (both research and theoretical) in the field of psychology and social work, this minimum requirement appears inappropriate. Furthermore, since JJD provides no full-time psychological or psychiatric consultative services, the counselor needs to possess considerable knowledge in this area. Minimum essential requirements should never be decreased when addressing the problems of children and the qualifications of those who will work with them. We cannot afford mediocrity at this critical stage.

This Committee received conflicting statements regarding the benefits (financial and otherwise) which JJD could receive by contracting with private agencies to obtain coun-
saling services rather than employing counselors directly. This avenue should be carefully examined and pursued if the service to juveniles would be bettered as a result. In matters such as these the tangential economic effects on the staff become a strong consideration and a political headache. However, neither the economic nor political consequences should outweigh what is in the best interests of the juvenile, i.e., better counseling service.

4. Staff Development

In the area of staff development, opportunities have been notably lacking for counselors to participate in professional growth via staff development activities such as released time for inservice training, funded travel to conferences, expenses for continued upgrading of professional skills through additional coursework and associated studies. High priority should be given to staff development. A system is only as good as the individuals who operate it. No matter how well-structured or funded a system becomes, its effectiveness will be highly correlated to the competency and morale of its membership. Particularly in the field of counseling, time and funds should be made available to provide the professional with an updating of practical skills and opportunities for personal growth.

Our hearings and related interviewing revealed that counselor supervisors were perceived as not providing adequate leadership or facilitating productive staff dialogue and skill development. Staff meetings, supervisory conferences, and related opportunities for on-the-job skill development were reported to be unproductive or non-existent. The Committee acknowledges the limitations for change caused by the civil service nature of the positions being discussed. However, the Committee also notes that lack of supervision may well be a product of a system which has failed to place an adequate emphasis on staff development. A high priority should be given to providing supervisors with a variety of opportunities to upgrade their professional skills.

5. Diversion

Correlative statistics on a national basis overwhelmingly demonstrate that the greater the child's delinquent formal involvement with the juvenile justice department, the greater are the chances for escalation rather than reduction of delinquent behavior. Based on this information, commentators virtually all agree that adjudicative involvement should be employed only after other intervention programs have failed.

This Committee strongly supports the concept of diverting youngsters away from an involvement with JJD. The Committee recommends continued support of the Youth Services Centers, diversionary facilities operated by the City of Portland. There are four such centers within the City of Portland. They provide crisis counseling, family and neighborhood mediations, work placement, recreational and cultural programs, referrals for legal and psychiatric services and shelter care. They emphasize prevention programs and early detection of juvenile problems.

There is no Youth Services Center in the east Multnomah County area. This large section of the county not currently served by such a diversionary center appears to present a major gap in services. Serious consideration should be given to establishing a county-funded Youth Services Center in the east county area.

The county and city should carefully examine other exemplary diversion programs, e.g., Sacramento's Juvenile Diversion through Family Counseling Program. The Sacramento program has apparently demonstrated the effectiveness of going into homes and working with families. Another apparently successful program is being conducted in Richmond County, Pontiac, Michigan. In addition to providing possible models for implementation within Multnomah County, research associated with other experimental programs continually reinforces the concept of youth diversion.

6. Community Involvement in Rehabilitation

In Multnomah County there is a noticeable lack of community involvement in providing environments and activities conducive to rehabilitating the young offender. Research indicates that delinquent youngsters need to feel a sense of belonging and need to
develop skills which lead to a feeling of competence and success. It is disturbing to find that the JJD counseling program too often tends to emphasize bringing the delinquent's behavior in line with societal norms without a parity of emphasis on providing necessary options and alternatives in the community which could facilitate personal growth. Increased emphasis should be placed on developing situations in which the delinquent can be productively involved in community activities. Such activities could include creative, productive tasks related to restitution and rehabilitation. They could also emphasize involvement in meaningful work as a means of increasing the delinquent's self image and feeling of competence. The Case Management program appeared to be a positive step in this direction. This program, supported by a large federal grant, emphasized a low counselor to client ratio and considerable opportunities for the delinquent to become involved in productive work and recreational activities. This Committee commends the concepts underlying this program and recommends that they be extended whenever possible.

It follows that other community agencies should provide programs aimed at both preventing delinquency and providing assistance to delinquent youth. An emphasis must be placed on early detection and intervention with children who are just beginning to experience behavioral or academic difficulties. Since young people spend a vast amount of time in our public schools, the schools are in a timely position to provide such programs. However, schools can be frustrated in this effort by lack of parental and JJD cooperation and want of authority to act. The scope of this Committee's study precluded an intensive examination of the school's potentials in this area. Such intensive research is in order. Well-substantiated research indicates that a large majority of delinquents have experienced failure in school. The statistics compel further study.

The community cannot expect JJD to solve the problem of delinquency. JJD by its nature is curative, not preventive. Furthermore, those "cures" are often palliatives. The community must also be willing to support church, school, and other agency programs which provide young people with much needed guidance.

7. Placement Facilities

The lack of community services is also notable in the area of placements available for delinquent youngsters. While the movement away from an emphasis on a centralized detention facility is commendable, the funds saved by this change have not been used to develop high quality alternative placements. Existing facilities frequently suffer from inadequate funding and its associated lack of qualified, long-term personnel. Furthermore, available placements fail to provide appropriate alternatives for troubled or mistreated youngsters. Children are often placed with delinquents who have committed more serious crimes.

