

# Secretary of State Audit Report

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## Restriction Level Decisions for Juvenile Offenders Appear Reasonable

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### Summary

The objectives of Oregon's juvenile justice system are to protect the public, reduce juvenile delinquency, and provide fair and impartial procedures for addressing delinquent conduct. The juvenile justice system is comprised of law enforcement, juvenile courts, county juvenile departments, the Oregon Youth Authority (OYA), contracted service providers, as well as educators, child welfare workers, mental health and alcohol and drug treatment providers, community organizations, district attorneys, defense attorneys, and families of youth offenders.

The county juvenile departments enforce sanctions and provide services to youth younger than 18 years of age who are referred primarily by law enforcement agencies. In some cases, juvenile courts commit to the custody of OYA youth offenders who are unsuccessful in meeting conditions of county probation, considered a community safety risk, or who commit very serious offenses.

Youth committed to OYA are generally placed in OYA's youth correctional facilities (YCFs) or an OYA contracted residential treatment center. YCFs provide the highest levels of security and structure within the OYA close custody system. These facilities are located throughout the state and serve varied populations. OYA also provides supervised community residential treatment and transitional placements.

Both the state and local governments fund delinquent juvenile supervision. The OYA budget for the 2007-2009 biennium was about \$255 million while county funding dedicated to juvenile justice differed from one county to the next. For example, Multnomah County, the most populous county in Oregon budgeted approximately \$48 million or \$67 per capita for county juvenile services during the 2007-2009 biennium, whereas Benton County, a more rural and less populated county, budgeted about \$3.4 million or \$40 per capita during the same period.

YCF placements are decided at the local level by juvenile courts, which consider their county's unique situation, challenges, and resources – as well as the facts of the case and applicable law – when deciding the appropriate placement for individual youths.

We analyzed more than 3,300 placements counties made in 2008 to determine whether restriction level decisions were explainable by four determinant factors: offense severity, offense history, risk to reoffend, and the existence of probation violations a judge found to be true. We focused in particular on the following restriction levels: probation, residential treatment centers and YCFs.

Despite Oregon's highly decentralized juvenile justice system, its restriction level decisions appeared consistent. That is, most of the restriction level decisions the 36 counties made were explained by the four determinant factors. For YCF decisions that were not adequately explained by the factors, our analysis of case files identified other factors that suggested the YCF placements were a reasonable use of the YCF beds.

We also reviewed records for 38 youth placed on probation whose factors suggested that a more restrictive placement in a YCF may have been warranted. We identified other reasons contributing to the probation decision. We concluded that probation appeared reasonable for these youth.

During the course of this audit, we noted that some information about juveniles was not consistently available in the juvenile justice information system (JJIS). Though not required to do so, counties did not consistently enter risk assessment results, probation violations and services youth received. Further, we identified elements of expunged juvenile delinquency records that, if retained, would allow for better long-term analyses of the relative success of different programs.

We recommend the Oregon Youth Authority work with county juvenile departments to improve reporting consistency in JJIS of probation violations and local services and treatments youth offenders received. We also recommend OYA consider working with county juvenile departments to develop a process for expunging records that both protects privacy and allows for long-term program analysis. Changes to the expunction process may require legislative action.

## **Agency Response**

The agency response is attached at the end of the report.

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## Background

The objectives of Oregon's juvenile justice system are to protect the public, reduce juvenile delinquency and provide fair and impartial procedures for addressing delinquent juvenile conduct. The system is intended to provide a continuum of services that emphasizes prevention of further criminal activity using early and certain sanctions, reformation and rehabilitation programs, and swift and decisive intervention in response to delinquent behavior.

The system serves youth offenders under 18 years of age who commit offenses that would be considered criminal if the youth were an adult. These include minor offenses such as theft or criminal trespass and more severe offenses such as sex abuse or manslaughter.

### Oregon's Juvenile Justice System

In 1994, Governor Barbara Roberts established the Governor's Task Force on Juvenile Justice to identify the components of the system that are working and those that are not, and to help amend and reform the system to meet current and future needs.

In response to the task force's report, the state legislature passed Senate Bill 1 in 1995. It established the Oregon Youth Authority (OYA) and charged it with administering state youth correctional facilities and programs using a tiered sanction system and assisting county governments and juvenile departments in carrying out the principles and purposes of the juvenile justice system.

The 36 county juvenile departments are the first point of intervention for youth offenders in the juvenile justice system. Generally, when a youth commits an offense, law enforcement sends a referral to the county juvenile department describing the criminal activity in a police report. The juvenile department then decides the appropriate intervention to prevent the youth from reoffending. Possible courses of action include:

- dismissing the referral if there is not enough evidence to hold the youth accountable;
- providing youth with interventions such as formal accountability agreements that are designed to prevent further penetration into the juvenile justice system; and
- forwarding the referral to the county district attorney for prosecution.

For referrals they receive, district attorneys review the evidence and decide whether to file a petition with the county juvenile court to initiate prosecution. If a petition is filed, the court reviews evidence presented by the district attorney and the youth's defense attorney. The court can either dismiss the petition if the evidence is insufficient to confirm the allegations, or find that the allegations are true and place the youth under court jurisdiction. For youth under the court's jurisdiction, judges are responsible for determining the most appropriate intervention given the severity of offenses, the youth's offense history and risk

to public safety, and the youth's treatment needs. Placement options generally include:

- probation, which consists of in-home supervision and conditions ranging from attending school regularly to paying restitution;
- commitment to a state agency for placement in a residential treatment center; and
- commitment to OYA for placement in a Youth Correctional Facility (YCF).

Juvenile courts generally have jurisdiction over cases involving a person less than 18 years of age who has committed an act that, if done by an adult, would constitute a violation of a law or ordinance. Juvenile court judges consider recommendations from the juvenile department, the district attorney and other involved parties to determine the most effective placement.

