

An outline map of the state of Oregon, centered on the page. The map is a simple black line drawing of the state's irregular shape. Inside the map, the title text is centered.

# **Oregon Juvenile Detention Facility Guidelines**

**3<sup>rd</sup> Edition**

**Version 7.3  
October 2001**

# **OREGON JUVENILE DETENTION FACILITY GUIDELINES**

**3<sup>rd</sup> Edition, Version 7.3**

**October 2001**

**Developed by:**

**Oregon Commission on Children and Families**

**Oregon Department of Corrections**

**Oregon Criminal Justice Commission**

**With assistance from:**

**Oregon Juvenile Department Directors' Association**

**Juvenile Detention Facility Managers**

**Oregon Youth Authority**

**Association of Oregon Counties**

**Juvenile Justice Advisory Committee**

**Juvenile Crime Prevention Advisory Committee**

# Foreword

## Purpose

These guidelines are recommendations for the general operation of juvenile detention facilities in the State of Oregon. They are not binding unless they are identified as statutory or established by administrative rule or other regulation. Local circumstances may justify different practices than the non-binding guidelines.

The guidelines are required by Oregon Revised Statute (ORS) 169.090 (2) which states that the Juvenile Crime Prevention Advisory Committee (as of August 3, 2001) and the Oregon Department of Corrections are to develop and when appropriate, revise, the guidelines. Prior to August 2001, the Oregon Commission on Children and Families shared statutory responsibility for the guidelines with the Department of Corrections.

## Format of Revised Guidelines

The American Correctional Association (ACA) format is used for this document. Guidelines taken directly from the ACA standards appear in **bold type**. When an ACA standard was modified to reflect State policy or practice, the non-ACA language appears in regular type.

These guidelines incorporate Oregon Revised Statutes and other federal and state regulations and requirements. However, Version 7.3 does not include changes made by the 2001 Oregon Legislature, such as House Bill 3619 (Juvenile Detention Education Program). The 2001 statutes will be added to the next edition.

To accommodate changes in statute and administrative rules, statutory provisions are either paraphrased or referenced. Questions about specific language should be answered by referring to the most recent statute, administrative rule or regulation.

When applicable, each guideline is preceded by a number and reference from the American Correctional Association's *Standards for Juvenile Detention Facilities*, followed by the applicable ORS and other reference(s). The letter "Y" before a reference designates a section number from the *Standards for Health Services in Juvenile Detention and Confinement Facilities*, published by the National Commission on Correctional Health Care, 1992.

The guidelines document should be used with comprehensive written policies that ORS 169.760 requires for each juvenile detention facility. The developers hope this format will provide a uniform framework or organization for the local policies.

## Comments and Questions

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## **Background**

The guidelines were adopted first in 1982. They were revised in 1984 (2<sup>nd</sup> Edition). In 1995, the Oregon Juvenile Department Directors' Association (OJDDA) began work with the Oregon Commission on Children and Families and the Oregon Department of Corrections to update the guidelines to be consistent with current state statutes and federal policy, as well as best practices.

The revision process between 1995 and 1999 involved many participants and reviewers including, but not limited to, county juvenile departments, the Association of Oregon Counties, the Juvenile Rights Project, Inc., the Youth Law Center in San Francisco, and the Oregon Youth Authority.

In 1999, the OJDDA forwarded the 3<sup>rd</sup> Edition, Version 7.1 to the Oregon Commission on Children and Families for adoption. At the time, a state agency realignment process was underway that included a new role for the Oregon Criminal Justice Commission related to funding and oversight of juvenile justice programs. The Oregon Commission on Children and Families decided to ask the Juvenile Crime Prevention Advisory Committee (JCPAC) to review Version 7.1.

A Version 7.2 was also produced by the OJDDA – it updated references and corrected typing errors but made no substantive changes to Version 7.1.

The JCPAC and an associated group, the Juvenile Justice Advisory Committee (JJAC), recognized the extensive work that went into development of the 3<sup>rd</sup> Edition. In 2000, the JJAC recommended additions to incorporate JJAC and JCPAC responsibilities and values, particularly culturally competent and gender-specific services.

The JJAC asked members of the group convened by the OJDDA several years earlier to review the proposed additions. Feedback indicated need for more discussion. A large group of interested persons met in February and March 2001 to discuss the JJAC recommendations and reach consensus on language for this version of the guidelines. The JCPAC/Senate Bill 555 Cultural Competency and Gender-Specific subcommittee then met several times to develop definitions of new terms for the revised guidelines document (3<sup>rd</sup> Edition, Version 7.3).

The Juvenile Justice Advisory Committee approved the revised guidelines on August 16, 2001. The Juvenile Crime Prevention Advisory Committee adopted the revisions on August 24, 2001. The Legislative Committee of the Association of Oregon Counties (AOC) formally approved the proposed Juvenile Detention Facility Guidelines on October 22, 2001.

## **Effective Date**

October 22, 2001.

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# Oregon Juvenile Detention Facility Guidelines

*For the purpose of these guidelines, a youth detention facility is a facility for the secure custody of delinquent youth accused of acts which if committed by adults would constitute crimes, or for youth held pursuant to judicial order or commitment, and which are established under the provisions of Oregon law. (ORS 419A.004, ORS 419A.010, ORS 419A.050 to ORS 419A.063 and ORS 420.855)*

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## PART ONE

### Administration and Management

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#### Section A General Administration

##### Purpose and Mission

3-JDF-1A-01  
ORS 419A.004  
ORS 419A.050-063

Pursuant to Oregon law, a governing body may, or two or more governing bodies may by joint agreement, acquire, equip and maintain a detention facility. The governing body or bodies shall designate an administrator and supervisor of the staff of a detention facility, if such designation is not delineated by statute. The juvenile court of each county shall designate the place or places where youth are to be placed in detention when taken into custody.

3-JDF-1A-02

A detention facility shall have written policy, procedure and practice that:

- Ensure the program meets applicable licensing requirements of the jurisdiction in which it is located.
- Provide for guidelines for the collection and retention of information pertaining to detained youth.
- Prohibits confinement of any youth offender in the detention facility unless it is clearly shown that secure placement is necessary.

3-JDF-1A-06

3-JDF-1A-09

3-JDF-1A-03

There shall be a written document:

- Delineating the facility's mission within the context of the justice system, which shall be reviewed and updated periodically, and
- Describing the philosophy, goals, and purposes of the facility, which shall be reviewed and updated periodically.

3-JDF-1A-04

- 3-JDF-1A-05 Programs conducted within the facility shall be periodically analyzed and evaluated to determine their contributions to the mission of the facility.
- 3-JDF-1A-07 In the event that the agency administering a detention facility provides services to adults and youth, there shall be written policy, procedure and practice that distinguish between the criminal code and the statutes that establish and give direction to programs for youths.
- 3-JDF-1A-08 Abused, dependent or neglected children or youth charged with offenses that would not be crimes if committed by adults shall not be held in a detention facility, unless permitted by state law.

## Juvenile Justice & Delinquency Prevention (JJDP) Act

Principle: Detention facilities shall be administered in compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act, Title II, Part B, as amended, and implementing regulations adopted by the U.S. Department of Justice.

- Section 223(a) 12 (A)  
JJDP Act Deinstitutionalization of status offenders and nonoffenders.
- Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or other offenses specified in the Act, or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities.
- Section 223(a) 13  
JJDP Act Separation of juveniles from incarcerated adults.
- Juveniles found to be delinquent and youths within the purview of Section 223(a) 12 shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults.
- Section 223(a) 14  
JJDP Act Removal of juveniles from adult jails and lockups.
- No juvenile shall be detained or confined in any jail or lockup for adults, except as allowed by regulations adopted by the U.S. Department of Justice.
- 31.303 (e) (3)  
Consolidated Regulation  
for JJDP Formula Grants Collocated Facilities.
- Juvenile facilities located in the same building as an adult jail or lockup or as part of a related complex of buildings located on the same grounds as an adult jail or lockup shall comply with federal criteria for collocated facilities.

## Policy and Goal Formulation

- There shall be written policy, procedure and practice that:
- **Provides that the facility administrator formulates and reviews goals for the facility periodically and translates them into measurable objectives.**
  - **Provides that the facility and its programs are managed by a single administrative officer to whom all employees or units of management are responsible.**
- 3-JDF-1A-10
- 3-JDF-1A-11

- 3-JDF-1A-13 • Demonstrates that employees participate in the formulation of policies, procedures and programs, and
- 3-JDF-1A-14 • Provides that the facility administrator cooperates with the interstate compact administrator in the placement and/or return of youths charged with youth offenses to the requesting state, pursuant to the provisions of the Interstate Compact on Juveniles.

ORS 417.030

*Comment:* A facility can establish an advisory committee that serves as a link between the detention program and the community. This can be an existing group, but there must be demonstrated efforts to include the diverse population of the community.

## Qualifications

3-JDF-1A-15 **The qualifications, authority and responsibilities of the facility administrator and other appointed personnel who are covered by merit systems, civil services regulations or union contracts shall be specified in writing by statute or by the governing authority.**

3-JDF-1A-16 **The qualifications of the Facility Administrator shall include a minimum of the following subject to the appointing authority: a bachelor's degree in an appropriate discipline; two years of related administrative experience; and, demonstrated administrative ability and leadership. The degree program can be satisfied by completion of a career development program that includes work-related experience, training, or college credits at a level of achievement equivalent to a bachelor's degree.**

3-JDF-1A-17 **There shall be written policy, procedure and practice that provides that the term of office of the facility administrator and appointed personnel not covered by merit system, civil service regulations or a union contract shall be continuous, and can be terminated by the governing authority only for good cause and, if requested, following a formal hearing on specific charges.**

The facility administrator will ensure demonstrated efforts to meet the diverse needs of staff and youth through, for example, including cultural and gender-specific competency in annual goals.

## Table of Organization

3-JDF-1A-18 **There shall be a written description and organizational chart that reflects the current structure of authority, responsibility and accountability within the facility. The document shall be reviewed and updated as needed.**

## Role of Outside Agencies

**3-JDF-1A-19**                    **The role and functions of employees of public or private agencies providing a service to the facility shall be covered by written policy and procedure and contracts that specify their relationship to the authority and responsibility of the facility administrator.**

Agencies will ensure demonstrated efforts to provide services, policies, procedures and contracts that are culturally competent, gender-specific, and language appropriate.

**3-JDF-1A-20**                    There shall be written policy, procedure and practice that provides for regular communications between the staff of probation agencies, shelter facilities, the court, local law enforcement and the facility staff to develop and maintain sound interagency policies and procedures.

## Policy and Procedure Manual

**3-JDF-1A-21**                    **The policy and procedures for operating and maintaining the facility shall be specified in a manual that is accessible to all employees and the public, except for those sections which need to remain confidential to protect the safety of the facility. The manual shall be periodically reviewed and updated as needed.**

**3-JDF-1A-22**                    **Written policy, procedure and practice shall provide that new or revised polices and procedures shall be disseminated to staff and volunteers, and when appropriate, to youth, prior to implementation.**

## Channels of Communication

Written policy, procedure and practice shall provide:

- 3-JDF-1A-23**                    • **That regular meetings shall occur between the facility administrator, supervisors and employees.**
- 3-JDF-1A-24**                    • **For a system of two-way communication between all levels of staff and youth.**
- 3-JDF-1A-26**                    • **A mechanism for communication with executive, legislative and judicial bodies at all governmental levels.**
- 3-JDF-1A-27**                    The facility administrator shall communicate at least annually with the governing body.

## Monitoring and Assessment

Written policy, procedure and practice shall:

- 3-JDF-1A-28**                    • **Provide a system to monitor space requirements, operations, and programs through inspections and reviews. Monitoring shall include measuring progress toward achieving previously identified goals and objectives and shall be conducted by the facility administrator or**

designated staff at least annually, and

3-JDF-1A-29

- **Demonstrate that the facility administrator shall submit periodic reports of the facility’s activities to the governing authority. The reports shall include major developments in each unit, major incidents, population data, assessment of staff and youth morale, major problems and plans for solving them.**

*Comment:* Monitoring and review shall include but not be limited to: inspection of emergency lighting and plumbing standards and other physical plant standards; maintenance, security, recreation, suicide procedures; health and safety procedures; and linkages between goals and objectives and actual programs.

## Public Information

3-JDF-1A-30

There shall be written policy, procedure and practice that provides **for a public information process that encourages interaction with the public and the media.**

## Media Access

3-JDF-1A-31

There shall be written policy, procedure and practice **that establishes the facility’s commitment to informing the public and the media of events within the facility’s area of responsibility. The procedures shall address emergency and non-emergency responses to the media and, at a minimum, shall include the following:**

- The contact person for routine requests for information,
- Identification of data and information held confidential by state and federal laws, or federal and state freedom of information laws,
- Special events coverage,
- News release policy, and
- Designation of individuals or positions within the facility authorized to speak with the media on behalf of the facility.

## Service Access

3-JDF-1A-34

**Service personnel other than facility employees shall perform work in the facility only under direct and continuous supervision of facility staff in areas permitting contact with youth.**

## Legal Counsel

3-JDF-1A-32

**Written policy, procedure and practice shall specify the circumstances and methods for the facility administrator and other staff to obtain legal assistance as needed in performance of their duties.**

## Political Practices

3-JDF-1A-33

**There shall be a written policy regarding campaigning, lobbying and political practices that conforms to statutes and regulations, and shall be made available and known to all employees.**

## Section B Fiscal Management

Principle: A written body of policy and procedure establishes the facility's fiscal planning, budgeting, and accounting procedures and establishes a system of regular review.

### Fiscal Control

3-JDF-1B-01  
ORS 419A.010

Written policy, procedure, and practice provide that the facility administrator is responsible for fiscal management and control. Management of fiscal operations can be delegated to a designated staff person.

3-JDF-1B-03  
Ref. 2-8051

Written policy, procedure, and practice cover at a minimum the following fiscal areas: Internal controls, petty cash, bonding for all appropriate staff, signature control on checks, and the issuing or use of vouchers, under provisions of local budget law and state statute.

### Budget Preparation

3-JDF-1B-05  
(Ref. 2-8042)

Written policy, procedure, and practice provide that the facility's budget request complies with the policies, procedures, and instructions of the jurisdiction of which the facility is a part. Facility staff participate in preparing the facility's written budget request.

### Commissary/Canteen

3-JDF-1B-18  
(Ref. 2-8058)

If there is a commissary or canteen, strict controls are maintained over its operation and regular accounting procedures are followed.

### Youth Funds

3-JDF-1B-19

Youth's personal funds held by the facility are controlled by accepted accounting procedures.

## Section C Personnel

Qualified staff shall be recruited and hired subject to the personnel rules of the governing body of the facility, and shall follow all existing state and federal laws.

### Personnel Policy Manual

- 3-JDF-1C-01**      The facility director shall have available the following:  
**(Ref. 2-8064, 2-8081)**
- an organizational chart delineating chain of authority in non-emergency and emergency situations;
  - job descriptions for each assignment, read by employees;
  - a policy statement regarding employer-employee relationships, if no signed agreement or contract between the governmental agency and an employee group is available;
  - a policy statement relating to departmental contracts, relations with officials, the media, and special interest groups to ensure adequate information access by the media while assuring the rights and privacy of detained youths;
  - a written policy and procedure that addresses:
    - employee expense reimbursement
    - insurance coverage, if any, for staff or persons in detention, and staff development and training
    - leave policies, retirement benefits, retention rights, affirmative action policies, equal employment opportunity, merit pay and promotion
    - personnel records, access to employee files and employee evaluations
    - staff development and training
    - demotion and termination procedures, appeal rights, and grievance procedures
- ORS 169.076**

### Criminal Record Check

- 3-JDF-1C-13**      **A criminal record check is conducted on all new employees in accordance with**  
**(Ref. 2-8062)**      **state and federal statutes.**

The criminal record check shall include, but not be limited to: fingerprints; Department of Motor Vehicles; computerized criminal history; and available sex offender and child abuse registry information.