This situation frequently places almost insurmountable limitations upon the judge's, counselor's or CSD worker's ability to develop an appropriate intervention strategy for the delinquent. Alternatives must be made available so that, to the maximum degree possible, children are exposed to normal environments and placed with children whose problems require similar intervention. Similarly, there is a need to develop appropriate short-term placements for youngsters who are being held pending adjudication. Funds previously allocated for centralized detention should be spent to develop therapeutic alternative settings. The Board of County Commissioners' successful pursuit and elimination of detention in favor of diversion should in fairness have accomplished a transfer of monies for diversionary facility improvements; instead it apparently produced only fiscal cutbacks.

8. Research

The Committee was appalled at the lack of research regarding the effectiveness of the various types of intervention associated with JJD. Given the vast amounts of funds expended and the tremendous human potential involved, this oversight seems inexcusable. JJD should include a sound evaluative component. The collection of objective data and its systematic analysis employing sophisticated research designs appears to be a necessity
in this age of accountability. More importantly, sound data regarding the effectiveness of various programs would enable JJD to begin focusing its time and energy on those counseling and social work programs which have proved beneficial to delinquent young people.

9. Decentralization

Throughout its study, the Committee observed a variety of disadvantages associated with locating field counselors at the Donald E. Long Home. These disadvantages included: 1) indications that increased contact with JJD had a negative impact on the delinquent’s self concept and subsequent delinquent behavior, 2) the lack of community involvement associated with centralization, 3) the large extent to which counselors were intricately involved in the prosecutorial functions. Therefore, whenever financially feasible, court counselors should have their offices located within the neighborhoods they serve. By removing the counselors from a single central office (viz., Donald E. Long Home), it is likely that the stigma attached to seeing a court counselor could be reduced considerably. In addition, location within the community would increase the counselor’s availability to parents and families, would give the counselor an understanding of and sensitivity to the community and at the same time would create increased opportunities for developing and extending programs to involve juveniles in meaningful community activities. Furthermore, many social agencies, including the police, public schools, mental health agencies, the Youth Services Centers, and the Childrens Services Division already function on a regional basis. Consequently, decentralizing the JJD counseling component would create a situation in which court counselors could work more consistently and closely with other professionals.

C. ADJUDICATIVE FUNCTION

At the outset of a discussion of the formal adjudication processes of delinquency, this Committee endorses efforts, wherever possible, to divert juveniles away from the adjudicative function of JJD. Study after study have shown the detrimental effects of the negative labelling wrought by a child’s involvement with JJD and its adjudication process. Mere contact with a juvenile court often is the decisive factor in confirming a child’s resignation to criminal conduct. There is, of course, the “chicken-and-egg” critique: which comes first? the damaged child or the damaging experience in JJD? Nevertheless, the evidence is overwhelming that an adjudication of delinquency frequently does not help a child.

The Multnomah County Juvenile Justice Department, with its critical adjudicative responsibility, remains a neglected stepchild on the list of priorities for local government. Funding, always at issue, is short. Resources allocated by the varying official components of the system are meager. Standards are difficult to enforce, with personnel constantly struggling just to deal with the most serious juvenile offenders. The existing applicable statutes are confusing and indicate careless construction. In the past year, felony delinquency cases heard and adjudicated by the Multnomah County Juvenile Court increased 23 percent.

1. Dependency Jurisdiction

As described in the previous section on “Systems,” the process by which a child wends his or her way to an actual encounter with the Juvenile Court is convoluted (see Figure No. 2). The grant of legal authority to the Court to act upon a child’s appearance before it is likewise multi-faceted. ORS 419.476 provides that the juvenile court shall have jurisdiction over a child under 18:

“(a) Who has committed an act which is a violation . . . of a law . . .; or
“(b) Who is beyond the control of his parents . . .; or
“(c) Whose behavior . . . (endangers) his own welfare or the welfare of others; or
“(d) Who is dependent for care and support on a public or private child-caring agency . . .;
“(e) (Whose) . . . parents . . . have abandoned him, failed to provide him with the support or education . . . (or mistreated him) . . .; or

“(f) Who has run away from his home.

In addition to delinquency adjudications, the Juvenile Court thus has jurisdiction over dependency cases under sections (d) and (e), where a child becomes a ward of the state due to parental neglect. As long ago as 1948, a City Club report on Juvenile Delinquency in the Portland Area recommended:

“The present dual responsibility, that of determining legal issues and also of providing treatment, is heavy. At present the Court is providing case work service both in the dependency and the delinquency area. This is necessary due to our present lack of other agencies sufficiently equipped for the job. . . .

“This leads us to the question of the proper function of a Court and whether it should include much beyond determination of legal issues. We recommend that a committee be authorized to study the possibility of separation of these functions with allocation of the treatment function to an administrative board of qualified persons. . . .”

This recommendation remains valid, yet unsatisfied, in practice today. The jurisdiction of the court in the dependency area should be defined as simply the legal determination of whether a child is a danger to himself or others or is dependent or is oppressed by conditions which necessitate the termination of parental rights. If that judicial decision is made, the child should be referred to the Childrens Services Division for proper care and placement in the community. The principle of “court wardship” which forced the court into the parental or guardian role even after disposition must begin to wane.

2. Status Offense Jurisdiction

This Committee has heard a great deal of testimony about “status offenses,” i.e. offenses which are peculiar to minors and which would not be violations by an adult, e.g. curfew violations, truancy, minor in possession of alcohol. Sections (b) (“beyond control”) and (f) (“runaways”) and sometimes (c) of ORS 419.476 are likewise considered status offenses.