## **County Juvenile Department Efforts to Rehabilitate Youth**

The juvenile departments are responsible for providing opportunities for youth to reform their behavior, representing the interests of the youth and helping them through the court process. Juvenile Departments are also charged with protecting the public while holding youth accountable. To accomplish this, they assess youth at intake to determine and apply appropriate supervision strategies before the youth are adjudicated in juvenile court, and recommend appropriate strategies for after they are adjudicated in court. Options can range from electronic monitoring while the youth is at home to secured supervision in county sanctioned detention centers.

For first time offenders or youth who commit relatively minor offenses, the departments generally provide informal interventions designed to deter the youth from penetrating deeper into the juvenile justice system by holding them accountable for their actions. Best practices suggest keeping youth in the community provides a better support system and increases the likelihood they will change their behavior and become productive citizens.

Examples of informal interventions include warning letters to parents, community service projects, restitution payments, and formal accountability agreements. Formal accountability agreements are voluntary written agreements between the youth and the juvenile department in which the youth agrees to fulfill certain conditions in exchange for not having a formal petition filed against them in juvenile court.

County juvenile departments also provide services such as individual and family counseling, drug and alcohol treatment, and mental health services. To aid in identifying the services youth need, juvenile departments administer the Juvenile Crime Prevention (JCP) risk assessment. The JCP risk assessment was developed by the Oregon Juvenile Department Directors' Association to identify risk and protective factors that may influence the youth's risk of reoffending. For example, the risk assessment can help identify whether a youth has a history of substance abuse, school truancy or lack of positive peer influences. This

information is used to guide decisions regarding the level and type of intervention and/or supervision that is appropriate for the youth.

## **Oregon Youth Authority Manages the Most Serious Offenders**

The OYA is the state juvenile corrections agency. The agency manages the state's most serious youth offenders who commit offenses prior to their 18th birthday. OYA's mission is "to protect the public and reduce crime by holding youth offenders accountable and providing opportunities for reformation in safe environments."

OYA has legal and physical custody of offenders committed to OYA by juvenile courts, and physical custody of young offenders committed to the Oregon Department of Corrections by adult courts. These young offenders' criminal behaviors manifest in substance abuse, aggression and violence, sex offenses, anti-social behaviors, and gang activity. Youth offenders committed to OYA custody by juvenile courts include youth who are:

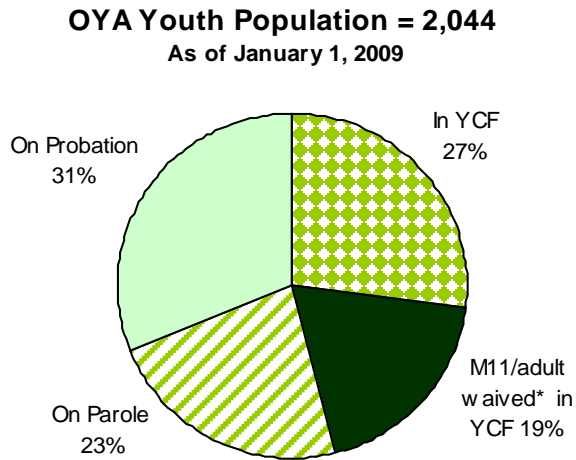
- unsuccessful in meeting the conditions of county probation;
- considered a community safety risk; and
- found to have committed very serious offenses.

Youth 15 or older who commit severe offenses like murder and sex abuse are tried in the adult court system. Ballot Measure 11, passed by Oregon voters in 1994, requires mandatory minimum sentences for specific offenses. Youth who are 15, 16 or 17 years of age and charged with a Ballot Measure 11 offense are automatically prosecuted in adult court and, if convicted, are transferred to the OYA for placement in a YCF. Youth convicted as an adult may be held in a YCF until age 25, at which time they move to an adult correctional facility for the remainder of their sentence.

In addition to Measure 11 offenses, juvenile court judges can waive or transfer juvenile offenders to adult court for other offenses. Similar to Measure 11 cases, waived youth are tried and sentenced in adult court. Waived youth may also serve their sentences in a YCF until age 25.

Youth committed to OYA are generally placed in OYA YCFs or residential treatment centers. OYA also provides parole or probation supervision for youth offenders in local communities.

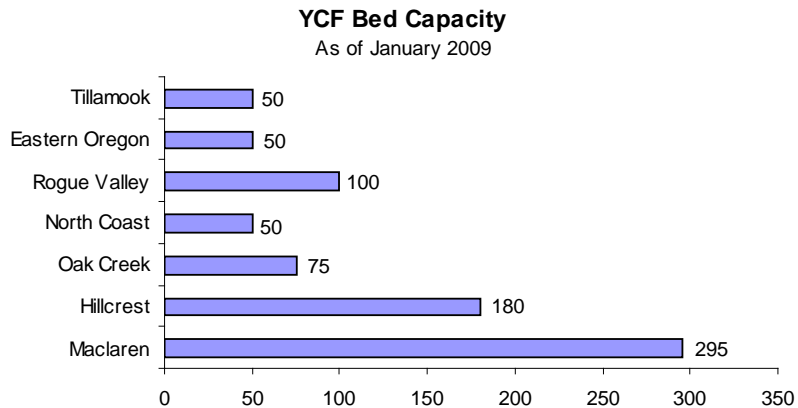
Figure 1: OYA Youth Population



*\*represents youth offenders that were convicted and sentenced as an adult*

YCFs provide the highest levels of security and structure, intensive accountability and reformation opportunities, and treatments designed to meet the specific needs of youth, while also protecting the public from further criminal behavior. OYA manages seven YCFs and three transition program facilities across the state. As shown below, YCFs’ capacities range from 50 youth in the smaller facilities to 295 at the MacLaren Youth Correctional Facility in Woodburn.

