

Parent Handbook for Justice Involved Youth



PARENT PARTNERSHIP

Community Healing Initiative (CHI) Parents, Department of Community Justice Juvenile Services Division, Latino Network, Local Public Safety Coordinating Council (LPSCC), Multnomah County District Attorney (MCDA) and POIC + RAHS

Important Contacts for You and Your Child

Judge/Hearing Officer Name

Your Attorney's Name and Phone

Juvenile Court Counselor Name and Phone

DHS Worker Name and Phone

CASA Worker Name and Phone

Other Important Names and Phone

Other Important Names and Phone

Dear Justice Involved Parents

This booklet is authored by parents who have had a youth in the Juvenile Justice system and are members of Parents United for Successful Homes (PUSH). PUSH is Parent Led and Expert Supported. Parents felt, at their initial contact with the Juvenile Justice system, marginalized and misunderstood. There was no handbook and parents felt judged by a system they did not understand. In this handbook you will find information on resources, justice terminology, frequently asked questions and information on courtroom procedures. It is a system that works when all parties can come together for the sake of the youth. All parties are expected to treat one another fairly and justly.

To fully participate, we must first understand the process. This handbook is intended to be a guide for your family. It covers topics least understood by parents and attempts to act as a navigation tool.

It is important as parents that we bring our whole selves to the process and participate in hearings, meetings and other activities that concern our youth. This handbook will describe the importance of attending all hearings and provide you with knowledge of the court system.

Parents are an important part of the process and giving you information is a labor of love.

With Connection and Support,

The Parent Partnership Team

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Using the Handbook

Goal



- 1.** Designed by parents to help other parents going through the juvenile justice system.
- 2.** This handbook is not all inclusive and was not intended to answer every question you may have.

Disclaimer: This handbook is not intended to provide legal advice. The handbook is designed to provide support from parents to parents.

Tips



- 1.** Use the handbook as a guide.
- 2.** Find someone to trust to help you navigate the system (*Peer Support Specialist, Community Health Worker, or Family Advocate*).

Things to Know When Visiting Your Youth in Detention

DONALD E. LONG VISITING HOURS

Monday - Thursday Hours: 6:00 pm - 8:00 pm

NO FRIDAY VISITS

Saturday and Sunday Hours: 2:00 pm - 4:30 pm

DONALD E. LONG PHONE CONTACTS

Phone: 503-988-3460

Office Hours: 8:00 am - 5:00 pm

Staff After Hours Phone: 503-988-3475

- ✓ Be positive; the youth is under stress.
- ✓ Non-eligible visitors (anyone under 18 yrs. of age, etc.) may not wait in the visiting lobby.
- ✓ No weapons or devices (cell phones, cameras, radios, iPods, etc.) may enter visiting rooms: no weapons of any kind may be brought into the building. All visitors will be asked to clear a metal detector. If unable to clear a metal detector, the visit will be denied.
- ✓ No jackets, coats, sweatshirts with pockets, purses or backpacks will be allowed in visiting rooms. Visitors may store belongings in lobby lockers.
- ✓ No drugs or alcohol. Anyone using drugs or alcohol will be declined access to visits and will be directed to leave the building.
- ✓ No books or magazines: paperback religious materials will be allowed if not available in the unit.
- ✓ Youth may refuse any visit
- ✓ The on-duty manager is not authorized to make exceptions to these rules.
- ✓ **Visits may be monitored with auditory and video recording.**

You are Your Youth's Best Advocate

1. **Get organized.** Put all important documents about your youth's case in a file or binder (e.g. letters, emails, assessments, reports, mental health evaluations, school records).
2. **Keep a notebook.** Document information from meetings and telephone conversations with the Juvenile Court Counselor, lawyer, and anyone involved in your case (include the date, who you spoke with, important information they gave you for next steps, and by whom).
3. **Become knowledgeable.** Ask questions. Talk with your circle of advocates to help you navigate the system/s.
4. **Ask to read and request copies of everything.** (Charges, reports, evaluations, assessments, screenings, lab results, court orders, juvenile justice policies and procedures). Put your request in writing if needed.
5. **Be heard. Express your concerns. Become a partner in your youth's success.**
6. **Share information about your youth and family with the Juvenile Court Counselor**
 - a. School grades
 - b. Strengths and abilities
 - c. Family circumstances and culture
 - d. Mental health diagnosis
 - e. Health or physical problems
 - f. System involvement (DHS, etc.)
 - g. Youth's needs
 - h. Be present mentally and physically when required

Getting Started

Navigating the Juvenile Justice System

Know that you are not alone. Numerous families from every walk of life go through the juvenile court system each year.

This is a stressful time for you, your youth and your family. Take care of yourself and find someone you can trust with whom you can talk.

“Being your youth’s biggest advocate is the most important thing. Attend all hearings.”-Shala

First impressions do matter. When you appear in court or attend meetings with or for your youth, it is best to dress nicely.

Make eye contact with the Juvenile Court Counselor, court staff, attorney or judge who is speaking to you. (Even if it is hard for you, it shows respect and acknowledgement when you make eye contact).

