

ANNOTATED MINUTES

*Tuesday, October 18, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFINGS

- B-1 *Cultural Diversity Committee Discussion of History, Results of Conference and Future Expectations, and Description of Current Diversity Projects. Presented by Donald Acker.*

DONALD ACKER, NEW CHAIR; CURTIS SMITH, MIKE OSWALD, CHRIS JOHNSON, JIMI JOHNSON, GAIL PARKER, AND JERRY WALKER PROVIDED PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

- B-2 *Discussion on Recommended Changes to the Public Contract Review Board Rules. Presented by Dave Boyer and Lillie Walker.*

DAVID BOYER AND LILLIE WALKER PRESENTED PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

- B-3 *David M. Griffith Report on Costs, Fees and Revenue Study. Presented by Dave Boyer.*

DAVID BOYER AND BETSY WILLIAMS PRESENTED PRESENTATION AND RESPONSE TO BOARD QUESTIONS. BOARD CONSENSUS TO WAIT UNTIL AFTER NOVEMBER 8TH ELECTIONS BEFORE POSSIBLE INCREASE OF VARIOUS FEES, WITH THE EXCEPTION OF FURTHER INVESTIGATION OF THE SURVEYOR FEES. POTENTIAL NEED TO INCREASE SOME FEES BEFORE ELECTION. STAFF TO TALK TO COUNTY COUNSEL ABOUT LEGAL ISSUES AND REPORT BACK TO THE BOARD.

*Tuesday, October 18, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PLANNING ITEMS

Vice-Chair Tanya Collier convened the meeting at 1:35 p.m., with

Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present, and Chair Beverly Stein excused.

P-1 C 10-94 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Comprehensive Framework Plan Policies and Significant Environmental Concern (SEC) Section of the Zoning Code to Protect Significant Wildlife Habitat, Scenic Views and Streams in the West Hills and Howard Canyon Areas, in Fulfillment of Periodic Review Remand Order Requirements*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. GORDON HOWARD EXPLANATION OF AMENDMENTS DISCUSSED AT FIRST READING. GORDON HOARE, BILL MOSHOFSKY, DAVE KOENNECKE, DAN McKENZIE, EUGENE OSTER AND JOSEPH KABDEBO TESTIMONY IN OPPOSITION TO PROPOSED ORDINANCE DUE TO ZONING LIMITATIONS FOR WEST HILLS PROPERTY OWNERS. DONNA MATRAZZO, ARNOLD ROCHLIN, JOHN SHERMAN AND JANE HART TESTIMONY AND SUGGESTED AMENDMENTS TO PROPOSED ORDINANCE. MR. HOWARD EXPLANATION CONCERNING AMENDMENTS RECOMMENDED BY STAFF AND RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT SECTION 11.15.6424(B) BE AMENDED TO INCLUDE: "AND WHICH SHALL BE CONSIDERED IN MAKING THE DETERMINATION OF VISUAL SUBORDINATION...". MR. HOWARD RESPONSE TO BOARD QUESTION REGARDING FENCING STANDARDS. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT THE FENCE EXEMPTION AREA BE AMENDED FROM 15 FEET TO 100 FEET. MR. HOWARD EXPLANATION OF LOT OF RECORD DEFINITION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT SECTION 11.15.6428(D)(1) BE AMENDED THAT THE LOT OF RECORD SHALL BE DEFINED BY THE UNDERLYING ZONING DISTRICT. MR. HOWARD EXPLANATION OF

AVAILABLE FOR PURCHASE ISSUE. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT LANGUAGE IN SECTION 11.15.6428(D)(2) BE AMENDED FROM AVAILABLE FOR PURCHASE TO "THE SUBJECT OF A LISTING AGREEMENT OR ADVERTISED FOR SALE...". FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, IT WAS UNANIMOUSLY APPROVED THAT THE STREAM PROTECTION AND WATER QUALITY ISSUES WOULD BE ADDRESSED IN GOALS 6 AND 7. JOHN DuBAY RESPONSE TO BOARD QUESTION CONCERNING WHETHER AN ADDITIONAL READING WOULD BE REQUIRED. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, ORDINANCE 801 UNANIMOUSLY APPROVED, AS AMENDED. SCOTT PEMBLE RESPONSE TO QUESTIONS AND ISSUES RAISED DURING PUBLIC TESTIMONY AND RESPONSE TO BOARD QUESTIONS.

Commissioner Saltzman left at 2:30 p.m.

P-2

C 11-94 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Comprehensive Framework Text Plan Policy 16 - B and MCC 11.15 Regarding the Regulation of Surface Mining and Nearby Surrounding Land Uses in Partial Fulfillment of Periodic Review Work Program Tasks Required to Bring Multnomah County's Land Use Program into Compliance with Statewide Planning Goal 5*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. GARY CLIFFORD DISCUSSION OF STAFF RECOMMENDED AMENDMENTS TO PROPOSED ORDINANCE, JOHN DuBAY MEMORANDUM IN RESPONSE TO MR. ROCHLIN'S OBJECTIONS TO PROPOSED ORDINANCE, AND RESPONSE TO BOARD QUESTIONS. ARNOLD ROCHLIN, JANE HART AND KLAUS HEYNE TESTIMONY AND SUGGESTED AMENDMENTS TO PROPOSED ORDINANCE. MR. CLIFFORD RESPONSE TO ISSUES RAISED IN PUBLIC TESTIMONY. MR. DuBAY AND MR. CLIFFORD RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING AMENDMENTS TO BE PROPOSED AND

CONSIDERED AT THIRD READING. AT THE SUGGESTION OF MR. CLIFFORD AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT SECTION II.(D)(2) ON PAGE 3 BE AMENDED TO REPLACE THE WORD OPERATOR WITH "OWNER'S REPRESENTATIVE". VICE-CHAIR COLLIER DIRECTED THAT ISSUES CONCERNING REGULATION OF "EXEMPT MINING ACTIVITY"; AND COUNTY PARTICIPATION WITH DOGAMI IN REVIEW OF A RECLAMATION PERMIT PROPOSAL BE DISCUSSED AND CONSIDERED AT THIRD READING. AT THE REQUEST OF MR. CLIFFORD AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, SECTION 11.15.7325(C)(4) WAS AMENDED TO READ "OPERATING HOURS SHALL BE ALLOWED FROM 7:00 AM TO 6:00 PM." AT THE REQUEST OF COMMISSIONER KELLEY, PROPOSED AMENDMENTS TO PAGE 23 CHANGING VEGETATION SCREENING FROM 50 TO 100 FEET; PAGE 26 CHANGING SETBACK FOR MINERAL EXTRACTION FROM 50 TO 100 FEET TO A PROPERTY LINE; AND PAGE 26 CHANGING SETBACK TO A NOISE OR DUST SENSITIVE USE FROM 250 TO 400 FEET ARE TO BE CONSIDERED AT THIRD READING. VICE-CHAIR COLLIER DIRECTED STAFF TO PROVIDE AN EXPLANATION OF AND PURPOSE FOR COMMISSIONER KELLEY'S PROPOSED SITE DISTANCE REQUIREMENTS. SCREENING OF MINE SITES FROM "NOISE AND DUST SENSITIVE" LAND USES TO BE DISCUSSED AND CONSIDERED AT THIRD READING. MR. CLIFFORD RESPONSE TO BOARD QUESTIONS AND DISCUSSION. TRANSPORTATION REQUIREMENTS TO BE DISCUSSED AND CONSIDERED AT THIRD READING. MR. DuBAY RESPONSE TO BOARD QUESTION CONCERNING COUNSEL PROPOSED AMENDMENTS. STAFF DIRECTED TO PREPARE MEMORANDUM CONTAINING ONE SET OF POTENTIAL AMENDMENTS FOR DISCUSSION AT THIRD READING. IN RESPONSE TO A QUESTION OF MR. HEYNE, THE ISSUE REGARDING HILLSIDE EROSION COMPLIANCE OF EXISTING EXEMPT SIDES IN THE 5,000 CUBIC YARDS MINING AREA WILL BE ADDRESSED AT THE THIRD READING. IN RESPONSE TO A QUESTION OF MR. ROCHLIN, MR. DuBAY ADVISED THE DEFINITION OF "SIGNIFICANT SITE"

ISSUE WOULD BE DISCUSSED AT THE THIRD READING. SECOND READING UNANIMOUSLY APPROVED. THIRD READING SCHEDULED FOR THURSDAY, OCTOBER 27, 1994.