A 1974 statistic shows that roughly one-half of the states do not include “status offenses” as “delinquency” matters. Nor does any modern proposal so include. Oregon does, however; and this is a stigmatizing overkill. So-called “status offenders” should be treated as dependency cases, not delinquency cases. A runaway ought not to be stigmatized as “an offender.” To be sure, the status offense is often used as a custodial means by law enforcers to prevent more serious juvenile misbehavior. Some would argue that this preventive means does not justify the end and that its selective use may discriminate against youthful “underdogs” whether social, racial, or sexual. Indeed, statistics show that girls far outnumber boys as arrested runaways.

The Legislature should act to separate delinquency and dependency jurisdictional grants, with status offenses to be considered in dependency hearings. Such model legislation was proposed in our neighboring state of Washington. Washington House Bill 496 (1975) could be adapted to Oregon procedure in an appropriate amendment to ORS 419.476. A copy of the relevant provisions of Washington House Bill 496 (1975) is attached as Appendix A.

3. The Court and Parens Patriae

Multnomah County citizens can be generally proud of the integrity and competence of their public officials. The Committee was impressed by the obvious abilities and concern exemplified by the four domestic relations judges who have responsibility for the operation of the JJJD. The judges, however, are expected to be much more than judges, and that is where many problems seem to arise.

On any given day, a juvenile court judge may be called upon to be an administrator
of JJD, a counselor to the children, chief counselor to the other JJD counselors, warden of the juvenile detention units, domestic relations judge, and finally sole adjudicator of dependency and delinquency cases. The system has traditionally placed the juvenile judge in the position of parental surrogate for children in trouble. Along with that role comes considerable discretion in dealing with those who appear before the court.

Although outmoded, the concept of parens patriae together with the benevolent authority it confers is not readily relinquished. Indeed, because of the treasured informality which parens patriae fostered, the sense and spirit of the Gault evolution is still not being fully respected in Multnomah County. For instance, too frequently it is a social worker (the field counselor) who decides when and whether a child should have an attorney, who informally selects the attorney, and who then presents the name to the referee or judge for official approval.

Attorneys representing juveniles have reported that formal motions (such as ones to suppress evidence illegally seized) concerning juveniles' constitutional rights are too often subliminally discouraged and are resented by the court and its personnel, ostensibly because such pre-trial motion practice lengthens adjudications and because such "legal nitpicking" simply does not belong in juvenile court. Yet Gault and other post-Gault decisions re-affirm that the Constitution (with the exception of such rights as the rights to vote, to bail and to trial by jury) applies to all people, regardless of age. Age discrimination which is not reasonably related to some legitimate state purpose is against the law of the land. But contrary to these constitutional mandates, there remains an endearment to the process of informality and an antipathy to formal adjudications among many juvenile court personnel.

The lingering fossil of parens patriae seems to fuel resistance to any efforts to specify delinquency jurisdiction and to couch court proceedings in more traditional criminal terms. In March 1976, at an annual meeting of the Oregon Juvenile Court Judges Association, the state's juvenile judges went on record opposing any major revision of the state's juvenile justice code. At a time when all commentators agree that we are losing the battle against juvenile delinquency, such a blanket opposition to change makes the judges appear to be dinosaurs in the juvenile justice system, which they are not.

4. The Prosecutors

The assignment of deputy district attorneys to juvenile court is not a particularly coveted one. Only three deputies out of 55 employed in Multnomah County are presently assigned to JJD, in spite of the fact that approximately 50 percent of the major crimes in Multnomah County are committed by juveniles. The Multnomah County District Attorney should review the allocation of prosecutorial resources to JJD and make appropriate reassignments. While it does not follow necessarily that prosecutorial assignments should be strictly proportional to crime age statistics, the statistical disproportion does strongly suggest narrowing the gap in alignment.

Deputy District Attorneys who are assigned to JJD are caught up in a peculiar role conflict. The statute describing their duties portrays them as adjutants of the Court, rather than traditional prosecutors:

*Compare ORS 8.660:*

"The district attorney shall attend the terms of all courts having jurisdiction of public offenses within his county, and conduct, on behalf of the state, all prosecutions for such offenses therein." Emphasis added.

*With ORS 8.685:*

"(1) The district attorney shall, upon request of the juvenile court, appear in the juvenile court to assist the court in any matter within its jurisdiction." Emphasis added.

This professional schizophrenia is compounded by a merged filing system where the prosecutors' office relies to a large extent on the court's files for particular cases which are
involved in adjudication. Clearly there is certain material in the Court's file which would not properly belong in the District Attorney's file, and vice versa.
ORS 8.685 should be repealed and ORS 8.660 should be amended to include juvenile cases. The Children's Services Division should have its own attorneys to represent the agency in handling matters within the court's dependency jurisdiction. Furthermore, the Multnomah County District Attorney should institute and maintain a complete and separate filing system of juvenile cases.

The prosecutor has the power to make a substantial impact in the areas of charging offenses, conducting hearings, and operating dispositional alternatives. Most certainly, the district attorney's office must not measure prosecutorial success in juvenile matters by the number of "convictions" or findings of delinquency. Success here must be measured by lower recidivism and reappearance rates. The deputy district attorneys should view all delinquency cases with an eye towards diversion, first, and towards imaginative sentencing dispositions, second.