Be aware of your nonverbal behaviors. Facial expression and body language tell others about our attitudes.

Speak up when addressed in court; and Don’t Speak Out without being addressed. (It could negatively impact your youth’s case). *If you are too emotionally distraught or stressed, bring an advocate who understands the juvenile justice system or a friend who can help you listen to what is being said in the courtroom or in meetings. (You can step out and ask for someone to step in for you so that you can take a breath).*



Tips for Court

- 1.** Set up child care and transportation.
- 2.** Arrive 15 minutes early.
- 3.** Wait outside the courtroom until your lawyer or Juvenile Court Counselor says it is time to go in.
- 4.** Find the courtroom where your hearing will be held.
- 5.** Bring your written questions to share with the attorney and your advocate.
- 6.** Bring any important papers, such as certificates of completion, attendance slips, or other proof of completing assigned tasks.
- 7.** The judge wants court to start on time, and be prepared to wait.

"Make sure You ask questions in the courtroom. This will ensure everyone is on the same page. Take notes."-Kwame

Recommended Court Hearings to Attend

All hearings are important to attend. However, if your work schedule, child care, illness, etc. do not allow you to attend, have your Parent Advocate or someone you trust attend for you.

You can also ask to attend court by phone. The courts are open to this accommodation.

“Attend hearings and if you can’t attend send someone who can advocate for the youth.”- Parent Shala



Recommended Court Hearings to Attend

Preliminary hearings

When a youth is arrested and kept in detention, the law requires a preliminary hearing the next court day. At this hearing, the judge has to decide if a youth stays in detention or is released.

Plea Hearings

When a youth admits to the charges, the judge accepts the admission. Then the judge decides if the youth goes on probation or has other consequences.

Probation Violation Hearings

When a youth is on probation and broke the rules, the Juvenile Court Counselor files a petition with the court stating the youth broke the rules. The youth has to decide if they want to admit or deny they broke the rules. Then there will be an admission to the rule violation or a contested hearing (like a trial). If the judge finds that the youth broke the rules of probation, the judge will decide what the consequences will be.

“Keep all important papers in a safe place so that you can reflect on them and have them when needed”.

- Parent Jamila

Recommended Court Hearings to Attend

*“Keeping accurate records of when permission was given to leave the house outside of normally scheduled hours helped clear up inaccuracies regarding violations that could have possibly sent my son back to detention this included saving phone records and hand written notes.”-
Parent Michelle*

10-Day Reviews

When a youth is staying in detention, the decision to keep them in detention is reviewed every 10 days. If the judge decides the youth might hurt other people, commit more law violations or run away, the youth will likely stay in detention.

Trials

When a youth denies the charges, a trial will be held by the judge. Defense attorneys and prosecutors argue the case in front of a judge using witnesses and other evidence. After the legal arguments are done, the judge decides if the charges are true, or not true. If found true, the judge decides if the youth goes on probation or other consequences.

Parental Rights

"A silent voice won't be heard. Use your voice to tell your truth."- Parent Kwame



You have the right to speak on behalf of your youth.



You have the right to ask questions.



You have the right to an interpreter and translation.



You have the right to be heard and involved in planning of your child's case.



You have the right to be treated in a respectful, fair, and just manner.



You have the right to be present for all hearings when required. (However, you may not have access to all the information).

My Role with My Youth's Attorney

"Keep open channels of communication with your youth to alleviate any potential violations before they happen due to anxiety or stress."- Parent Michelle

What questions should I ask my youth's attorney?

It is best to inquire how you can help support your youth and assist the attorney. If your youth is in custody, the most important thing you can do is maintain consistent contact with your youth through visitation and telephone calls.

Question Examples:

1. What is your strategy for my youth's case?
2. How strong do you feel arguing my youth's case?



The information available to the parents may be limited based on the case. Most information shared with the parents would require a Release of Information (ROI) signed by the youth.



The signed ROI allows the restrictions to be lifted.

My Role with My Youth's Attorney

Will parents or guardians have access to youth's attorney?

- The attorney for the defendant can provide basic information such as upcoming court dates and the pending charges.
- Attorneys can answer questions about the legal process.
- Attorneys cannot provide specific case related information such as police reports, psychological evaluations, and/or other discovery directly to the parents.
- The defendant is in control of the flow of information and, even then, parents should be cautious about inserting themselves into conversations about the case as it can compromise attorney/client confidentiality.

Youth often advise their attorney not to tell parents all details of the case but are afraid to let their parents know that they have not authorized contact.

What is the best way for my youth to allow access to their attorney?

A family meeting can be helpful. If there are multiple family members requesting information and involvement, it is best to have one person as the point of contact to prevent miscommunication. Generally, this would be one of the parents or another trusted adult. The youth would have to agree to this arrangement.