## Drug-free Workplace

**3-JDF-1C-15  
(Ref. 2-8062)**      **There is written policy and procedure that specifies support for a drug-free workplace for all employees. This policy, which is reviewed at least annually, includes at a minimum the following:**

- **prohibition of the use of illegal drugs**
- **prohibition of possession of any illegal drug except in the performance of official duties**
- **the procedure to be used to ensure compliance**
- **the opportunities available for treatment and/or counseling for drug abuse**
- **the penalties for violation of the policy**

## Section D Training and Staff Development

**Principle: A written body of policy and procedure establishes the facility's training and staff development programs, including training requirements for all categories of personnel.**

**Definition:** Training is an organized, planned, and evaluated activity designed to achieve specific learning objectives. Training can occur on-site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings, or through closely supervised on-the-job training. Meetings of professional associates are considered training when there is clear evidence of the above elements.

### Program Coordination and Supervision

3-JDF-1D-01  
(Ref. 2-8086) Written policy, procedure, and practice provide that the facility's employee staff development and training program is planned, coordinated, and supervised by a qualified supervisory employee. The training program is reviewed annually.

### Documentation

Staff training (hours and type of training) is recorded and maintained in a training file. The training is reviewed annually.

### Training Resources/Reference Services

3-JDF-1D-04  
(Ref. 2-8097) Library and reference services are available to complement the staff development and training program.

### Orientation Training

3-JDF-1D-07  
(Ref. 2-8089) Written policy, procedure, and practice provide that all new employees receive a minimum of 40 hours of orientation training before undertaking their first assignment alone. This training includes at a minimum the following: orientation to the purpose, goals, policies, and procedures of the institution and parent agency; working conditions and regulations; employees' rights and responsibilities; first aid, CRR and emergency procedures; an overview of the corrections field; and cultural competency, diversity training, and gender-specific training.

*Comment:* This is to include part-time, full-time, and temporary employees that must have 40 hours of training before doing a shift alone.

## Administrative Staff

3-JDF-1D-08  
(Ref. 2-8096)

That administrative staff receive 40 hours of training in addition to orientation training during their first year of employment and 40 hours of training each year thereafter. This training covers at a minimum the following areas:

- general management
- labor law
- staff/management relations
- the youth justice system
- relationships with other service agencies
- cultural competency, diversity training, gender-specific training.

## Detention Staff

3-JDF-1D-09  
(Ref. 2-8093)

Written policy, procedure, and practice provide that all new youth care workers receive a minimum of 120 hours of training during their first year of employment. At a minimum this training covers the following areas:

- Blood borne diseases (pathogens)
- First aid/CPR
- Cultural diversity
- Hazardous materials communications
- security procedures
- supervision of youths
- signs of suicide risks
- use-of-force regulations and tactics
- report writing
- youth rules and regulations
- rights and responsibilities of youths
- fire and emergency procedures
- safety procedures
- key control
- interpersonal relations
- social/cultural lifestyles of the youth population
- communication skills
- counseling techniques
- administering medications if applicable
- food handling

A minimum of 40 hours of training shall be received each subsequent year of employment.

*Comment:* The 120 hours includes the 40 hours of orientation.

## **Specialist Employees, Support Staff, Part-Time Staff**

3-JDF-1D-10  
(Ref. 2-8092)

All specialist employees, support staff, part-time staff, volunteers, and contract personnel receive formal orientation appropriate to their assignments and additional training as needed.

## Section E Youth Records

**3-JDF-1E-02**  
(Ref. 2-8111,  
2-8113, 2-8115)

The facility administration or the parent jurisdiction placing the youth shall maintain records that include:

- **name, age, sex, place of birth, and race or nationality**
- **initial intake information form**
- **authority to accept youth**
- **referral source**
- **case history/social history**
- **medical consent form**
- **name, relationship, address, and phone number of parent(s)/guardian(s) and person(s) youth resides with at time of admission**
- **driver's license, social security, and medicaid numbers, when applicable**
- **court and disposition**
- **individual plan or program; reformation plan where available**
- **signed release-of-information forms, when required**
- **progress reports on program or reformation plan involvement**
- **program rules and disciplinary policy signed by youth**
- **grievance and disciplinary record, if applicable**
- **referrals to other agencies**
- **final discharge or transfer report**
- *Comment:* Medical and educational records are components of the master file and can be located in other appropriate areas of the facility.

**3-JDF-1E-03**  
(Ref .2-8022)

**Written policy, procedure, and practice provide for a daily population report on every youth in detention, including the day admitted; accumulated days of stay; and probation officer assigned.**

ORS 419A.014

The administrative agency shall report annually to the State the frequency with which youths are held in preadjudicative detention, the duration of the detention, and provide other data consistent with the requirements of the Juvenile Justice and Delinquency Prevention Act. The required data elements include the following:

- Detention location/facility where detained
- Detaining county
- Date admitted into detention (month/day/year)
- Time admitted into detention (military time)
- Date released from detention (month/day/year)
- Time released from detention (military time)
- Sex
- Race/Ethnicity (Bureau of Census or National Center for Juvenile Justice Codes)
- Date of Birth (month/day/year)
- County of residence
- Referral source (self-referral, juvenile court counselor, law enforcement officer, other, etc.)
- Reason for admission to detention (primary)
- Reason for admission to detention (secondary)
- Type of detention (pre-adjudication, post-adjudication, or combination of both)
- Most serious reason/allegation for detention
- Prior legal status (probation, parole, etc.)
- Date of detention/custody hearing or date of probation violation hearing (month/day/year)
- Final custody decision at release from detention (release to out-of-home care placement, commitment to youth correctional facility, etc.)

**Final juvenile court status (wardship, remand, waived to adult court, processed as Measure 11 case, etc.)**

## **Transfer of Records**

**3-JDF-1E-04**  
**(Ref. New)**

**Written policy, procedure and practice provide that updated case information for any youth transferred from one facility to another is transferred simultaneously or, at the latest, within 72 hours.**

**3-JDF-1E-05**  
**(Ref. 2-8120)**

**The administration uses a consent form that complies with applicable federal or state regulations. The youth signs a release-of-information consent form prior to the release of information as required by statute or regulation, and a copy of the form is maintained in the youth's record.**

*Comment:* Confidentiality and protection of information pertaining to youths are required by law. Where statutorily required, judicial, law enforcement, correctional, and social service authorities involved with the case can be supplied information without consent forms being required. It is suggested that the release-of-information consent form include these items: name of person, agency, or organization requesting information; name of institution releasing information; specific information to be disclosed; purpose of the information; date consent form was signed; signature of the youth; and signature of employee witnessing the youth's signature.

**1-JDF-1E-06**  
**(Ref. 2-8116)**

**The contents of records are identified and separated according to an established format to assist staff in locating information, filing reports properly, and identifying gaps of information.**

**3-JDF-1E-07**  
**(Ref. 2-8114)**

Written policy, procedure, and practice require that

- all entries in the youth's manual records detention file include the dates of entry and the identification of the staff member who recorded it; and
- records are safeguarded from unauthorized and improper disclosure. Manual records are marked "confidential." When any part of the information system is computerized, security ensures confidentiality.

**3-JDF-1E-08**  
**(Ref. 2-8119)**

## Section F Information System

Principle: A written body of policy and procedure establishes the facility's procedures for information storage and retrieval, master indexes, daily reports, evaluation, and research.

### Information System

3-JDF-1F-01  
(Ref. 2-8101)

The facility contributes to, has access to, and uses an organized system of information storage, retrieval, and review. The information system is part of an overall research and decision-making capacity relating to both youth and operational needs.

*Comment:* Information systems facilitate decision making, research, and timely responses to offender needs and outside inquiries. In large systems, information systems often are the responsibility of the parent agency. If the parent agency does not provide this function, the facility can train and assign specific personnel to this function.

3-JDF-1F-02  
(Ref. 2-8105)

The effectiveness of the information system as it relates to overall facility management is evaluated in writing at least periodically.

*Comment:* The facility administrator shall have the opportunity to comment on and offer recommendations regarding the system's usefulness.

### Data Collection

3-JDF-1F-05

The county operating the juvenile detention facility shall provide Juvenile Justice Information System (JJIS) data requirements as established by the JJIS steering committee and required by state law.

### Research Activities

#### Institutional Support

3-JDF-1F-03  
(Ref. 2-8106)

**The facility or parent agency shall support, engage, and use research activities relevant to its programs, services, and operations.**

*Comment:* Research can assist in planning and establishing goals and objectives. Controlled studies, evaluations, and policy research can contribute to more efficient and effective facility operations, programs, and services and help increase public safety.

## Conduct of Research

**3-JDF-1F-04**  
(Ref. New)

**Written policy and procedure govern the conduct of research in the facility, including compliance with professional and scientific ethics and with state and federal guidelines for the use and dissemination of research findings.**

*Comment:* Researchers working in the facility shall be informed about all policies relating to their research, especially those regarding confidentiality of information. Research results shall be available to the facility administrator for review and comment before dissemination of publication.

**3-JDF-1F-05**  
(Ref. 2-8108)

**The facility administrator reviews and approves all facility research projects prior to implementation to ensure that they conform with the policies of the parent agency.**

*Comment:* The research design and the requirements that shall be made of staff shall be fully understood and agreed on before any research project proceeds.

**3-JDF-1F-06**  
(Ref. 2-8121)

**Consistent with statutes, written policy, procedure, and practice provide that individuals and agencies shall have access to records for the purpose of research, evaluation, and statistical analysis in accordance with a formal written agreement that authorizes access, specific use of data, and ensures confidentiality.**

*Comment:* Access to records for legitimate research purposes shall only be hindered to the extent necessary to protect confidentiality. The agreement shall be executed by the parent agency and the person(s) undertaking the research, after consultation with the facility involved.

**3-JDF-1F-07**  
(Ref. New)

**The facility or parent agency collaborates with youth justice and service agencies in information gathering, exchange, and standardization.**

*Comment:* System wide collaboration is critical to effective management and timely decision making and helps prevent or reduce duplication of effort and costs. Facilities shall share information among themselves while respecting the confidentiality and privacy of youth records.

## Youth Participation

**3-JDF-1F-08**  
(Ref. 2-8109)

**Written policy, procedure, and practice govern the voluntary participation of youths in nonmedical, nonpharmaceutical, and noncosmetic research programs.**

## Section G

### Citizen Involvement, Volunteers, and Student Interns

3-JDF-1G-01  
(Ref. 2-8409)

If volunteers are utilized in the facility, the director shall appoint a program coordinator who is responsible for operating a citizen involvement, volunteer services and student intern program for the benefit of youths.

The director shall make available a policy statement and procedure relating to:

3-JDF-1G-03  
(Ref. 2-8411)

- selection and recruitment of volunteers and student interns, allowing for recruitment from all cultural and socioeconomic parts of the community.

3-JDF-1G-07  
(Ref. 2-8412)

- appropriate, documented training and orientation of volunteers and interns prior to assignment.

3-JDF-1G-08  
(Ref. 2-8414)

- **requirements that volunteers and interns agree in writing to familiarize themselves** with and follow rules and regulations governing operations of the detention unit.

3-JDF-1G-05  
(Ref. 2-8413)

- a system of registration and identification

3-JDF-1G-04  
(Ref. 2-8417)

- the withdrawal of approval of one or more volunteers or interns, from access to the center, including circumstances and reasons for the denial or approval
- qualifications for professional level volunteers

3-JDF-1G-09

- provisions for volunteers and student interns to contribute suggestions regarding the establishment of policy and procedure for the volunteer service and student intern program.

3-JDF-1G-02  
(Ref. 2-8410)

- **Written policy, procedure, and practice specify the lines of authority, responsibility, and accountability for the facility's citizen involvement and volunteer services/student intern programs.** Criminal record checks shall be conducted on all volunteers who have contacts with youth.

#### Offer of Professional Services

3-JDF-1G-06  
(Ref. 2-8415)

- **Written policy specifies that volunteers shall perform Professional services only when they are certified or licensed to do so. A "professional service" is an activity which is licensed, such as a licensed health care professional.**

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**PART TWO**

**Physical Plant**

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**Section A  
Building and Safety Codes**

**Building Codes**

3-JDF-2A-01  
(Ref. 2-8124)                      The facility shall conform to applicable federal, state and/or local building codes.

3-JDF-2A-02  
(Ref. 2-8123)                      The facility shall conform to applicable zoning ordinances or, through legal means, is attempting to comply with or change such laws, codes or zoning ordinances.

**Fire Codes**

3-JDF-2A-03  
(Ref. New)                          The facility shall conform to applicable federal, state and/or local safety codes. Compliance shall be documented by the authority having jurisdiction. A fire alarm and automatic detection system are required, as approved by the authority having jurisdiction, or there is a plan for addressing these or other deficiencies within a reasonable period of time. The authority shall approve any variances, exceptions or equivalences that do not constitute a serious life safety threat to the occupants of the facility.

## Section B Size, Organization and Location

### Staff/Youth Interaction

3-JDF-2B-01  
(Ref. 2-8164) Physical plant design of new or remodeled facilities shall facilitate personal contact and interaction between staff and youth.

### Facility Size

3-JDF-2B-02  
(Ref. 2-8132) New or renovated detention facilities shall not be constructed with living units of more than 25 youth each.

3-JDF-2B-03  
(Ref. 2-8125) If the facility is on the grounds of any other type of corrections facility, it shall be a separate, self-contained unit that meets the requirements of state and federal law and regulations.

3-JDF-2B-04  
(Ref. 2-8160) There shall be written policy and procedure that provides that a new detention facility or special purpose facility be constructed or an existing facility be expanded only after a needs evaluation study has been completed by the facility's agency or other appropriate agency.

3-JDF-2B-05  
(Ref. 2-8161) The location of a new detention facility shall be selected with participation from the community in which it is to be located.

### Rated Capacity

3-JDF-2B-06  
(Ref. 2-8126)  
ORS 419 A.055 **The number of youth shall not exceed the facility's rated or design capacity.** However, the Governing Authority can examine the facility and can establish the maximum number of youth that can be held in the facility at a given time. If the Governing Authority adopts a capacity limit on the number of youth that can be held in the facility, and that number of youth exceeds the established capacity, the Facility Administrator shall immediately notify the court who shall authorize the release of a sufficient number of youth to reduce the facility population to the established capacity.

## Section C Youth Housing

3-JDF-2C-01  
2-8168)  
ORS 419A.052

Living units are primarily designed for single occupancy sleeping rooms. Rooms or sleeping areas in which youths are confined conform with the following requirements, provided that other conditions related to exercise, fresh air, and outside room time are consistent with written policy.

UNENCUMBERED SPACE            35 square ft per occupant

New or major renovated facilities shall provide that any single sleeping rooms located therein are at least 70 square feet and that any dormitories located therein are at least 50 square feet per occupant and house no more than five individuals each.

*Comment:* “Unencumbered space is usable space that is not obstructed by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet, and no less than seven feet between floor and ceiling at the lowest point. All fixtures must be in operational position.

3-JDF-2C-03  
(Ref. 2-8139)  
ORS 419A.052

Each sleeping room has at minimum the following facilities and conditions:

- sanitation facilities, including access to toilet facilities that are available for use without staff assistance 24 hours a day;
- a wash basin with hot and cold running water;
- a bed;
- natural light;
- tamper-proof lighting with capability of a minimum of 20 foot candles;
- temperatures that are appropriate to the summer and winter comfort zones but no lower than 64 degrees;

### Dayrooms

3-JDF-2C-04  
(Ref. 2-8140,  
2-8169)  
ORS 419A.052

Dayrooms with space for varied youth activities are situated adjacent to the youth sleeping areas. Dayrooms provide a minimum of 30 square feet of space per youth (exclusive of lavatories, showers and toilets) for the maximum number expected to use the dayroom at one time. Sanitary drinking water in living units and dayrooms.