There being no further business, the meeting was adjourned at 3:10 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad

Thursday, October 20, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Vice-Chair Tanya Collier convened the meeting at 9:35 a.m., with Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present, and Chair Beverly Stein excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-7 AND C-9 THROUGH C-11) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointments of Margaret Boyles, Winzel Hamilton, Hank Miggins, Robert Sacks and Juanita Skophammer to the CITIZEN INVOLVEMENT COMMITTEE*
- C-2 *In the Matter of the Appointments of Bill Davis, Lorey Freeman, Lauren Hartmann, Margaret Jozsa, Kathleen Lowe, Clinton Nelson and Darlene Swan to the COMMUNITY HEALTH COUNCIL*
- C-3 *In the Matter of the Appointment of Michelle DeShazer to the DUII COMMUNITY ADVISORY BOARD*
- C-4 *In the Matter of the Appointment of Angel Lopez to the LIBRARY ADVISORY BOARD*

C-5 *In the Matter of the Appointments of Laura Ross-Paul and Mary Ruble to the METROPOLITAN ARTS COMMISSION*

DEPARTMENT OF HEALTH

C-6 *Ratification of Amendment #3 to Intergovernmental Agreement Contract 200714 Between Oregon Health Sciences University Hospital and Multnomah County, Identifying Authorized and Unauthorized Use of Urgency and Emergency Care at OHSU by CareOregon Clients and Establishing a Fee Schedule, for the Period Upon Execution through August 31, 1995*

COMMUNITY AND FAMILY SERVICES

C-7 *Ratification of Intergovernmental Agreement Contract 103515 Between Multnomah County and Portland State University, Providing Evaluation Services to the SAFAH Homeless Families Program in Accordance with the HUD Grant, for the Period Upon Execution through September 30, 1995*

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-9 *ORDER in the Matter of the Execution of Deed D951104 Upon Complete Performance of a Contract to Jamal Tarhuni*

ORDER 94-199.

C-10 *ORDER in the Matter of the Execution of Deed D951105 Upon Complete Performance of a Contract to Jamal Tarhuni*

ORDER 94-200.

C-11 *ORDER in the Matter of the Execution of Quitclaim Deed to Appa L. Anderson*

ORDER 94-201.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-8 *ORDER in the Matter of the Execution of Deed D941024 Upon Complete Performance of a Contract to Wesley Hayzlett and Jettabe Hayzlett*

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER SALTZMAN, TO
REMOVE ITEM C-8 UNANIMOUSLY APPROVED.
(ORDER 94-160 APPROVED SEPTEMBER 8, 1994.)**

REGULAR AGENDA

SHERIFF'S OFFICE

R-1 *Budget Modification MCSO 1 Requesting Authorization to Reclassify a Community Service Officer Position in the David Douglas Safety Action Team Budget to an Integrated Community Service Coordinator*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. LARRY AAB PRESENTED EXPLANATION. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

R-2 *ORDER in the Matter of Exempting from Public Bidding an Extension of Exemption to Contract with Swanberg & Associates for Security Guard Services*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. COMMISSIONER HANSEN PRESENTED EXPLANATION. ORDER 94-202 WAS UNANIMOUSLY APPROVED.

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF HEALTH

R-3 *First Reading of a Proposed ORDINANCE to Provide Fee Schedule Changes for the Environmental Health Section of the Department of Health*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF THE FIRST READING. DR. GARY OXMAN PRESENTED EXPLANATION. NO TESTIMONY RECEIVED. FIRST READING WAS UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, OCTOBER 27, 1994.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-4 *ORDER in the Matter of the Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1993 through June 30, 1994*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. KATHY TUNEBERG PRESENTED EXPLANATION. ORDER 94-203 WAS UNANIMOUSLY APPROVED.

- R-5 *Ratification of Intergovernmental Agreement Contract 301245 Between Marion County and Multnomah County, Providing Training and Support During Implementation of a Computerized Pavement Management System, for the Period Upon Execution through June 30, 1995*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. AGREEMENT WAS UNANIMOUSLY APPROVED.

- R-6 *First Reading and Possible Adoption of a Proposed ORDINANCE Amending Multnomah County Code Chapter 5.10 Establishing a Transportation Systems Development Charge and Declaring an Emergency*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF THE FIRST READING AND ADOPTION. ED PICKERING PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO TESTIMONY RECEIVED. ORDINANCE NO. 802 UNANIMOUSLY APPROVED.

- R-7 *RESOLUTION in the Matter of Adopting a Transportation Impact Fee Systems Development Charge*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. ED PICKERING PRESENTED EXPLANATION. RESOLUTION 94-204 UNANIMOUSLY APPROVED.

- R-8 *Consideration of a RESOLUTION Approving Multnomah County's Local Greenspaces Projects List and Endorsing the Metropolitan Greenspaces Bond Measure*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. CHARLIE CIECKO OF METRO PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AMANDA FRITZ PRESENTED TESTIMONY IN SUPPORT OF THIS ITEM. RESOLUTION 94-205 WAS UNANIMOUSLY APPROVED.

R-9 Metro Regional Parks and Greenspaces Request for Approval of the Transfer of \$75,000 from the Natural Areas Acquisition and Protection Fund Towards the Purchase of a 5 Acre Site in North Portland (Approximately NE 47th and NE Columbia Blvd.) Containing a Portion of Whitaker Pond and Abutting the Columbia Slough

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-9. NANCY CHASE OF METRO PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. REQUEST WAS UNANIMOUSLY APPROVED. (NOTE: BUDGET MODIFICATION WILL BE BEFORE THE BOARD AT A LATTER DATE FOR APPROVAL.)

JUVENILE JUSTICE DIVISION

R-10 Budget Modification JJD 1 Requesting Authorization to Reprogram \$435,041 in Casey Foundation Funds to Reflect Planned Expenditures

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-10. MARIE EIGHMEY PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-11 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NONE.

There being no further business, the meeting was adjourned at 10:15 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**



Carrie A. Parkerson

**Thursday, October 20, 1994 - 10:30 AM
(Or Immediately Following Regular Meeting)
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland**

BOARD BRIEFING

B-4 *Detention Improvement Plan and the Annie E. Casey Foundation Grant.
Presented by Hal Ogburn and Rick Jensen.*

**PRESENTATION AND RESPONSE TO BOARD
QUESTIONS BY HAL OGBURN AND RICK JENSEN.**

*Friday, October 21, 1994 - 1:30 PM - 5:00 PM
Portland Building, Second Floor Conference Room A
1120 SW Fifth, Portland*

WORK SESSION

WS-1 *Board Work Session and Discussion on Potential Legislative Issues.*

**POTENTIAL LEGISLATIVE ISSUES DISCUSSED BY:
CHAIR BEVERLY STEIN, BILL FARVER, RHYS
SCHOLES, JO ANN ALLEN, CHAIR STAFF; VICE-
CHAIR TANYA COLLIER, COMMISSIONER SHARRON
KELLEY, ROBERT TRACHTENBERG, STAFF;
COMMISSIONER GARY HANSEN, MIKE DELMAN,
STAFF; COMMISSIONER DAN SALTZMAN, AUDITOR
GARY BLACKMER, HAL OGBURN, JJD; CARY
HARKAWAY, DCC; BILLI ODEGAARD, DH; MIKE
OSWALD, DES; JOAN PASCO, MCSO; HOWARD KLINK,
CFSD; BARRY CROOK AND DAVE WARREN, B&Q;
AND JIM SCHERZINGER, STATE LEGISLATIVE
REVENUE OFFICE. FOLLOW-UP LEGISLATIVE
ISSUES ALL DAY RETREAT SCHEDULED FOR
TUESDAY, NOVEMBER 29, 1994, LOCATION TO BE
ANNOUNCED.**



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

OCTOBER 17, 1994 - OCTOBER 21, 1994

<i>Tuesday, October 18, 1994 - 9:30 AM - Board Briefings</i>	<i>Page 2</i>
<i>Tuesday, October 18, 1994 - 1:30 PM - Planning Items</i>	<i>Page 2</i>
<i>Thursday, October 20, 1994 - 9:30 AM - Regular Meeting</i>	<i>Page 3</i>
<i>Thursday, October 20, 1994 - 10:30 AM - Board Briefing</i>	<i>Page 5</i>
<i>Friday, October 21, 1994 - 1:30 PM - Work Session</i>	<i>Page 5</i>

FUTURE MEETING CHANGES/CANCELLATIONS

- Tuesday, 11/15/94 - Cancelled/AOC Conference*
- Thursday, 11/17/94 - Cancelled/AOC Conference*
- Tuesday, 11/22/94 - 9:30 AM Regular Meeting Scheduled*
- Thursday, 11/24/94 - Cancelled/Holiday*