5. The Defenders

An innovative program to provide defense attorneys for indigent juveniles has recently been funded in Multnomah County. Like the district attorney's office, the new Juvenile Law Center is located at JJD in order to provide ready access to the juvenile court and counseling staff. It is the product of a contract awarded to the Legal Aid Service. Unfortunately, that contact is terminable at will and funding is not committed for any extended period. The program currently is in tenuous graces.

The Center is staffed by a Supervising Attorney, two staff attorneys, an investigator and several law students. The Center is just beginning to make a mark on a system which in recent years has borne the brunt of criticism for court counselor mismanagement of a private list of possible attorneys from which selections were allegedly made on a "preferred" basis.

The Center has been the inevitable target of complaints. Critics say it "costs too much"; yet it accounts for only an approximate six percent of the County appropriation to the juvenile court. Others comment that having one small group of defense lawyers will provide the opportunity for collusion between the judges, prosecutors and defenders. Although cosmetic in nature, this collusive appearance has been mitigated by the installation of a partition between the Center's offices and the rest of the Court staff plus the installation of a separate entrance to the Center. Still other criticism arises out of the fear that defense attorneys, buttressed by increased familiarity with the system, will develop special challenges to time-honored ways of conducting juvenile proceedings.

Operating since March 1, 1976, the Center has just not had enough time to prove itself. However, it is already well on its way and has great potential as a creative and helpful improvement to the administration of juvenile justice in Multnomah County. It should be given that chance. The County Commissioners should renew their commitment to the Juvenile Law Center's funding as a top-priority item in the JJD budget. In addition, the contract should be modified to allow a Center staff person to initially screen all juveniles at intake to determine whether legal counsel is appropriate or to recommend such appointments to the Court.

Juveniles have the right to be represented by attorneys at all stages of delinquency proceedings. Juveniles should also be advised of their rights in understandable terms by an attorney (or a law student serving at the Center) before being questioned at all by a juvenile court counselor. Dependency proceedings are beyond the scope of our study, but similar concerns surface in that area. The Legislative Interim Committee on Oregon's Juvenile Code is preparing a proposed draft of a "bill of rights" for juveniles in court which would compel advising a child of his legal rights, e.g., right to counsel, right to appointment of counsel, right to remain silent, right to call favorable witnesses and to be confronted by unfavorable witnesses, the right to be proven guilty beyond reasonable doubt. This Committee commends all such efforts to provide for legal representation of juveniles and to advise them of their legal rights at the inception of their JJD involvement.
V. SUMMARY OF RECOMMENDATIONS

We summarize our various recommendations under headings addressed to that governmental entity that seems most appropriate as an implementor of the ideas expressed here.

A. TO: THE OREGON STATE LEGISLATURE

1. Augment state monetary support to County juvenile justice programs. (See discussion at IV. A.)

2. Relieve the Circuit Court of the executive responsibility and supervisory leadership over the county juvenile justice department leaving the Court with only its inherent authority over judicial administration. (See discussion at IV. A. 1.)

3. Place the Multnomah County Board of Commissioners in charge of all of those executive functions of the Multnomah County juvenile justice department which are not prosecutorial or judicial administration. (See discussion at IV. A. 3.)

4. Separate delinquency and dependency jurisdictions of the Court and place so-called "status offenses" in the Dependency jurisdiction. (See discussion at IV. C. 2.)

5. Repeal ORS 8.685, which misrepresents the true function of the prosecutor in juvenile court proceedings, and amend ORS 8.660 to include juvenile cases among the district attorney's classic functions. (See discussion at IV. C. 4.)

6. Support the Legislative Interim Committee on the Oregon Juvenile Code in its efforts to enact "bill of rights" statutes for juveniles which would specify rights similar to those accorded to adults and which would compel advising a child of his or her legal rights before proceeding through JJD. (See discussion at IV. C. 5.)

7. Amend ORS 419.505 and 419.507 to give Children's Services Division primary authority to make dispositional decisions in dependency matters after the court has determined that a dependency problem factually exists e.g., that the child "endangers his own welfare," or is abandoned or mistreated, or lacks parental support or that parental rights should be terminated). Like all executive powers, of course, the CSD dispositional decision would be subject to judicial review. (See discussion at IV. C. 1.)

B. TO: THE CIRCUIT COURT JUDGES OF MULTNOMAH COUNTY

1. Reexamine the administration of juvenile court business so as to provide for some measure of input by all of the Circuit Court judges (not just four domestic relations judges) in the discharge of judicial responsibility toward juveniles. (See discussion IV. A. 2.)

2. Experiment with permanent full-time juvenile judges or, at least, with longer juvenile court terms (e.g. six months) and more than one judge at a time presiding at juvenile court. (See discussion at IV. A. 2.)

3. Accept the U.S. Supreme Court's newly fashioned role for judges in juvenile cases, a role as detached definer and formal protector of the legal and social rights of both the juvenile and society instead of the traditional parens patriae role of informal involvement in the juvenile's psyche-social future. (See discussion at IV. C. 3.)

C. TO: BOARD OF COMMISSIONERS OF MULTNOMAH COUNTY

1. To examine closely the County's budget priorities giving to the juvenile justice program a greater allocation of funding than has been the case in the last four years. (See discussion at III. E.)

2. Provide the funding necessary to employ a full-time psychiatrist or psychologist for the Juvenile Justice Department. (See discussion at IV. B. 3.)

3. Disallow County Personnel Department attempts to lower the requisite professional standards for juvenile field counselor job slots. (See discussion at IV. B. 3.)
4. Together with the juvenile departmental leaders, explore the prospects of negotiating performance contracts for the performance of field counseling services as a substitute in part or in whole for present employment policies. (See discussion at IV. B. 3.)