Helpful Resources

Parent Support

PUSH Help Line (Parents United for Successful Homes)
971-352-6822 | *Offering compassion and a listening ear*

IRCO (Immigrant and Refugee Community Organization)
503-234-1541 | *(African, Asian, European and Immigrant Communities)*

Native American Youth & Family Center (NAYA)
503.288.8177

Community Healing Initiative
Latino Network | 971-303-4948 and 503-803-0329
POIC + RAHS | 503-797-7222

Legal

Youth, Rights & Justice, Attorneys at Law | 503-232-2540
www.youthrightsjustice.org

Multnomah County Legal Aid Service | 503-224-4094

Immigration Counseling Services | 503-221-1689

St Andrews Legal Clinic | 503-281-1500

Metropolitan Public Defenders | 503-225-9100

Expungement of Juvenile Files | 503-988-5427
<https://multco.us/dcj-juvenile/common-laws/expunging-juvenile-files>

Health

Domestic Violence | Call to Safety

Crisis Line | 888-235-5333 | 24/7 crisis line

Support for all survivors of domestic and sexual violence.

Bradley Angle House | 503-595-9591

Multnomah County Health Clinics | 503-988-5558

Multnomah County Crisis Mental Health Line | 503-988-4888

Lifeworks NW | 503-645-9010

Cascadia Behavioral Healthcare | 503-674-7777

Emergency

211 Info

Easiest way to find health and human services.

Text your zip code to 898211 or Call: 211 or Search: 211info.org

Shelter Information

<http://ahomeforeveryone.net/get-help> | 503-988-2525

Help for families experiencing homelessness

Family

Food Stamps (SNAP)- Department of Human Services | 503-945-5600

Social Service Administration | 1-800-772-1213

General information about Social Security Disability Insurance and Supplementary Security Income

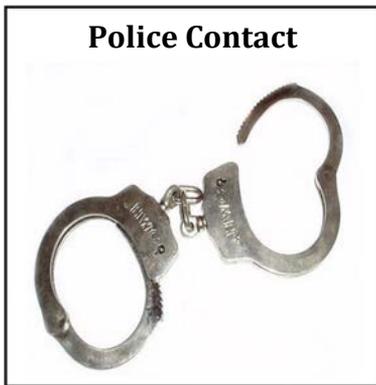
Oregon Vital Statistics | 971-673-1190

El Programa Hispano Católico

Gresham | 503-669-8350 | Portland | 503-231-4866

Juvenile Justice Process

What happens when my youth has police contact?



Youth is released

Youth is taken home or to the Juvenile Reception Center

Youth is brought to the Juvenile Detention Center to be temporarily held.

Does your youth know what to do when approached by police?
<https://www.aclu.org/en/know-your-rights>

Juvenile Justice Process

POLICE CONTACT



When a youth has police contact, he or she may be:

1. Released.
2. Taken home or to the Juvenile Reception Center by police, or;
3. Brought to the Juvenile Detention Center to be:
 - A. Temporarily held (detained),
 - B. Released to staff for secure shelter,
 - C. Released with conditions, or
 - D. Released to parents with no conditions.

What determines how your child will be processed?

Once at detention the Risk Assessment Instrument (RAI) is applied to determine risk to commit more law violations if released or who is at risk to not return to court if released.

Youth can be taken to detention if they are under 18 years of age and are:

- Charged with committing a felony offense, possession of firearm or destructive device, disorderly conduct in the first degree, or an offense involving physical injury to another person
- An out of state runaway
- Has a warrant
- Charged with violating the conditions of release or probation

Juvenile Justice Process

Typically, youth will not be detained if they are under 18 years of age and are ONLY:

- Alleged to have committed a status offense, misdemeanor, or violation of a city ordinance such as curfew, runaway, MIP, non-person to person misdemeanors, Theft III, Criminal Trespass III, Criminal Mischief II and III.
- Youth whose parents/guardians cannot be reached.
- Sexually exploited youth in need of safe shelter, counseling, support and advocacy.
- Needing preventative measures such as for safety, counseling, family crisis intervention services, mediation, cooling off period between child and parent.

In cases where a youth cannot be detained, they can be released, taken home, or taken to the Juvenile Reception Center (if they are 11 to 17 years of age).



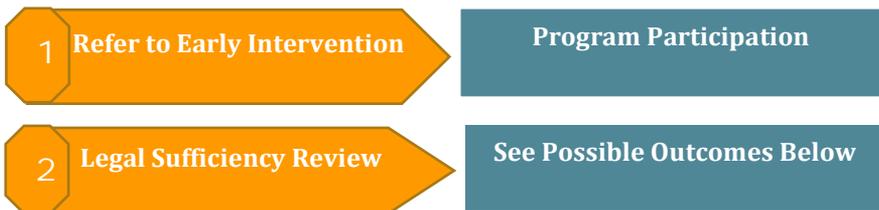
Juvenile Justice Process

When a youth is released



When a youth has police contact and is released, in some cases a police report is sent to the Juvenile Services Division. In other cases, no police report is created. If a report is created, it will be sent to the Juvenile Services Division, Data Services Unit and the District Attorney's Office for review.

