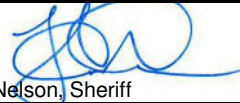




# DESCHUTES COUNTY SHERIFF'S OFFICE

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Policy Title: <b>Juvenile Enforcement and Custody</b>	Effective Date: August 15, 2017	Policy Number: <b>5.30</b>
Accreditation Reference: 1.2.4, 2.2.3	Review Date: August 15, 2026	Supersedes: March 5, 2014
Attachments:	Pages: 6	
 L. Shane Nelson, Sheriff		

## I. PURPOSE

The purpose of this policy is to provide guidelines for deputies when dealing with juveniles in enforcement and custody situations.

## II. POLICY

It is the policy of the Deschutes County Sheriff's Office that it be committed to the development and implementation of programs designed to prevent and control juvenile delinquency. It is the responsibility of all members of this agency to familiarize themselves with juvenile problems and established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy.

Deputies should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, deputies shall, whenever reasonable and justified under this policy, take those measures necessary to affect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

## III. DEFINITIONS

*Status Offender* is a juvenile who is charged with an offense that would not be a crime if committed by an adult, such as minor in possession of tobacco or alcohol.

*Responsible Adult* is a person who in the absence of a juvenile's parents or legal guardian is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume supervision.

*Non-secure Custody* is a condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile is:

1. in a room that is not designed or intended for secure custody use, such as a report-writing room or an office;
2. at no time handcuffed to any stationary object;
3. held only long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to a juvenile facility or court; and
4. under continuous visual supervision until released.

*Secure Custody* is a condition in which a juvenile is physically detained or confined in a locked room, a set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a cuffing rail or other stationary object.

## **IV. PROCEDURES**

### **A. Juveniles as Victims or Witnesses**

Refer to [Policy 7.10 Interviews, Interrogations and Confessions](#), V, Section A.

### **B. Enforcement Alternatives**

Deputies dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Deputies should use the least coercive alternative that is reasonable when dealing with juveniles. Depending on the circumstances of the contact, alternatives that may be considered include:

1. Release without further action;
2. Informal counseling to inform the youth of the consequences of his actions;
3. Informal referrals to community services;
4. Referral to parents or responsible adult;
5. Informal counseling of parents or responsible adult;
6. Limited custody and a verbal warning;
7. Issuance of a summons or complaint;
8. Arrest under non-secure custody; and
9. Arrest under secure custody.

### **C. Photographing and Fingerprinting**

A child or youth may be photographed or fingerprinted in accordance with ORS 419A.250:

1. Pursuant to a search warrant;
2. According to laws concerning adults if the youth has been transferred to criminal court for prosecution;
3. Upon consent of both the child or youth and the child's or youth's parent after advice that they are not required to give such consent;
4. Upon request or consent of the child's parent alone if the child is less than 10 years of age, and if an employee delivers the original photographs or fingerprints to the parent and does not make or retain any copies;
5. By order of the juvenile court (unless Measure 11 crime, these records are to be held by juvenile division and not adult jail); or
6. When taken into custody under ORS 419C.080.
7. Juvenile fingerprints and photographs are to be kept pursuant to ORS 419A.250(3) and (5)(a).
8. Juvenile fingerprints and photographs may be inspected in accordance with ORS 419A.250(4).

### **D. Enforcement Criteria**

The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

1. Release without further action or following an informal counseling referral to community resources or parents may be appropriate in incidents where property damage or personal injury is not involved but

intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with law enforcement. Examples include, but are not limited to:

- a. curfew violations;
  - b. minor law violations; or
  - c. disorderly conduct.
2. Deputies may elect to transport the youth home or direct him to return home; make personal, telephone or mail contact with the youth's parents or guardians to provide them with information and counseling on their child's actions; refer the youth to appropriate community service agencies with or without follow-up; or detain the youth at the Sheriff's Office until he is released to a parent or guardian when:
- a. the nature of the incident is of a more serious or potentially serious nature than exemplified in item D-1 above;
  - b. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
  - c. the youth fails to cooperate or to positively respond to law enforcement intervention and direction;
  - d. the youth has received prior informal warnings or referrals or has engaged in delinquent acts; and/or
  - e. the youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
3. Deputies should file formal charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples below. Deputies should send criminal reports to the juvenile department for consideration of formal charges when a juvenile commits:
- a. acts that if committed by an adult would be a crime (this is at deputy's discretion);
- The following should be referred to the juvenile department for review:**
- b. delinquent acts involving deadly weapons;
  - c. gang-related offenses;
  - d. delinquent acts involving assault;
  - e. delinquent acts while on probation or parole or when they have charges pending against them;
  - f. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or
  - g. when it has been determined that parental or other adult supervision is ineffective.
4. A deputy may also take a juvenile into protective custody if the youth is lost, seriously endangered or is a runaway. These juveniles shall be held in non-secure custody and deputies shall contact the child's parents or guardian as soon as possible. Where parents or guardians cannot be contacted or refuse to accept custody, the deputy shall contact a member of the Oregon Department of Human Services, or Child Welfare Program for placement.
5. In cases of alleged child abuse, deputies shall contact a member of the Oregon Department of Human Services, Community Human Services Child Welfare Program who will, along with the Sheriff's Office, jointly conduct an investigation of the complaint. If probable cause justifies immediate action to protect the safety and well-being of the child, the deputy will immediately conduct an investigation.
6. When contacting a juvenile the deputy should request the juvenile's name, age, date of birth and address, and if necessary, provide the 911 Dispatch with the location of the violation or crime, number of persons involved and their descriptions. The deputy should also determine from 911 Dispatch whether the individual has outstanding warrants.