5. Provide the modest funding necessary for counselors' and supervisors' professional development opportunities, such as conference travel, in-service training programs and educational enrollments. (See discussion at IV. B.)

6. Reallocate that portion of funds previously allocated to centralized juvenile detention and now saved because of the reduction in the detention facility, and channel such savings to the development of therapeutic diversionary programs. (See discussion at IV. B. 7.)

7. Support the Director with the necessary funding to decentralize the counseling function and to acquire office space for field counselors in the community areas that they serve. (See discussion at IV. B. 9.)

8. Provide the funding for continued operation of the Juvenile Law Center, an experimental legal defense unit housed at JJD. (See discussion at IV. B. 2. and IV. C. 5.)

9. Consider strongly the establishment of a Youth Service Center in the East County area where none now exists. (See discussion at IV. B. 5.)

D. TO: DIRECTOR OF MULTNOMAH COUNTY JUVENILES JUSTICE DEPARTMENT

1. Implement and bring into active participation the citizens' Advisory Council provided for in ORS 419.587(1); devise a representative means for appointing such a council (e.g., two members to be appointed by the Circuit Judges, two by the county commissioners, one by the Mayor of Portland, one by the State Human Resources Department, one by the Oregon State Bar); provide the Advisory Council with some staff-clerical assistance. (See discussion at III. D. and IV. A. 4.)

2. Provide a juvenile with a clear explanation of the functions served by the departmental adults with whom the juvenile comes in contact, reserving the title of "counselor" to that single adult who will indeed champion the child's social interests, warrant his or her confidence, and remain with him or her throughout the departmental excursion. (See discussion at IV. B. 1.)

3. Insure that departmental counselors no longer carry out prosecutorial functions and no longer be required to assist the district attorney's office with the preparation of the government's case against the juvenile. In short, do all things possible to separate the counseling and adjudicative phases of the Department. (See discussion at IV. B. 2.)

4. Permit Juvenile Law Center personnel (or the equivalent) to make recommendations to the Court concerning court appointed counsel for juveniles, rather than allowing this to be done by field counselors. (See discussion at IV. B. 2.)

5. Together with the Board of County Commissioners, explore the prospects of negotiating performance contracts for field counseling services as a substitute in part or in whole for present hiring policies. (See discussion at IV. B. 3.)

6. Plan for increased professional development opportunities, especially for counselors and supervisors, e.g., released time for in-service training programs, conferences, additional educational enrollment and associated studies. (See discussion at IV. B. 4.)

7. Continue the emphasis on diversion of youths away from the adjudicative processes of the Juvenile Justice Department and thus necessarily promote alternative systems such as Portland Youth Service Centers. (See discussion at IV. B. 5. and IV. C.)

8. Assist counselors in emphasizing a rehabilitative scheme which seeks to develop community opportunities for a juvenile's productive involvement as opposed to classic rehabilitative therapy which seeks to reform directly the juvenile's behavior. (See discussion at IV. B. 6.)

9. Organize an efficient records keeping and research compilation program whereby statistical data evaluating the various phases of juvenile justice may be readily ascertained,
examined, and used for research and experimentation. (See discussion at III. C. and IV. B. 8.)

10. Begin to decentralize the field counselors by providing them with offices geographically located in the communities and areas which they serve. (See discussion at IV. B. 9.)

E. TO: MULTNOMAH COUNTY DISTRICT ATTORNEY

1. Insure that deputies no longer use or rely on juvenile department counselors to provide investigative details and facts to be used against the juvenile in the adjudication of his or her delinquency. (See discussion at IV. B. 2.)

2. Assign more deputy district attorneys to juvenile court. (See discussion at IV. C. 4.)

3. Institute and maintain a complete and separate file on each juvenile case and no longer use or rely upon the file maintained by JJD and the counselors. (See discussion at IV. C. 4.)

4. Instruct deputies that prosecutorial measurements of success by “convictions” are to be strictly avoided in juvenile cases, that diversion from adjudication is to be encouraged, and that imaginative dispositions are to be advised. (See discussion at IV. C. 4.)

F. TO: MAYOR AND CITY COMMISSIONERS OF PORTLAND

1. Continue to promote and operate Youth Service Centers as an alternative to the adjudications of the Juvenile Justice Department. (See discussion at III. E. and IV. B. 5.)

2. Together with appropriate County officials continue to explore other experimental diversionary programs throughout the United States. (See discussion at IV. B. 5.)

G. TO: CITY CLUB BOARD OF GOVERNORS

Institute a new study committee to research and report on the systematic efforts of our schools in providing early detection of and assistance to potential delinquent and dependent youths. (See discussion at IV. B. 6.)

H. TO: THE CITIZENS

Support government and private efforts to solve the problem of rising juvenile delinquency.

One of the chief reasons why the problems of juvenile justice persist is that “the system suffers from a lack of constituency.” If children are the immediate consumers of juvenile justice programs, it is the whole citizenry that eventually gets the product. Children are but litmus paper for all of society. Rising juvenile delinquency rates give us fair warning of something that ails us all. We must all press the cure.

