



## Rod Underhill, District Attorney

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### MEMORANDUM

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**To:** District Attorney Rod Underhill

**From:** Chief Deputy District Attorneys Charlene Woods, Chuck Sparks  
Senior Deputy District Attorneys Lori Fellows, Tom Cleary, John Casalino,  
Deputy District Attorney Ryan Lufkin

**Date:** January 7, 2015

**Subject:** Proposals for Improvements in Multnomah County Juvenile Justice

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The following proposals revise the current practices of the Multnomah County District Attorney's Office in the Juvenile Justice System. This approach has the support of The Honorable Nan Waller, Multnomah County Chief Judge, The Honorable Maureen McKnight, Multnomah County Chief Family Court Judge, and Christina McMahan, Juvenile Services Director for Multnomah County.

**(1) The District Attorney's Office will Formally Screen all Delinquency Referrals for Legal Sufficiency.**

Currently, the District Attorney's Office only screens cases that are not eligible for informal handling and diversion, per existing interagency Case Processing Agreement between the District Attorney's Office and the Juvenile Services Division. Screening all juvenile criminal referrals, for legal sufficiency (except cases that are eligible for warning letters) ensures that careful consideration is given to any diversion eligible youth. Deputy District Attorney screening enhances the juvenile justice system's ability to provide fair, impartial and consistent practices. This will include any new criminal referral for a youth who is currently on probation. After this initial enhanced screening process, cases that are eligible for informal handling and diversion as outlined in the interagency agreement will be returned to the Juvenile Services Division for informal handling and diversion. Cases which warrant formal processing per the existing interagency Case Processing Agreement will be prosecuted by Deputy District Attorneys.

**(2) The District Attorney's Office will Improve Screening Timelines and Case Outcomes.**

This will entail ensuring referrals are screened within 15 days rather than the current practice of 30 days. Complex cases and sex crimes will continue to be an exception to this general rule as they require additional time and resources to appropriately investigate and prosecute. Expediting our turnaround time increases

community safety accelerates accountability for the youth and improves system performance with swift and decisive action.

**(3) Improve Screening of Informal and Diversion Cases.**

Assessments of youth for informal and diversion case handling should be based on both risk assessment for the youth and the type of offense the youth committed. The District Attorney's Office is committed to a comprehensive collaborative review with the Juvenile Services Division of the informal and diversion case process to include development of shared definitions of "informal cases" and "diversion cases," examining which cases are appropriate for informal handling and for diversion, what minimum standard accountability measures are applicable and implementing consistent criteria for what constitutes a successful completion of an informal case and diversion, and what constitutes a failed informal case or a failed diversion. Through this process we will work collaboratively with the Juvenile Services Division to update our interagency Case Processing Agreement to ensure that youth who commit serious offenses are held accountable for their actions and are engaged in specific services designed to protect the community and rehabilitate the youth.

**(4) Collaboration with the Juvenile Services Division to Develop Standards and Protocols for Failed Informal and Diversion Cases.**

This proposal calls for collaboration with the Juvenile Services Division to develop standards for what constitutes a failed informal case and a failed diversion and protocols outlining what action is required by both the District Attorney's Office and the Juvenile Services Division. These standards and protocols will ensure that youth receive a system response that is appropriate, enhance accountability for youth and engagement in needed services. This proposal will entail establishing new guidelines on which misdemeanor offenses qualify for District Attorney Review when an informal or diversion agreement is failed.

**(5) A Tiered Approach to Probation Violations for Committing a New Crime shall be Developed and Applied.**

The District Attorney's Office will work collaboratively with the Juvenile Services Division, the Courts and the Defense to develop clear guidelines and communication protocols with regard to appropriate response to probation violations based on a youth committing a new crime. This will result in the development of a "tiered approach"-in some cases the District Attorney's Office will be involved in probation violation hearings to ensure the violation is brought to the Court's attention by a probation violating hearing, a new delinquency petition being filed, a sanction imposed outside of the court process by the Juvenile Service Division, or some combination of these approaches. This change will enhance public safety, offender reformation and accountability for youth who have committed new offenses.

**(6) All Probation Violations should be Prosecuted by the District Attorney in Court Hearings.**

Currently, probation violation hearings are infrequently attended by the District Attorney's Office. Reinstating this policy will provide a strong voice for the community in probation violation hearings. Victims will also be better served by having a Deputy District Attorney assigned to probation violation hearings so their interests can be effectively advocated to the Court.

**(7) Submission of Reports to the Court and the District Attorney's Office Prior to the Expiration or Termination of Probation.**

The District Attorney's Office will work collaboratively with Juvenile Services Division in developing a system where a report is submitted to the Court and the District Attorney's Office before a probation expires or is terminated, and what information will be included in the report, such as a list of the court ordered services and the youth's successful or unsuccessful compliance with those court orders. This will better apprise the Court of the youth's progress toward the statutory criteria of reformation and accountability before probation ends. This proposal will enhance probation outcomes by providing the parties with an opportunity to discuss any issues and to intervene appropriately before a youth is no longer on probation.

**(8) Provide Increased Staffing for Delinquency Restitution.**

The District Attorney's Office will dedicate staffing to a restitution and delinquency clerk that will interface with victims of delinquent youth to gather information on restitution from victims and ensure that the Court has access to this information as the case is being adjudicated, and to enforce restitution orders for those offenses. Restitution for the victims of criminal offenses is a bedrock principle of criminal justice and improvements within this system will ensure that victims are made whole whenever possible.