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen by Paragon Cable subscribers at the following times:

- Thursday, 6:00 PM, Channel 30*
- Friday, 10:00 PM, Channel 30*
- Saturday, 12:30 PM, Channel 30*
- Sunday, 1:00 PM, Channel 30*

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, October 18, 1994 - 9:30 AM

*Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFINGS

- B-1 Cultural Diversity Committee Discussion of History, Results of Conference and Future Expectations, and Description of Current Diversity Projects. Presented by Donald Acker. 9:30 TIME CERTAIN, 1 HOUR REQUESTED.*
- B-2 Discussion on Recommended Changes to the Public Contract Review Board Rules. Presented by Dave Boyer and Lillie Walker. 10:30 TIME CERTAIN, 45 MINUTES REQUESTED.*
- B-3 David M. Griffith Report on Costs, Fees and Revenue Study. Presented by Dave Boyer. 11:15 TIME CERTAIN, 45 MINUTES REQUESTED.*
-

Tuesday, October 18, 1994 - 1:30 PM

*Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PLANNING ITEMS

- P-1 C 10-94 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Comprehensive Framework Plan Policies and Significant Environmental Concern (SEC) Section of the Zoning Code to Protect Significant Wildlife Habitat, Scenic Views and Streams in the West Hills and Howard Canyon Areas, in Fulfillment of Periodic Review Remand Order Requirements*
- P-2 C 11-94 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Comprehensive Framework Text Plan Policy 16 - B and MCC 11.15 Regarding the Regulation of Surface Mining and Nearby Surrounding Land Uses in Partial Fulfillment of Periodic Review Work Program Tasks Required to Bring Multnomah County's Land Use Program into Compliance with Statewide Planning Goal 5*
-

Thursday, October 20, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointments of Margaret Boyles, Winzel Hamilton, Hank Miggins, Robert Sacks and Juanita Skophammer to the CITIZEN INVOLVEMENT COMMITTEE*
- C-2 *In the Matter of the Appointments of Bill Davis, Lorey Freeman, Lauren Hartmann, Margaret Jozsa, Kathleen Lowe, Clinton Nelson and Darlene Swan to the COMMUNITY HEALTH COUNCIL*
- C-3 *In the Matter of the Appointment of Michelle DeShazer to the DUII COMMUNITY ADVISORY BOARD*
- C-4 *In the Matter of the Appointment of Angel Lopez to the LIBRARY ADVISORY BOARD*
- C-5 *In the Matter of the Appointments of Laura Ross-Paul and Mary Ruble to the METROPOLITAN ARTS COMMISSION*

DEPARTMENT OF HEALTH

- C-6 *Ratification of Amendment #3 to Intergovernmental Agreement Contract 200714 Between Oregon Health Sciences University Hospital and Multnomah County, Identifying Authorized and Unauthorized Use of Urgency and Emergency Care at OHSU by CareOregon Clients and Establishing a Fee Schedule, for the Period Upon Execution through August 31, 1995*

COMMUNITY AND FAMILY SERVICES

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DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-8 *ORDER in the Matter of the Execution of Deed D941024 Upon Complete Performance of a Contract to Wesley Hayzlett and Jettabe Hayzlett*

- C-9 *ORDER in the Matter of the Execution of Deed D951104 Upon Complete Performance of a Contract to Jamal Tarhuni*
- C-10 *ORDER in the Matter of the Execution of Deed D951105 Upon Complete Performance of a Contract to Jamal Tarhuni*
- C-11 *ORDER in the Matter of the Execution of Quitclaim Deed to Appa L. Anderson*

REGULAR AGENDA

SHERIFF'S OFFICE

- R-1 *Budget Modification MCSO 1 Requesting Authorization to Reclassify a Community Service Officer Position in the David Douglas Safety Action Team Budget to an Integrated Community Service Coordinator*

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-2 *ORDER in the Matter of Exempting from Public Bidding an Extension of Exemption to Contract with Swanberg & Associates for Security Guard Services*

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF HEALTH

- R-3 *First Reading of a Proposed ORDINANCE to Provide Fee Schedule Changes for the Environmental Health Section of the Department of Health*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 *ORDER in the Matter of the Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1993 through June 30, 1994*
- R-5 *Ratification of Intergovernmental Agreement Contract 301245 Between Marion County and Multnomah County, Providing Training and Support During Implementation of a Computerized Pavement Management System, for the Period Upon Execution through June 30, 1995*
- R-6 *First Reading and Possible Adoption of a Proposed ORDINANCE Amending Multnomah County Code Chapter 5.10 Establishing a Transportation Systems Development Charge and Declaring an Emergency*
- R-7 *RESOLUTION in the Matter of Adopting a Transportation Impact Fee Systems*

Development Charge

- R-8 *Consideration of a RESOLUTION Approving Multnomah County's Local Greenspaces Projects List and Endorsing the Metropolitan Greenspaces Bond Measure*
- R-9 *Metro Regional Parks and Greenspaces Request for Approval of the Transfer of \$75,000 from the Natural Areas Acquisition and Protection Fund Towards the Purchase of a 5 Acre Site in North Portland (Approximately NE 47th and NE Columbia Blvd.) Containing a Portion of Whitaker Pond and Abutting the Columbia Slough*

JUVENILE JUSTICE DIVISION

- R-10 *Budget Modification JJD 1 Requesting Authorization to Reprogram \$435,041 in Casey Foundation Funds to Reflect Planned Expenditures*

PUBLIC COMMENT

- R-11 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

*Thursday, October 20, 1994 - 10:30 AM
(Or Immediately Following Regular Meeting)*

*Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFING

- B-4 *Detention Improvement Plan and the Annie E. Casey Foundation Grant. Presented by Hal Ogburn and Rick Jensen. 45 MINUTES REQUESTED.*

Friday, October 21, 1994 - 1:30 PM - 5:00 PM

*Portland Building, Second Floor Conference Room A
1120 SW Fifth, Portland*

WORK SESSION

- WS-1 *Board Work Session and Discussion on Potential Legislative Issues.*



Beverly Stein, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
P.O. Box 14700
Portland, Oregon 97204
(503) 248-3308

MEMORANDUM

To: Commissioner Dan Saltzman
Commissioner Gary Hansen
Commissioner Tanya Collier
Commissioner Sharron Kelley
Clerk of the Board

From: Beverly Stein, Chair

Date: September 20, 1994

Re: Absence from Board meeting

|||||
On October 18th thru October 20, 1994 I will be in Washington D.C.
Therefore I will miss the Board meetings for that week.

In addition to my absences I will be attending the AOC Conference
on November 15th thru 18th.

cc: Bill Farver
Delma Farrell

BOARD OF
COUNTY COMMISSIONERS
1994 SEP 30 PM 3:47
MULTNOMAH COUNTY
OREGON



MEETING DATE: OCTOBER 20, 1994

AGENDA NO: B-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: JUVENILE JUSTICE DIVISION BRIEFING

BOARD BRIEFING Date Requested: FOLLOWING OCTOBER 20, 1994 MEETING

Amount of Time Needed: 45 MINUTES

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: _____ DIVISION: JUVENILE JUSTICE DIVISION

CONTACT: HAL OGBURN TELEPHONE #: 248-3550

BLDG/ROOM #: 2470

PERSON(S) MAKING PRESENTATION: HAL OGBURN AND RICK JENSEN

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

DETENTION IMPROVEMENT PLAN AND THE ANNIE E. CASEY FOUNDATION GRANT.