### Furnishings

3-JDF-2C-05

Dayrooms provide sufficient seating and writing surfaces for youths using the dayroom. Furnishings are consistent with the security needs of the assigned youths.

## Toilets

3-JDF-2C-06  
(Ref. 2-8133)  
ORS 419A.052

Toilets shall be accessible to youths in all housing and activity areas. Toilets are provided at a minimum ratio of one for every 12 youths in male facilities and one for every eight youths in female facilities. Urinals can be substituted for up to one-half of the toilets in male facilities. All housing units with five or more youths have a minimum of two toilets. New or major renovated facilities shall provide at least one toilet for every five detainees.

*Comment:* Water valves in sleeping rooms shall be accessible for staff control, and staff control only.

## Washbasins

3-JDF-2C-07  
(Ref. 2-8136)  
ORS 419A.052

Youths have access to operable wash basins with hot and cold running water in the housing units at a minimum ratio of one basin for every 12 occupants. New or major renovated facilities shall provide at least one washbasin for every five detainees.

## Showers

3-JDF-2C-08  
(Ref. 2-8136)  
ORS 419A.052

Youths have access to operable showers with temperature-controlled hot and cold running water at a minimum ratio of one shower for every ten youths. Water for showers is thermostatically controlled to temperatures ranging from 100 to 120 degrees Fahrenheit to ensure the safety of youths and to promote hygienic practices.

New or renovated facilities shall have a minimum shower ration of one shower for every eight youth.

## Housing for the Disabled

3-JDF-2C-09  
(Ref. 2-8166)

Disabled youths are housed in a manner that provides for their safety and security. Rooms or housing units used by the handicapped are designed for their use and provide for integration with the general population. Appropriate facility programs and activities are accessible to handicapped youths confined in the facility.

## Special Management Housing

3-JDF-2C-09  
(Ref. 2-8166)  
ORS 169.750

When there is a security room separate from the living unit, it shall not be used for disciplinary action. A youth can be placed in a temporary security room instead of his or her room when his or her behavior is out of control so as to disturb the overall milieu of the group. A youth shall not be placed in isolation for a period in excess of six hours.

3-JDF-2C-11  
(Ref. 2-8134)

If the facility houses male and female youths, **educational programs will be provided in a manner relevant to each gender, recognizing the unique developmental profiles presented by boys and girls.** Space is provided for co-educational activities.

3-JDF-2C-12  
(Ref. 2-8141)

Male and female youths do not occupy the same sleeping rooms.

## Section D

### Environmental Conditions

#### Housing Areas

3-JDF-2D-01

(Ref. 2-8133)

ORS 419A.052

All housing areas provide at a minimum the following:

- Lighting of at least 20 foot candles;
- New or major renovated facilities shall provide tamper-proof lighting.
- Natural light available from an opening or window that has a view to the outside, or from a source within 20 feet of the room;
- Other lighting requirements for the facility determined by tasks to be performed;
- Access to drinking water
- Heating, ventilation, and acoustical systems to ensure healthful and comfortable living and working conditions for youths and staff.

3-JDF-2D-02

(Ref. 2-8142)

ORS 419A.052

Ventilation is available in the event of a power failure. New or major renovated facilities shall provide air circulation of a minimum of 15 cubic feet of fresh air per minute.

#### Heating and Cooling

3-JDF-2D-03

ORS 419A.052

Temperatures in indoor living and work areas are appropriate to the summer and winter comfort zones which maintains a temperature no lower than 64 degrees. New or major renovated facilities shall provide heating units capable of maintaining 68 to 85 degrees temperature.

## Section E

### Program and Services Areas

3-JDF-2E-01

(Ref. 2-8143)

ORS 419A.052

New or major renovated facilities shall provide space for classes, library, arts, crafts, indoor and outdoor exercise areas. The total combined indoor activity area, which includes the gym, multi-purpose room, library, arts and crafts room and all other leisure areas outside the sleeping room, provides space equivalent to a minimum of 100 square feet per youth.

3-JDF-2E-02

ORS 169.740,

ORS 419A.052

Provide physical exercise for any youth held in excess of five judicial days. New or major renovated facilities shall provide outdoor or covered/enclosed exercise areas for general population youths in sufficient numbers to ensure that each youth can be offered at least one hour of access daily.

## Visiting

- 3-JDF-2E-03  
(Ref. 2-8147)  
ORS 169.076,  
ORS 169.760
- Sufficient space is provided for visiting room or areas for visiting. There is adequately designed space to permit screening and searching both youths and visitors.
- 3-JDF-2E-04
- There is interview space available in or near the living unit.

## Classrooms

- 3-JDF-2E-05  
(Ref. 2-8146)  
ORS 336.585,  
ORS 419A.052
- Space is provided to meet youth's educational requirements. New or major renovated facilities shall provide rooms provided for classes, library, arts and crafts.

## Dining

- 3-JDF-2E-06  
(Ref. 2-8144)  
ORS 169.076
- Space is provided for group dining except where security or safety considerations justify otherwise.

## Food Service

- 3-JDF-2E-08  
(Ref. 2-8145)  
ORS 169.076,  
ORS 624.100
- The food preparation area includes a space for food preparation based on population size, type of food preparation and methods of meal service.
- 3-JDF-2E-08  
(Ref. 2-8145)  
ORS 169.076
- There are provisions for adequate storage and loading areas and garbage disposal facilities.

## Sanitation and Hygiene

- 3-JDF-2E-09  
ORS 624.100
- Toilet and wash basin facilities are available to food service personnel and youths in the vicinity of the food preparation area.

## Housekeeping

- 3-JDF-2E-10  
(Ref. 2-8156)  
ORS 169.076
- Adequate space is provided for janitorial closets that are accessible to the living and activity areas. Each closet is equipped with a sink, cleaning implements, and a system of ventilation.

## Clothing and Supplies

- 3-JDF-2E-11  
(Ref. 2-8155)  
ORS 169.076
- Space is provided in the facility to store and issue clothing, bedding, cleaning supplies and other items required for daily operations.

## **Personal Property**

3-JDF-2E-12  
(Ref. 2-8154)

Space is provided for storing the personal property of youths safely and securely.

## **Mechanical Equipment**

3-JDF-2E-13

Separate and adequate space is provided for mechanical and electrical equipment.

## **Section F**

### **Administrative and Staff Areas**

**Principle: All levels of staff must be provided with adequate space to carry out their responsibilities safely and effectively.**

#### **Administrative Areas**

**3-JDF-2F-01**  
**(Ref. New)**

**Adequate space is provided for administrative, security, professional, and clerical staff. This space includes conference rooms, storage room for records, a public lobby, and toilet facilities.**

## Section G Security

**Principle: The physical plant supports the orderly and secure functioning of the facility.**

### Control Center

**3-JDF-2G-01  
(Ref. 2-8185)**

**In secure facilities, space is provided for a 24-hour control center for monitoring and coordinating the facility’s security, safety, and communications systems. The control center provides access to wash basin and toilet.** The control center is not accessible to the detention population at any time.

*Comment:* The control center shall contain sufficient space for monitoring and coordination of all internal and external security systems, communications systems, safety alarms and detection systems, and other mechanical and electrical systems.

### Perimeter Security

**3-JDF-2G-02  
(Ref. 2-8131)**

**The facility’s perimeter is controlled by appropriate means to provide that youths remain within the perimeter and to prevent access by the general public without proper authorization.**

*Comment:* The means chosen to ensure perimeter security shall reflect the facility’s needs based on size and the degree of security required. Perimeter surveillance can be maintained through mechanical surveillance devices (e.g., electronic, pressure, or sound detection systems), mobile patrols, or some combination of these techniques. All areas adjacent to the perimeter shall be visible under all conditions.

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## PART THREE

# Institutional Operations

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## Section A Security and Control

### Security Manual

**3-JDF-3A-01**  
(Ref. 2-8184)      **There is a manual containing all procedures for facility security and control, with detailed instructions for implementing these procedures. The manual is available to all staff and is reviewed and updated as needed.** The manual shall contain information on physical plant inspections, youth counts, chemical agent control, contraband, key control, tool and equipment control, and emergency procedures. The security manual is not a public document.

*Comment:* The ACA requirement for an annual review was deleted because counties have different cycles for reviewing and updating policies and procedures.

**3-JDF-3A-02**  
(Ref. New)      **The facility has a communication system between the control center and youths' living areas.** A communication system shall be used to supplement direct staff supervision, not as a substitute.

**3-JDF-3A-03**  
(Ref. 2-8118)      **The facility maintains a daily report on youth population movement.** This shall include the number of youths in the facility and their names.

### Youth Careworkers

**3-JDF-3-04**  
(Ref. New)      **Youth careworkers positions are located in or immediately adjacent to youth living areas to permit workers to hear and respond promptly to emergency situations.**

**3-JDF-3A-05**  
(Ref. 2-8202)      **There are written operational shift assignments that state the duties and responsibilities for each assigns position in the facility. These assignments shall be reviewed annually and updated as needed.**

**3-JDF-3A-06**  
(Ref. New)      **Written policy, procedure, and practice provide for personnel to read the appropriate shift assignment description each time they assume a new position and to sign and date it.**

**3-JDF-3A-07**  
(Ref. 2-8186)      **Written policy, procedure, and practice require that when both males and females are housed in the facility, at least one male and one female staff member are on duty.**

**3-JDF-3A-08**  
(Ref. New)      **Written policy, procedure, and practice provide that no youth or group of youths is given control or authority over other youths.**

## Permanent Log

**3-JDF-3A-08**  
(Ref. New)                      **Written policy, procedure, and practice require that correctional staff maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents.**

## Patrols and Inspections

**3-JDF-3A-10**  
(Ref. 2-8193)                      **Written policy, procedure, and practice provide that supervisory staff or designee conduct a daily inspection, including holidays and weekends, of all areas occupied by youths and submit a daily written report to their supervisor.**

**3-JDF-3A-11**  
(Ref. 2-8194)                      **Written policy, procedure, and practice require that the facility administrator or designee, assistant facility administrator(s), and designated department heads visit the facility’s living and activity areas at least weekly to encourage informal contact with staff and youths and to informally observe living and working conditions.**

**3-JDF-3A-12**  
(Ref. 2-8192)                      **Written policy, procedure, and practice require at least weekly inspection and maintenance of all security devices and corrective action is initiated when necessary.**

*Comment:* There shall be a scheduled maintenance procedure to ensure that all locks, windows, and doors and other security devices are fully operational.

## Youth Counts

**3-JDF-3A-13**  
(Ref. 2-8189)                      **The facility has a system for physically counting youths. The system includes strict accountability for youths assigned to work and education release, furloughs, and other approved temporary absences. These counts shall occur at least once per shift and account for any and all changes.**

## Youth Movement

**3-JDF-3A-14**  
(Ref. 2-8216)                      **Written policy, procedure, and practice provide that staff regulate youth movement. The movement of youths from one location to another shall be supervised by staff.**

**3-JDF-3A-15**  
(Ref. 2-8216)                      **Written policy, procedure, and practice govern the transportation of youths outside the facility and from one jurisdiction to another.**

*Comment:* A car shall be made available 24 hours a day for transport, and also include the number of staff required for the transportation of the youths. There can also be written policy regarding the restraint to be used only for the prevention of escape and feeding of the youths. No youth shall be attached to other youth or vehicle by restraint, except seat belt.

## Use of Restraints

ORS 169.760                      Each facility shall establish a comprehensive written policy providing for the least

**Part Three. Institutional Operations**

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restrictive alternative consistent with (1) the safety and security of the facility and (2) the law, with respect to the use of physical restraints, or chemical agents.

3-JDF-3A-16  
(Ref. 2-8211)  
ORS 169.740

All special incidents including but not limited to the taking of hostages, uses of restraint equipment, chemical agents, or the use of physical force, are reported in writing, dated, and signed by the staff person reporting the incident. The report is to be completed by the end of the tour of duty. The report is placed in the general log and in each youth's case record and reviewed by the facility administrator and/or the parent agency.

ORS 169.740

Each facility shall notify the attorney and the parent or guardian of the detained youth after the use of any use of force or restraint upon the youth both:

- as soon as reasonable after the use thereof; and
- by mailing a copy of the written report within 24 hours after the use thereof.

ORS 169.750

Restraining devices can be used to prevent escape or physical injury, but not longer than six hours, excluding court-ordered transport between facilities. Youths in restraints shall be closely monitored during the entire period of restraint. Youths shall not be placed in shared restraints, nor shall the restraints be connected to the vehicle while in transport.

3-JDF-3A-16-1

Written policy, procedure, and practice provide that when a youth is placed in a four-point restraint (both arms and legs secured), advance approval must be obtained from the facility administrator or designee. When youths are restrained in a four-point position, the following minimum procedures shall be followed:

- Direct visual and observation by staff must be continuous.
- Restraint procedures are in accordance with written guidelines approved by the designated health authority.

3-JDF-3A-17  
(Ref. 2-8210)

Written policy, procedure, and practice provide that the facility maintains a written record of emergency use of restraint equipment.

## Control of Contraband

**3-JDF-3A-19**  
(Ref. 2-8196)

**Written policy, procedure, and practice provide for searches of the facilities and youths to control contraband and provide for its disposition. These policies and procedures are made available to staff and youths and are reviewed as necessary.**

*Comment:* The plans can include the following.

- unannounced and irregular timed searches of rooms, youths, and youth work areas.
- inspection of all vehicular traffic and supplies coming into the facility.
- use of metal detectors at gates and entrances into housing units.
- complete search and inspection of each room prior to occupancy by a new youth.
- avoidance of unnecessary force, embarrassment, or indignity to the youth
- staff training in effective search techniques that protect both youths and staff from bodily harm.
- use of non intensive sensors and other techniques instead of body searches whenever feasible.
- conduct of searches only as necessary to control contraband or to recover missing or stolen property.

**3-JDF-3A-20**  
(Ref. 2-8213)

**Written policy, procedure, and practice provide that manual or instrument inspection of body cavities is conducted only when there is reason to do so and when authorized by the facility administrator or designee. The inspection is conducted in private by health care personnel.**

**3-JDF-3A-21**  
(Ref. New)

**Written policy, procedure, and practice provide that visual inspection of youth body cavity is based on a reasonable belief that the youth is carrying contraband or other prohibited material. The inspection is conducted in private by a trained staff member of the same sex as the youth.**

**3-JDF-3A-22**  
(Ref. 2-8200)

**Confidential written policy, procedure, and practice govern the control and use of keys.**

*Comment:* The key control system shall provide a current accounting of the location and possessor of each key. All keys shall be distributed from designated location(s) and easily accounted for.

## Tools and Equipment

**3-JDF-3A-23**  
(Ref. 2-8201)

**Written policy, procedure, and practice govern the control and use of tools and culinary and medical equipment.**

**3-JDF-3A-24**  
(Ref. 2-8214)

**Written policy, procedure, and practice govern the use and security of facility vehicles.**

**3-JDF-3A-25**  
(Ref. New)

**Written policy, procedure, and practice govern the use of personal vehicles for official purposes and include provisions for insurance coverage.**

## Security Equipment

- 3-JDF-3A-26**  
(Ref. 2-8187)      **Written policy, procedure, and practice govern the availability, control, and use of chemical agents and related security devices and specify the level of authority required for their access and use. Chemical agents are used only with the authorization of the facility administrator or designee.**
- 3-JDF-3A-27**  
(Ref. 2-8187)      **Written policy, procedure, and practice require that personnel who use force to control youths submit written reports to the facility administrator or designee no later than the conclusion of the shift.**
- 3-JDF-3A-28**  
(Ref. 2-8204)      **Written policy, procedure, and practice that persons injured in an incident receive immediate medical examination and treatment.**
- 3-JDF-3A-39**  
(Ref. 2-8199)      **Firearms are not permitted in the facility except in emergency situations.**
- Facilities shall adopt written policy and practice pertaining to emergency situations.