Respectfully submitted,
Vern Jones
Karl Langbecker
Helen Lee
Kristine Olson Rogers
Sandra A. Suran
Raymond P. Underwood
Kathryn Wood
Ronald B. Lansing, Chairman

Approved by the Research Board August 5, 1976 for transmittal to the Board of Governors. Received by the Board of Governors August 16, 1976 and ordered published and distributed to the membership for consideration and action.
APPENDIX A
WASHINGTON HOUSE BILL

(5) "Dependent child" means any child:
(a) Who has been abandoned, that is, left without parental care and support, by his or her parents, guardian, or legal custodian; or
(b) Who, being under the age of ten, has committed an act which would be designated as a crime if committed by an adult or which is designated a juvenile offense by state law; or
(c) Who is an abused child; or
(d) Who is unmanageable, that is, whose conduct is beyond the power and control of his or her parents, guardian, or custodian; or
(e) Who, while subject to compulsory school attendance is habitually truant from school as defined in RCW 28A.27.070; or
(f) Has run away from his or her parents, guardian, or other custodian: PROVIDED, That, if resources under the Runaway Youth Act (P.L. 93-415; 42 U.S.C. 5701 et. seq.) are locally available and adequate for the needs of the child, use of such resources, rather than penetration into the juvenile justice system, shall be the preferred method of dealing with the problems of the runaway youth.

(6) "Delinquent Child" or "Child Subject to Commitment" means a child who has been adjudicated to have committed a juvenile offense which would be a felony or gross misdemeanor, or a series of offenses which would be misdemeanors, if committed by an adult, or an act which is designated by state law as a juvenile offense rendering the child subject to commitment, PROVIDED, That a child shall not be subject to commitment for a gross misdemeanor or a series of misdemeanors unless it appears to the court that other attempts at rehabilitation have failed.

APPENDIX B
RESUMES OF COMMITTEE MEMBERS—
JUVENILE JUSTICE IN MULTNOMAH COUNTY

Chairman Ron Lansing has served on three past City Club committees, and chaired another on a ballot measure. He has been a Professor of Law at Lewis and Clark Law School since 1967. Previously he was founding editor-in-chief of the Willamette Law Journal, clerked for Chief Justice William McAllister of the Supreme Court of Oregon, and was in private practice for six years. He is former Executive Secretary of the Oregon State Commission on Judicial Fitness, and member of Oregon State Bar Committee on Press and Broadcasting. He has been on the Executive Board of the Oregon ACLU and edited a two volume publication on damages. He is current National Chairman of the Torts Section of the American Association of Law Schools.

Vern Jones, a Professor of Education at Lewis and Clark College, is currently authoring a book, “Whatever Happened to Recess? Understanding and Teaching the Behavior Problem Adolescent.” Under a federal grant, he has developed a model program for emotionally handicapped Jr. high school students. He has been consultant to Christie School and Albertina Kerr, has been Chairman of the Oregon State Committee for Emotionally Handicapped Children, and has been Director of workshops training teachers of problem children throughout the state. He does individual counseling, and is a former foster parent.

Karl Langbecker is a private practitioner in marriage and family counseling. Previously he was a child welfare worker and then spent 16 years as Executive Director of Lutheran Family Services in Portland. He is a consultant to various mental health and youth care agencies and institutions, and is a member of the National Association of Social Workers. Karl has served as chairman of a City Club ballot measure committee, and worked on another.

Helen Lee is Assistant Vice President of First National Bank of Oregon. She is a member of West Clackamas League of Women Voters.

Kristine Olson Rogers handles criminal cases as Assistant United States Attorney for the District of Oregon. She has clerked for federal district court judges in Connecticut and Oregon, and has worked, published, and lectured in correctional policy. For two years she worked as Special Assistant to Commissioner of Connecticut Department of Children and Youth Services. She is a member of the Oregon State Bar Committee on Detention and Correction, the
Oregon Women Lawyer's Caucus, and is a part-time professor at Lewis and Clark Law School.

Sandra Suran is a CPA in Portland. She has chaired committees in the Oregon Society of CPAs, and is current Chairman of Oregon F.A.I.R. Plan Commission. She is past president of CPA Toastmasters, and now serves on the Board of Directors for the Beaverton Area Chamber of Commerce and is on the Education Committee.

Ray Underwood, Chief Counsel in Portland for the Oregon Department of Justice, was formerly legal counsel for Gov. Mark Hatfield, and then became Senator Hatfield's Legislative Aide in Washington, D.C. Ray has been chief counsel for Oregon's Department of Higher Education, has been a professor of government and law, spent 13 years in private practice, and currently is legal counsel for various public bodies. He has served on diverse citizens' committees including one on model school programs and another on school finances. He is a past second vice president of the City Club.

Kathryn Wood is a third year law student at Lewis and Clark Law School. In the past she was a high school teacher, and then spent seven years as a child welfare caseworker in Pennsylvania and Oregon, including supervision of the Lincoln County office of Oregon's Children's Services Division. Recently she has handled the domestic relations and juvenile law matters for the Clackamas County branch of Oregon Legal Services Corp.