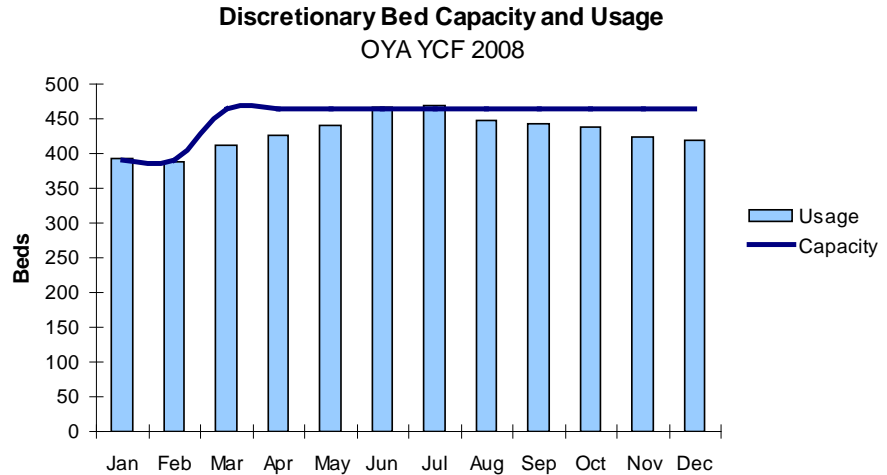
Figure 2: YCF Bed Capacity by Facility



County juvenile departments are limited in the number of youth they can recommend for commitment to a YCF. State laws require OYA to maintain a specific number of beds for youth serving adult sentences, and allocate the remaining number of beds to juvenile departments. Each county has a discretionary bed allocation that identifies the number of youth who can be committed to a YCF. The allocation is based on the size of the county’s juvenile

population and historical referral rates. For example, Multnomah County had a discretionary bed allocation of 76 beds during 2008. In contrast, Morrow County, a rural county with a smaller youth population, had an allocation of two beds during the same period. In total, counties were allocated about 452 beds during 2008. Although usage varies among the counties throughout the year, overall occupation generally remained close to capacity.

Figure 3: YCF Discretionary Bed Use



Juvenile departments can pool their beds together by region to offset demand fluctuations in offender populations. For example, if one juvenile department does not use all of its OYA discretionary beds, a neighboring juvenile department may use them if the need arises. Also, when a YCF is full and no regionally pooled discretionary beds are available, OYA can parole youth early to make room for other youth who pose a greater risk to the community.

Youth in correctional facilities receive services to help them change their behavior. The OYA administers a Risk Needs Assessment (RNA) to determine each juvenile’s need for services such as counseling, alcohol and drug treatment or sex offender treatment. The RNA is more comprehensive than the JCP risk assessment for case planning purposes. In addition to providing behavioral treatment, OYA provides schooling on the premises for each youth in a correctional facility. OYA also supervises youth on parole in the community after they have completed their sentences in a YCF.

### Residential Treatment Centers Provide Services Often Unavailable in Counties

Juvenile courts sometimes commit youth offenders to OYA for placement in a residential treatment center where services are provided that may be unavailable at the county level, such as sex offender treatment. Judges may consider the condition of the youth’s home and community environment when deciding whether to commit him or her to OYA probation for placement in these centers.

Youth on OYA probation do not pose an extreme risk to public safety, but may benefit from a more structured environment than at home.

OYA contracts with several residential treatment providers across the state who offer different types of treatments for adjudicated youth. For example, the Saint Mary's Home for Boys in Beaverton provides rehabilitative treatments for male sex offenders, and Pathways in Eugene provides treatment for females with a combination of mental health and drug and alcohol disorders. Similar to OYA's discretionary beds in YCFs, bed capacity and occupancy fluctuate within the year. OYA contracted for up to 510 beds during calendar year 2008. Average bed occupancy during that year remained close to capacity.

After successfully completing treatment, a youth returns to the community and remains on probation under the supervision of OYA or the juvenile department until the probation term expires. If the youth is unable to complete treatment due to behavioral issues or violates the conditions of probation, a judge may commit the youth to a YCF.

### **Foster Care Homes Are Available to Help Released Youth**

OYA also provides foster care homes for youth unable to immediately return to the community after release from an OYA residential treatment center or YCF. For some cases, foster care provides transitional services before youth offenders return to the community and provide a stable environment for youth whose homes are unsafe due to physical or substance abuse issues.

### **Other Stakeholders Vital to Oregon's Juvenile Justice System**

The juvenile justice system also relies significantly on law enforcement, contracted service providers, the education system, child welfare workers, mental health and alcohol and drug treatment service providers, community organizations, defense attorneys and families of youth offenders. These entities work together to achieve the purposes of the juvenile justice system.

For example, the Oregon Commission on Children and Families distributes Juvenile Crime Prevention (JCP) grants to the 36 counties and nine federally recognized Indian tribes with the goal of reducing juvenile arrests, juvenile recidivism, and the need for beds in OYA facilities.

Similar to adults, youth offenders have the right to counsel during juvenile court proceedings. Defense attorneys provide legal representation to juvenile offenders in juvenile courts. In addition, defense attorneys make placement and sanction recommendations for youth under court jurisdiction. Oregon's Public Defense Services Commission provides court appointed counsel at the state's expense to youth who are unable to afford representation.