There are two possible outcomes:



Legal Sufficiency Review by the District Attorney's Office

Possible Outcomes:

1. Legal Sufficiency Not Found = REFERRAL CLOSED

2. If Legal Sufficiency Found = Diversion (Informal Handling)

Referral sent back to Juvenile Services for Informal handling, typically resulting in a Formal Accountability Agreement

OR

3. Issue a Petition

A petition is sent to the court, and the youth is summoned to appear in court

Formal Accountability Agreement

A Formal Accountability Agreement is a voluntary contract between a youth and a Juvenile Services Division where the youth agrees to fulfill certain conditions in exchange for not having a petition filed against the youth in court. (ORS 419C.230)

Conditions may include that the youth:

- Participate in an assessment or treatment program
- Pay restitution
- Do community service
- Write a letter of responsibility
- Attend school
- Participate in a restorative dialogue with the victim
- Other conditions as appropriate to the offense and the youth's circumstances

“Ask questions if you come across something that you don't understand.” –Parent Shala



District Attorney's Office files a Petition

In most cases, a Preliminary Hearing will not be held and the youth will be given a written notice (summons) to appear for court on the petition.

If a Preliminary Hearing is scheduled:

At the preliminary hearing, a judge may decide that the youth is to be:

- Released to parent or guardian.
- Released to a parent or guardian on Electronic Monitoring as an alternative to detention.
- Placed in the temporary custody of Department of Human Services for placement.
- Placed in Detention with 10-day Review Hearings.
- Released to staff to secure shelter (Not for M11 youth).

Adjudication

Adjudication in juvenile cases is the same thing as conviction is in adult cases. It is the determination of whether a youth committed the law violation. An adjudication is a court finding based on an admission by the youth or a trial.

Disposition

Disposition is the consequences the court orders for an admitted or proven law violation. At disposition the youth placed on probation and given conditions, may be committed to an agency for residential placement, or placed in a youth correctional facility. Detention may be used as a sanction (up to 8 days).

Juvenile Justice Process

Youth is taken home or to the Juvenile Reception center

If youth is taken home or to the Juvenile Reception Center the same steps as above are applicable.

Juvenile Reception Center

If a police officer brings a youth to the center, an intake counselor assesses the youth's mental health, physical health; drug and alcohol use; as well as family, education, employment, legal and social service history.

- The youth's parent or guardian is contacted to explain the circumstances that brought the youth to the Reception Center and talk with guardian to further assess appropriate referrals for the youth and family.
- Guardians are asked to pick up their child at the Reception Center where intake counselors conduct a family session to discuss the youth's current situation, review a plan for addressing the youth's behavior, and receive a list of referrals.



Juvenile Justice Process

Youth is brought to the Juvenile Detention Center to be temporarily held



If a youth is held in detention following a police encounter: Staff at the detention center will call you (or the designated parent/custodian) to let you know. At this time, you will be informed whether:

- 1.** Your child has been detained, but can be released to:
 - Your care. In this case, you can pick your child up at the Detention Center immediately.
 - Shelter care. Staff may determine that releasing a youth to a shelter is the safest choice for the youth and/or the community.
 - Legal proceedings will move forward from there. This may involve a Preliminary Hearing the next business day.
- 2.** Your child will be held overnight at the detention center. In this case, expect:
 - Your child will appear in court the next business day.
 - At your child's first court appearance, a judge will determine whether your child will remain in custody or be released with court-ordered conditions.
 - Legal proceedings will move forward from there.

The decision about whether a youth is released or detained is guided by a Risk Assessment Instrument (RAI) and policy considerations weighed by the judge.

Juvenile Court Counselor

“You have to maintain a relationship with the JCC and Supervisor if needed. Nothing would have been successful if I had not fully participated in her success plan. The parent voice needs to be heard!”

- Jamila

Role of Juvenile Court Counselor

- ✓ Investigate and assess the youth’s circumstances and make recommendations to the court for disposition (sentencing).

- ✓ Monitor your youth’s compliance with their rules of probation.

- ✓ Meet with your youth regularly – these meetings are required and your youth can get an informal sanction or a probation violation for failing to meet with their JCC.

- ✓ Talk with your youth and your family about their progress on probation.

- ✓ Talk to your youth’s school about their school attendance and compliance with school rules.

- ✓ Help get your youth enrolled in treatment programs and get reports on how your youth is doing in treatment.

- ✓ Collect information that your youth has broken any of the rules of their probation. The JCC can file a probation violation petition – asking the judge to find that your youth has violated their probation rules.



Community Monitoring Program (CMP)

The Community Monitoring / Electronic Monitoring (CM/EM) program provides supervision, support and immediate sanctions for youth placed in the community. CM/EM is comprised of four levels of supervision. All youth start out being placed on the highest level of supervision and are reduced in their level of supervision based on their behavior performance and compliance to the program.

- ✓ While on CM/EM, each youth must make daily phone calls to the CM/EM office for required check-ins.
- ✓ CM/EM staff conduct face to face visits at home, school and place of employment to assure program compliance and that all conditions of release agreement are being followed.
- ✓ Field visits are random and are conducted 7 days a week, 365 days a year.

Youth that are court ordered on Electronic Monitoring are supervised 24 hours a day, with the support of satellite dish systems that monitor their movements at all times.

You can help your youth's success on EM by creating a schedule to make check-in calls and ensuring battery is charged every night.