## Use of Force

- ORS 169.760      Each facility shall establish a comprehensive written policy providing for the least restrictive alternative consistent with (1)the safety and security of the facility and (2) the law, with respect to the use of physical force upon a detained youth.
- 1-JDF-3A-27  
(Ref. 2-8212)  
ORS 169.750      Written policy, procedure, and practice restrict the use of force to instances of justifiable self defense, protection of others, protection of property, and prevention of escapes, to effectuate room lock or isolation, and for only so long as the danger exists. Physical force shall only be used as a last resort and in accordance with appropriate statutory authority.
- 1-JDF-3A-27  
(Ref. 2-8212)  
ORS 169.750      In no event is physical force justifiable as punishment. No facility shall impose upon a detained youth for purposes of punishment any infliction of, or threat of, **physical injury or pain, or physical restraint.**
- 1-JDF-3A-27  
(Ref. 2-8212)      A written report is prepared for all uses of force and the report is submitted to administrative staff for review no later than the conclusion of the shift.
- ORS 169.740      One copy is placed in a general log. The report shall set forth in detail the reason such action was taken and the name of the staff person taking such action.
- Written policy and procedure require that when physical force is used to control a youth, at least one other staff shall physically check the youth to determine the need for medical care.
- ORS 169.740      Written policy, and procedure call for the notification of the attorney and the parent or guardian of the detained youth after the use of any physical force upon the youth both:
1. as soon as reasonable after the use thereof; and
  2. by mailing a copy of the written report within 24 hours after the use thereof.

## Section B Safety and Emergency Procedures

### Policy

The facility shall comply with fire safety codes regarding exit requirements, fire system inspections and tests, fire inspections, and locations of fire equipment in the facility.

### Procedures

The Director shall have overall responsibility for safeguarding youth housing and shall use the Life Safety Code of the National Fire Protection Association (NFPA) as a guideline. Any variance from the NFPA code shall be approved specifically, in writing, by the local fire safety authority.

### Building Materials

All interior finish shall be Class A as defined by NFPA. All material, except floor coverings, shall be a flame spread rating of less than 25 and a smoke development rating of less than 450 as certified by an acceptable testing laboratory.

- Walls and Partitions

All new wall and partition construction shall be of masonry or steel studs with sheetrock or plaster. No wood framing shall be used in future construction of youth housing areas. Existing walls not meeting standards shall have combustible paneling removed and replaced with five-eighths-inch gypsum board on both sides of the wall. Fire stops must be used between wood studs before applying new wall covering. Walls can be painted or covered with material as long as the material has a Class A finish rating.

- Ceilings

Ceiling material must meet Class A fire rating. Existing ceiling materials not meeting this rating or that have accumulated enough coats of paint to make the rating invalid shall be scraped and repainted.

- Floor Coverings

Upkeep and excessive wear are prime considerations in evaluating type and choice of floor covering. However, all carpeting not meeting requirements must be removed.

### Fire Safety

3-JDF-3B-01

Written policy, procedure, and practice specify the facility's fire prevention regulations and practices. These include but are not limited to the following:

- ORS 169.040(2) Provision for an adequate fire protection service.
- A system of fire inspection and testing of equipment at least semi-annually or at intervals approved by the authority having jurisdiction, following the procedures stated for variances, exceptions, or equivalencies.
  - A semi-annual inspection by local or state officials or other qualified person(s).
  - Availability of fire protection equipment at appropriate locations throughout the facility.
- 3-JDF-3B-02 Written policy, procedure, and practice provide for a comprehensive and thorough inspection of the facility by a qualified fire and safety officer for compliance with safety and fire prevention standards at least two times annually. This inspection shall include sprinkler systems and stand pipes. There is a monthly fire and safety inspection of the facility by a designated departmental staff member. This policy and procedure is reviewed annually and updated as needed.
- 3-JDF-3B-03 Specification for selection and purchase of facility furnishings indicate the fire safety performance requirements of the materials selected.

### **Flammable, Toxic, and Caustic Materials**

- 3-JDF-3B-05 Written policy, procedure, and practice govern the control and use of all flammable, toxic and caustic materials.

### **Emergency Power and Communications**

- 3-JDF-3B-06 The facility has access to an alternate power source to maintain essential services in an emergency.
- 3-JDF-3B-07 Written policy, procedure and practice provide for a communications system within the facility and between the facility and the community in the event of urgent, special, or unusual incidents or emergency situations.
- 3-JDF-3B-08 There is a written plan for preventive maintenance of the physical plant that includes provisions for emergency repairs or replacement of equipment in life threatening situations.
- 3-JDF-3B-09 Power generators are tested at least every two weeks, and other emergency equipment and systems are tested at least quarterly for effectiveness and are repaired or replaced if necessary.
- 3-JDF-3B-10 The facility has a written evacuation plan prepared in the event of fire or major emergency that is certified by an independent, outside inspector trained in the application of appropriate codes. The plan is reviewed annually, updated as needed, and reissued to the local fire jurisdiction. The plan includes the following:
- location of building/room floor plan
  - use of exit signs and directional arrows for traffic flow
  - location of publicly posted plan
  - monthly drills in all occupied locations of the facility
  - staff drills when evacuation of dangerous youths may not be included.

## Emergency Plans

### Staff Training

- 3-JDF-3B-11 All facility personnel are trained in the implementation of written emergency plans. Work stoppage and riot/disturbance plans are communicated only to the appropriate supervisory or other personnel directly involved in the implementation of those plans.
- 3-JDF-3B-12 Written policy, procedure, and practice specify the means for the immediate release of youths for locked areas in case of emergency and provide for a backup system.
- Written policy, procedure, and practice for the development and implementation of an emergency plan.

### Threats to Security

- 3-JDF-3B-13 These are written procedures regarding escapes. These procedures are reviewed at least annually and updated as needed.



## Roomlock and Denial of Privilege

- 3-JDF-3C-06  
(Ref. 2-8333)
- Written policy, procedure, and practice require that prior to room and/or privilege restriction, the youth has the reasons for the restriction explained to him/her and has an opportunity to explain the behavior leading to the restriction.
- ORS 169.750
- Roomlock or denial of privileges regularly awarded other detained youths shall only be used to punish for the violation of a rule of conduct or behavior of the facility, or for conduct within the facility which constitutes a crime under Oregon law.
- 3-JDF-3C-07  
(Ref. 2-8316)
- During roomlock, staff shall make visual contact with the youth at least every 15 minutes, depending on his/her emotional state.
- 3-JDF-3C-08  
(Ref. 2-8314)
- Written policy, procedure, and practice specify that roomlock for minor misbehavior serves only a “cooling off” purpose, is short in duration with the time period 15 to 60 minutes—specified at the time of assignment.
- ORS 169.730
- Policy and procedure specify that youths placed in roomlock are afforded living conditions and privileges approximating those available to the general youth population; exceptions are justified by clear and substantial evidence.

## Section D Youth Rights

**Principle: The facility protects the safety and constitutional rights of youths and seeks a balance between expression of individual rights and preservation of facility order.**

### Access to Courts

3-JDF-3D-01  
(Ref.2-8299)

**Written policy, procedure, and practice ensure the right of youths to have access to courts.** The right to access to courts includes the right to present any issue including challenging the legality of their adjudication or confinement, seeking redress for illegal conditions or treatment while under correctional control, pursuing remedies in connection with civil legal problems, and asserting against correctional or other government authority any other rights protected by constitutional or statutory provision or common law. Youths seeking judicial relief are not subjected to reprisals or penalties because of the decision to seek such relief.

### Access to Counsel

3-JDF-3D-02  
(Ref.2-8300)

**Written policy, procedure and practice ensure and facilitate youth access to counsel and assist youths in making confidential contact with attorneys and their authorized representatives. Such contact includes but is not limited to telephone communications, uncensored correspondence, and visits.**

ORS 169.740(2)(d)

The facility shall provide a minimum of five hours per business day for access to attorneys or their representatives, or other persons who have a legitimate connection with the legal issue being pursued. After hours visits can be requested because of special circumstances.

ORS 169.740(2)(g)

The facility shall provide payment of postage for the youth's mail to an attorney.

### Access to Legal Materials

Each facility shall safeguard and ensure that the youth's legal rights to access to legal materials are protected.

### Access to Governing Officials

ORS 169.740(2)(f)

The facility shall provide payment of postage for the youth's mail to any federal, state, county or municipal government official.

Correspondence shall be forwarded without examination or censorship.

## Access to Programs and Services

3-JDF-3D-03  
(Ref.2-8294)

Programs and services for male and female youths in co-correctional facilities will be gender-specific – providing opportunities that are relevant to each gender. Demonstrated efforts will be made to provide opportunities for youth to gather, meet and seek treatment in single gender groups. Programs and services will acknowledge the unique developmental and treatment profiles presented by boys and girls and respond accordingly. Detention staff and service providers will ensure demonstrated efforts to deliver gender-specific services.

The facility reflects an environment and work site that is safe, free of discrimination and is supportive of all cultures, race, ethnic groups, religious affiliations, sexual orientations, and persons with disabilities.

3-JDF-3D-05  
(Ref.2-8305)

**There is equal access to programs and services for male and female youths in co-correctional facilities. There shall be no discrimination in work assignments.**

## Protection from Harm

3-JDF-3D-06  
(Ref.2-8301)

**Written policy, procedure, and practice protect youths from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.**

ORS 169.760

In situations where physical force or disciplinary detention is required, only the least restrictive or drastic means necessary to secure order or control shall be used.

(Ref. 2-8301-1)

Written policy, procedure, and practice provide for the reporting of all instances of child abuse and/or neglect consistent with appropriate state law or local laws.

## Freedom in Personal Grooming

3-JDF-3D-07  
(Ref.2-8308,2-8309)

**Written policy, procedure, and practice allow freedom in personal grooming except when a valid interest justifies otherwise.**

Written policy, procedure, and practice govern the possession of items of jewelry. Youths shall be permitted freedom in personal grooming as long as their appearance does not conflict with the facility's requirements for safety, security, identification and hygiene. Policy shall include consideration of religious and cultural practices including religious/ceremonial items of spiritual significance. All regulations concerning grooming shall be the least restrictive necessary and respect cultural differences and specific needs of each individual youth.

## Grievance Procedures

3-JDF-3D-08  
(Ref.2-8296)

**There is a written youth grievance procedure that is made available to all youths and that includes at least one level of appeal. A grievance procedure is an administrative means for the expression and resolution of youths' problems** and will take into consideration cultural and gender issues.

The grievance mechanism includes the following:

- written response to all grievances,
- response within reasonable time limits,
- supervisory review of grievances,
- participation by staff and youths,
- access by all youths with guarantees against reprisals,
- applicability over a broad range of issues,
- means of resolving questions of jurisdiction.
- translation/interpretation services as needed.

## Section E Special Management

**Principle: Youths who threaten the secure and orderly management of the facility may be removed from the general population and placed in special units or rooms.**

When a youth has been charged with a major rule violation requiring confinement for the safety of the youth, other youths, or to ensure the security of the facility, the youth may be confined for a period of up to 12 hours. Confinement of a youth for periods of over 12 hours is not imposed unless:

- 1-JDF-3C-11  
(Ref. 2-8318)  
ORS 169.750
1. The youth is advised in writing of the alleged offensive conduct or behavior;
  2. The youth is provided an opportunity to a hearing before a staff member who was not a witness to the alleged offensive conduct or behavior;
  3. The youth is given the opportunity to produce witnesses and evidence and to cross-examine witnesses;
  4. The youth is given the opportunity to testify, at the sole option of the youth; and
  5. A finding that the alleged behavior was proven by a preponderance of the evidence and that it violated a written facility rule of conduct or constituted a crime under Oregon Law. Continued confinement is reviewed every 24 hours by the administrator or designee who was not involved in the incident.

ORS 169.760

Each facility shall make a written report, one copy of which shall be maintained in a general log, of each use of special units, rooms, or roomlock, setting forth in detail the reason such action was taken and the name of the staff person taking such action.

### Admission and Review

**3-JDF-3E-01**                      **Written policy, procedure, and practice provide special management for youths with serious behavior problems and for youths requiring protective care. An individual program plan shall be developed.**

3-JDF-3E-02  
ORS 169.750

The facility administrator or designee can order immediate placement in a special unit or into roomlock when it is necessary to protect the youth from self or others. The action is then reviewed within 12 hours by the appropriate authority as delineated above.

3-JDF-3E-03

The detention facility has a sanctioning schedule that sets a maximum of five days of confinement in roomlock for any offense, unless otherwise provided by law.

3-JDF-3E-04  
(Ref. 2-8321)

Youths placed in confinement in roomlock are checked visually by staff at least once each day by personnel from one of the following: administrative, clinical, social work, religious, or medical units. A log is kept recording who authorized the confinement, persons visiting the youth, the person authorizing release from confinement, and the time of release.

## Isolation

ORS 169.730  
ORS 169.750(2)(b)                      Isolation shall be used only to prevent escape, physical injury to the youth or another, or property destruction, and never in excess of six hours.

## Criminal Violations

1-JDF-3C-09  
(Ref. 2-8334)                      Written policy, procedure, and practice provide that, where a youth allegedly commits an act covered by criminal law, the case may be referred to appropriate court or law enforcement officials for consideration for prosecution. Corrections and court or law enforcement officials may agree on the categories of offenses that are to be referred to them in order to eliminate minor offense or those of no concern.

## Disciplinary Reports

1-JDF-3C-10  
(Ref. 2-8317)                      Written policy, procedure, and practice require that employees prepare a disciplinary report when they have a reasonable belief that a youth has committed a major violation of facility rules or reportable minor violation.

ORS 169.740                      A written report, one copy of which shall be maintained in a general log, of each use of isolation or roomlock shall be completed setting forth in detail the reason such action was taken and the name of the staff person taking such action.

Facility shall ensure demonstrated efforts will be made to provide a language appropriate written copy of alleged violations as soon as possible.

1-JDF-3C-12                      Written policy, procedure, and practice require that a youth charged with a major violation of facility rules is given a written copy of the alleged rule violation(s) within 24 hours of the infraction(s). The hearing may be held within 24 hours with the youth's written consent.

*Comment:* Ensure demonstrated efforts are taken to consider translation needs.

ORS 169.740(2)(d)  
(Ref. 2-8323, 8325)                      Each facility shall notify the attorney and the parent or guardian of the detained youth after the use of any physical force, restraint, isolation, or internal search upon the youth both:

- as soon as reasonable after the use thereof; and
- by mailing a copy of the written report within 24 hours after the use thereof.

## Conduct of Hearing

1-JDF-3C-14  
(Ref. 2-8327)  
ORS 169.750                      Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six months.

1-JDF-3C-15  
(Ref. 2-8326)                      Written policy, procedure, and practice provide that youths charged with major rule violations are present at their hearings unless they waive that right in writing or through their behavior. Youths may be excluded during the testimony of any youth whose testimony must be given in confidence; the reasons for the youth's absence or exclusion are documented.

1-JDF-3C-16  
(Ref. 2-8329)  
ORS 169.750

Written policy, procedure, and practice provide that youths have an opportunity to make a statement, at the option of the youth, present witnesses, cross examine witnesses, and present documentary evidence at the hearings and can request witnesses on their behalf; the reasons for denying such requests are stated in writing.

1-JDF-3C-17  
(Ref. 2-8328)

Written policy and procedure allow youths to request the services of any staff member to represent them at disciplinary hearings and to question relevant witnesses. Staff representatives are appointed when it is apparent that youths are not capable of effectively collecting and presenting evidence on their own behalf.