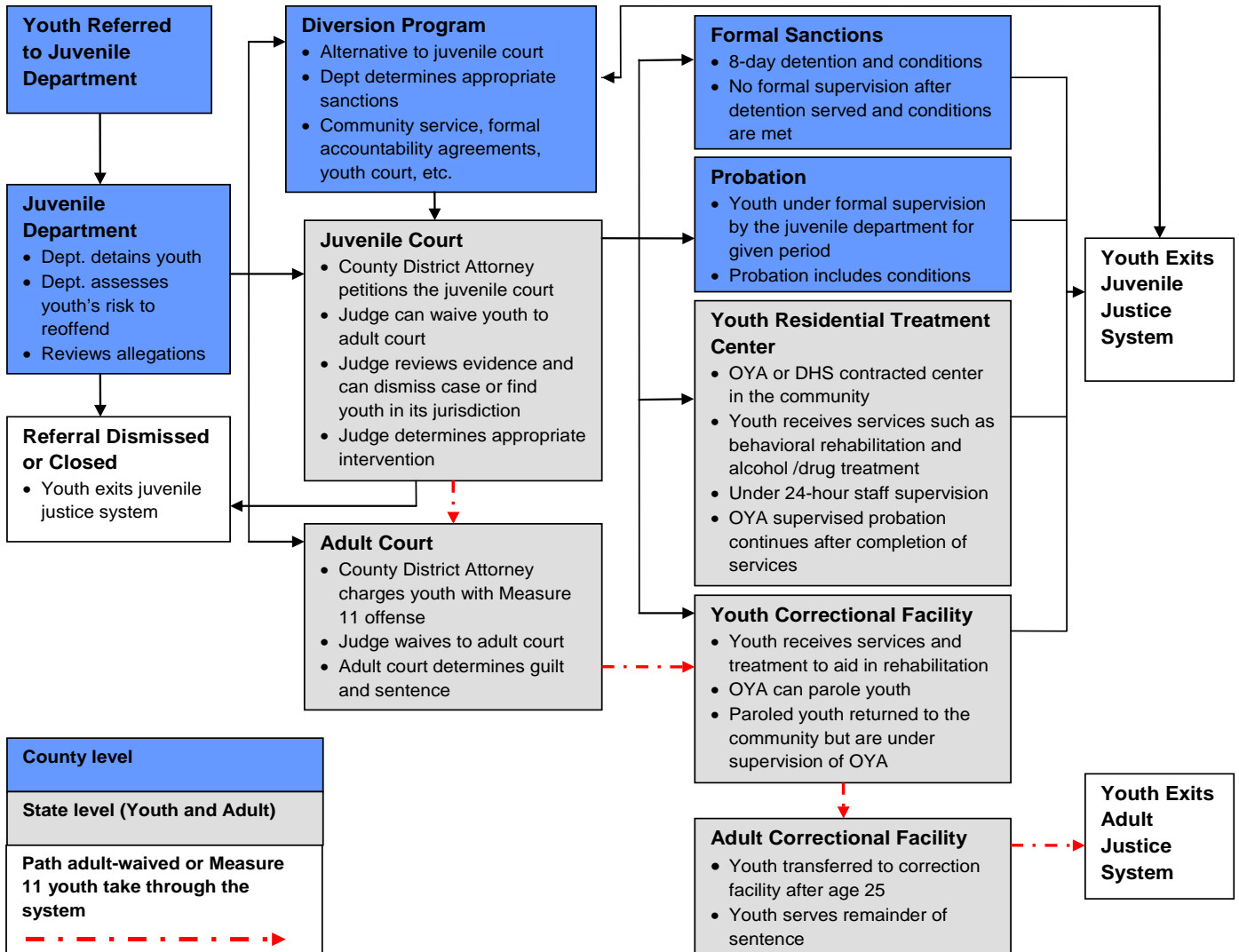
The Oregon Department of Human Services (DHS) provides access to residential treatment programs similar to those OYA provides. DHS also



provides services to youth who remain in the community on county supervised probation but need a new place to live due to unsuitable home environments. The Oregon Department of Education provides educational services to youth in the OYA youth correctional and county juvenile detention facilities within Oregon.

The following chart provides a representation of the pathways youth can take in the juvenile justice system.

Figure 4: Pathways through Oregon’s Juvenile Justice System <sup>1</sup>



<sup>1</sup> Though most juvenile cases are heard in the State Circuit Court system, 4 counties east of the Cascades hear juvenile cases in courts that are not managed by the state.

## Funding for Juvenile Delinquent Supervision

Both the state and local governments in Oregon fund juvenile delinquent supervision. The OYA had a budget of approximately \$255 million in General Funds for the 2007-2009 biennium. County funding varies from county to county. For example, Multnomah County, the most populous county in Oregon budgeted approximately \$48 million or \$67 per capita for county juvenile services during the 2007-2009 biennium, whereas Benton County, a more rural and less populated county, budgeted about \$3.4 million or \$40 per capita during the same period.

Although juvenile departments rely heavily on county funds to operate and to provide needed services, federal funds also support juvenile department services such as detention, accountability programs, treatment services and other juvenile justice interventions. In addition, juvenile departments receive state funds for delinquency prevention and intervention services to meet the needs of youth offenders who might otherwise be committed to OYA. From 2007-2009, the Oregon Youth Authority allocated approximately \$18 million in Diversion and Juvenile Crime Prevention funds to juvenile departments. These funds are used to provide services to reduce the number of youth who enter the juvenile justice system or to prevent youth from moving further into the system. OYA also provides funding for gang intervention and prevention services.

## Shared Resources Among Counties

A down economy can adversely affect Oregon's juvenile justice system. For instance, juvenile department budgets are susceptible to fluctuations as county and state revenues rise or fall in response to economic circumstances.

To ease the cost of providing interventions for high-risk youth, juvenile departments share resources. The most common shared resources are detention facilities and treatment services. For example, the Donald E. Long detention facility in Multnomah County provides beds for youth from Multnomah, Washington and Clackamas counties. The Northern Oregon Regional Correction facility is another regional juvenile detention facility supported by four juvenile departments: Hood River, Sherman, Wasco and Gilliam. Without shared detention facilities, many counties would not have a place to hold high-risk youth in or close to their community.