BOARD OF
COUNTY COMMISSIONERS
1994 OCT 14 PM 3:01
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

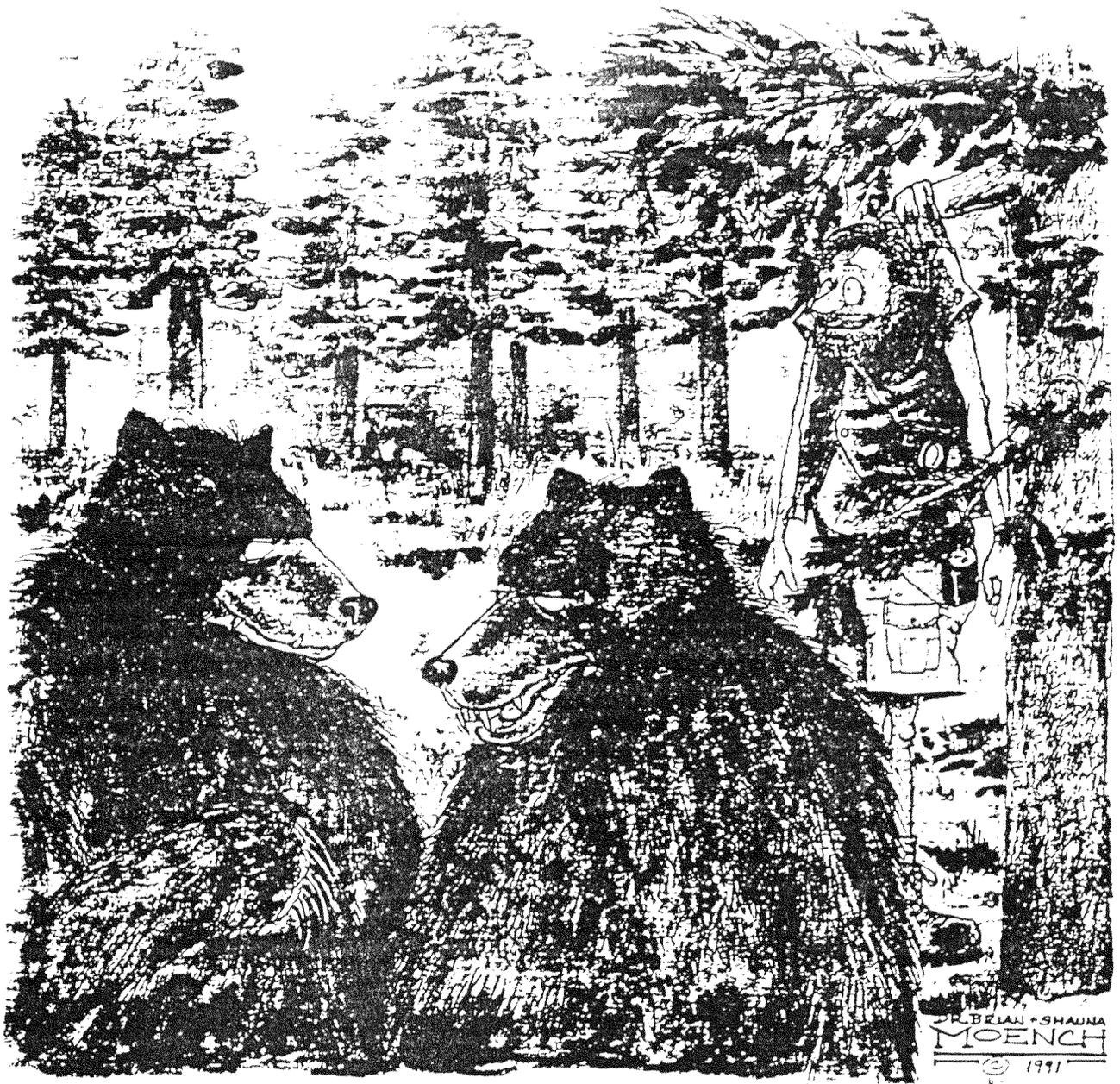
ELECTED OFFICIAL: BEVERLY STEIN

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



"His name's Bradshaw. He says he understands I came from a single parent den with inadequate role models. He senses that my dysfunctional behavior is shame based and codependent and he urges me to let my inner cub heal..... I say we eat him."

The Annie E. Casey Foundation

*One Lafayette Place
Greenwich, Connecticut 06830
203-661-2773
FAX 203-661-5127*

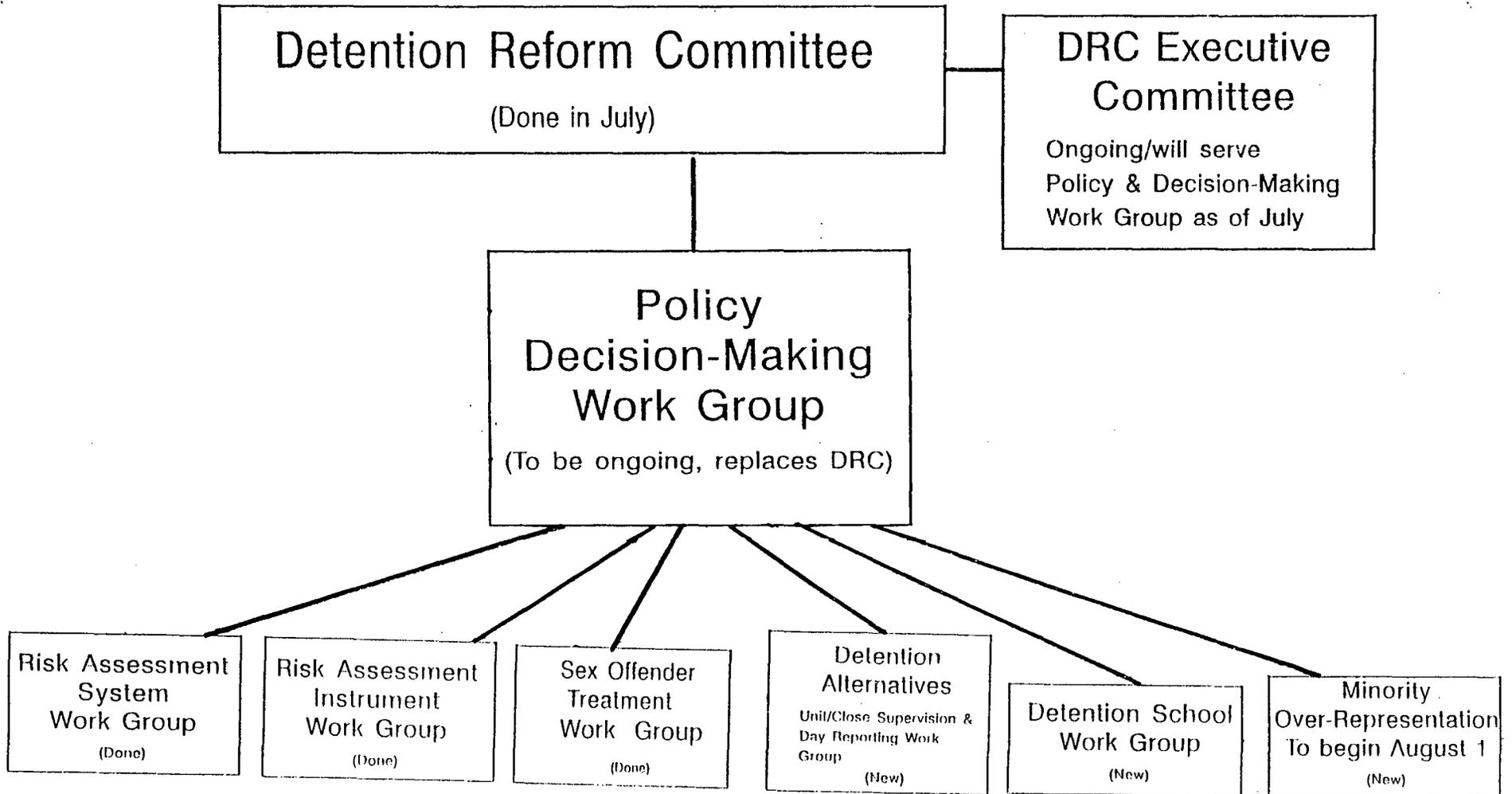
Grant No. 92-1107

Description of Work

During the period of this transition grant, Multnomah County will:

1. Review current plans for the new detention center and seek alternatives to the use of a 16-bed unit as a staff-secure shelter.
2. Clarify its approach to project administration, including the organizational location of the project coordinator and her or his relationship to detention system policy makers. These plans must ensure that sufficient expertise and authority are lodged within a clearly defined "center" in order to successfully carry out the strategies of the reform plan.
3. Develop the specifics of the detention admissions process, including eligibility criteria for secure confinement, a risk assessment instrument and the procedures for utilization of both. These revised admissions policies must include explicit endorsement by both the executive and judicial branches of government.
4. Establish specific policies and program responses to substantially reduce the use of secure detention in probation violation cases.
5. Enumerate specific strategies to be implemented by the juvenile courts to expedite case processing and otherwise eliminate unnecessary or inappropriate utilization of secure confinement that may stem from current policies and procedures. These efforts should be documented in the form of new policies, procedures or directives from court administrators or administrative judges.
6. Revise plans for alternatives to detention programming consistent with needs identified by detention utilization patterns and changes in the detention admissions process noted in item (3), above. These plans should specify changes to the close supervision program, define the purpose and target population for the proposed day reporting center, and establish alternative arrangements for youth requiring short term shelter care.
7. Provide clarifications and details regarding improvements to the detention facility, its programming and operations.
8. Submit revisions to the County's implementation plan based upon the tasks outlined above, including a new itemized budget and a detailed work plan.