Measure 11

Visiting your Youth with a Measure 11 Charge

- Visits are Pre-scheduled Sunday: between 11 am and 1:30 pm for Level III and IV youth only.
- Pre-arranged visits are organized no later than the preceding Friday.
- Level III: 30-minute visit
- Level IV: One-hour visit
- No food or beverages: No exceptions.
- Up to 4 visitors per session: To include a parent/legal guardian.
- The only visitors under the age of 18 that are allowed to visit are biological infants/toddlers of M-11 youth.
- No gang attire allowed, as determined by visiting control staff.

What is a Measure 11 Charge?

Oregon voters approved Ballot Measure 11 in November 1994. It applies mandatory minimum prison sentences to certain crimes and requires no possibility of any reduction in sentence, such as for good behavior. Measure 11 also mandates that juveniles age 15 and older, charged with the felonies (listed on website link to left) be charged and tried as adults.



[https://multco.us/
dcj-
juvenile/common-
laws/measure-11](https://multco.us/dcj-juvenile/common-laws/measure-11)

What if my Youth has a Measure 11 Charge?

Youth arrested for a Measure 11 offense will be booked into custody and held in Detention, unless a judge orders otherwise or the youth posts bail.

- You will receive a call from the detention center to let you know your youth is in custody.
- Your youth will have his or her Arraignment Hearing (first court appearance for this charge) in the afternoon of the next business day.
- By the next morning, your youth will have been assigned a defense attorney who will help your child navigate the legal system and provide guidance and support.
- The attorney's office will contact your youth with more details about the charges against your child and information about what will happen next.
- **Your youth may be held in detention for months.**

<https://multco.us/dcj-juvenile/what-happens-if-my-child-arrested-measure-11-crime>

APC: Alternative Placement Committee Meetings

APC is a multidisciplinary team comprised of representatives from Multnomah County Department of Community Justice Juvenile Services Division (JSD), the Oregon Youth Authority (OYA), Oregon Department of Human Services Child Welfare (DHS), the District Attorney's Office, Defense Attorneys, as well as staff from Multnomah County Mental Health and Developmental Disabilities Divisions and various providers from a variety of local youth serving agencies.

If your child's case is sent to APC, the JCC will invite you to the meeting.

There will be a Parent Advocate to support you at APC who can provide you emotional support and advocacy during and after the meeting.

Your VOICE at the meeting is critical to help the team make treatment and placement recommendations for your youth.

Ask questions on what available programs are there to support your youth.



Parent's Role during APC



Notes

Frequently Asked Questions

We, Parent Leaders, raised a number of questions that we wanted answered to help us navigate the juvenile justice system. Frequency Asked Questions were developed by parent focus groups to address specific questions they had that would have helped parents have the knowledge to better advocate for their child. Fortunately, through Parent Partnership committee work, we were able to get our questions answered by representatives from the Department of Community Justice and the Multnomah County District Attorney's Office.

Parent involvement is crucial for promoting positive youth outcomes in education, mental health, child welfare, and juvenile justice.



Frequently Asked Questions

Gain knowledge on how to navigate the system and advocate for your child and your family.

What influence does a parent have on whether the case is closed, diversion is offered, or the case is referred to the District Attorney's Office for processing? Parent advocacy can influence decisions but most often the initial decisions on how it will proceed are made before a parent is contacted. Subsequent advocacy can alter or change the original decision.

What should I do if I have a problem with my caseworker? Always communicate with the caseworker or JCC your concerns. If this does not resolve your concern you are encouraged to contact the supervisor.

How is probable cause determined?

Probable cause is a legal term that means preponderance of the evidence, or more simply, more likely true than not true. For an arrest an officer has to personally believe that it is more likely than not a suspect committed an offense, and a Court has to find that the officer's personal belief was objectively reasonable. Probable cause for a search warrant means that "more likely than not" evidence will be found at the location to be searched.

What is a Release of Information?

A Release of Information is an agreement signed by a person that allows the person's doctor, lawyer, or other practitioner to share the person's privileged information.

Frequently Asked Questions

Parents supporting parents brings us closer to impacting change.

Can a parent speak with a youth's attorney before initial appearance, preliminary hearing, or arraignment?

Sometimes. If the hearing is the initial arraignment on the information of a District Attorney, there is generally insufficient time to meet. There is usually time between an initial appearance and a grand jury report date/arraignment for a telephone conference or brief meeting. However, the time frame is short and is dependent upon the attorney's schedule.

Under what circumstances are charges dropped and how are these decisions communicated to parents?

A decision to prosecute a case rests in the sole discretion of the District Attorney's Office. Cases can be dismissed if the prosecutor is not convinced the defendant is guilty. The prosecutor may dismiss cases when the prosecutor believes there is not enough evidence to prove the case. Further, the prosecutor can consider other factors when determining whether or not to seek a prosecution or dismiss a case. If the case is assigned to a JCC, they will call the parents. If the District Attorney makes the determination to not prosecute and no JCC is assigned, there is no designated person to contact the parents. If there has been police contact it is a good idea to contact the Juvenile Services Division or police or District Attorney's office for a status update.

If a parent has been told that no charges are being filed at this time but are told at a later date that someone is coming to search the house, is a search warrant needed?