Counties in central and eastern Oregon face unique challenges in providing services to youth offenders due to wide variations in funding levels, available service providers and dispersed youth offender populations. To address these challenges, 17 county juvenile departments pool funds and resources together through the Central and Eastern Oregon Juvenile Justice Consortium. This intergovernmental entity manages a system of shared resources to provide community-based treatment alternatives for youth offenders. Community-based treatment alternatives provide juvenile departments the ability to reserve the counties' allocation of YCF beds for youth who pose the highest public safety risk.

## **Audit Purpose**

With the passage of House Bill 3420 in 2007, the Oregon Legislature directed the Secretary of State to audit at least four county juvenile departments in each of the following two biennia and report back to the legislature. The bill also called for identification of any data issues that could improve future audits.

In response, we developed this audit to determine whether restriction level decisions for delinquent youth who appeared before judges were consistent with the youths' criminal activity and risk level, and whether placements resulted in a reasonable use of the YCF beds OYA manages. We focused on youth placed on probation, committed to a state agency for placement in residential treatment center, or committed to OYA for placement in a YCF during calendar year 2008.

The audit was not intended to conclude on individual placement decisions made by judges, but to analyze whether juvenile justice resources were reasonably used to meet the goals of the juvenile justice system.

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## Audit Results

Even though Oregon's juvenile justice system is highly decentralized, the restriction level decisions we reviewed appeared to be consistent. Specifically, most of the restriction level decisions the 36 counties made were explained by the four factors - offense severity, offense history, risk to reoffend, and the existence of a probation violation that a county juvenile court found to be true. Even when YCF placement decisions were not explained by the four factors, we found other factors that suggested placements we reviewed were a reasonable use of the YCF beds. We defined reasonable use as YCF placements that are consistently used to meet the goals of the juvenile justice system.

Our audit included analyzing more than 3,300 placements the 36 counties made in 2008. We focused on youth placed in probation, residential treatment centers, and YCFs. These placements represent the level of restriction and supervision imposed on the youth. Probation represents the lowest level of restriction and supervision because the youth generally remains in the home, while YCFs represents the highest level of restriction because the youth is removed from the home and placed in a secure facility.

We also reviewed records for 38 youth placed on probation but whose four factors more closely aligned with placement in a YCF. We identified several other reasons that contributed to the probation decision. Based on these reasons, we concluded probation appeared reasonable for these youth.

### **Most Placements Adequately Explained by Four Factors**

To determine whether restriction level decisions were explainable, we analyzed 3,315 placements the 36 juvenile courts made during calendar year 2008. Based upon discussions with judges, county juvenile department staff and county district attorneys, we developed a statistical model to assess restriction level decisions based on four determinant factors: offense severity, offense history, risk to reoffend, and the existence of a probation violation that a county juvenile court found to be true. The four factor model was successful in adequately explaining 2,782 (84%) of the placements. We studied cases from the remaining 16%, focusing on youth placed in a YCF, to determine whether those placements represented a reasonable use of YCF beds managed by OYA.

### **Placements Not Explained by the Four-Factor Model Were Dispersed Throughout the State**

Juvenile justice restriction level decisions are made at the county level with differing philosophies, resources and priorities influencing these decisions. For instance, counties with larger populations and more resources, such as Multnomah County, may be perceived as less apt to commit serious youth offenders to OYA's community residential or youth correctional facilities, thereby leaving high-risk youth offenders on probation.

However, we found that restriction level decisions not explained by the four-factor model existed throughout the state. We did not find any discernible patterns that suggested these placements were concentrated in any particular county. Moreover, the four-factor model suggests low-risk youth in YCFs were not limited to smaller counties and high-risk youth on probation were not specific to only larger counties.

Based upon a survey we conducted of 32 county juvenile justice directors, we expected to see variances among counties due to resource limitations. Survey responses indicated that the ability of local juvenile justice resources to meet the needs of the community varies widely from county to county. Counties with juvenile populations less than 10,000 reported generally fewer resources such as outpatient alcohol, mental health and sex offender treatment; residential services; alternative education; and cognitive and family focused treatment.

However, we found that lack of community resources was a significant factor for only one youth and a partial factor for 8 others. These youth were placed in YCFs but their four factors better aligned with probation. Moreover, we did not find evidence to suggest a significant number of youth were placed in YCFs because a needed treatment or service was unavailable. However, resource reductions may have occurred in counties since 2008 that would affect the local juvenile justice system.

### **YCF Placements Result in a Reasonable Use of YCF Beds**

Of the 3,315 placements from 2008 that we assessed using the four factors model, 367 represented youth placed in YCFs. We found that 194 of the 367 placements were adequately explained by the four factors. Therefore, we considered these 194 placements as a reasonable use of YCF beds and state resources. However, our analysis showed that the four factors did not adequately explain 173 YCF placements, which suggested a risk that these youth might have been more appropriately placed in a less restrictive placement level such as probation or in a residential treatment center. To gain a better understanding of the reasons why these youth were placed in a YCF rather than a less restrictive placement, we reviewed information in the Juvenile Justice Information System (JJIS) and in county juvenile records prior to the YCF placement decision for 142 (82%) of them. These cases were from 26 counties selected based on location and the number of unexplained cases. We found that these youth were placed in a YCF based on several reasons not included in the model and all were reasonable uses of YCF beds. Often, placements had multiple reasons behind their placement decisions, but for classification purposes, we categorized these placements by their most significant reasons.