APPENDIX C

WITNESSES INTERVIEWED AND PEOPLE CONSULTED by the full Committee or by individual Committee members

J. Bradford Benziger, Deputy District Attorney, Multnomah County, Juvenile Division
Paul Bloom, Director, Metropolitan Youth Commission, Portland and Multnomah County, Oregon
Claudia Burton, Professor of Law, Willamette University, Salem
"Bob," "Don," "Dave" and other children who have been involved with the juvenile justice system in Multnomah County
Donald E. Clark, Chairman, Multnomah County Board of Commissioners
Charles Clayton, Group Worker, Multnomah County Juvenile Department
Lee Cumpston, Juvenile Court Counselor, Multnomah County
Mercedes Diez, Circuit Court Judge, Multnomah County Juvenile Court
Donald Eichmann, Office of County Management, Multnomah County, Oregon
Walter Evans, Chief, United States Probation Office
Edward Frankel, Executive Director, Human Resources Bureau, City of Portland
Barry Friedman, Field Counselor, Multnomah County Juvenile Department
Jewel Goddard, Director of Human Services, Multnomah County
Edna Goodrich, Administrator, King County Juvenile Court, Seattle, Washington
Al Green, Director of Correctional Services, Multnomah County
Cam Groner, Director of Counseling, Portland Youth Advocates
Harold C. Hart, former Director, Multnomah County Juvenile Department
Philip Holliman, Casework Supervisor, Multnomah County Juvenile Department
George Hoppe, Traffic Referee, Donald E. Long Home, Multnomah County
Michael Horowitz, Director of Community Relations, Portland Youth Advocates
Henry Jewell, former Assistant Director, Multnomah County Juvenile Department
Scott Jolink, Legal Assistant, Multnomah County Juvenile Law Center
Nancy Kaza, Supervising Attorney, Family Law Center
Gladys Knight, Intake Supervisor, S.E. Multnomah Branch, Children's Services Division, State of Oregon
Jewel Lansing, Multnomah County Auditor
Harlow F. Lenon, Circuit Court Judge, Multnomah County Juvenile Court
Jean L. Lewis, Circuit Court Judge, Multnomah County Juvenile Court
Carl V. Mason, Director, Adult Corrections Services, Corrections Division, Multnomah County
Dwayne McNanny, Coordinator, Youth Service Centers, City of Portland
William Morris, Counselor, Case Management, Multnomah County
Kathleen Nachtigal, Director, Juvenile Law Center, Multnomah County
APPENDIX D

BIBLIOGRAPHY

BOOKS


Donald King. 100 Injustices to the Child, National Juvenile Law Center, St. Louis University (1971).


*Youth Faces the Law*, Metropolitan Youth Commission, Portland and Multnomah County, Oregon (1974).

**NEWSPAPER ARTICLES**


**PERIODICALS**


Rosenberg, Chilgren, "Focus on Feelings, the Heart of the Matter in Sex Education," *The PTA Magazine*, September 1975.


**PUBLISHED STUDIES AND REPORTS**


Annual Report, Multnomah County Juvenile Court and Donald E. Long Home, 1974.

1976-77 Proposed Executive Budget, Multnomah County, April, 1976.

King County Juvenile Court Management Audit, Office of the County Auditor, Seattle, Washington, Dec. 6, 1974.

1973 Detention Study, Dep't of Human Services, Multnomah County, Oregon, Sept. 16, 1974.


Multnomah County Budget (excerpts), 1964-1975.

Model Juvenile Justice Projects, Law Enforcement Assistance Administration, 1975-76.

“Juvenile Diversion through Family Counseling: An Exemplary Project,” National Institute of Law Enforcement Assistance Administration, United States Dep't of Justice (1976).

*Portland Youth Advocates* (brochure describing their services).

Youth Programs and Services Directory, Metropolitan Youth Commission, Portland and Multnomah Co., 1975.


“A Review of Accumulated Research in the California Youth Authority,” Dep't of the Youth Authority (K. Kriifiths, ed.) (May, 1974).

D. Knight, *Preventing Crime and Delinquency*, Dep't of the California Youth Authority, Sacramento, California, January 1975.

*Handbook of Organizations and Decentralization*, Board of County Commissioners, Dep't of Human Resources, Multnomah County, Oregon (March 1, 1974).

Social Services for Children and Families with Children, Children's Services Division, Department of Human Resources, State of Oregon (January 1975).


“The Youth Center Research Project; An Overview,” NIHM, Center for Studies of Crime and Delinquency (undated).


City Club of Portland, *Bulletin*:


Vol. 4, February 1, 1924, “State Training School for Boys” (supplemental).

Vol. 9, February 1, 1929, “Juvenile Court Judge Increase.”

Vol. 13, December 23, 1932, “Functions of Multnomah County Juvenile Court.”

Vol. 20, May 5, 1939, “Care of Dependent and Delinquent Children.”

Vol. 27, October 18, 1946, “Juvenile Home & Court Levy” (ballot measure).


Vol. 29, October 1, 1948, “Timberlake Boys Camp” (ballot measure).

Vol. 30, June 17, 1949, “Divorce and Children of Divorce.”


V. Smith, “The Children's Services Division of the Department of Human Resources in Region I (Multnomah County),” Oregon Dep't of Human Resources, CSD, Salem, Oregon, 1975.


Draft Study of Twelve Child Care Institutions Serving Youth From Multnomah County, Metropolitan Youth Commission, PARD TA 73-10, April 18, 1974.

“Position Paper—Juvenile Court System,” Donald E. Clark, Chairman, Multnomah County Board of Commissioners.
L. Johnson, "Portland Youth Services System: An Overview," Human Resources Bureau, Youth Services Division, City of Portland.


**STATUTES AND LEGISLATION**


ORE. REV. STAT. ch. 419 (1975).

1976 Memoranda and Legislative Drafts, Legislative Interim Committee on the Judiciary, State of Oregon.


Wisconsin Assembly Bill 795 (1975).

The following bills were introduced at the Oregon Legislative Assembly, Regular Session (1975):

S. 975 (would change expungement procedures); also see S. 473.

H.B. 2113 (re: administrative consent for transfer of juvenile from Corrections Division to juvenile training school).