### **Hearing Decisions**

1-JDF-3C-18  
(Ref. 2-8330)

Written policy, procedure, and practice provide that a written record is made of the decision and the supporting reasons and that a copy is given to the youth. The hearing record and the supporting documents are kept in the youth's file and in the disciplinary committee's records.

ORS 169.750

Written policy, procedure, and practice provide that there must be a finding that the alleged behavior was proven by a preponderance of the evidence and that it violated a written facility rule of conduct or constituted a crime under Oregon law.

1-JDF-3C-19|  
(Ref. 2-8332)

Written policy, procedure, and practice provide that if a youth is found not guilty of an alleged rule violation, the disciplinary report is removed from all of the youth's files.

### **Review**

1-JDF-3C-20

Written policy, procedure, and practice provide for review of all disciplinary hearings and dispositions by the facility administrator or designed to assure conformity with policy and regulations.

### **Appeal**

1-JDF-3C-21

Written policy, procedure, and practice grant youths the right to appeal decisions of the disciplinary committee to the facility administrator or designee.

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## PART FOUR

# Facility Services

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## Section A Food Service

Principle: Meals are nutritionally balanced, well-planned, and prepared and served in a manner that meets established governmental health and safety codes.

3-JDF-4A-01  
(Ref. 2-8220,  
208221)                      A staff member or contractor, preferably with food service management experience, supervises food service operations.

### Budgeting and Purchasing

3-JDF-4A-02  
(Ref. 2-8227)                      **Written policy, procedure, and practice require that accurate records are maintained of all meals served.**

### Dietary Allowances

3-JDF-4A-03  
(Ref. 2-8217,  
2-8218)  
ORS 169.076(7)(b)                      **The facility's system of dietary allowance is reviewed at least annually by a dietician or the health division to ensure compliance with nationally recommended food allowances.**

### Menu Planning

3-JDF-4A-04  
(Ref. 2-8219)                      **Written policy, procedure, and practice require that food service staff develop advanced, planned menus and substantially follow the schedule; and that in the planning and preparation of all meals, food flavor, texture, temperature, appearance, cultural considerations, and palatability are taken into consideration.**

3-JDF-4A-05  
(Ref. 2-8222)                      **The food service plan provides for a single menu for staff and youth.**

### Special Diets

3-JDF-4A-06  
(Ref. 2-8223)  
ORS 169.076(7)(c)                      **Written policy, procedure, and practice provide for special diets as prescribed by appropriate medical or dental personnel.**

3-JDF-4A-07  
(Ref. 2-8225)                      **Written policy precludes the use of food as a disciplinary measure.**

3-JDF-4A-08  
(Ref. 2-8224,  
2-8373)                      **Written policy, procedure, and practice provide for special diets for youth whose religious/spiritual beliefs require the adherence to religious/spiritual dietary laws.**

## Health and Safety Regulations

**3-JDF-4A-09**  
(Ref. 2-8229)  
ORS 169.076(7)(d)                      **Written policy, procedure, and practice specify that the food services comply with the applicable sanitation and health codes as promulgated by federal, state, and local authorities.**

## Inspections

### Facilities and Equipment

**3-JDF-4A-10**  
(Ref. 2-8230)                      **Written policy, procedure, and practice provide for weekly inspection of all food service areas, including dining and food preparation areas and equipment; sanitary, temperature-controlled storage facilities for all foods; and daily checks of refrigerator and water temperatures by administrative, medical, or dietary personnel.**

**3-JDF-4A-11**  
(Ref. New)                      **Shelf goods are maintained at 45 to 80 degrees Fahrenheit, refrigerated foods : 35 to 40 degrees Fahrenheit, and frozen foods at 0 degrees Fahrenheit or below**

### Meal Service

**3-JDF-4A-12**  
(Ref. 2-8232)                      **Written policy, procedure, and practice provide that staff members supervise youth during common room meals.**

**3-JDF-4A-13**  
(Ref. 2-8226)  
ORS 169.076(7)(a)                      **Written policy, procedure, and practice require that at least three meals, of which two are hot meals, are provided at regular meal times during each 24-hour period, with no more than 14 hours between the evening meal and breakfast. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands.**

**3-JDF-4A-14**  
(Ref. New)                      **1. Written policy, procedure, and practice provide for adequate health protection for all youths and staff in the facility and youth and other persons working in food service, including the following:**

- 2. Where required by the laws and/or regulations applicable to food service employees in the community where the facility is located, all personnel and youth involved in the preparation and dispensing of food receive a preassignment medical examination and periodic reexaminations to ensure freedom from diarrhea, skin infections, and other illness transmissible by food or utensils. All examinations are conducted in accordance with local requirements.**
- 3. When the facility's food services are provided by an outside agency or individual, the facility has written verification that the outside provider complies with the state and local regulations regarding food service.**
- 4. All food handlers are instructed to wash their hands upon reporting to duty and after using toilet facilities.**
- 5. Youths and other persons working in food service are monitored each day for health and cleanliness by the director of food services or designee.**

## Section B Sanitation and Hygiene

Principle: The facility's sanitation and hygiene program complies with applicable regulations and standards of good practice to protect the health and safety of youths and staff.

### Sanitation Inspections

**3-JDF-4B-01**  
(Ref. 2-8234)                      **Written policy, procedure, and practice require weekly sanitation inspections of all facility areas.** A designated staff member shall submit a written report to the administrator documenting deficiencies whenever they occur.

**3-JDF-4B-02**  
(Ref. 2-8171,  
2-8233)  
ORS 169.040                      **The facility complies with applicable federal, state, and local sanitation and health codes.** The facility shall be inspected at least annually by appropriate government officials. A copy of the report shall be kept on file.

### Water Supply

**3-JDF-4B-03**  
(Ref. 2-8236)                      **The facility's potable water source and supply, whether owned and operated by the public water department or the institution, is in compliance with jurisdictional laws and regulations,** including Federal Safe Drinking Water Act Regulation.

### Waste Disposal

**3-JDF-4B-04**  
(Ref. 2-8238)                      **The facility provides for a waste disposal system in a manner that protects the health and safety of youths and staff.**

### Housekeeping

**3-JDF-4B-05**  
(Ref. 2-8237)                      **Written policy, procedure, and practice provide for the control of vermin and pests.** Licensed pest control professionals shall be used when necessary to clean or fumigate the facility. Their use on a regular basis is essential.

**3-JDF-4B-06**  
(Ref. 2-8235)                      **There is a written housekeeping plan for the facility's physical plant.** A definite cleaning schedule with personnel and youths assigned specific duties shall be developed.

ORS 169.076                      Cleaning and janitorial supplies are to be kept in a locked supply area. Supplies are to be issued and controlled by staff. Youths are to be directly supervised when using these.

### Clothing and Bedding Supplies

**3-JDF-4B-07**  
(Ref. 2-8245)                      **The stored supply of clothing, linens, and bedding exceeds that required for the facility's maximum youth population.**

**3-JDF-4B-08**  
(Ref. 2-8243)                      **Written policy specifies accountability for clothing and bedding issued to youth.**

- 3-JDF-4B-09  
(Ref. 2-8241) Written policy, procedure, and practice provide for the issue of special and, when appropriate, protective clothing and equipment to youths assigned to food service, medical areas, cleaning, sanitation, laundry, or other special work areas or duties.
- 3-JDF-4B-10  
(Ref. 2-8244)** Youth are provided the opportunity to have three complete sets of clean outer clothing weekly. Clean underclothing shall be made available daily. **The facility may provide this clean clothing in several ways, including access to self-serve washer facilities, central clothing, or a combination of the two.**
- 3-JDF-4B-11  
(Ref. 2-8247)  
ORS 169.076(8)(c) Written policy, procedure, and practice permit that the facility to provide for the thorough cleaning and, when necessary, disinfecting of youth personal clothing before storage or before allowing the youth to keep and wear personal clothing.

### Bedding and Linen Issue

- 3-JDF-4B-12  
(Ref. 2-8242) **Written policy, procedure, and practice provide for the issue of suitable clean bedding and linen, including two sheets, pillow and pillowcase, one mattress, and sufficient blankets to provide comfort under existing temperature controls. There is provision for linen exchange at least weekly or more often as needed.**
- All linen and bedding shall be cleaned and/or disinfected before reissue. Towels shall be exchanged at least three times per week. Bedding shall comply with fire retardant standards.

### Bathing and Personal Hygiene

- 3-JDF-4B-13  
(Ref. 2-8246) Written policy, procedure, and practice provide an approved shower schedule which allows daily showers.
- Comment:* Ensure demonstrated efforts are taken to respect differences and individual needs of all youth.
- 3-JDF-4B-14  
(Ref. 2-8240) **Written policy, procedure, and practice require that articles necessary for maintaining proper personal hygiene are provided and respect differences and individual needs of all youth.** As part of the admissions process, each youth may be given soap, a toothbrush, toothpaste or powder, a comb, and toilet paper. Shaving equipment may be made available upon request. A procedure for accounting for razors shall be in place. The special hygiene needs of females shall be met.
- 3-JDF-4B-15  
(Ref. 2-8240) **There are hair care services available for youth.** A barber and/or beautician may provide hair care service as needed taking into consideration the ethnically diverse population served.

## Section C Health Care

### Responsible Medical Authority

Note: All “Y” designations are section numbers from the Standards For Health Services In Juvenile Detention and Confinement Facilities, National Commission on Correctional Health Care, 1992.

3-JDF-4C-01  
(Ref. 2-8248)  
ORS 169.076  
Y-01

Written policy, procedure, and practice provide that the facility has a designated health authority with responsibility for health care pursuant to a written agreement, contract or job description. The health authority may be a physician, health administrator, or health agency. When the authority is other than a physician, final medical judgments rest with a single designated physician.

3-JDF-4C-02  
(Ref. 2-8257)  
ORS 169.760

Written policy, procedure, and practice govern the relationship and the activities of private physicians with youths in the facility.

3-JDF-4C-03  
(Ref. 2-8250)  
Y-03  
ORS 169.040  
ORS 169.076  
ORS 678.150

Written policy, procedure, and practice provide that the health authority meets with the facility administrator at least annually.

3-JDF-4C-04  
(Ref. 2-8286)  
ORS 169.076

Written policy, procedure, and practice provide that when a youth is in need of emergency hospitalization, he or she is accompanied by a staff member who accompanies the youth through at least admissions.

3-JDF-4C-05  
(Ref. 2-8251)  
ORS 169.076  
ORS 678.150  
ORS 169.040

The health care delivery system policies, procedures and practices are reviewed at least semiannually by the appropriate health authority. Each document bears the date of the most recent review or revision and the signature of the reviewer.

3-JDF-4C-06  
(Ref. 2-8259)  
ORS 169.076  
Y-10

If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies, and materials as determined by the responsible physician are provided for the performance of primary health care delivery.

### Unimpeded Access to Care

3-JDF-4C-07  
(Ref. 2-8267)  
ORS 169.07  
ORS 169.760

Written policy, procedure, and practice provide for unimpeded access to health care and for a system for processing complaints regarding health care. These policies are communicated orally and/or in writing as soon after admission to the facility as possible. The explanation of these policies are put in a language clearly understood by each youth.

3-JDF-4C-08/09,  
3-JDF-4C-29  
(Ref. 2-8270,  
2-8268, 2-8269)  
Y-32  
ORS 169.076

Written policy, procedure and practice provide that youths' medical complaints are monitored and responded to by medically trained personnel.

## Personnel

### Qualifications

3-JDF-4C-10,  
3-JDF-4C-12  
(Ref. 2-8258,  
2-8252)  
ORS 169.076  
Y-18, Y-19

Appropriate state and federal licensure, certification or registration requirements, and restrictions apply to personnel who provide health care services to youths. The duties and responsibilities of such personnel are governed by written job descriptions approved by the health authority. Verification of current credentials and job descriptions are on file in the facility.

### Administration of Treatment

3-JDF-4C-11  
(Ref. 2-8253)  
ORS 678.375,  
ORS 678.380  
Y-34

Written policy, procedure, and practice provide that treatment by health care personnel other than physician, dentist, psychologist, optometrist, podiatrist, or other independent providers pursuant to written standing or direct orders by personnel authorized by law to give such orders. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.

3-JDF-4C-14  
(Ref. 2-8289)  
ORS 169.076

In Facilities housing females, obstetrical, gynecological, family planning, and health education services are provided as needed, in a manner that is sensitive toward the sexual victimization history of many young women.

### Current Mental Health Services

3-JDF-4C-16  
(Ref. 2-8255)  
ORS 169.740

Written policy, procedures and practice specify the provision of mental health services for youths.

### Pharmaceuticals

3-JDF-4C-18  
(Ref. 2-8279)  
ORS 169.760,  
  
ORS 678.150,  
ORS 678.385;  
Y-22, Y-40, Y-41

Written policy, procedure and practice provide for the management of pharmaceuticals and address the following subjects:

- a formulary specifically developed for the facility prescription practices that requires 1) prescription practices, including requirements that psycho tropic medications are prescribed only when clinically indicated as one facet of a program of therapy, 2) "stop orders" time periods are required for all medications, 3) the prescription provider reevaluates a prescription prior to its renewal;
- procedures for the receipt, storage, dispensing, and administration or distribution of medications;

- secure storage and periodic inventory of all controlled substances, syringes and needles;
- dispensing of medicine
- administration of medication by properly trained persons under the supervision of the health authority and facility administrator or designee;
- accountability for administering or distributing medications in a timely manner and according to physician's orders.

**3-JDF-4C-19**  
(Ref. 2-8281)  
ORS 169.750,  
Y-41

Psychotropic drugs, such as antipsychotics or antidepressants, and drugs requiring parental administration are prescribed only by a physician, or authorized health provider, and then following a physical examination of the youth by the health provider. Such drugs are administered by responsible physician, qualified health personnel, or health-trained personnel under the direction of the health authority.

**3-JDF-4C-20**  
(Ref. 2-8280)  
ORS 169.750(5)(b)  
Y-41

The person administering medications has training from the responsible physician or nurse and the official responsible for the facility, is accountable for medications according to others, and records the administration of administering medications in a manner and on a form approved by the responsible physician.<sup>1</sup>

## Dental Screening and Examination

**3-JDF-4C-25**  
(Ref. 2-8275)  
ORS 169.076  
Y-55

Dental care is provided as needed to deal with emergency dental problems.

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<sup>1</sup>There are inconsistencies between statute and current principle that need to be addressed via legislative change.

## Health Screenings and Examinations

3-JDF-4C-21  
3-JDF-4C-23  
(Ref. 2-8264,  
2-8263)  
ORS 169.750  
Y-33

Written policy, procedure and practice require medical, dental, and mental health screening to be performed by health-trained or qualified health care personnel on all youths, including intra system transfers, as soon as possible after their arrival at the facility. All findings are recorded according to procedures approved by the health authority. The screening shall include the following:

**Inquiry into:**

- current illness, allergies, other health or dental problems, mental health issues;
- use of alcohol and drugs including date and time of last use, amounts, frequency, special concerns from reactions to stopping the use;

**Observation of:**

- behavior, which includes state of consciousness, mental status, appearance, and conduct;
- body deformities, skin conditions, needle marks, etc.
- medical disposition of youth:
- general population or
- restrictive status that may include limited contact with others or referral to an outside health care service.

3-JDF-4C-22  
(Ref. 2-8262)

Upon completion of the medical screening program staff are informed of special medical considerations for each youth.

3-JDF-4C-26  
3-JDF-4C-33  
(Ref. 2-8272,  
2-8256)  
ORS 169.076  
Y-26

Written policy, procedure and practice provide for 24-hour emergency medical, dental, and mental health care availability as outlined in a plan that includes the following:

- on site emergency first aid and crisis intervention;
- emergency evacuation of the youth from the facility;
- use of an emergency medical vehicle;
- use of one or more emergency rooms or other appropriate health facilities;
- security procedures providing for the immediate transfer of youths when appropriate.