Figure 5: Youth placed in YCF predicted to Probation or State Placement

YCF placements unexplained by four factors	Other explaining factors in youth records
142	In YCF at time of disposition 11
131	Previous adult conviction 2
129	Failed state placement 42
87	Offense severity 17
70	Community safety risk 51
19	Delinquent behavior 18
1	Lack of resources 1
0	

***Youth Already in YCF at the Time of Placement Decision***

Eleven youth whose four factors suggested a less restrictive placement in probation or residential treatment centers were currently in a YCF at the time of the current placement decision for a prior committed offense. This means the new offense was either committed or adjudicated while the youth was serving time in a YCF. For example, one youth already placed in a YCF was adjudicated for the offense of assault and was committed again to a YCF for a new offense of eluding a police officer. Even though the new offense had a relatively low severity score and the youth was assessed as a medium risk to reoffend, it appeared reasonable to continue the YCF placement.

***Youth Previously Convicted as an Adult***

Two youth placed in a YCF were convicted as adults prior to the offense that resulted in their 2008 placement. Even though the 2008 offense was less severe,

it appeared reasonable for these youth to be placed in a YCF because their adult convictions suggested they were a significant risk to community.

#### ***Youth Failed Placement in a State Contracted Residential Treatment Center***

Forty-two youth had already been placed in residential treatment center, but delinquent behavior caused the centers to terminate them from their programs and the decision to place the youth in the YCF. For example, one youth who was under the court's jurisdiction for a misdemeanor theft and was considered a medium risk to reoffend. However, this youth failed placement at one of OYA's contracted residential treatment centers and was placed in a YCF. Another youth failed multiple residential treatment center placements before his 2008 placement in a YCF. We concluded it was reasonable for these youth to be placed in a YCF because they were unsuccessful in less restrictive environments.

#### ***Youth's Offense Severity Warranted YCF Placement***

Seventeen youth committed offenses that county juvenile justice officials deemed severe enough to warrant YCF placement despite a predicted lower restriction level based on their behavior. Offenses of this severity included sexual abuse, sodomy and manslaughter. For example, one youth was adjudicated for manslaughter for shaking a younger family member to death. This youth only had one prior referral – a misdemeanor theft - and was considered a medium risk to reoffend. These placements were reasonable considering the severity of the offense.

#### ***Youth Considered a Community Safety Risk***

We found that for 51 youth, the most significant factor influencing their placement was that county juvenile justice officials considered them a community safety risk. Risks to community safety ranged from gang affiliation to youth displaying assaultive and aggressive behavior. For example, a youth who exhibited aggressive behavior while in detention was committed to YCF even though the youth's most serious offense was unauthorized use of a vehicle. It was reasonable for these youth to be placed in YCF because their behavior puts the community or themselves in danger.

#### ***Youth Exhibited Delinquent Behavior Prior to YCF Placement***

For 18 youth, the most significant factor contributing to their YCF placement was their history of delinquent behavior at the county level prior to the YCF placement decision. These youth exhibited behaviors that included authority defiance, running away from home and histories of drug and/or alcohol abuse. For example, a judge placed a youth who committed an attempted riot offense in a YCF because the youth had exhausted county resources and was unable to demonstrate improved behavior while at home.

#### ***Lack of Available Resources***

We only found one youth who was placed in a YCF due to a lack of available resources at the county and state placement level. Notes from the youth's probation officer indicated there were no providers currently available that could provide the appropriate treatments the youth needed in the Spanish language.

## Probation Placements Not Explained by the Four Factor Model Found to be Reasonable

Though the four-factor model successfully explained most probation placements, the factors for a small number of youth suggested a more restrictive placement in a YCF may have been needed. We reviewed records for 38 of these youth to better understand why they were placed on probation instead of in a YCF.

We found the restriction level decisions for these youth to be reasonable. For three youth, the juvenile department did not believe they would pose a safety risk in the community if placed on probation. Thirteen youth exhibited improved behavior during their time with the juvenile department prior to their disposition date. For seventeen youth, counties had community treatment programs available to provide them necessary services and treatments. Finally, for the remaining 5 youth, the county felt that commitment to OYA's facilities was not appropriate given their age. In these cases, the youth was considered either too young or too old for commitment.

Figure 7: Youth on Probation But Predicted to YCF

Probation placements unexplained by four factors	Other explaining factors in youth records
38	Safe in the community 3
35	Good behavior 13
22	Community treatment programs available 17
5	Age 5
0	



## **Records in JJIS That would Aid future Audits and Program Evaluations**

Legislative directives require us to report on the availability of data that could assist with future audits. During the course of this audit, as well as in a prior JJIS audit we completed (report no. 2009-11), we found that certain youth records were not available. For this audit, we removed from our analysis 855 youth adjudicated in 2008 that did not have a JCP risk assessment score recorded in JJIS. In addition, services and treatments that counties provided prior to 2008 were not always recorded in JJIS. Finally, not all counties consistently recorded in JJIS youth probation violations and subsequent hearings. These records could be useful for future audits, as well as for ongoing program management.

We also noted that state laws allow juvenile delinquency records to be expunged under certain conditions, making some long-term analyses problematic. For example, missing records could hinder a long-term analysis of educational and employment milestones for youth formerly in the juvenile justice system. Without these records, it will be difficult to determine the relative success of various programs, treatments and services. Developing a process for expunging records that both protects privacy and allows long-term program analysis may be challenging, but would be advantageous. Such a change might require legislative action to implement.

## **OYA's Actions to Address Previous Juvenile Justice Recommendations**

In 2007, the Oregon legislature directed the Secretary of State to audit at least four county juvenile departments in each of the following two biennia and report back to the legislature. In accordance with that directive, we have completed two audit reports. The first audit report, titled "Oversight of Basic and Diversion Services Funds," assessed whether the juvenile departments in four counties expended basic services and diversion funds for the 2005-07 biennium in accordance with intergovernmental agreements, which incorporate state laws and rules. We found County Juvenile Departments did not always expend basic services and diversion funds in accordance with intergovernmental agreements. As a result, OYA cannot readily determine and demonstrate whether the basic services and diversion funds were spent in accordance with, and achieved the purpose of, the grants.