H.B. 2114 (re: CSD authority to establish co-educational facilities).

H.B. 2604 (re: repealing curfew hours); also see S. 709.

H.B. 2929 (re: fingerprinting and photos of juveniles); also see S. 64.

H.B. 2943 (re: transfer of juvenile jurisdiction of traffic offenders old enough to be licensed).

H.B. 3192 (would make juvenile records public for recidivists under ORS 419.476(1)(a)).

H. Joint Resolution 49 (re: establishing board to investigate alternatives to penal system).

S. 951 (re: reorganization of Dept of Human Resources).

S. 704 (re: preliminary statements by juveniles without counsel not admissible).

S. 705 (would decrease grounds for juvenile court jurisdiction; also for training schools).

S. 712 (juveniles must be represented by attorney at all stages of proceedings).

S. 703 (would allow detention only if it appears juvenile will be sent to secure custody after jurisdiction is taken).

S. 454 (re: transferring authority to Board of County Commissioners in certain court administrative matters in counties over 400,000).

S. 472 (re: creation of Juvenile Court Commission).

S. 3 (re: new provisions for juvenile motor vehicle offenses).

S. 622 (would provide responsibility for education programs for children in state hospitals and training centers for retarded).

S. 673 (would require court order for return of juvenile to training school after release).

S. 674 (re: due process protections for transfer from training schools to mental hospitals).

S. 675 (re: appointment of attorneys in certain juvenile proceedings).

S. 700 (re: requiring juvenile referees to be members of Oregon State Bar).

S. 707 (makes requirements more specified).

S. 710 (re: adding procedures in probation or parole revocation of juveniles; modifying parole revocation from juvenile training school).

S. 711 (would transfer juvenile jurisdiction from county to circuit courts).

S. 823 (would authorize use of juvenile adjudication for impeachment purposes in criminal or juvenile matters).

* * *


Re-Engrossed House Bill 2050, Oregon Legislative Assembly, 1973 Session.

**APPENDIX E**

**GLOSSARY OF TERMS**

**Adjudication**—That function of the juvenile system which involves formal determination of delinquency or dependency and which renders formal disposition of the child. It is parallel to an adult criminal proceeding. It begins with the "petition" and ends with "disposition."
Case Management—a high intensity project aimed at helping hard-core problem children involved with the juvenile court. Developed in 1973, the project was terminated in Spring, 1976 when federal funding ceased.

CSD—Children's Services Division; a state agency having branches in each county which investigate, provide counseling, and make placement in child welfare matters.

Delinquent child—a child who has committed an offense which would be a crime if committed by an adult; however, status offenders also are frequently labeled as “delinquents.”

Dependent child—a child whose parents or guardian have failed to provide for his or her well being to the extent that court intervention is necessary.

Detention—temporary confinement for juveniles awaiting adjudication or disposition. Counties without separate facility may use separate parts of the county jail. Multnomah County has space at Donald E. Long Home.

Diversion—directing a child to various community alternatives rather than involvement in the court or JJD system.

Disposition—the stage of adjudication which follows determination of delinquency or dependency. Any fine, probation, or placement is decided at this stage. The corollary in adult court is "sentencing."

Donald E. Long Home—the physical setting which houses the Multnomah County Juvenile Department and Court as well as detention facilities.

In re Gault, 387 U.S. 1 (1967)—decision by the U.S. Supreme Court in 1967 which revolutionized juvenile justice in the United States by limiting parens patriae and extending constitutional safeguards to children in the juvenile court.

Intake—a child's initial contact with the juvenile justice department. Depending on intake decision, a child may be detained, counseled, diverted, or sent home.

JDB—juvenile (detention) home; refers to Donald E. Long Home in Multnomah County.

"JJD"—acronym used throughout this report to depict the Multnomah County juvenile microsystem. See Figure No. 2.

Juvenile Court—the courtroom itself; or the circuit court judges when presiding over juvenile cases. Sometimes broadly and inappropriately used to mean all of JJD.

Juvenile Department—consists of all the Multnomah County offices, activities, and staff who are directly involved with children in and through Donald E. Long Home; to be distinguished from the juvenile court. It is the statutory term used and does coincide with this committee's coinage of the "JJD" term.

Juvenile Law Center—newly organized, publicly funded office of attorneys and law students located at Donald E. Long Home for the purpose of providing and improving legal defense representation to juveniles.

Macrosystem—an expression used by this City Club committee to depict the entire scheme and vast network of public and private entities involved and concerned with juvenile problems. See Figure No. 1.

Microsystem—an expression used by this City Club Committee to depict that departmental organization established by government to specifically deal with juveniles reasonably suspected of delinquency or dependency problems; same as JJD. Figures No. 1 and 2.

Parens Patriae—doctrine or concept that children taken into JJD are within the special protection and control of the state, with the state usually through its judges assuming a "parental" role and the child becoming a "ward."

Petition—formal document setting forth the reasons, charge, or facts which serve to bring a child before the juvenile court. Corollary of an indictment or information in an adult case.

Remand—the transfer of a delinquent child for trial in adult rather than juvenile court. In Oregon a child must be 16 years of age or older at the time of remand.

Status Offense—activities which are acceptable for adults but are impermissible for a child, e.g., running way, truancy, minor in possession of alcohol, and others.

Youth Service Centers—a diversionary resource managed by the City of Portland. Branch offices in each section of the city offer counseling and help to youth.