

## **INTAKE AND RELEASE of JUVENILES**

### **POLICY.**

It is the policy of the Deschutes County Adult Jail (DCAJ) to accept custody of juvenile offenders in compliance with statutes, court orders, court waivers (remands).

### **PURPOSE.**

The purpose of this policy is to set forth the limited circumstances under which a juvenile may be admitted to the facility. Persons under 18 years of age shall not be admitted to the jail unless the person is charged as defined by *ORS 137.705(1) (a) (A)*, with a crime under *ORS 137.707* and is 16 or 17 years of age.

### **OREGON JAIL STANDARDS:**

- B-106 Receiving Juveniles
- B-309 Photographs and Fingerprints

### **REFERENCES:**

- ORS 137.124 (6) (b), Commitment of defendant to Department of Corrections or county – place of confinement, transfer of inmates, juveniles.
- ORS 137.705 (1) (a) (A), Definition of “Charged”
- ORS 137.705 (3) (a) (b), 16 or 17 Year Olds charged under ORS 137.707 – Place of Detainment
- ORS 137.707 (4), Presumptive Sentences for Juveniles
- ORS 169.005 (6), Definition of Month
- ORS 169.800, Detention of Juveniles Before Conviction and Execution of Sentence
- ORS 419B. 552, Application for emancipation judgment
- ORS 419c.130, Youth or youth offender may not be detained where adults are detained; exceptions
- ORS 420.011(3), Admissions to youth corrections facilities, Assignment of Juvenile Offenders Within Custody of Department of Corrections
- ORS 420.915, Procedure upon apprehension of escapee, absentee or parole violator

### **DEFINITIONS.**

**Deschutes County Juvenile Detention Facility (DCJDF).** A Deschutes County juvenile detention facility where Deschutes County houses juveniles.

**Juvenile.** A person under the age of 18.

**Oregon Law.** ORS 419C.130 states that no youth or youth offender (i.e., juvenile under 18 years of age) shall be detained (i.e., held in secure confinement) in a police station, jail, prison or other place where adults are detained, except as follows:

- A youth or youth offender may be detained in a police station for up to five hours when necessary to obtain the youth's name, age, residence and other identifying information.
- A youth waived to adult court provided the youth is not less than 16 years of age. Youths less than 16 years of age must be detained in a facility used by counties for the detention of youth only.

**ORS 137.705(3) (a):** Statute allows the Sheriff and the county juvenile director to agree to hold a youth charged with a Measure 11 crime someplace other than the county jail. The Sheriff and Juvenile Director can make exceptions to this general policy.

**ORS 420.915:** Statute allows a youth offender who is 18 years of age or older, arrested on a (Oregon Youth Authority) warrant and considered an escapee/absentee or parole violator to be lodged in an adult detention facility for up to 36 hours (escapee/absentee) or 72 hours (parole violator).

**Measure 11.** A 1994 voter-approved ballot initiative for mandatory minimum sentences for certain violent offenses. It also allows for trying 15-, 16-, and 17 year-olds as adults if they are charged with one of those offenses. An offender convicted of a Measure 11 offense serves a mandatory minimum sentence with prohibitions on sentence reduction, early release on post-prison supervision, or any form of temporary leave from custody.

**Remand Order.** A court order requiring a juvenile to be tried as an adult.

**Waiver.** An individual juvenile court decision, following a hearing in that court, to send a named juvenile to another court or agency for further action or custody. It may also be a blanket waiver for all future cases (under ORS 419C.364) involving a named juvenile or a juvenile under 16 years of age.

## **PROCEDURES.**

### ***SECTION A: HANDLING JUVENILES AS ADULTS***

**A-1. Probable Cause Arrests of Juveniles.** When the arresting agency makes an arrest and charges a 15 to 17 year old with a Measure 11 offense, the arresting officer must take the juvenile to DCJDF for processing. The jail will not accept the juvenile until the conditions under A-2 exist.

- A-2. Accepting a Juvenile for Booking as an Adult.** Corrections staff will accept and book a juvenile offender as an adult under the following conditions:
- a. The district attorney (DA) charges or a grand jury indicts a 16 or 17-year-old juvenile for committing a Measure 11 offense, (see ORS 137.705(3) (a) **and** the juvenile has been arraigned by a Circuit Court Judge for the Measure 11 offense, **and** it has been agreed upon by the Sheriff and Juvenile Director that it is in the best interest for that juvenile to be held in the county jail instead of in the DCJDF. If there is no agreement between the Sheriff and the Juvenile Director, a 16 or 17 year old charged with a Measure 11 offense must be lodged in a juvenile facility.
  - b. The juvenile is arrested on a Deschutes County Circuit Court adult criminal contempt warrant for failure to appear or failure to comply with a previous court order.
- A-3. Emancipated Minors.** Corrections staff will book, hold, and lodge emancipated minors as adults unless the Sheriff and Juvenile Director decide the DCJDF is appropriate for the emancipated minor. Under ORS 419B.552, emancipated minors are adults for the purposes of the criminal laws of the State. Prior to lodging the emancipated minor as an adult, a supervisor will:
- a. Review the written court authorized Judgment of Emancipation.
  - b. Verify the Sheriff and Juvenile Director has decided that DCJDF is not the appropriate housing location for the emancipated minor.
- A-4. Use of the Intoxilyzer.** Arresting officer may not allow a juvenile in the jail intake area to use the Intoxilyzer. Corrections staff should direct arresting officers to use the Intoxilyzer at Bend Police Department or Redmond Police Department, since Oregon law requires juveniles and adults to be sight and sound separated.