The second audit report, titled "Improvements Needed in Availability and Reliability of Critical Juvenile Justice Information," assessed the reliability and availability of JJIS data to answer key questions posed by stakeholders. We reviewed this information system and its use in four Oregon counties. We found that, although the system captures useful information, publicly available reports were limited and did not answer many important questions about the juvenile justice system. Because this information is increasingly important in informing policy discussions and decision-making, this lack of publicly available reports is significant. In addition, although most of the data we reviewed in the system

was reliable, key data on offender commitments and obligations, such as restitution and community service, was not consistently reliable.

As part of this engagement, we reviewed the actions OYA has taken since the reports were issued. The table below displays the recommendations we reported, the actions OYA has taken to address those recommendations, and our conclusions about whether OYA implemented the recommendations.

Chart 2: OYA Actions on Previous Audit Recommendations

Recommendations	OYA Actions	Audits Division Conclusion
<b>"Oversight of Basic and Diversion Services Funds" report no. 2008-39 released on December 23, 2008</b>		
Direct counties to develop a budget linked to strategies identified in the Comprehensive County Plan.	Counties are now required to submit a JCP Basic and Diversion Plan and Budget (Service Plan). The Service Plan aligns the budget to specific services that contribute to the high level outcomes of reducing recidivism and maintaining the county discretionary bed allocation. The JCP Basic and Diversion Contract requires Service Plans to be developed in coordination with the Local Coordinated Comprehensive Plan.	Implemented
Direct counties to develop meaningful intermediate term outcomes.	OYA no longer requires counties develop or report on intermediate outcomes.	Resolved
Direct counties to maintain accounting records to identify actual grant expenditures.	The JCP Basic and Diversion Services Contract requires that counties submit quarterly expenditure reports that are based on actual expenditures. The Contract also requires counties to maintain records in accordance with Generally Accepted Accounting Principles. In addition, the county is required to maintain records pertinent to the agreement in such a manner as to clearly document county performance.	Implemented
Inform counties regarding non-supplanting and process to determine whether supplanting has occurred.	Contract language has been added and clarified that defines and prohibits supplanting.	Implemented
Periodically review county accounting records to identify actual grant expenditures for which counties requested reimbursement.	A process has not been developed to periodically review county accounting records to identify actual grant expenditures. The new process requiring counties to submit a Service Plan and review of quarterly reimbursement requests reduces the risk of non-compliance. The cost of performing periodic accounting reviews at each of the 36 counties outweighs the added assurance it would provide for compliance.	Declined to Implement
Clarify roles and responsibilities for Juvenile Justice grant administration.	Prior to the audit, OYA's contracts included maintenance of the JCP Prevention Services. OYA's JCP Basic and Diversion Services contract no longer includes that provision. OYA has no responsibility for administering this grant and therefore written clarification of roles and responsibilities is no longer necessary.	Resolved
Consider developing an outcome measure that reflects whether services paid for with diversion funds are successful in keeping youth from being placed in youth correctional facilities.	Agreements with counties now require the tracking of diversion funded treatment services. Youth receiving diversion funded treatment services can now be quantified, including completion status. Discussions have occurred with several individual juvenile departments about outcome measures, including the number of youth who received diversion funded services and were later committed to OYA for placement.	Implemented
<b>"Improvements Needed in Availability and Reliability of Critical Juvenile Justice Information" report no. 2009-11 released on May 7, 2009</b>		
Continue efforts to develop and publish JJIS reports that provide useful information for decision makers.	In March 2010, a new annual, statewide report on "Programs & Services" was published. This report quantifies the number of youth that participate in certain types of services provided by county juvenile departments and OYA as well as report the proportion of participants that completed the services. The data moves the entire system toward evidenced-based practices and provides the foundation for analyzing the effectiveness of programs.	Implemented
Consider obtaining input from various government and public stakeholders about what types of JJIS reports would be useful to them.	OYA has attended other stakeholder committee meetings and forums to solicit information, and make the agency known so that needed information could be requested. OYA engaged in a broad-based stakeholder group to develop a Juvenile Justice Symposium held in fall of 2010. Stakeholder groups were created to develop information needs around critical topics.	Implemented
Take steps to ensure juvenile justice data is entered consistently and reliably into JJIS.	Several policies were modified that address data entry standards and protocols. Several reports were created to enable juvenile departments the ability to monitor condition tracking. Additionally, each time JJIS software is released, data integrity improvements are incorporated.	Implemented

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## Recommendations

We recommend OYA work with county juvenile departments to improve consistency in documenting in the JJIS services and treatments provided locally to youth offenders and probation violations committed by youth offenders.

We also recommend OYA consider working with county juvenile departments to develop a process for expunging records that both protects privacy and allows long-term program analysis. Changes to the expunction process may require legislative action.

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## Objectives, Scope and Methodology

The objectives of our audit were to determine whether restriction level decisions for delinquent youth who appear before a judge correlate to youth's criminal activity and risk level and whether placements seem to result in a reasonable use of the youth correctional facility (YCF) beds the Oregon Youth Authority (OYA) manages. We focused our efforts on adjudicated youths placed on probation, committed to a state agency for placement in a residential treatment center, or committed to OYA for placement in a YCF during calendar year 2008. We limited our review to the most severe and recent placements for youth with multiple placements occurring during that period.