## **E. Status Offenses**

1. Based on the seriousness of and circumstances surrounding the status offense, the background and demeanor of the juvenile and other relevant factors, a deputy may release a juvenile to his parents, guardian or other responsible adult.
2. Juveniles taken into protective custody for status offenses should always be patted down for weapons and shall be handcuffed prior to being transported.
3. Deputies shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether medical treatment is warranted.
4. Juveniles taken into protective custody for status offenses shall be held in non-secure custody as provided by state law and for the minimum time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
5. Transportation of a juvenile in a caged vehicle is not considered secure custody.
6. Status offenders and other juveniles taken into temporary non-secure protective custody for non-criminal-type offenses should not be fingerprinted or photographed for purposes of record.
7. Status offenders in temporary custody shall **not** be placed in a holding area within sight or sound of adult suspects and shall also be:
  - a. under constant visual supervision;
  - b. afforded reasonable access to toilets and washing facilities;
  - c. provided food if in need of nourishment, including any special diets necessary for health or medical purposes;
  - d. provided with reasonable access to water or other beverages; and
  - e. allowed reasonable access to a telephone.
8. When a juvenile is taken into temporary custody, he shall be transported to the appropriate holding area where his parents or guardian will be contacted as soon as possible for pickup. Such detention shall conform to this agency's policy on legal detention of juveniles in terms of length, location of detention and nature of security used.
9. If the juvenile's parents or guardian cannot be contacted within the prescribed period of time allowed for such detention, the youth shall be transported to this jurisdiction's juvenile detention facility. The deputy's report on the incident shall indicate the juvenile authority's final disposition of the case.

## **F. Criminal-Type Offenses**

1. Juveniles taken into temporary custody for criminal offenses are subject to the same security requirements as adults and shall be handcuffed or otherwise restrained as necessary during transport and processing.
2. When a juvenile is taken into custody for a criminal offense, the parent or guardian of the juvenile shall be notified as soon as possible.
3. Juveniles accused of criminal offenses may be securely detained only for the period of time and in the manner prescribed by state law to allow for identification, investigation, processing and release to parents or a responsible adult, or transfer to the juvenile facility or court. At no time will a juvenile be detained for a period longer than five (5) hours. (ORS 419B.160)
4. Persons over 18 years of age who are only subject to juvenile court jurisdiction are not held in the jail.

It is the policy of the Deschutes County Adult Jail not to incarcerate persons under the age of 18 years of age who:

  - a. have been charged with crimes under ORS 137.707;

- b. have been waived to adult court and sentenced to a term of imprisonment; or
- c. are under the physical custody of the Oregon Youth Authority and are being held pending a "Second Look" hearing mandated under ORS 420A.203.

The jail will, however, hold persons over 18 years of age on contempt charges stemming from juvenile court when the charging paperwork has an adult case number, i.e., it has to be an adult contempt order.

The jail may also hold Measure 11 juvenile offenders on a case-by-case basis.

- 5. Fingerprints and photographs shall be taken of all juveniles taken into custody for criminal offenses discussed under ORS 419C.080 (when the youth is found within the jurisdiction of the juvenile court for the commission of an act that would constitute a crime if committed by an adult). The fingerprint card and mug shot shall be marked "Juvenile," shall be maintained in this agency's central repository for such purposes and shall be subject to controlled dissemination as provided under ORS 419A.250.
- 6. Juveniles placed in secure detention, whether in cells, locked rooms or other locations, shall be sight and sound separated from any incarcerated adults (unless in custody for Measure 11 crime) and shall:
  - a. be informed of the approximate period of time that the incarceration will last;
  - b. be provided with constant auditory access to deputies responsible for their supervision; and
  - c. be personally observed by supervisory personnel on both a routine and unscheduled basis no less than every 15 minutes.
- 7. In the absence of a parent or guardian, a juvenile may be questioned and may provide statements. The deputy should take care in determining that the juvenile fully understands his constitutional rights.
- 8. Interviews should not extend over periods of time that could be considered unreasonable or harassing and should be conducted by no more than two deputies.
- 9. The juvenile should be informed of the custody, release, and transport to another facility or to a custody hearing.

#### **G. Record Keeping**

- 1. Deputies who select non-custodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate field interview and/or case reports as required by this agency. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the deputy's disposition.
- 2. Juveniles taken into temporary custody for criminal offenses shall be subject to the same reporting requirements as adults and ORS 419C.106. The person taking youth into custody must promptly file a report with the court or a counselor setting out:
  - a. the youth's name, age and address;
  - b. the name and address of the person having legal or physical custody of the youth;
  - c. efforts to notify persons having legal or physical custody and results of those efforts;
  - d. the reasons and circumstances under which the youth was taken into custody;
  - e. placement of youth; and
  - f. why the youth was not released or why type of placement was chosen.Such reports shall be subject to ORS 419A.255 regarding dissemination and access.
- 3. A Juvenile Secure Custody Log will be maintained with each juvenile arrest report that specifies:
  - a. the time the juvenile entered secure detention and the duration of each period of secure detention;

- b. if the juvenile is placed in a locked room or cell, the name of the deputy or custodial deputy responsible for visual supervision and the schedule of the visual supervision;
- c. a statement for the need for secure detention; and
- d. the time in which interviews were commenced and completed, the deputies present and the names, if any, of parents or responsible adults who were present.