Law enforcement is required to obtain a search warrant to search a home, a person, or vehicle. However, there are exceptions to the search warrant requirement. For example, if a person consents to a search, then a warrant is no longer required.

Frequently Asked Questions

What resources do youth/parents have to check up on the status of a case?

Example: Youth is arrested and given a court date. Before the court date the youth is told no charges are being filled at this time but could be in the future. Parents can call the investigating detective or officer if they have a case number, or they can call the Multnomah County District Attorney's Office. However, if cases are still under investigation, it is likely law enforcement officers and prosecutors will not provide information related to the case or a timeline related to the investigation, to maintain the integrity of the investigation.

Why are black and brown youth over represented in the Multnomah County?

This is a complex issue with many potential root causes. The fact that youth of color are over-represented in our juvenile justice system suggests that there are aspects of the justice system that are operating in ways that are unfair or biased. Causes can include police, system personnel, and others acting on racial and ethnic bias, both overtly and unconsciously. Overrepresentation in the justice system is also tied to youth of color disproportionately experiencing school discipline, such as expulsion, which can increase the risk of police and State involvement. The roots of these school-related problems lie in bias but also in poverty, the need for better schools in poor neighborhoods, and the lack of appropriate and culturally informed training for educators and school personnel. The Multnomah County juvenile justice system leaders are working hard to reduce this overrepresentation and you can ask about those efforts. For more information contact: *Deena M. Corso, Juvenile Services Division Director* at deena.m.corso@multco.us.

Frequently Asked Questions

"Young people in trouble do not need criticism, what they need is love and options for success"- Parent Patricia

What is the best way for youth to protect their constitutional 4th amendment right: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The best way would be to seek the assistance of legal counsel.

Does the Gang Enforcement Team selectively target "Gang" or "Gang Affiliated" youth?

No. Law Enforcement Agencies that employ Gang Enforcement Teams respond to violent incidents and proceed to investigate those cases by learning about the alleged suspects through the suspects' prior and subsequent law enforcement contacts. Further, officers gather additional information through community policing, out-of-custody informants, in-custody informants and evidence obtained through other investigative techniques like search warrants.

Does my youth's court appointed attorney have to represent him/her just as a paid attorney would?

Yes. All attorneys are under legal obligations by statute and the Oregon State Bar's rules of professional conduct to zealously advocate for their client, regardless if they were appointed by the Court or privately retained.

Frequently Asked Questions

What are parents/youth rights when told that a search will be conducted?

The persons subject to a search warrant have a right to have the warrant read to them and receive a property receipt for the items taken pursuant to the search warrant.

What are the consequences of refusing a search without a warrant? (Examples might be the police calling a supervisor to the scene, taking the youth in for questioning, calling backup, etc...)

The only legal consequence to refusing a search without a warrant is the officer will likely apply for a search warrant. When an officer or detective applies for a warrant, the warrant can be executed within 5-10 days of the judge signing the order to search. If an officer has probable cause to arrest, but does not wish to make an arrest, but instead to continue to investigate the crime and a person refuses consent, then an officer can arrest a person if there is probable cause that the person committed the crime.

Do police need a search warrant when searching an automobile a youth is driving, or a youth who is stopped while walking?

Ordinarily a law enforcement officer or detective is required to obtain a search warrant to search an automobile or person. However, there are exceptions to the warrant requirement. If a law enforcement officer has probable cause to believe a crime occurred, the officer can search a person walking while making the arrest without a warrant. Similarly, if an officer develops probable cause that a person driving a vehicle engages in criminal activity while the vehicle is driving, the officer may search the vehicle under the automobile exception to the warrant requirement. Consent is another exception to the warrant requirement. If a person walking or driving voluntarily consents to a search, then a warrant is no longer required. There are additional exceptions to the search warrant requirement.

Frequently Asked Questions

"The knowledge of our rights and duties makes us stronger parents."- Parent Angelica

At what point after an arrest do youth need an attorney?

The advice of an attorney is always valuable for someone under criminal investigation, especially after that person is arrested.

At what point after arrest are youth entitled to an attorney?

A person is typically appointed an attorney at the first court appearance for a new criminal charge, a contempt charge brought by the state, or a hearing to show cause why a probation should not be revoked. Further, a court can appoint an attorney to a person if the court believes there is a chance the person could be subjected to criminal investigation, like a witness. In juvenile cases, attorneys are appointed for the youth as soon as the petition or formal accountability agreement is filed.

Is there a difference between when they are entitled to representation and when it is beneficial to have representation?

There is a difference. Once a criminal case on juvenile case is initiated and prosecuted, a defendant or youth has a constitutional right to a lawyer. When a court proceeding occurs and a person's rights may be implicated, a court may appoint that person an attorney (for example a witness called to testify—who may be concerned about incriminating themselves or who wishes as to not answer questions in court). However, people are not constitutionally entitled to counsel unless a criminal or juvenile court process is initiated. When someone is interviewed by police officers while in custody, then they can invoke their right to remain silent and request an attorney, but the officers may choose to end the interview and not initiate a criminal or juvenile court case.

Frequently Asked Questions

How long after an incident can a charge be filed?