The four factors we considered in determining youth's criminal activity and risk level included severity of the youth's offense; youth's offense history; youth's risk to reoffend as reflected in the score from a Juvenile Crime Prevention (JCP) risk assessment; and the existence of any probation violation associated with the most serious offense. We based our severity scores on a model developed by the Oregon Juvenile Department Directors Association (OJDDA) and limited them to those associated with the youth's most severe offense. We also quantified youth criminal histories using a model developed and validated by the Washington State Institute for Public Policy. Finally, we included only probation violations associated with the youth's most serious offense that a judge found to be true. These factors were consistent with those that local judges, district attorneys, juvenile department directors and their staff cited when we spoke to them.

To determine whether restriction level decisions could be explained by the four factors above, we employed a statistical model to analyze Juvenile Justice Information System (JJIS) records for 3,315 placements counties made during the audit period. Specifically, we used a multinomial logistic regression model to analyze placements based on the four factors mentioned above. We excluded from our analysis 855 placements for youth that did not have a risk assessment recorded in JJIS prior to the placement decision in question. The exclusion of these cases did not significantly alter the model's ability to explain placements. We also eliminated 192 youth placed in a YCF who were tried and sentenced in adult court. We found that both the individual factors, as well as the model, provided statistically significant explanations of the 2008 placement decisions.

We then reviewed additional JJIS information and county youth records for 142 YCF placements to determine whether they resulted in a reasonable use of YCF beds. We also reviewed these same records for youth placed on probation whose four factors better aligned with YCF placements.

We relied upon JJIS records to complete our work. We compared JJIS records to source documentation to determine the records' reliability. We found the JJIS records were sufficiently reliable for our audit purposes.

With the support of the OJDDA, we also surveyed 36 Oregon county juvenile department directors to gain a better understanding of the challenges county juvenile departments face. Specifically, the goal of the survey was to determine how and to what extent county resources and business practices influence placement decisions for youth. We asked the county juvenile department directors to consider calendar year 2009 resources and business practices when responding

to the survey. Survey results reflect the views of 32 of 36 (89%) county juvenile department directors who participated in our survey.

OYA's residential treatment centers are an important component of Oregon's juvenile justice system. Though we identified a few isolated cases that raised questions about access to OYA's residential treatment centers, more extensive analysis would be needed to identify any systemic issues regarding that access. We believe that a review of placement in residential treatment centers is warranted.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



# Oregon

Theodore R. Kulongoski, Governor

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December 28, 2010



Gary Blackmer, Director  
Audits Division  
Secretary of State  
255 Capitol Street NE, Suite 500  
Salem, OR 97310

Dear Mr. Blackmer,

The Oregon Youth Authority (OYA) appreciates the work completed by this year's audit team and commends the team's thoughtful efforts to understand and assess our state's complex juvenile justice system. We generally concur with the findings in the audit and welcome the opportunity to comment on the recommendations. The recommendations and our responses follow. Our comments include input from several of our partner county juvenile departments.

### **Audit recommendation**

We recommend OYA work with county juvenile departments to improve consistency in documenting in the JJIS services and treatments provided locally to youth offenders and probation violations committed by youth offenders.

### **Agency response**

The Oregon Youth Authority agrees with the recommendation. Already, OYA's partnership with county juvenile departments has led to reporting improvements such as documenting state-funded local services and treatments. Although OYA cannot require counties to report services paid with non-state funds, we will work with the JJIS Steering Committee to improve tracking of these services. We believe many counties will see the value in doing so.

The capacity to document probation violations exists in JJIS. But due to juvenile departments' differing resources and business practices, there is no standard practice for reporting probation violations. OYA will work with the JJIS Steering Committee and its Policy and Standards Committee to explore fulfilling this recommendation.

OYA will begin work on this recommendation in early 2011. Any changes made in response to this recommendation likely will occur prior to the end of 2012.

### **Audit recommendation**

We also recommend OYA consider working with county juvenile departments to develop a process for expunging records that both protects privacy and allows long-term program analysis. Changes to the expunction process may require legislative action.



Gary Blackmer, Director  
Audits Division  
December 28, 2010  
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### **Agency response**

The Oregon Youth Authority and its county juvenile department partners have developed shared policy and an electronic process in JJIS that complies with the spirit and intent of Oregon's expunction statutes. We believe any process that allows for the long-term ability to identify and track a youth with an expunged record would be outside the authority of current statutes. Consequently, we agree with the recommendation that any changes to the expunction process may require legislative action.

Juveniles must meet strict legal criteria before their juvenile justice records can be expunged. For example, most serious offenses cannot be expunged. Lesser offenses can be expunged only when certain criteria are met, such as five years having passed since the most recent termination and no new crime having been committed.

We will work with the JJIS Steering Committee to study the recommendation and determine a course of action. We anticipate that initial discussions will begin in early 2011.

### **Conclusion**

We very much appreciate the spirit of review and assistance with which this audit was conducted and the recommendations for improvement. We will continue to seek ways to advance the effectiveness and cost-efficiency of services offered to youth offenders throughout the juvenile justice system continuum.

Sincerely,



Fariborz Pakseresht  
Deputy Director

cc: Colette S. Peters, Director, Oregon Youth Authority  
Brandon Weber, Chief Audit Executive, Oregon Youth Authority  
William Garber, Deputy Director, Secretary of State Audits Division  
James Scott, Audit Manager, Secretary of State Audits Division  
Andrew Love, Principal Auditor, Secretary of State Audits Division



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## About the Secretary of State Audits Division

The Oregon Constitution provides that the Secretary of State shall be, by virtue of her office, Auditor of Public Accounts. The Audits Division exists to carry out this duty. The division reports to the elected Secretary of State and is independent of the Executive, Legislative, and Judicial branches of Oregon government. The division audits all state officers, agencies, boards, and commissions and oversees audits and financial reporting for local governments.

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The courtesies and cooperation extended by officials and employees of the Oregon Youth Authority during the course of this audit were commendable and sincerely appreciated.