## **First Aid**

**3-JDF-4C-27**  
**(Ref. 2-8273)**  
**ORS 169.076,**  
**Y-21**

**Youth careworker staff and other personnel are trained to respond to health-related situations. A training program is established by the responsible health authority in cooperation with the facility administrator that includes the following:**

- **recognition of signs and symptoms and knowledge of action required in potential emergency situations;**
- **administration of first aid and cardiopulmonary resuscitation (CPR);**
- **methods of obtaining assistance;**
- **procedures for patient transfers to appropriate medical facilities or health care providers.**

**3-JDF-4C-28**  
**(Ref. 2-8260)**  
**ORS 169.076**  
**Y-12**

**First aid kit(s) shall be available in each facility. The facility administrator in cooperation with the health authority approves the contents, number, location, and procedure for periodic inspection of the kits.**

## **Prostheses and Orthodontic Devices**

**3-JDF-4C-32**  
**(Ref. 2-8291)**  
**Y-53**

**Medical and dental prostheses are allowed within the facility unless a security issue precludes the youth's possession of the device.**

## **Specialized Programs (Health Education)**

**3-JDF-4C-34**  
**(Ref. 2-8285)**  
**ORS 169.740**  
**Y-47**

**Programs and training are provided for the development of sound habits and practices regarding personal hygiene, health promotion and disease prevention.**

## **Suicide Prevention and Intervention**

**3-JDF-4C-35**  
**Y-36**

**There is a written suicide prevention and intervention policy that is reviewed by a qualified medical or mental health professional and approved by the facility administrator. All staff responsibility for youth supervision are trained in the implementation of the policy, which includes specific procedures for intake screening, identification, and supervision of higher risk youths.**

## **HIV and Infectious Disease**

**3-JDF-4C-36**  
**ORS 135.139,**  
**433.045, 433.065**  
**433.080, 433.009**  
**Y-08**

Written policy, procedure, and practice specify approved actions to be taken by employees concerning the possibility that youths may be HIV positive. This policy shall include at a minimum the following:

- where HIV tests are available;
- appropriate safeguards for staff and youths;
- when and under what conditions youths are to be separated from the general population;
- staff and youth training procedures;
- issue of confidentiality.

**3-JDF-4C-37**  
**Y-51**

Written policy, procedure, and practice address the management of serious and infectious diseases. These policies and procedures are updated as new information becomes available.

## **Mentally Ill or Retarded Youth**

**3-JDF-4C-39**  
**(Ref. 2-8276)**  
**ORS 169.750**  
**Y-52**

Written policy, procedure, and practice provide for screening, care and/or referral for care for mentally ill or retarded youths.

## **Detoxification**

**3-JDF-4C-40**  
**(Ref. 2-8278)**  
**Y-29**

Written policy, procedure, and practice provide for detoxification from alcohol, opiates, barbiturates, and similar mind altering drugs.

## **Informed Consent**

**3-JDF-4C-42**  
**(Ref. 2-8287)**

Written policy, procedure, and practice provide that all informed consent standards in the jurisdiction are observed and documented for medical care.

**ORS 169.750**  
**Y-59**

The informed consent of parent, guardian, or legal custodian applies when required by law. When health care is rendered against the patient's will, it is in accord with state and federal laws and regulations.

**3-JDF-4C-43**  
**(Ref. 2-8290)**  
**ORS 169.750**

Written policy prohibits the use of youths for medical, pharmaceutical, or cosmetic experiments.

**3-JDF-4C-44**  
**(Ref. 2-8282)**

Under no circumstances is a stimulant, tranquilizer, or psychotropic drug to be administered for the purposes of program management or control.

## **Notification of Designated Individuals**

**3-JDF-4C-45**  
**(Ref. 2-8271)**  
**Y-15**

Written policy, procedure and practice provide for prompt notification of youths' parents/guardians in case of serious illness, surgery, injury or death.

## Health Record Files

**3-JDF-4C-46**  
(Ref. 2-8283)  
Y-59

The health record file contains the following:

- the completed receiving screening form;
- health appraisal data forms;
- all findings, diagnoses, treatments and dispositions;
- prescribed medications and their administration;
- laboratory, x-ray, and diagnostic studies;
- signature and titles of documenter;
- consent and refusal forms;
- place, date and time of health encounters;
- health service reports;
- treatment plan, including nursing care plan;
- progress reports;
- discharge summary of hospitalization and other termination summaries.

**3-JDF-4C-47**  
(Ref. 2-8284)

Written policy, procedure, and practice uphold the principle of confidentiality of the health record and support the following requirements:

- The active health record is maintained separately from the confinement record.
- Access to the health record is controlled by the health authority.
- The health authority shares with the facility administrator information regarding a youth's medical management, security, and ability to participate in program.

## Transferred and Inactive Records

**3-JDF-4C-48**  
(Ref. 2-8288)

For youths being transferred to other facilities, summaries or copies of the medical history record are forwarded to the receiving facility prior to or at arrival.

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PART FIVE

**Youth Services**

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**Section A**

**Intake or Admission**

**Principle: All incoming youths undergo thorough** culturally specific and language appropriate **screening and assessment at intake and receive thorough** culturally specific and language appropriate **orientation to the facility's procedures, rules, programs and services.**

**Intake or Admission**

**3-JDF-5A-01  
(Ref. 2-8335)  
ORS 419C.109  
ORS 419A.012**

**There is an organizational unit responsible for the intake process that is delegated the specific power to make decisions regarding intake. The intake process operates on a 24-hour-a-day basis.**

*Comment:* The organization and location of the intake function shall be determined by the governmental structure of the jurisdiction. Intake units may have full responsibility for reviewing complaints and determining whether a petition shall be filed with the juvenile court. The intake or admission officer may receive, review, and process complaints; recommend release or detention where necessary; and provide for culturally specific and language appropriate services to youths and their families, including diversion, and referral to other community resources.

**3-JDF-5A-02**  
(Ref. 2-8349,  
2-8350)  
**ORS 169.076**  
**RS 419C.097**

**Written procedures for admission of youths new to the system include but are not limited to the following:**

- **determination that the youth is legally committed to the facility**
- **complete search of the youth and possessions**
- **disposition of personal property**
- **shower and hair care, if necessary**
- **issue of clean, laundered clothing, as needed**
- **issue of personal hygiene articles**
- **medical, dental, and mental health screening**
- **assignment to a housing unit**
- **recording of basic personal data and information to be used for mail and visiting lists**
- **assistance to youths in notifying their families, and providing translation/interpretation services, as needed, of their admission and procedures for mail and visiting**
- **assignment of a registered number to the youth**
- **provision of language appropriate written orientation materials to the youth**
- **provision of translation/interpretation services as needed.**

*Comment:* Youths coming into the system may be unfamiliar with staff expectations and not understand what is expected of them. Staff members shall explain procedures at each step during the admissions process.

**3-JDF-5A-03**  
(Ref. 2-8336)  
**ORS 169.076**

**The screening procedure prohibits the placement in the facility of children who cannot be detained pursuant to ORS.**

**3-JDF-5A-04**  
(Ref. 2-8337)

**Each youth is informed of the steps in the process at the initiation of intake.**

*Comment:* It is essential that youths and their families, at the time of intake, understand what is happening at all stages of the process, including the purposes, procedures, and possible results. This ensures the youths and the families the opportunity to ascertain what their procedural rights are and sufficient time to make appropriate decisions regarding their rights within the intake process. Information is provided in the youth and family's own language if they do not understand English.

**3-JDF-5A-05**  
(Ref. 2-8340)

**Written policy, procedure, and practice specify the authority and responsibility of intake personnel to refer for noncourt services youths named in complaints and, if indicated, their parents.**

*Comment:* Noncourt services such as Youth Service Bureaus, diversion programs, and various public and private sector service agencies can frequently provide the service necessary to help youths and their families.

**3-JDF-5A-07  
(Ref. 2-8344)**      **Written policy, procedure, and practice provide for a process of independent review of intake decisions.**

*Comment:* Because intake personnel are involved in many informal dispositions, a review requirement shall be developed to provide a check on the system through the court or appropriate prosecuting office. Such a mechanism could effectively limit unwarranted uses of discretion in which considerations of institutions or other requirements rather than the needs of the youths are the determining factor in the decision-making process.

**3-JDF-5A-08  
(Ref. 2-8345)  
ORS 419C.109**      **Written policy, procedure, and practice specify the authority and responsibility for intake personnel to order unconditional or conditional release of a youth for whom a petition has been filed, and to order nonsecure or secure residential care when approved by the juvenile court.**

*Comment:* Depending on a number of factors, youths for whom petitions have been filed may require varying degrees of control pending review of their cases by the court. These interim control decisions are made by the intake personnel who shall have in writing both the delegated authority and the range of interim dispositions they are permitted to order.

**3-JDF-5A-09  
(Ref. 2-8346)  
ORS 419C.109**      **Written policy, procedure, and practice provide guidelines for the use of various forms of conditional release based on case factors and available resources.**

*Comment:* In order to minimize the imposition of release conditions on persons who shall appear in court without them and who present no substantial risk in the interim, each jurisdiction shall develop guidelines to assist intake workers in deciding when to grant conditional release to youths accused of a delinquent act. These guidelines shall be based on case circumstances and the resources and programs available in that community.

**3-JDF-5A-10  
(Ref. 2-8347)  
ORS 419C.145  
ORS 419C.134  
ORS 419C.133**      **Written policy, procedure, and practice limit the use of detention to cases permitted by state statute.**

**ORS 419C.097**      **Written policy, procedure, and practice specify that a parent, guardian, or other responsible adult is contacted during the admission process.**

**3-JDF-5A-13  
(Ref. 2-8406)  
ORS 419C.145**      **Written policy, procedure, and practice specify that youths alleged to have violated conditions of their probation/aftercare are not placed in detention except as allowed by statute.**

## **Reception and Orientation**

**3-JDF-5A-14  
(Ref. 2-8355)  
ORS 169.740**      **Written policy, procedure, and practice provide programs for youths during the reception period.**

## New Youths

**3-JDF-5A-15**  
**(Ref. 2-8351)**  
**ORS 169.740**

**Written policy, procedure, and practice provide that new youths receive written orientation materials and/or translations in their own language if they do not understand English. When a literacy problem exists a staff member or other person proficient in the youth's language assists the youth in understanding the material. Completion of orientation is documented by a statement signed and dated by the youth.**

## Personal Property

**3-JDF-5A-16**  
**(Ref. 2-8352)**  
**(Ref. 2-8352)**  
**ORS 169.576**  
**ORS 133.455**

**Written policy, procedure, and practice govern the control and safeguarding of youth personal property. Personal property retained at the facility is itemized in a written list that is kept in the permanent case file; the youth receives a current copy of this list.**

*Comment:* All personal property retained at the facility shall be accurately inventoried and securely stored. The inventory list shall be signed by the youth and a receipt given to the youth for all funds and possessions stored. The property shall be available if required by the youth and shall be returned at the time of release, with a receipt signed by the youth acknowledging return of the property.

## Section B

### Social Service

Principle: The facility strives to make available professional services that are cultural specific, language appropriate, and gender specific, necessary to meet the identified needs of youths. Such services may include individual and family counseling, family planning and parent education, and programs for youth with drug and alcohol problems.

### Counseling

ORS 169.740(1)      **Each facility shall provide for counseling of any detained youth found to be within the jurisdiction of the court.**

**3-JDF-5B-04**  
**(Ref. 2-8375)**  
**ORS 169.740**      **Written policy, procedure, and practice provide that staff members are available to counsel youths; provision is made for nondispositional counseling youths on an emergency basis.**

*Comment:* In assisting youths with their personal problems and with adjustment to the facility, staff members shall make time available on a regular basis for appointments with youths who request it. Because youths may have problems that require immediate attention, at least one staff member shall be available 24 hours a day.

**ORS 169.760**  
**#3**      *Comment:* Youths placed in detention facilities are in some cases highly disturbed; therefore, it is imperative that mental health ,psychiatric, and crisis intervention services are available on an as-needed basis.

**3-JDF-5B-06**  
**(Ref. New)**      **Social services personnel share relevant information and coordinate their efforts with appropriate facility youth careworkers. Appropriate releases of information shall be obtained for all youth.**

*Comment:* All facility personnel shall be familiar with the counseling programs so that they may refer youths when indicated. Counselors frequently have information about youths that will help other staff in their work with the youths.

## Section C

### Academic and Educational Programs

**Principle: A written body of policy and procedure govern the facility’s academic and education programs for youth, including program accreditation, staff certification, and coordination with other facility programs and services as well as the community.**

- ORS 169.740** Each facility shall provide access to education of any youth held in excess of five judicial days.
- 3-JDF-2C-11** *Comment:* If the facility houses male and female youths, space is provided for co-educational activities.
- ORS 336.585** The school district in which the detention facility is located is responsible for providing appropriate education for youth placed in the facility. The education may be provided by the school district or an education service district. The resident district is responsible for the actual cost of the youth’s education.
- Comment:* The school district or ESO shall provide youth with a broad educational program that is most suited to their needs and abilities and includes but is not limited to: developmental education; remedial education; special education; multi-cultural education; bilingual education, when the profile indicates; and tutorial services as needed. This program shall operate under the auspices of a year-round school system.
- 3-JDF-5C-02 (Ref.2-8358)** **Education staff shall determine the need for and provide remedial education services.**
- Comment:* Youths coming into detention may be having difficulty with school work, indicating the need for special education assistance. These needs shall be identified and remedial action taken or referral made to appropriate educational authorities.
- ORS 419A.052(2)(I)** New or major renovated facilities shall provide space for classes, library, arts and craft.

## Extended Detention Programs

ORS 419C.453  
OAR 423-040-005  
OAR 423-040-0025

The extended detention programs shall use the following academic standards as to minimum requirements for program plans:

- The detention facility shall insure that educational programs are available to all youths placed in extended detention.
- Educational programs offered through extended detention programs shall be designed to assist detained youths in keeping up with their studies in conformance with standards promulgated by the State Board of Education.
- Youths identified previously as needing special education shall have services provided as identified in their individualized education plan.
- Educational instructors for the extended detention program shall have been certified by the Teacher Standards and Practices Commission and shall have received training to meet the special needs of detained youths.
- The formal educational program shall have a minimum of one educational instructor for every 15 students or a minimum of one education instructor for every 20 students if the education instructor is supported by an instructional assistant.

## Vocational/Work Programs

3-JDF-5C-05  
(Ref.2-8302)

**Youth are not required to participate in uncompensated work assignments unless the work is related to housekeeping, maintenance of the facility or grounds, personal hygienic needs, or part of an approved training or community service program.**

*Comment:* Work that benefits the community or the facility may also serve the needs of confined youth. It may be part of a training program, the opportunity to practice existing skills, or simply a relief from boredom.

3-JDF-5C-06-

**Youth are not permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.**

## Section D

### Library

**Principle: A written body of policy and procedure governs the facility’s library program, including acquisition of materials, hours of availability and staffing.** Gender-specific and culturally appropriate language materials shall be made available.

#### Comprehensive Library Services

- |             |   |
|-------------|---|
| 3-JDF-5D-01 | The facility administrator or designee coordinate and supervise library services.   |
| 3-JDF-5D-02 | Written policy defines the principles, purposes, and criteria used in the selection and maintenance of library materials.   |
| 3-JDF-5D-03 | Library services are provided and available to all youths.  |
| ORS 169.760 | Written policy and procedure provide that each facility establish a comprehensive written policy providing for the least restrictive alternative consistent with: <ul style="list-style-type: none"><li>• the safety and security of the facility and</li><li>• the law, with respect to access to reading materials for detained youths.</li></ul> |

## **Section E Recreation and Activities**

**Principle: A written body of policy and procedure governs the facility’s recreation and activities programs for youths, including program coordination and supervision, facilities and equipment, community interaction, and activities initiated by youth. Demonstrated efforts shall be taken to provide gender-specific and culturally appropriate recreation activities.**

### **Staff and Space Requirements**

**3-JDF-5E-01** A facility of 100 or more youths shall have a qualified recreation director who plans and supervises all recreation programs.