The district attorney may have years to file charges, with the number of years dependent upon the relevant statute, nature of the charge, and the facts of the case.

If an arrest is made when the youth is a minor, can a charge be held until he is an adult? If yes, will the youth be charged as an adult (non-Measure 11) even though the alleged crime was committed before turning 18?

A juvenile will be prosecuted in juvenile court for any non-Measure 11 offense committed while they were a minor. However, if the State could not prosecute the case because there was not enough evidence, and the state could only prosecute the offense with sufficient evidence after the juvenile turned 18, then the case may proceed in adult court. However, the State cannot intentionally wait to prosecute the case to force the case into adult court.

What factors should my child take into consideration before accepting a plea?

Is he or she innocent of the offense? Is he or she guilty of some offenses, but innocent of other alleged offenses? What are the risks of a negative outcome in trial such as length of time in jail or prison as well as the risk of a non-reducible felony conviction? If the case went to trial, how much embarrassment will occur as a result of the facts becoming public? Outcomes for a youth in juvenile court, such as the potential length of commitment to a youth correctional facility, can be affected by the charge the youth admits or is found to have committed.

Frequently Asked Questions

How can a parent gain access to all available documentation on a case?

All criminal cases in circuit court (not juvenile jurisdiction) are public records. Any filings by the prosecutor or the defense are often public records. They can be requested by going to the local court, requesting the file and paying for copies of public records. Additionally, the Oregon Judicial Department has set up an online database to access all documents electronically that are public record through the Oregon Judicial Information Network. OJCIN OnLine includes OECI (Oregon eCourt Case Information Network), OJIN (Oregon Judicial Information Network), and ACMS (Appellate Case Management System). OJCIN OnLine is a valuable paid subscription resource for court case information from all 36 of Oregon's circuit courts, in addition to the Tax & Appellate courts. Here is a link:

<http://www.courts.oregon.gov/services/online/pages/ojcin.aspx>. Some records in juvenile court cases are public, but many are not. Parents of a youth in juvenile court are allowed to look at some of the orders a judge issued but are not allowed to have copies (unless the Youth consent through his attorney). Even the youth may not be able to get copies of all reports, even if the youth's attorney has copies.

What documents and information will youth/parents have access to before plea negotiation or trial?

Youth are entitled to know what evidence the State intends to use at trial. Youth are also entitled to any evidence that is "exculpatory" (might exonerate the youth) or casts doubt on the testimony of the state's witnesses or on the state's documents is other proof. Anything material to the youth's guilt, innocence, or possible outcomes must be disclosed. Parents are entitled only to what the youth allows his or her attorney to share as well as any information that is public record.

Frequently Asked Questions

As a parent I have insight into my child's behavior that others may not. What if I feel the treatment and programs (or lack thereof) being ordered or recommended are not sufficient and the Juvenile Court Counselor is ignoring my concerns?

Parents can speak directly to the Supervisor of the JCC and/or talk with the treatment provider about their concerns about the sufficiency of the recommended treatment.

What steps can parents take if after advocating for their child, the child's mental health needs are ignored, or if the caseworker or JCC doesn't take into consideration the parent's observations?

Parents can ask to speak to the Supervisor of the caseworker or Juvenile Court Counselor so the parent can express their feelings of exclusion. If they are eligible, parents can inquire about involvement with the CHI Program or having Wraparound get involved with the youth and family. They could provide a parent outreach worker so the parent can have a voice support at the table.

Can a youth request that someone speak on their behalf?

Yes, their attorney.

What cases are eligible to be expunged?

Expunging an offense is complicated. The District Attorney's Office has a guide for people seeking expungement. Additionally, the Metropolitan Defenders have a pro bono service that can be called at 503-225-9100.

How do parents appeal decisions made regarding youth? Talk to the attorney, JCC and judge. Request a review hearing.

Frequently Asked Questions

"Committed parents never lose hope of seeing positive changes in their children's lives"-Parent Patricia

What are the benefits of having family/friends present at court dates?

It is helpful for the youth to have supporters in court. Being in custody can be an isolating experience and seeing supportive family and friends can help youth through hearings. It is also helpful during the negotiations phase of the case so that the Judge and the District Attorney's Office see that there are both family and community supports. What is not helpful, are large groups of teenagers, family members who might be explosive in court and young children. Most Judges are not in favor of children attending court hearings.

How are the burdens of a parent's schedule taken into consideration when creating requirements for youth supervision?

It is important to identify barriers to supervision and find supports to overcome these barriers. Ask your youth's JCC how he or she can help brainstorm solutions.

In court when do parents/friends/family have the right to speak?

Parents, family and friends can be heard during release hearings, settlement conferences and at the dispositional hearing. Statements made in court should be supportive to the youth and informative to the court. Statements attacking the victim, family of the victim and one or both of the attorneys are generally not helpful to the court and can reflect negatively on the youth.

Frequently Asked Questions

Do prosecutors “overcharge?”

