

MEMORANDUM

TO: Kerrie Bischoff

FROM: Linda Graf

DATE: January 06, 2009

RE: Email follow-up

This is in response to your email of Dec. 31, 2008 and the directive to report to you "allegations of any directed unethical behavior and/or directives to lie in court."

First, let me clarify that the intent of my original email was to raise awareness of the feelings/perceptions of staff and the conversations that are going on in the office. I have not filed a grievance, nor have I conducted a formal investigation. I do not believe that it is my role or responsibility to conduct a formal investigation at this time. Therefore, I will not be providing you with specific dates, quotes, staff, etc. Should you believe that a formal investigation is necessary, it would be your prerogative to conduct one.

I do not believe that any staff have been specifically told, "You are being directed to tell a lie" or "You are being directed to act unethically". Rather, staff are being directed to make recommendations to the court, to make intake decisions, to make release decisions, and to make sanction decisions that are contrary to their professional opinion, which is based on their training and experience. Staff have been told to withhold information in order to obtain a specific outcome in court.

Being asked, or told, to make recommendations to the court that are contrary to one's professional opinion, or to withhold information in order to obtain a child's release from custody, result in staff belief that they are being told to act dishonestly and/or unethically.

As you are aware, Chapter 938 cites as its first and second intent:

- a) To protect citizens from juvenile crime,
- b) To hold each juvenile offender directly accountable for his or her acts...

The probation officers make decisions in an attempt to uphold these intents. However, our decisions have been overridden based on cost, need to keep detention numbers down, how the diversion program numbers look and the infamous "detention doesn't work" (which I have yet to see any reliable data proving). Rather than upholding the intents of Chapter 938, we are now being told to make decisions that make the diversion program look good, not which best serve our clients and/or the community.

I believe every one of us in this office has had our sanction recommendations changed and been told that it was because of the reasons listed above. Each of us has argued with Jeremy about sanctions and/or holding youth in custody, and has ultimately been forced to comply with his

directive, not with our own recommendations. I'm sure if you sat down with any or all of the workers, each worker could recite a list of times that this has occurred. Because this has occurred to all of us, I will not single out any one staff person. Nor do I have the time or interest in compiling a comprehensive list, as it would be quite time consuming to do so. This is not an occasional difference of professional opinion, but rather an ongoing situation resulting in staff experiencing a lack of direction.

I don't know what better example of this problem there can be but the situation where Jeremy was called to testify by the Public Defender, in an attempt to obtain an outcome contrary to the worker's recommendation. This is not a situation that any of us would like to see repeated.

An additional related cause for concern about dishonest and unethical behavior is the message not to sanction kids in the diversion program because it will make the numbers look bad. This will not allow for a legitimate evaluation of the effectiveness of the programming. If the numbers are manipulated by the inability of workers to hold their client's accountable, an unbiased and accurate evaluation will not be possible.

These are not new concerns. I, and other workers, have been raising these issues for several months. The failure to address these issues has resulted in increased feelings of resentment, confusion and lack of efficacy.