Detention Reform Committee Flow Chart



programs should be avoided in situations where neither the juvenile or his parents indicate a willingness to attend, since inappropriate referrals can overload the program's ability to provide services to those who will use them. Nonjudicial dispositions should address reparation to the victim, if appropriate, and provide for restitution or community service. Every department should have written policy to aid in planning and monitoring the diversion agreement as well as taking action against noncompliance.

Detention Decisions

If the juvenile is brought to the detention facility, the intake officer's first task is to assure that the alleged facts are legally sufficient. If the complaint is legally sufficient, the intake officer should hold a face-to-face interview with the child, apply detention criteria, and make a decision.⁵ If the juvenile continues to be held in custody based on sufficient facts, a detention hearing should be held within 24 - 72 hours after admission to the facility. In a written finding, the intake officer should specify the charges, the reasons for detention, the reasons why release was not an option, the alternatives to detention that were explored, and the recommendations of the intake officer concerning interim status. When using detention, it is important to remember that the juvenile has not been adjudicated and that at all times he retains his constitutional rights and his presumption of innocence.

In making detention decisions, intake officers should consider:

A. That detention not be imposed:

1. to punish, treat, or rehabilitate;
2. to allow parents to avoid their legal responsibilities;
3. to satisfy demands by a victim, the police, or the community;
4. to permit more convenient administrative access to the juvenile;
5. to facilitate further interrogation or investigation;
6. due to a lack of a more appropriate facility or status alternative.

B. That unconditional release be exercised unless detention is necessary to:

1. protect the jurisdiction or the process of the court;

2. prevent the juvenile from inflicting serious bodily harm or committing serious property damage;
3. protect the juvenile from imminent bodily harm upon his or her request.

Intake officers make detention decisions based on state statutes and local court and department policies that specify reasons for which a juvenile may be securely detained. Historically, the statutory language has been vague and court-developed policy guidelines ill-defined. In the absence of specific criteria, the detention decision making process can become highly subjective and discretionary. However, as more and more jurisdictions seek to make the detention decision more objective, the field will become more knowledgeable about which criteria are effective indicators of the need for detention.

Juvenile justice practitioners are experimenting with formalized detention screening models to eliminate the subjective quality of decisions. Two models have attempted to develop objective criteria. Both are abstracted below.

Mulvey and Saunders (1982) developed a detention decision making model in which they listed three guiding principles regarding the construction or selection of criteria:

1. Eliminate criteria that are not in agreement with the short-term, limited scope of detention functioning. It is the authors' view that detention is not well suited to remedial or rehabilitative activities.
2. Eliminate criteria that require prediction of future behavior by intake officers. The focus should, instead, be upon the juvenile's past history and recent occurrence of dangerous behavior.
3. Emphasize criteria which refer to specific, ascertainable events or behaviors, as opposed to trends, tendencies, psychological states or personality characteristics. In other words, the more factual the criterion is, the less need there will be for judgements that introduce error.

Mulvey and Saunders found sixteen criteria among standards' documents that are in accordance with the preceding list of principles. The criteria were grouped into five categories that reflect the major purpose of detention:

1. Potential dangerousness to persons or property
 - Present offense is _____ (minimum level of seriousness; e.g., a felony).

⁵ Before the interview, make sure that the police have conducted a search of the child.

- Present offense is first or second degree murder.
 - Present offense required that victim receive medical attention.
 - Present offense involved overt threat of physical harm to others.
 - Record of at least ____ (number) adjudicated delinquencies in the past ____ (number) years.
 - Record of at least ____ (number) violent adjudicated delinquencies in the past ____ (number) years or months.
 - Record of at least ____ (number) assaults or incidents of destruction of property in court placements in the past ____ (number) years or months.
2. Risk of flight
- Escapee from a court placement.
 - Record of at least ____ (number) failures to appear in court in the past ____ (number) years or months.
 - Record of at least ____ (number) incidents of running away from a court placement in the past ____ (number) years or months.
 - No adult willing to assume responsibility for minor's appearance in court.
3. Previous jurisdiction
- Presently a fugitive from another jurisdiction.
4. Protection of subsequent court processing
- Presently in an interim status under the jurisdiction of the court in a criminal case.
 - Presently on probation or parole under a prior adjudication.
5. Protection of the child
- No adult willing to assume responsibility for care of minor.
 - Individuals in potential release setting have past record of at least ____ (number) incidents of violence toward the child in the past ____ (number) years or months.

In response to having one of the highest juvenile detention rates in the country, the Florida Department of Health and Rehabilitative Services was charged with developing and implementing a detention

screening instrument. The criteria are mostly objective but there is still room for subjective answers to questions calling for "reasonable belief." The "Assessment of Need for Detention" criteria include:

1. The present offense is a felony, AND:
 - a. There is a reasonable belief that the youth will commit another offense prior to hearings;
 - b. There is a reasonable belief that the youth will not be available for the proceedings of the court;
 - c. The youth has been previously adjudicated for a crime of violence;
 - d. The youth is awaiting a hearing on another case;
 - e. The youth is presently on community control for a felony offense, or is committed to the department, and the supervising counselor or his or her supervisor is recommending detention.
2. There is a reasonable belief that the youth meets the intake detention criteria, but does not meet the judicial detention criteria.

If the answer to Number 1 and at least one of the subcriteria (a-e) is Yes, or if Number 2 is Yes, some form of pre-adjudication detention may be considered. To determine whether the youth would then qualify for secure detention, there should be a Yes answer to any of the following criteria:

1. The child is charged with murder, sexual battery, kidnapping, robbery using a firearm, arson of a dwelling, or any other violent felony offense.
2. There is a valid court order to take the child into custody and detain.
3. The youth is an escapee or absconder from any commitment program, community control, furlough, secure detention center or home detention or from the custody of a law enforcement officer or agency.
4. The youth is wanted by another jurisdiction for an offense which, if committed by an adult, would be a crime.
5. There is evidence from the youth's behavior or statements that the child may physically harm or has threatened to physically harm witnesses, victims or others.
6. There is reasonable belief that the youth meets the judicial criteria for secure detention.

Detention decision criteria need to be periodically reviewed to ensure they are producing desired outcomes. If, for example, released youth fail to appear at hearings, commit offenses while awaiting their hearings or if detention facility crowding becomes a problem, existing detention criteria may need to be revised. The following example illustrates how a problem can be the unintended result of a change in detention policy.

The growing number of youth, especially minority youth, confined in juvenile detention facilities has caused considerable concern in the juvenile justice field. Recent Children in Custody data show that between 1985 and 1987 the number of youth held in short-term public juvenile detention facilities increased by 15% (Snyder, 1990). However, this increase was not evenly distributed across racial and ethnic groups. While the number of non-Hispanic white youth held in these facilities rose only 1%, the number of black and Hispanic youth held rose more than 30%. Two factors have contributed to this disparity. First, juvenile courts are detaining more drug cases. Between 1985 and 1986, the number of drug cases handled by juvenile courts increased only 1%, but the number of drug cases involving detention rose 21%. Second, the number of nonwhite youth referred to juvenile court for drug offenses has increased substantially. Between 1985 and 1986, the number of white youth referred for drug offenses actually declined 6%, while the number of nonwhite drug referrals increased 42%. Together these two factors resulted in a 71% rise in the number of nonwhite youth detained for drug offenses. This is an example of a change in policy (increased use of detention for drug cases as part of a general "war on drugs") having an unanticipated negative impact (disproportionate growth in minority detentions). Objective detention criteria will not guarantee that such unintended results won't occur. However, by using objective criteria and studying their impact, ineffective or problem-causing criteria can be eliminated and charges of discrimination can be avoided.

does it (intake or probation officer or an interdisciplinary team), the next step in the process is to make an investigation for the purpose of collecting information necessary and relevant to the court's fashioning of an appropriate disposition.⁶ The probation officer has a unique vantage point in that the officer represents the interests of the child, the community, the victim and any special interest group or treatment concern as the direct agent of the judge and provides the court with a broad picture of the juvenile which is both objective and personal. The probation officer, therefore, gathers facts and assesses these interests, makes an objective appraisal of the dispositional alternatives and resources available and prepares a recommendation which serves the court in making a disposition.