## ***SECTION B: INTAKE PROCEDURES***

- B-1. Juvenile-as-Adult Booking Records.** Once a juvenile has been charged with a Measure 11 offense and has met the conditions under A-2, corrections staff will follow the standard procedure for booking an adult, including the following:
- a. Following the standard intake procedures (see [Policy CD-5-1, Intake and Booking](#), and [CD-5-2, Intake Screening](#)).
  - b. Fingerprint the person using the appropriate fingerprint systems and distribute the fingerprints to the normal recipients for the offense.
  - c. Use the video imaging system for a photo of the inmate. Make the photo available as allowed per DCAJ [Policy CD-3-2, Public Information Requests](#).
  - d. File the booking records the same as other adult offenders.
  - e. Follow policy regarding release of records.
- B-2. Releasing Juveniles on Adult Charges.** All adult release conditions apply to waived and Measure 11 juveniles. Release agreements must be properly signed. Corrections

staff must release a juvenile into the care of a parent, guardian, or other responsible person rather than on a personal recognizance release. Corrections staff will not release any Measure 11 youth offender unless a court orders them to do so or security is posted.

- B-3. Lodging 15-Year-Old and Younger Waived and Measure 11 Juveniles.** By law (ORS 137.124), the jail cannot detain a juvenile 15 years old or younger. A corrections supervisor will arrange for the arresting officer to transport such juvenile to DCJDF for lodging.

***SECTION C: HOUSING***

- C-1. Lodging.** Unless the Sheriff and Juvenile Director specifically approve a Measure 11-16 or 17 year old to be held at the jail, they will be lodged at DCJDF.
- a. For lodging purposes, staff will classify the juvenile using the same guidance they use for adult inmates.
  - b. Programs staff will evaluate the offender for program and educational needs. They will arrange for any classroom instruction the juvenile needs to obtain a high school diploma. Corrections Command staff must also address juvenile nutritional needs.
  - c. See A-3 above for instructions on Emancipated Minors.

***SECTION D: COURT APPEARANCES AND RECORD EXPUNCTION***

- D-1. Transport for Court Appearances.** The Juvenile Department will arrange transport of juveniles at DCJDF to court. Under special circumstances, the DCAJ Transport Division may assist and/or coordinate juvenile transport from DCJDF to court.
- D-2. Expunction of Juvenile-as-Adult Records.** Corrections staff must follow court orders to expunge the adult records of any juvenile booked as an adult whose case is later sent to juvenile court.

***SECTION E: INMATES IDENTIFIED AS JUVENILES AFTER BOOKING***

- E-1. Juvenile Booked as Adult.** If an inmate thought to be 18 years of age or older is booked as an adult, but later discovered to be a juvenile, the shift supervisor will:
- a. Immediately segregate the juvenile.
  - b. Immediately arrange for the release or transfer of the juvenile to proper authority.
  - c. Notify the arresting officer, district attorney's office and the on duty lieutenant.
  - d. The supervisor will write and submit an Incident Report by the end of the shift.

***SECTION F: BOOKING AND DETAINING ADULTS ON JUVENILE CHARGES:***

**F-1. Juvenile Court Cases.** Corrections staff will handle any person 18 years of age or older who turns himself or herself in or is taken into custody solely on juvenile court sentencing orders, the same way as if he or she was under 18 years of age.

Corrections staff may detain the person as an adult if they have a court order or warrant with a Juvenile court case that have numbers such as “00JV0067” and the order/warrant clearly states “Adult Contempt.”

1. Booking staff will immediately notify the juvenile detention facility or paroling authority that the person is in custody.

**F-2. Escapee, Absentee or Parole Violator.** Youth offenders who reach the age of 18 are eligible, under certain circumstances, to be lodged in an adult detention facility. When a youth is classified as an escapee/absentee or parole violator, the Oregon Youth Authority (OYA) will issue a warrant or an order for the arrest and detention of the offender. The following criteria/procedures apply:

1. The youth offender is 18 years of age or older
2. The offender is turning themselves in or has been arrested on a valid OYA warrant, Youth Offender Detainer or Order for Arrest and Detention of Parole Violator.
3. The warrant/order clearly identifies the youth as an escapee/absentee or parole violator.
4. Lodge the offender as an adult. There are no special housing requirements.
5. If there are additional charges, set the offender up for arraignment as normal and enter the OYA warrant/order as a Hold in the JMS.
6. If the offender is an escapee or absentee, the OYA hold is valid for 36 hours once all other charges are resolved.
7. If the offender is a parole violator, the OYA hold is valid for no more than 72 hours, excluding Saturdays, Sundays and judicial holidays.
8. When all other charges are resolved, notify OYA (or warrant authority) by teletype that the offender is now being held exclusively for OYA.
9. It is the responsibility of OYA to arrange transport within 36 or 72 hours (see 6 and 7 above).
10. If time limits are about to expire and transport has not occurred, notify OYA or the warrant authority via phone & teletype that we will be forced to release the offender.