**3-JDF-5E-02  
ORS 419A.052** **Written policy, procedure, and practice grant youths access to recreational opportunities and equipment, including outdoor exercise when the climate permits.**

### **Equipment**

**3-JDF-5E-03** **A variety of fixed and movable equipment is provided for indoor and outdoor recreation.**

**3-JDF-5E-04** **Written policy, procedure, and practice provide a recreation and leisure time plan that includes at a minimum at least one hour per day of large muscle activity and one hour of structured leisure time activities.**

## Section F

### Religious Programs

**ORS 169.740**  
**(Ref. 2-8297)**

Each facility shall provide for the free exercise of religion by a detained youth, unless such provision will cause a threat to the security of the facility or a threat of disorderly conduct within the facility.

- Volunteer pastoral services may be available from the community with participation in such services to be solely at the youth's discretion.
- No youth shall be required to listen to or participate in any religious ceremony or counseling, or punished for such decision.
- A finding of the threat to the security of the facility or a threat of disorderly conduct within the facility shall be recorded in the general log of the facility, and communicated to the youth.

**3-JDF-5F-02**  
**(Ref. 2-8149)**

**Written policy, procedure, and practice provide that space is available for religious purposes.**

## Section G Mail, Telephone, Visiting

### Youth Correspondence

**ORS 169.760**                    **Principle: Each facility shall have a comprehensive written policy with respect to rules governing correspondence, visitation, and telephone calls.**

*Comment:* The facility shall recognize each youth's need for and right to maintain contact with appropriate persons outside the facility and to do so with a reasonable degree of privacy.

**3-JDF-5G-02**  
(Ref. 2-8381)  
ORS 169.077(6)

A copy of rules governing correspondence shall be made available to each youth detained. This policy and procedure shall be reviewed annually and updated as needed. The amount of correspondence a youth can send or receive is limited only by the youth's own resources and/or facility resources, order of the court, agreement between parent(s)/probation counselor, and/or when the facility's security is compromised. This excludes legal correspondence.

**ORS 169.740 (2)(f)**            The facility shall provide for the payment of postage for the youth's mail to an attorney or to federal, state, county, or municipal government officials.

### Inspection of Letters and Packages

**ORS 169.740 (2)(e)**            Consistent with Oregon statute, if correspondence is read and/or checked, the youth must be present when the correspondence is opened. If contraband is found, it shall immediately be turned into the facility manager/supervisor; if no contraband is found, the correspondence shall immediately be given to the youth. Legal correspondence is never opened.

Cash, checks or other money sources removed from incoming mail shall be credited to the youth's account or placed by facility personnel with the youth's other secured property. It shall also be recorded on the youth's inventory form. Packages are subject to inspection at the discretion of facility staff. The youth shall be present during this inspection. If property is withheld, it shall be noted on the youth's inventory form and the facility manager/ supervisor shall be notified.

### Forwarding of Mail

**3-JDF-5G-10**  
(Ref. 2-8393)                    **Written policy, procedure, and practice provide for the forwarding of first class letters and packages after transfer or release.** Released or transferred youth shall be permitted to take all personal mail.

## Access to Publications

**3-JDF-5G-06**  
**(Ref.2-8394)**

**Written policy, procedure and practice govern youth’s access to publications.** Materials shall not be prohibited based solely on cultural or language considerations.

*Comment:* Suggested criteria for restricting magazines, newspapers, and periodicals include the following: instructions for manufacturing of explosives, drugs, or other unlawful substances; advocates of racial, religious, national or other hatred; and advocates of criminal sexual behavior or behavior against facility rules and standards.

## Telephone

**3-JDF-5G-11**  
**ORS 169.760 (7)**

Each facility shall have a comprehensive written policy with respect to a youth’s telephone calls.

*Comment:* Youth shall have equal and adequate access to a telephone to maintain appropriate and approved ties with the community and contact with attorneys.

## Visitations

**3-JDF-5G-13**

Written policy, procedure, and practice provide that youth visiting arrangements permit informal communication.

**3-JDF-5G-14**

**Written policy, procedure, and practice govern special visits,** such as visits from persons who have come long distances, visits to hospitalized youth, visits to youth in disciplinary status and visits between youth and their attorneys.

Denial of visitation privileges shall be based upon security and order of the facility, and the ability of visitors and youth to follow visitation rules. Also, a youth has a right to deny a visitor.

**3-JDF-5G-15**

**Written policy, procedure, and practice specify (1) that visitors register on entry into the facility and (2) the circumstances under which visitors are searched and supervised during the visit.**

Volunteers are subject to the same policy and procedures of the facility, unless an exception is granted by the facility manager/supervisor.

## Section H

### Release

Principle: The facility provides a structured program to help youths make a satisfactory transition upon their release from detention.

#### Release Preparation

**3-JDF-5H-01**  
(Ref. 2-8396)  
ORS 169.760(1)

**The criteria that are employed by the releasing authority in its decision making are available in written form and are specific enough to permit consist application to individual cases.**

**3-JDF-5H-02**  
(Ref. 2-8395)

**Written procedure for releasing youths include but are not limited to the following:**

- **verification of identity**
- **verification of release papers**
- **completion of release arrangements, including the person or agency to whom the youth is to be released**
- **return of personal effects**
- **completion of any pending action, such as grievances or claims for damaged or lost possessions**
- **medical screening and arrangements for community follow-up when needed**
- **transportation arrangements**
- **instructions on forwarding of mail.**

*Comment:* The release process shall ensure that all matters relating to the facility are completed. If the youth is to be released to his or her family, the person accepting the youth shall be identified, or an unescorted release must be verified. If released to another agency, everyone involved shall understand what is to occur with respect to timing, expectations, forwarding of records, and who will complete the transfer. Parents also must be notified.

**3-JDF-5H-03**  
(Ref. 2-8398)

**Youth offenders are given specific release information in writing, and the decision is recorded in the case record.**

*Comment:* In general, there is an expectation that a release date, once fixed, will be observed unless sound reasons to the contrary are evidenced. From time to time, sufficient information will come to an authority's attention to require him/her to defer a date. In such a case, the authority makes a record of the specific reasons for the deferral of release. Temporary delays may be required because of circumstances surrounding a specific release plan or situation.

**3-JDF-5H-04  
(Ref. 2-8401)**

**Materials in the case files are clearly identified as to source, verification, and confidentiality.**

*Comment:* The degree to which release decision makers rely on information is determined in large measure by the accuracy of the material. One key to that assessment is knowing that material has been verified and the nature of the verification. It is therefore imperative that all relative materials in case files are labeled as to the extent and method of verification and the confidentiality of the file material.

**3-JDF-5H-05  
(Ref. 2-8403)**

**Youth offenders have access to the information on which release decisions are made, except information that, in accordance with the authority's written policy, is specifically classified as confidential for good and sufficient reasons and is so designated.**

**3-JDF-5H-06  
(Ref. 2-8404)**

**The releasing authority does not accept the presence of a detainer as an automatic bar to release; pursues the basis of any such detainer; and releases the youth to detainers when appropriate.**

*Comment:* Detainers represent an outstanding charge that may or may not be adjudicated and shall not automatically constitute a bar to release. Staff shall, as a matter of practice, trace detainers to determine their basis and probability of service. When appropriate, the releasing authority shall release youths to detainers.

**3-JDF-5H-07  
(Ref. New)**

**Written policy, procedures, and practice provide for and govern escorted and unescorted day leaves into the community.**

*Comment:* There shall be provision to escort youths into the community for needed medical and dental care; to visit ill family members or attend funerals; and to participate in community affairs and/or events that would have a positive influence on the youth. Unescorted or day leaves shall be extended for a variety of reasons related to the youth's planned return to the community and consistent with public safety.

# APPENDICES

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## APPENDIX A Definitions

“**All services**” means the care and rehabilitation services provided to youth in the custody of a juvenile detention facility. It includes communication with the families or legal guardians of the youth.

“**Building codes**” are the federal, state, or local regulations that dictate the construction of a facility.

“**Committing authority**” is the juvenile court judge of the county where the youth was adjudicated.

“**Counselor**” means any probation counselor or officer as defined in ORS 419A.010.

“**Cultural competency**” means the acceptance that culture influences attitudes and behaviors. It involves the development of policies, structures, and practices that ensure equitable services for all participants.

“**Culture**” means integrated patterns of behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and norms of racial, ethnic, religious, or social groups.

“**Dayroom**” is a room which is adjacent to a cell/detention room or cell/detention room cluster, and which is used as a dining, exercise or other activity room for detained youth.

“**Design capacity**” means the original architectural design capacity.

“**Director**” means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

“**Dormitory**” is a living unit designed to house no fewer than three nor more than 48 inmates. Dormitories include sleeping and dayroom areas.

“**Extended detention**”, as promulgated in ORS 419C.453, is a period of detention exceeding eight days, but not more than 30 days.

“**Facility administrator**” means any official, regardless of local title (e.g., juvenile department director, administrator, superintendent) who has the ultimate responsibility for the direction and policies of the facility.

“**Facility supervisor**” means the person who is responsible for the day-to-day operations of the facility.

“**Fire code**” is the Federal, state, or local regulations governing fire safety.

“**Four point restraint**” or “**four point position**” means the use of devices that restrict physical activity by securing both arms and legs.

“**Gender identity**” means the gender characteristics (social, emotional, sexual) a person exhibits or to which she or he relates. These characteristics may not be the accepted norm in society or culture.

**“Gender”** means the culturally and socially ascribed roles and expectations placed on a person because of their sex.

**“Gender-specific services”** means a model for services that comprehensively addresses the needs of a gender group and fosters positive gender identity development. The model intentionally allows gender to affect and guide services to be responsive to the unique developmental issues and needs of the females and males receiving services.

**“Governing authority”** in public/governmental agencies, means the administrative department or division to which the agency reports; the policy-setting body. In private agencies, this shall be an administrative headquarters, central unit, or the board of directors or trustees.

**“Governing body”** at the county level is the Board of County Commissioners, and at the state level it is the Legislature.

**“Inspection”** is an on-site assessment of existing conditions made to determine the facility’s compliance with O.R.S. Chapter 169, other O.R.S. statutes, and rules applicable to the facility’s classification.

**“Isolation”** means confinement of a juvenile in any room which lacks toilet facilities, furniture, reading and recreation materials or access to light and air comparable to that in other rooms used for the detention of juveniles.

**“Juvenile court”** means the juvenile court having jurisdiction of juvenile matters in the several counties of this state.

**“Juvenile detention facility”** means a facility for the secure custody of delinquent youth accused of acts which if committed by adults would constitute crimes, or for youth held pursuant to judicial order or commitment, and which are established under the provisions of Oregon law (ORS 419.A.004, ORS 419A.010, ORS 419A.050 to 419A.063, and ORS 420.855).

**“Language appropriate”** means written and oral communication provided in the primary language used by a youth and his or her family.

**“Living Unit”** is a group or cluster of single and/or multiple occupancy cells or detention rooms within a facility that houses youth offenders and is immediately adjacent and directly accessible to a day or activity room.

**“Major renovation”** is the restructure, or adding to any portion of a building which is designed and used for the confinement of youth that equals or exceeds 50 percent of the total value of that area, or equals or exceeds 50 percent of the total square feet of space (Source: Corrections Division).

**“New construction”** is any facility to be built or the addition to an existing facility which purpose is for the confinement of adults or youth (Corrections Division).

**“Periodic review”** means there is a process in place for regular review.

**“Professional services”** are services necessary to meet the identified needs of youths. Such services shall include individual and family counseling, family planning and parent education, and programs for youths with drug and alcohol addiction problems.

**“Professional staff”** are social workers, probation officers and other staff assigned to juvenile cases. These individuals generally possess bachelor’s degrees and have advanced training in the social and behavioral sciences.

**“Rated capacity”** means the original architectural capacity plus or minus capacity changes resulting from building additions, reductions, or revisions.

**“Restraints”** mean devices used to restrict physical activity. Handcuffs, leg irons, restraint chairs and straight jackets are typically classified as restraints.

**“Resident district”** means the school district in which the parents or legal guardian, if any, of the youth resided in at the time of placement. If the youth has no parents or legal guardian, or none can be located, the resident district shall be the school district in which the child is physically located (ORS 336.585).

**“Roomlock”** means confinement of a juvenile in any sleeping room, other than an isolation room, except during regular sleeping periods; except that, in the case of facilities serving counties with a population of less than 70,000 based on the 1980 census, “roomlock” does not include confining a juvenile in a sleeping room when all detained juveniles of the same sex are similarly confined due solely to the limitations of physical facilities or staff.

**“Sex”** means the biological category of someone being either female or male. It is the differences in the body structure, muscle development, hormones, and reproductive organs.

**“Shelter care”** means a home or other facility suitable for the safekeeping of a child who is taken into temporary custody pending investigation and disposition where the circumstances are such that the child does not need to be kept in secure custody.

**“Short-term detention facility”** means a facility established under ORS 419A.050 (3) for holding youths pending further placement. A short-term detention facility may house up to five youths or youths in transit for a period not to exceed four continuous days pending further placement, and are subject to the same standards and specifications found in ORS 169.740 and 419A.052.

**“Supervising authority”** is the agency or department in the original county where the youth was adjudicated, or the department to which the case has been transferred.

**“Supervisor”** - see **“Facility Supervisor”**

**“Training”** is an organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on-site, at an academy or training center, at an institution of higher learning, through contract services, at professional meetings, or through closely supervised on-the-job training. Meetings of professional associates are considered training when there is clear evidence of the above.

**“Unencumbered space”** is a measurement of square footage in a room or area obtained by multiplying the length and width of the cell/room and subtracting from the figure the total number of square feet encumbered by bed(s), plumbing fixtures, desk(s), and other fixed equipment.

**“Unit”** is a group or cluster of single and/or multiple occupancy cells or detention rooms within the detention facility that houses youth and is immediately adjacent and directly accessible to a day or activity room.

**“Volunteer”** is an individual who donates time and/or effort to enhance the activities and programs of the detention facility.

**“Youth care center”** or **“center”** means a facility established and operated by a public or private agency or a combination thereof, primarily to provide care and rehabilitation services for youths committed to the custody of the youth care center by the juvenile court or placed by the youth authority. “Youth care center” or “center” does not include detention facilities established under ORS 419A.050 to 419A.057

except that when a county operates a combined facility to provide both care and rehabilitation services under ORS 420.855 to 420.885, and detention facilities, the combined facility shall be considered a “youth care center” to the extent that it is used to provide the care and rehabilitation services for youth not in detention.

**“Youth offender”** means a person at least 12 years of age and under 18 years of age who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005.

**“Youth”** means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

## APPENDIX B OREGON REVISED STATUTES: 1999 EDITION

### Provisions Relating to Juvenile Detention

**ORS CHAPTER 133**

**133.455 Receipts for property taken from person in custody; penalty.** (1) Whenever any jailer, peace officer or health officer takes or receives any money or other valuables from any person in custody for safekeeping or for other purposes, the officer or jailer receiving such valuables or money forthwith shall tender one of duplicate receipts for the property being surrendered to the person in custody. If possible, the person in custody shall countersign both the original and duplicate receipts. If the person is unable to sign the receipts or receive the duplicate thereof, the same shall be signed by and delivered to the person when reasonably possible. A file of the original receipts shall be kept for at least six months after the money or valuables have been returned to the person in custody, the agent or representative of the person or other person entitled to the same.

**ORS CHAPTER 133**

**135.139 Notice of availability of AIDS testing to person charged with crime; when court may order test; victim rights** (see statute).