The investigating officer must gather and review information from a variety of sources in order to make a diagnosis and recommendation. While risk and need scales may be employed during the pre-disposition investigation to assist the officer in recommending a disposition, most probation departments use these scales as case management tools in determining levels of supervision after the juvenile has been placed on probation. Nevertheless, a determination of the juvenile's risk to the community and his needs or problem areas should be the focus of any pre-disposition investigation. Some additional points that should be addressed include:

- What factors are involved in the delinquent behavior?
- Are those factors still operating?
- How committed is the juvenile to intervention?
- What is the personal stability of the juvenile?
- What level of responsibility has been shown by the juvenile?
- What are risks to the juvenile or community?

⁶ A pre-disposition investigation is different from an intake investigation in that the intake investigation assists the intake officer in making a decision regarding the handling of a complaint. The pre-disposition investigation assists the probation officer in making a decision regarding a recommendation for disposition with respect to a juvenile whom the court has adjudicated delinquent. In order to save time and mete out a swift penalty, some juvenile courts allow the probation department to conduct the pre-disposition investigation prior to the adjudication hearing. However, under no circumstances should the court consider the pre-disposition report in advance of the adjudication.

Pre-Disposition Decision Making

The Investigation and Recommendation

Regardless of what you call it (social history, presentence, pre-disposition or preliminary investigation), when it occurs (before or after adjudication), or who

STANDARDS FOR THE SECURE DETENTION OF DELINQUENTS IN PENNSYLVANIA: COLEMAN, et al. --vs-- STANZIANI, et al.

One legal decision that addresses state and local policies and procedures regarding the secure detention of juveniles, Coleman, et al. -vs- Stanziani, et al., CA No. 81-2215, has had a major impact in the state of Pennsylvania. *Coleman* was a civil rights case challenging the constitutionality of the Pennsylvania pre-trial detention statutes. Ultimately, four essential issues were raised in the complaint:

1. Does preventive detention ordered by probation officers or by juvenile court judges violate due process because:
 - a. the statute does not specify a standard by which "danger to person or property of child or others" must be proven;
 - b. the probable cause hearing is inadequate;
 - c. no stenographic record is made of the hearing;
 - d. facts and reasons are not stated on the record;
 - e. appellate review is not available; or
 - f. detention is imposed arbitrarily and capriciously?
2. Does preventive detention in violation of Department of Public Welfare detention regulations violate substantive and procedural due process?
3. Is preventive detention unconstitutional because the juvenile is not detained in the least restrictive alternative?
4. Is preventive detention unconstitutional because it is punishment in light of the conditions in detention centers?

The suit was resolved through a negotiated settlement resulting in a consent decree approved by the federal court. Some of the terms of the consent decree that directly affect decisions to detain are listed below:

1. Use of Detention: A child may be placed and held in detention only when security is necessary; non-secure alternatives to detention must be considered first. Absence of a responsible parent cannot be the sole ground for detaining a child and pre-adjudication detention may not be used as a means of punishment.

2. Contemporaneous Written Statement of the Facts and Reasons: The consent decree provides that, except in certain circumstances, when a juvenile court judge, master or probation officer orders a detention he or she must make a contemporaneous written statement of the facts and reasons for the detention order. This written statement must specify:

- a. there is a reasonable basis to believe that the child has committed the alleged delinquent act (if the order is that of a probation officer) or that there is probable cause to believe the child has committed the delinquent act (if the order is that of a judge or master);
- b. that detention is permitted under the Juvenile Court Judges Commission's Standards;
- c. the alternatives to secure detention which were considered and rejected; and
- d. the reasons why secure detention is required and the alternatives were not appropriate.

3. Detention Hearings and Review: Any child placed in secure detention - except those placed immediately after a court hearing - must be given a court hearing on the appropriateness of detention within 72 hours. Likewise the consent decree requires that secure detention of all *adjudicated* delinquents be reviewed at least every ten (10) days.

In addition, the terms of the consent decree require the promulgation and adherence to standards. As a result, the Pennsylvania Juvenile Court Judges Commission (JCJC) established *Standards Governing the Use of Secure Detention Under the Juvenile Act* which guide juvenile court judges, masters, and probation officers when making determinations regarding the use of secure detention. The Pennsylvania JCJC must monitor compliance with the consent decree as well as provide training and technical assistance. The consent decree is in effect for ten years from the date of the federal court's approval (April 18, 1986).

TABLE 4
MAJOR RESEARCH ON ALTERNATIVES TO
INSTITUTIONALIZATION FOR SERIOUS JUVENILE OFFENDERS

STUDY	INTERVENTION	SETTING	SUBJECT	OUTCOME MEASURES	RESULTS
Palmer, 1975*	Intensive, long-term counseling, group homes in lieu of state institutions	Four northern California sites	13-19 years old	prevalence of recidivism, attitudinal changes, parole behavior, school adjustment, employment	Program clients performed better on all measures, except employment, than institutionalized youth. Both groups were equivalent on employment measures.
Empey and Lubeck, 1971*	Community-based group home in lieu of traditional training school	Los Angeles, California	10-17 years old	incidence and prevalence of delinquency	Large and equivalent drops in the incidence of reoffending in both groups; comparable results in both groups on prevalence measures.
Empey and Erickson, 1972*	Intensive supervision plus daily counseling vs. traditional probation	Provo, Utah	10-17 years old	incidence and prevalence of recidivism	Intensive group performed better on all measures compared to traditional probation supervision with a matched group of youths.
Coates, et al., 1978	A range of community-based sanctions begun after closure of training schools	Massachusetts statewide	7-17 years old	prevalence of recidivism attitudes towards conformity	Recidivism rates of training school releases were lower than new community programs; community program youth showed better attitudinal improvement than institutionalized youths.
Murray and Cox, 1979	A range of sanctions for juvenile offenders	Illinois statewide	10-17 years old	incidence of recidivism	Large reductions in incidence of recidivism; the most intensive community programs produced equivalent suppression effects to institutionalization.
Greenwood and Turner, 1987	Wilderness program in lieu of county correctional facility	San Diego, California	10-17 years old	prevalence of recidivism	VisionQuest clients performed better than comparison group.
Krisberg, et al., 1988	A range of community-based and small secure programs	Utah statewide	7-17 years old	incidence and prevalence of recidivism	Large declines in the incidence of recidivism after correctional intervention.
Barton and Butts, 1988	Three versions of intensive supervision in lieu of commitment to state facilities	Wayne County, Michigan	10-17 years old	incidence of recidivism, self-reported delinquency	Experimentals performed comparably to controls on official recidivism measures; the intensive supervision group performed better on self-report
Krisberg and Austin, 1989	Community-based small secure program	Massachusetts statewide	7-17 years old	incidence and prevalence of recidivism	Youth in DYS programs showed sustained declines in incidence of recidivism; prevalence rates were lower than other states studied.

*Studies involve random assignment to experimental and control groups; other studies used post-test only or non-random companion groups.

See T. Palmer, op. cit.; L. Empey and S. Lubeck, The Silverlake Experiment (Chicago: Aldine Press, 1971); L. Empey and M. Erickson, The Provo Experiment (Lexington: Lexington Books, 1971); R. Coates, A. Miller and L. Ohlin, op. cit.; C. Murray and L. Cox, op. cit.; P. Greenwood and S. Turner, The VisionQuest Program: An Evaluation (Santa Monica, CA: The RAND Corp., 1987); B. Krisberg et al., study in The Impact of Juvenile Court Sanctions (San Francisco, CA: NCCD, 1988); W. Barton and J. Butts, op. cit.; B. Krisberg, J. Austin and P. Steele, op. cit.