When prosecutors evaluate the evidence in a case, the prosecutor can never know with absolute certainty what the youth was thinking at the time of the offense. Instead they are reviewing evidence (witness statements, forensic evidence, photographic and video evidence) when determining what they think may have occurred. When they decide what they think occurred, they look at the Oregon Statutes and determine which laws fit with the facts available. Sometimes reasonable people disagree with what facts and evidence show and defense attorneys and prosecutors are included in this situation. The Multnomah District Attorney’s Office does not overcharge cases in the hopes of negotiating certain outcomes through plea bargaining. The District Attorney’s Office firmly believes in charging only the appropriate charges that the facts and evidence allow. If new information and evidence leads to a different conclusion, the District Attorney’s Office always has the discretion to modify its charges or dismiss charges. Further, similar to the decision a person must make as to whether or not to plea bargain, the District Attorney’s Office has to often weigh the risks of trial. Some cases are far more difficult to prove than other cases. A prosecutor may resolve a case with a lower charge, because the risk of losing at trial would be greater on the more serious charges.

If the prosecutor has evidence that is possibly beneficial to my youth’s case but they will not be using it in court, do they have to share that information with my child’s attorney?

Yes. The State is obligated to provide “Brady” evidence, which is defined as exculpatory or impeaching information. This is required by both constitutional and state laws as well as the Oregon State Bar’s Rules of Professional Conduct.

Glossary

Attorney - A person legally appointed or empowered to act for another. This person must be licensed by the state as an attorney if legal advice or representation of a client is involved.

Attorney-Client Privilege – A law that requires communications between an attorney and his or her client be kept secret. The privilege is asserted when someone makes legal demand for the communications, such as a discovery request or a demand that the lawyer testify under oath.

Burden of Proof – This phrase refers to which party in the lawsuit has the responsibility to prove the facts in court. There are different standards in different circumstances. For example, in criminal and juvenile delinquency cases, the burden of proving the defendant’s guilt is on the prosecution, and they must establish that fact beyond a reasonable doubt. In civil cases, the plaintiff has the burden of proving his case by a preponderance of the evidence or in a few situations by “clear convincing evidence.” All of these different standards refer to how strong the proof must be.

Charge - An accusation that you have committed a crime or probation violation. This is also called an allegation or law violation in juvenile courts.

Client - A person who has hired help or had an attorney appointed to give/her/him advice and representation.

Detention - The juvenile equivalent of jail, short term incarceration before trial or up to 8 days as a consequence for law violation or a probation violation.

Glossary

Disposition - When used in the context of court proceedings or processes it refers to the consequences that the court imposes for an admitted or proven law violation or a probation violation.

District Attorney - A District Attorney represents a state government in the prosecution of criminal offenses and juvenile cases and is the chief law enforcement office and top prosecutor of the state's jurisdiction. The district attorney leads a staff of prosecutors, or deputy district attorneys, who represents the state and investigate and prosecute those accused of law violations. The Multnomah County District Attorney is responsible for prosecuting offenders who commit state law violations in Multnomah County. The Multnomah County District Attorney is an elected position and is committed to the open and balanced administration of justice—one that honors and respects diversity in all of its forms.

Electronic Monitoring - Electronic monitoring (EM) is a system for monitoring a person released into the community, during what could have otherwise been time in jail or detention. It records the person's whereabouts at all times using electronic or telecommunication devices.

Formal Accountability Agreement – An agreement to follow certain rules as an alternative to the filing of charges in court.

Guilty Plea - Saying in court that you committed a crime you are charged with and do not want a trial. In Juvenile court, this is known as an "admission."

Judge - A public official elected to decide cases in a court of law. In Juvenile court, many cases are heard by judicial officers called Referees.

Glossary

Juvenile Court Counselor - Also called a JCC, the JCC is an employee of the County assigned to the youth's case to promote the safety of the community and to help the youth and family with services. In adult court cases, these people are called probation officers or POs.

Probable Cause - The standard used by police and judges to decide the legality of an arrest or search; good reason to believe that, more likely than not, a crime has been committed and that the person who was arrested or searched was the one who committed it.

Probation Violation - A probation violation occurs when an individual fails to comply with the conditions of probation.

Residential Treatment - A program where you live as well as do treatment.

Restitution - The act of paying someone back for a loss or injury, with money or working off the debt. Courts have power to order a youth or adult defendant to pay restitution in many cases.

Sentence - The punishment given to a person convicted of a crime. A sentence is ordered by the judge, based on the verdict of the jury (or the judge's decision if there is no jury) within the possible punishments set by state law. In juvenile court this is called disposition.

Subpoena - A written order requiring a person to appear in court to testify under oath.

Warrant - An order issued by a judge, authorizing an officer to make an arrest, seize property, or make a search.



Notes



Notes



Notes

Who we are

We could not have put this together without the help of the Department of Community Justice, POIC + RAHS, Latino Network, Community Healing Initiative, LPSCC, and the Multnomah County District Attorney's Office. Parent Partnership is a key strategy from the OJJDP Multnomah County Gang Model Implementation Plan.

Our goal

To work collectively in our efforts to protect families against risk factors for gang involvement and identify resources for stability, advocacy and mobilization. The Parent Partnership Team made a commitment to create this handbook for parents with parents with experience navigating the juvenile justice system.

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