

Special Interest Group Influences Juvenile Justice in Oregon

State Bears One of the Worst Juvenile Arrest Rates in U.S.

By Joshua Marquis

FOR ALMOST TWO DECADES the Annie E. Casey Foundation has led the charge for juvenile justice reform in the United States, and its Juvenile Justice Alternatives Initiative (JDAI) has established over 250 sites across the country where its policies have been implemented. The Casey Foundation has amassed over \$2.5 billion worth of assets, and it has used its resources aggressively to influence government policies related to youth throughout the nation. In the realm of juvenile justice, JDAI sites are provided liberal private funding and free technical assistance from Casey to implement JDAI policies in their jurisdiction, and the foundation has established an overwhelming media outreach program to control its image and publicize its vision of juvenile policy.

None of this is objectionable. In America, interest groups have the right to use all of our system's many levers of financial and political influence to achieve their goals, and in general the process has worked well for the nation. What is objectionable is the unquestioning acceptance of the work of a special interest group by those in the field, including those in law enforcement and the court system, many of whom benefit from Casey largesse. Boiled down to its basics, the Casey Foundation has purchased policy change throughout the nation through the use of widespread private financial incentives to state and county governments, and has then controlled the conversation about the results of those policies by extensive self-published reports and news articles that are disseminated through a media network which it also finances.



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A recent case from Oregon provides a picture of the Casey Foundation at work as a special interest group.

Casey has been involved in Oregon since 1995, where Multnomah County was one of the first “model” JDAI sites in the United States. Driven by that county, the largest in the state, JDAI policy has been largely integrated into juvenile justice policies throughout the state. Two Oregon prosecutors, John Foote, district attorney of Clackamas County, and Chuck French, a retired Oregon career prosecutor, recently took a look at how those policies have worked for the state, with some startling results. Oregon, it turns out, despite following Casey policies that are claimed to produce safer communities, has one of the worst juvenile arrest rates in the country, and some of the worst juvenile property crime and drug use and addiction rates in the nation. Multnomah County, the 20-year “model” JDAI site, has itself consistently recorded some of the worst juvenile recidivism rates in the state. JDAI policies hardly seem to produce the results in this state that are advertised in Casey self-analyses, but needless to say, these facts never appear in Casey literature.

Driven by their findings on in-state crime, Foote and French examined the performance of Casey Foundation sites across the nation, producing a lengthy report that included a long appendix documenting crime rates and trends for JDAI sites throughout the nation. The results for national sites are as disturbing as the results in Oregon, with two-thirds of JDAI sites across the nation registering juvenile

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arrest rates higher than the national average (Juvenile Justice in Oregon, Appendix B).

The Casey Foundation's response to the report has been as aggressive as it is instructive.

Immediately upon the release of the report, JDAI Director Nate Balis penned an editorial piece in the Portland Oregonian. Making no mention of Oregon's extraordinarily high juvenile crime rates, Balis rested his criticism instead on the emotionally charged claim that those questioning JDAI policies sought to return to the days which saw "young people routinely stuffed in inhumane conditions that did more harm than good."

On a national level, articles and comments regarding the Oregon report began to appear in the Juvenile Justice Information Exchange, culminating in a lengthy op-ed by Richard Mendel, who for years has been the chief paid publicist for JDAI, and who has written most of Casey's self-published JDAI reports. Mendel also rested his position on what seems to be a standard defense line — that those who raise questions about the efficacy of JDAI reforms seek a return to what is characterized as a harsh era of inhumanity against children.

For those who might not know, the Juvenile Justice Information Exchange (JJIE) is a media clearinghouse dedicated to "sustainable journalism" and is the country's largest media center focusing on the exchange of information on juvenile justice policy. The organization claims the mantle of journalistic impartiality. Not surprisingly, however, it is funded in large part by the Casey Foundation, a fact that was never disclosed in JJIE articles attacking the Oregon report.

Faced with Mendel's intense criticism of their report, Foote and French sought to submit a response to JJIE. JJIE editor Ryan Schill initially agreed. "JJIE would definitely be interested in publishing your response. Thank you for taking the time. As you do, we believe that it is critical to have a rigorous conversation around the issues, and we welcome your input."

As directed, Foote and French forwarded their response.

Apparently, however, Schill had stepped out of line, and any inclination at JJIE "to have a rigorous conversation around the issues" quickly evaporated. Within a day, John Fleming, JJIE editor-in-chief, stepped in and squelched any idea of publishing Foote and French's response. Fleming promptly retracted his organization's offer to print the response, explaining that he had consulted another party who was "familiar with statistics and policy" and had concluded that the initial report was "lacking" and therefore would not merit a response by its authors. Requests to disclose the identity of the other party and the specifics of why the report was "lacking" have met with silence from Fleming.

In short, funded by the Casey Foundation and without disclosing that conflict of interest, the Juvenile Justice Information Exchange was more than willing to serve as a media platform for those criticizing the Oregon report, including a lengthy attack from the Casey Foundation's chief publicist, but not for those who might support it, including the authors.

Again, none of this is surprising. This type of conduct, the use of political influence and money to affect policy and control media messages, is textbook special interest practice. What should be disturbing is that too many of us are closing our eyes to it, and conceding to the Casey Foundation a level of legitimacy and impartiality which is clearly undeserved.

For more information read "An Analysis of the Performance of Oregon's Juvenile Justice System and Specific Recommendations for Improvements" by Charles French, deputy district attorney retired, and John S. Foote Clackamas, county district attorney, (<http://www.clackamas.us/da/documents/JuvenileJusticeinOregon20140929.pdf>) and their response to an opinion piece in the JJIE (http://www.clackamas.us/da/documents/OpEd-Draft_5_9-24-14.pdf).

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