MULTNOMAH COUNTY JUVENILE DETENTION RISK ASSESSMENT INSTRUMENT (RAI)

CHILD'S NAME: _____ DOB: _____ CASE # _____

INTAKE COUNSELOR: _____ DATE: _____

SPECIAL DETENTION CASES

* Escape from secure custody.	Detain
* Juvenile Corrections APB/Parole violator community safety hold.	Detain
* Arrest warrant(Detain with limited exception, see definitions).	Detain
* In custody youth summoned for hearing.	Detain
* Court ordered (ORS.419C.453 and/or 419C.145).	Detain
* Contract housing (Washington Co., Clackamas Co., I.N.S.,etc.).	Detain

MOST SERIOUS INSTANT OFFENSE

* Intentional homicide (aggravated murder, murder).	(17)
* Class A Felonies involving violence or use or threatened use of a weapon (including Rape I, Sodomy I, and Unlawful Sexual Penetration I involving forcible compulsion).	(12)
* Class B Felonies involving violence or use or threatened use of a weapon.	(8)
* Rape I, Sodomy I, Sexual Penetration I <u>not</u> involving forcible compulsion.	(7)
* Class C Felony involving violence or use or threatened use of a weapon.	(7)
* All other Class A and B Felonies.	(5)
* All other Class C Felonies.	(3)
* Misdemeanor involving violence or use or threatened use of a weapon.	(3)
* All other Misdemeanors.	(1)
* Probation Violation.	(1)

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(SELECT ONE FACTOR ONLY)

SECTION #2

SCORE

ADDITIONAL CURRENT OFFENSES

* Two or more unrelated additional current Felonies.	(3)
* One unrelated additional current Felony.	(2)

(IF APPLICABLE, SELECT HIGHEST SCORE)

SECTION #3

SCORE

LEGAL STATUS

* Currently on probation/parole/contract/deferred disposition/informal disposition.	(1)
* Above referenced status is for felony violent/assaultive law violation.	(1)
* Pending charges (Child is currently pending trial [or disposition] on a law violation.	(1)
* Above referenced pending charge is for felony violent/assaultive behavior.	(1)
* Add 1 point if the child is on a conditional release on any pending charge.	(1)

(MAX 5 POINTS)

SECTION #4

TOTAL

FTA HISTORY		
* One FTA in the previous year; or		(1)
* Two FTA's in the previous two years; or		(2)
* Three or more FTA's in the previous two years.		(3)
(IF APPLICABLE, SELECT HIGHEST SCORE)	SECTION #5	SCORE

PRIOR SUSTAINED OFFENSE		
* Two or more prior felony adjudications (true findings).		(3)
* One prior felony adjudication (true finding).		(2)
* Two or more prior misdemeanor adjudications (true findings).		(1)
(IF APPLICABLE, SELECT HIGHEST SCORE)	SECTION #6	SCORE

MITIGATING FACTORS		
* Regular school attendance or employed.		(-1)
* Responsible adult to assist in supervision and return to court.		(-1)
* No Law Violation referrals within past year.		(-1)
* First Law Violation referral at age 16 or older.		(-1)
* First Law Violation referral (instant offense).		(-1)
(MAX NEGATIVE 5 POINTS)	SECTION #7	TOTAL

DRAFT

AGGRAVATING FACTORS		
* No verifiable community ties.		(7)
* Possession of a gun during instant offense, but without use or threatened use.		(2)
* Reported history of runaways from home or placement within past six(6) months.		(1)
* Multiple victims in instant offense.		(1)
* Victim/witness threats (instant offense).		(1)
(MAX 12 POINTS)	SECTION #8	TOTAL

RISK SCORE

DETENTION SCREENING DECISION	
Detain	
Conditional Release	
Unconditional Release	
OVERRIDE	
Detain	
Released	
Approved By:	
Reason:	

DECISION SCALE
0 to 6 Unconditional
7 to 11 Conditional
12-Over Detain

DRAFT 4/22/94

MULTNOMAH COUNTY JUVENILE DETENTION RISK ASSESSMENT INSTRUMENT (RAI)
FACTOR DEFINITIONS

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The Detention Risk Assessment Instrument (RAI) will be applied to all juveniles brought to detention admissions who meet the statutory criteria for detention, even if it is apparent that the child should be released. The intake worker will attempt to obtain objective, verifiable information in completing the RAI, but will otherwise rely on the child's or parent's self report.

If a child is detained based on their special detention status or upon accruing a risk score of twelve(12) or more, the child will appear before a judicial officer on the following work day.

SPECIAL DETENTION CASES

- * Escape from secure custody (Definition: This applies to a child who is on escape status from a training school or other "secure" detention setting).
- * Juvenile Corrections APB/Parole violator community safety hold (Definition: APB (All Points Bulletin) issued by Juvenile Corrections. Intake worker will contact the parole officer or training school to confirm the APB and to further confirm whether the child should be held/...The parole violator community safety hold is reserved only for those Juvenile Corrections parole violators who have been ordered into designated "community safety beds" following a preliminary parole revocation hearing).
- * Arrest warrant.(Definition: All youth brought to detention following their arrest on a warrant will be detained pending a preliminary hearing except for certain youth for whom an "unable to locate" warrant has been issued. In those limited instances, if the child has had no contact with the Juvenile Counselor and has had no specific knowledge of the initiation of proceedings in Court, the detention intake staff will be authorized to apply the RAI in deciding whether the child should be held. If released, the child will be summoned to appear at a Preliminary Hearing the next workday.
- * In custody youth summoned for hearing. (Definition: Youth who are "in custody" at a training school or some other "secure" detention facility (perhaps from some other county) and are summoned to appear in court as a witness or defendant at a hearing.
- * Court ordered. (Definition: Includes all youth ordered held as a condition of probation, youth ordered to serve up to eight days as the only dispositional condition, and youth held at a preliminary hearing who have been designated, "not to be released without further court review").
- * Contract housing (Washington Co., Clackamas Co., I.N.S., etc.). (Definition: As a regional detention facility, youth brought to detention admissions by adjacent counties or agencies (such as I.N.S.) with whom we have a contract, will be detained automatically and without the application of RAI.

MOST SERIOUS INSTANT OFFENSE

- * Intentional homicide (aggravated murder, murder).
- * Class A Felonies involving violence or use or threatened use of a weapon (including Rape I, Sodomy I, and Unlawful Sexual Penetration I involving forcible compulsion). Definition: *Violence in this context involves the intentional use of physical force for the purpose or with the potential of causing serious physical injury. The use or threatened use of a weapon in this context involves the use or threatened use of a knife, gun, or any such object that is clearly capable of causing serious physical injury.
- * Class B Felonies involving violence or use or threatened use of a weapon. Definition: *SEE ABOVE.
- * Rape I, Sodomy I, Sexual Penetration I not involving forcible compulsion. Definition: Typically, these are sexual offenses that are based on the victims relative young age or mental incapacity which makes them unable to consent to sexual behavior.
- * Class C Felony involving violence or use or threatened use of a weapon. Definition: *SEE ABOVE.
- * All other Class A and B Felonies.
- * All other Class C Felonies.
- * Misdemeanor involving violence or use or threatened use of a weapon. Definition: *SEE ABOVE.
- * All other Misdemeanors.
- * Probation Violation Definition: Child is brought to detention for a technical violation of probation conditions only, there is no new law violation being alleged.

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ADDITIONAL CURRENT OFFENSES

- * Two or more unrelated additional current Felonies. Definition: **Unrelated additional current felonies relates to situations where a child is arrested and brought to detention by law enforcement for two or more felony charges that are separated in time and or place and very often involve separate victims. As a general rule there will be separate "incident" police reports.
- * One unrelated additional current Felony. Definition: **SEE ABOVE.

LEGAL STATUS

- * Currently on probation/parole/contract/deferred disposition/informal disposition. Definition: The child is under the jurisdiction and/or supervision of the Juvenile Court and/or the Juvenile Justice Division.
- * Above referenced status is for felony violent/assaultive law violation. Definition: ***This refers to all felony "person" crimes, such as Homicide, Robbery, Assault, Kidnapping, and all felony sex offenses.
- * Pending charges (child is currently pending trial [or disposition] on a law violation): Definition: This refers to an unresolved law violation petition for which there is a pending court hearing.
- * Above referenced pending charge is for felony violent/assaultive behavior. Definition: ***SEE ABOVE.
- * Add one(1) point if the child is on a conditional release on the pending charge. Definition: This refers only to those children who have been placed on a conditional release by a referee or judge on any pending law violation.

FTA HISTORY

- * One FTA in the previous year. Definition: ****FTA(Failure to Appear) refers only to situations where a warrant has been issued by the court subsequent to a child not appearing for a hearing before a judicial officer when it is clear that the child has been properly served with summons or cited for said hearing.
- * Two FTA's in previous two years. Definition: ****SEE ABOVE.
- * Three or more FTA's in the previous two years. Definition: ****SEE ABOVE.

PRIOR SUSTAINED OFFENSE

- * Two or more prior felony adjudications (true findings). Definition: *****A felony adjudication or "true finding" includes only those charges where jurisdiction has been established by the court subsequent to a trial or admission by the child.
- * One prior felony adjudication (true finding). Definition: *****SEE ABOVE.
- * Two or more prior misdemeanor adjudications (true findings). Definition: *****SEE ABOVE.

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MITIGATING FACTORS

- * Regular school attendance or employed (Definition: Allows for occasional truancy [two to three unexcused absences per month]; employed assumes at least 15 hours per week if not attending school).
- * Responsible adult to assist in supervision and return to court. (Definition: Responsible adult would include a friend, neighbor, or relative who does not relate to the child as a peer but rather as an individual who is concerned about the child's best interests and clearly agrees to appropriately supervise the youth and assist in his return to court.)
- * No Law Violation referrals within past year. Definition: *****Law violation referrals exclude any status offense such as curfew or MIP but does include law violation referrals from any and all jurisdictions.
- * First Law Violation referral at age 16 or older. Definition: *****SEE ABOVE.
- * First Law Violation referral (instant offense). Definition: *****SEE ABOVE.

AGGRAVATING FACTORS

- * No verifiable community ties. Definition: The child is unable to provide information that can be verified by the intake worker regarding residence (independent living, with friends or relatives), school enrollment or employment. If the child reports a residence address but no telephone number, the intake worker will request police assistance to contact individuals at the reported address in order to verify said residence and community ties.
- * Possession of a gun during instant offense, but without use or threatened use. Example: A child found to be in possession of a gun when arrested for UUMV, PCS, Criminal Mischief or any such other law violation that did not require the use or threatened use of a gun.

- * Recent history of runaways from home or placement within past six(6) months. (Definition: Runaways must have been reported to law enforcement or confirmed by parent/guardian to intake worker.
- * Multiple victims in instant offense. Definition: Determination of whether there are multiple victims is established by the police crime report or "incident" report which will clearly list each victim for the instant offense.
- * Victim/witness threats (instant offense). (Definition: Threats must be documented and made directly to victims or witnesses as opposed to angry statements made to an intake worker or others regarding allegations that the child claims to be false or inaccurate.

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RISK ASSESSMENT SYSTEM

DIVERSION PROGRAM SERVICES

Youth Not Subject to Detention

Class A, B, and C Misdemeanors
(not detainable by Statute)

Cited and referred to Diversion by Police, JJD or Other Youth Authority
Client Tracking by JJD

Diversion Program Services Model

Appearance before a Hearings Officer

Direct Diversion

Community Service

Theft Talk

Victim Offender Reconciliation Program

Diversion Accountability Services

Referral to Family Service Center

JJD Counseling

Counseling

Alcohol and Drug Treatment

Mental Health

Medical

Education

Parenting Education

Community Programs

Culturally Based Services

*Indicates services to be developed.

RISK ASSESSMENT SYSTEM

LEVEL I

*Pre Adjudicated Youth Pending a New Charge and/or a Probation Violation
Release Without Conditions/Without Court Supervision*

POINT RANGE 1 - 6

Detention Alternatives for Intake Worker

Living Situations

Responsible Adult

Shelter Care

Family/Self

Return To

Foster Care

Residential Care

Hospital

Community Resources

School

Family

Community Services

*Indicates services to be developed.

RISK ASSESSMENT SYSTEM

LEVEL II

*Pre Adjudicated Youth Pending a New Charge and/or a Probation Violation
Release With Monitoring of Conditions*

POINT RANGE 7 - 11

Detention Alternatives for Intake Worker

Living Situations

*Shelter Care
Responsible Adult
Family/Self

Return To

Foster Care
Residential Care
Hospital

Community Resources

Family/Self
School
Community

Conditional Release

Close Supervision: Basic Services
*Day Reporting
Self-with review of existing conditions of probation

*Indicates services to be developed.

RISK ASSESSMENT SYSTEM

LEVEL III

*Pre Adjudicated Youth Pending a New Charge and/or a Probation Violation
Mandatory Placement in Detention until Preliminary Hearing*

Only Court Can Release

POINT RANGE 12 - 33

Court May Consider These Alternatives at Time of Preliminary Hearing

Living Situations

*Shelter Care
Responsible Adult
Family/Self

Return To
Foster Care
Residential Care
Hospital

Community Resources

Family/Self
School
Community Services

Court Ordered Conditional Release

Close Supervision: Basic Services, House Arrest,
Electronic Monitoring,
*Day Reporting
Self-with review of existing conditions of probation

*Indicates services to be developed.

RISK ASSESSMENT SYSTEM

Adjudicated Youth

Detention Alternatives Available to the Court Post Adjudication of New Charges in Lieu of Eight Days in Detention

Living Situations

- *Shelter Care
- Responsible Adult
- Foster Care
- Group Home
- Residential Care
- Hospital
- Family with Court Ordered Support

Community Resources

- Family/Self
- School
- Community Services
- Residential Treatment

Detention Alternative Programs

- Probation Alternative Weekend
- Community Services
- Street Law
- Close Supervision: Basic Services, House Arrest, and Electronic Monitoring
- *Day Reporting

Secure Treatment

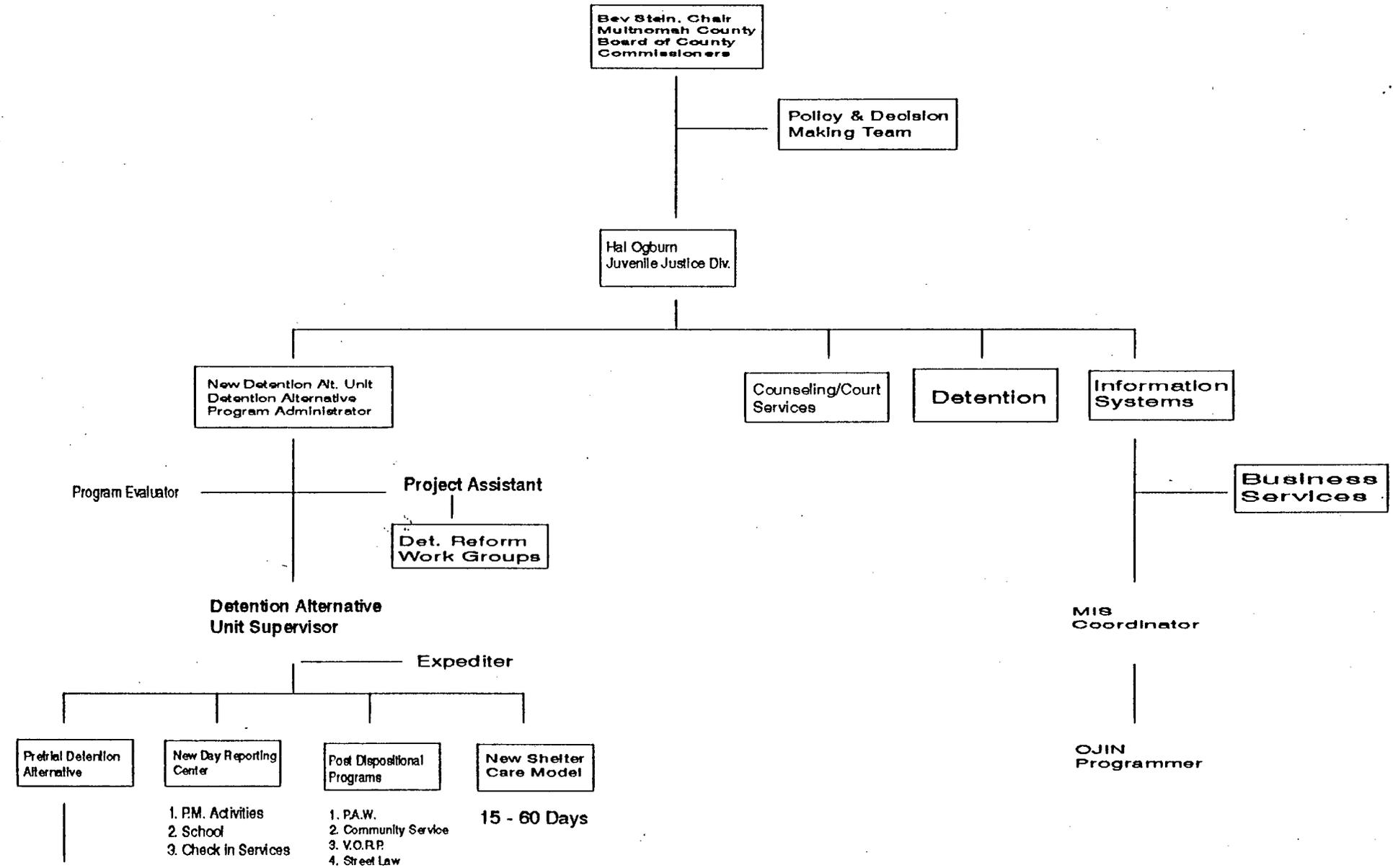
- AITP
- Residential Sex Offender Treatment

Secure Custody

- Detention up to 8 Days

*Indicates services to be developed.

DETENTION REFORM PROJECT ORGANIZATION



- 1. Basic Serv. Package
- 2. House Arrest
- 3. Electronic Monitoring