**ORS CHAPTER 169**

**169.040 Inspection of local correctional facilities.** (1) The county court or board of county commissioners of each county is inspector of the local correctional facilities of the county therein. The court or board shall visit them at least once in each regular term, and shall examine fully into the local correctional facility, health, cleanliness, and discipline. If it appears to the court or board that any provisions of law have been violated or neglected, it shall forthwith give notice of the violation or neglect to the district attorney of the district. (2) The county health officer or the representative of the county health officer is authorized to conduct health and sanitation inspections of local correctional facilities on a semiannual basis. If the county health officer determines that the facility is in an insanitary condition or unfit for habitation for health reasons, the officer is authorized to notify the appropriate local governmental agency in writing of the required health and sanitation conditions or practices necessary to insure the health and sanitation of the facility. If the local governmental agency does not comply with the required health and sanitation conditions or practices within an appropriate length of time, the county health officer may recommend the suspension of the operation of the local correctional facility to the county board of health. If after a hearing the county board of health finds that the local correctional facility is in an insanitary or unhealthful condition, it may suspend the operation of the facility until such time as it complies with the recommended health and sanitation conditions and practices. <Amended by 1973 c.740 s11>

**169.050 Contracts for boarding of prisoners.** The county court or board of county commissioners of each county in

this state, not having more than 300,000 inhabitants, shall advertise for bids for boarding of prisoners confined in the county local correctional facilities of the county, and may award the contract for boarding them to the lowest responsible bidder. If any responsible bidder, other than the sheriff, receives the contract from the county for the boarding of prisoners, such bidder shall receive compensation for boarding such prisoners rather than the sheriff, and the sheriff shall afford to such bidder all facilities for carrying out the county's contract for boarding prisoners. <Amended by 1973 c.740 s12>

**169.077 Standards for lockup facilities.** Each lockup facility shall: (1) Maintain 24-hour supervision when persons are confined; such supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located. (2) Make a personal inspection of each person confined at least once each hour. (3) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility. (4) Insure that confined detainees and prisoners will be fed daily at least three nutritionally adequate meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other such purposes. (5) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Department of Corrections or the attorney of the prisoner. (6) Provide rules of the facility governing correspondence and visitations. (7) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. (8) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and policies and regulations for the operation of the facility. (9) Insure that the facility be clean, provide mattresses and blankets that are clean and fire-retardant, and furnish materials to maintain personal hygiene. (10) Provide for emergency medical and dental health, having written policies providing for licensed physician review of the facility's medical and dental plans. <1979 c.487 s7 (enacted in lieu of 169.075); 1987 c.320 s93>

**169.070 Coordination of state services by Department of Corrections; inspections to determine compliance with standards.** The Department of Corrections shall provide and coordinate state services to local governments with respect to local correctional facilities and juvenile detention facilities. The Director of the Department of Corrections shall designate staff to provide technical assistance to local governmental agencies in the planning and operation of local correctional facilities, lockups, temporary holds and juvenile detention facilities, and advice on provisions of state law applicable to these facilities. The staff shall inspect local correctional facilities, lockups, temporary holds and juvenile detention facilities, to insure compliance with the standards established in ORS 169.076 to 169.078, 169.740, 419A.059 and 419B.180. <1973 c.740 s2; 1979 c.338 s2; 1979 c.487 s2; 1987 c.320 s 91; 1993 c.33 s310>

### **The standards established in ORS 169.076 and ORS 419A.052 apply to youth detained in juvenile detention facilities**

**169.076 Standards for local correctional facilities.** Each local correctional facility shall: (1) Provide sufficient staff to perform all audio and visual functions involving security, custody and supervision of all confined detainees and prisoners, with personal inspection at least once each hour. Such supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located. (2) Have a comprehensive written policy with respect to: (a) Legal confinement authority. (b) Denial of admission. (c) Telephone calls. (d) Admission and release medical procedures. (e) Medication and prescriptions. (f) Personal property accountability which complies with ORS 133.455. (g) Vermin and communicable disease control. (h) Release process to include authority, identification and return of personal property. (i) Rules of the facility governing correspondence and visitations. (3) Formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies; and regulations for the operation of the facility. (4) Not administer any physical punishment to any prisoner at any time. (5) Provide for emergency medical and dental health, having written policies providing for: (a) Licensed physician review of the facility's medical and dental plans. (b) The security of medication and medical supplies. (c) A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided. (d) First aid supplies and staff first aid training. (6) Prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility. (7) Insure that confined detainees and prisoners: (a) Will be fed daily at least three meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other such purposes. (b) Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietician or the Health Division. (c) Be provided special diets as prescribed by the designated facility physician. (d) Shall have food procured, stored, prepared, distributed and served under sanitary conditions, as defined by the Health Division rules as authorized by ORS 624.100. (8) Insure that the facility be clean, and provide each confined detainee or prisoner: (a) Materials to maintain personal hygiene. (b) Clean clothing twice weekly. (c) Mattresses and blankets that are clean and fire-retardant. (9) Require each prisoner to shower at least twice weekly. (10) Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Department of Corrections or the attorney of the prisoner. (11) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. (12) Have and provide each prisoner with written rules for inmate conduct and disciplinary procedures. If a prisoner cannot read or is unable to understand the written rules, the information shall be conveyed to the prisoner orally. (13) Not restrict the free exercise of religion unless failure to impose the restriction will cause a threat to facility or order. (14) Safeguard and insure that the prisoner's legal rights to access to legal materials are protected. <1979 c.487 s6 (enacted in lieu of 169.075); 1987 c.320 s92>

**169.080 Effect of failure to comply with standards; enforcement by Attorney General; private action.** (1) If the condition or treatment of prisoners in a local correctional

facility, lockup or temporary hold or juvenile detention facility is not in accordance with the standards established in ORS 169.076 to 169.078, 169.740, 419A.059 or 419B.180, the staff of the Department of Corrections may notify in writing the appropriate local governmental agency of the standards which are not being met and specific recommendations for the agency to comply with the standards. Corrective measures shall be taken by the local governmental agency to insure compliance with all standards within a reasonable length of time jointly agreed upon by the agency and the Department of Corrections. (2) The provisions of ORS 169.076 to 169.078, 169.740, 419A.059, 419B.160, 419B.180 and 419C.130 shall be enforceable by the Attorney General of the State of Oregon. The Attorney General, at the request of the Department of Corrections, may bring suit or action and may seek declaratory judgment as provided in ORS chapter 28 as well as pursue any other form of suit or action provided under Oregon law. Nothing in this section shall preclude a private right of suit or action. <1973 c.740 s4; 1979 c.338 s3; 1979 c.487 s3; 1987 c.320 s 95; 1993 c.33 s311>

**169.085 Submission of construction or renovation plans to Department of Corrections; recommendations by department.** All plans of new construction or major renovation of local correctional facilities, lockups and juvenile detention facilities shall be submitted to the Department of Corrections for review and advisory recommendations to assist local governmental agencies to provide a safe and secure facility. The recommendations of the Department of Corrections shall be advisory and not binding upon the local governmental agency with the exception of those standards established in ORS 169.076 to 169.078, 169.740, 419A.059 and 419B.180. The Department of Corrections must notify the respective local governmental agency 45 days after submission of the plans of its recommendations on the proposed construction or major renovation of the local correctional facility. <1973 c.740 s5; 1979 c.487 s4; 1987 c.320 s96; 1993 c.33 s 312>

**169.090 Manual of guidelines for local correctional facility operation; guidelines for juvenile detention facility operation.** (1) The Director of the Department of Corrections shall publish and distribute a manual of recommended guidelines for the operation of local correctional facilities and lockups as developed by a jail standards committee appointed by the director. This manual shall be revised when appropriate with consultation and advice of the Oregon State Sheriffs' Association, the Oregon Association of Chiefs of Police, Association of Oregon Counties, the League of Oregon Cities and other appropriate groups and agencies and will be redistributed upon the approval of the Governor. (2) The State Commission on Children and Families and the Department of Corrections shall develop guidelines pertaining to the operation of juvenile detention facilities, as defined in ORS 169.005 (2). Guidelines shall be revised by the commission and the Department of Corrections, whenever appropriate. The guidelines shall be included in the manual published and distributed under subsection (1) of this section. However, the commission may choose to publish and distribute the guidelines independently. <1973 c.740 s6; 1981 c.869 s7; 1987 c.320 s97; 1993 c.18 s 28; 1993 c.676 s40>

**169.730 Definitions for ORS 169.740 to 169.770. As used in ORS 169.740 to 169.760:** (1) "Isolation" means confinement of a juvenile in any room which lacks toilet

facilities, furniture, reading and recreation materials or access to light and air comparable to that in other rooms used for the detention of juveniles. (2) "Roomlock" means confinement of a juvenile in any sleeping room, other than an isolation room, except during regular sleeping periods, except that, in the case of facilities serving counties with a population less than 70,000, based on the 1980 census, "roomlock" does not include confining a juvenile in a sleeping room when all detained juveniles of the same sex are similarly confined due solely to the limitations of physical facilities or staff. <1981 c.869 s1a>

**169.740 Standards for juvenile detention facilities.** (1) The standards established in ORS 169.076 to 169.078 shall apply to juveniles detained in juvenile detention facilities. (2) In addition, juvenile detention facilities shall: (a) Provide for personal inspection of each juvenile at least once each hour unless a particular situation requires more frequent inspection; (b) Provide for personal or electronically monitored supervision on each floor where juveniles are detained; (c) Provide for separation of detained juveniles from the sight and sound of detained adults. Juveniles shall not be placed in facilities that are designated for isolation of adult prisoners in order to meet this standard; (d) Provide for unrestricted contact between 8 a.m. and 5 p.m. for a period of not less than five hours per day between detained juveniles and their attorneys and unrestricted attorney access to the facility for private attorney-client consultation; (e) Unless otherwise ordered by the juvenile court following a hearing, provide for the private and unrestricted receipt of and sending of mail; except that incoming mail may be opened in the presence of the juvenile upon reasonable suspicion to believe that the mail contains contraband as defined in ORS 162.135 (1) and that incoming packages shall be opened in the presence of the juvenile and their contents may be held until the juvenile is released. The juvenile shall be informed of any confiscated contraband; (f) Provide for the payment of postage for the juvenile's mail to an attorney or to federal, state, county or municipal government officials; (g) Provide for nondispositional counseling and physical exercise of any juvenile held in excess of five judicial days and cause access to the juvenile held in excess of five judicial days for education pursuant to ORS 336.585; (h) Provide for the free exercise of religion by a detained juvenile, unless such provision will cause a threat to the security of the facility or a threat of disorderly conduct within the facility; (i) Make a written report, one copy of which shall be maintained in a general log, of each use of physical force, restraint, isolation, roomlock or internal search, setting forth in detail the reason such action was taken and the name of the staff person taking such action; (j) Notify the attorney and the parent or guardian of the detained juvenile after the use of any physical force, restraint, isolation or internal search upon the juvenile both: (A) As soon as reasonable after the use thereof; and (B) By mailing a copy of the written report within 24 hours after the use thereof; (k) For juveniles detained in an adult correctional facility, provide for in-person contact by juvenile department staff within 24 hours of the juvenile's admission and on a daily basis for as long as the juvenile shall remain in the facility; and (L) Provide for counseling of any detained juvenile found to be within the jurisdiction of the court. <Formerly 169.079; 1991 c.833 s2>

**169.750 Restrictions on operation of juvenile detention facilities.** No juvenile detention facility shall:

(1) Impose upon a detained juvenile for purposes of discipline or punishment any infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, or isolation, or detention under conditions which violate the provisions of subsections

(2) to (8) of this section, ORS 169.076 (7) to (11), (13) or (14) or 169.740;

(2) Use any physical force, other means of physical control or isolation upon a detained juvenile except as reasonably necessary and justified to prevent escape from the facility, physical injury to another person, to protect a detained juvenile from physical self-injury or to prevent destruction of property, or to effectuate the confinement of the juvenile in roomlock or isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only so long as it appears that said danger exists. No use of force or other physical means of control shall employ:

(a) The use of restraining devices for a purpose other than to prevent physical injury or escape, or, in any case, for a period in excess of six hours. However, the time during which a detained juvenile is being transported to another facility pursuant to court order shall not be counted within the six hours; or

(b) Isolation for a period in excess of six hours;

(3) Use roomlock except for the discipline and punishment of a detained juvenile for violation of a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or for conduct which constitutes a crime under the laws of this state or which would justify physical force, control or isolation under subsection (2) of this section;

(4) Cause to be made an internal examination of a detained juvenile's anus or vagina, except upon probable cause that contraband, as defined in ORS 162.135 (1), will be found upon such examination and then only by a licensed physician or a nurse;

(5)(a) Administer to any detained juvenile medication, except upon the informed consent of the juvenile or in the case of an imminent threat to the life of the juvenile or where the juvenile has a contagious or communicable disease that poses an imminent threat to the health of other persons in the facility. However, in no case shall prescription medication be administered except upon a written prescription or written order by a licensed physician or licensed dentist and administered by a licensed physician, licensed dentist or other medical personnel authorized by the State of Oregon under ORS chapter 677, 678 or 679 to administer medication. Facility staff not otherwise authorized by law to administer medications may administer noninjectable medications in accordance with rules adopted by the Oregon State Board of Nursing pursuant to ORS 678.150 (9);

(b) Nonmedical personnel shall receive training for administering medications, including recognition of and response to drug reactions and unanticipated side effects, from the responsible physician or nurse and the official responsible for the facility. All personnel shall be responsible for administering the dosage medications according to orders and for recording the administrations of the dosage in a manner and on a form approved by the responsible physician; and

(c) Notwithstanding any other provision of law, no medication shall be administered unless a registered nurse or physician is either physically on the premises or readily available by telephone and within 30 minutes travel time of the patient;

(6) Administer to any detained juvenile any medication or medical procedure for purposes of experimentation;

(7) Discipline or punish any juvenile for conduct or behavior by roomlock, for a period in excess of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for more than one day, except after:

(a) Advising the juvenile in writing of the alleged offensive conduct or behavior;

(b) Providing the juvenile the opportunity to a hearing before a staff member who was not a witness to the alleged offensive conduct or behavior;

- (c) Providing the juvenile the opportunity to produce witnesses and evidence and to cross-examine witnesses;
- (d) Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile; and
- (e) A finding that the alleged conduct or behavior was proven by a preponderance of the evidence and that it violated a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or constituted a crime under the laws of this state; and
- (8) Detain juveniles who are emotionally disturbed, mentally retarded or physically handicapped on the same charges and circumstances for which other juveniles would have been released or provided with another alternative. [1981 c.869 s.3; 1983 c.598 s.1; 1993 c.33 s.313; 1997 c.765 s.1]

**169.760 Juvenile detention facilities to establish written policy.** All juvenile detention facilities, within six months following November 1, 1981, shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility, ORS 169.076, 169.078, 169.740 and 169.750, with respect to: (1) The admission and release of juveniles to and from the facility and proper notification of the juvenile's parent, guardian or other person responsible for the juvenile; (2) The use of physical restraints, physical force, chemical agents, internal searches and isolation of or upon a detained juvenile; (3) A detained juvenile's access to medical and dental treatment, education, counseling and exercise; (4) Access to the facility by the public and news media; (5) Access to reading materials for detained juveniles; (6) Dress and groom code which will allow for individual identity of detained juveniles; (7) Access to visitation and telephone calls for a detained juvenile with family and friends; (8) Sanctions for violating rules of inmate conduct made pursuant to ORS 169.076 (12) and procedures for fact-finding and imposition of discipline or punishment; and (9) Access to records and grievance procedures for complaints by the detained juvenile, the attorney of the detained juvenile, parent or guardian or other interested person as provided for in ORS 419A.255. <1981 c.869 s5; 1993 c.33 s314>

**169.770 Release of detained juvenile when detention facility violates standards.** Notwithstanding the procedures set out in ORS 169.080 and 419A.061, the juvenile court in which venue lies pursuant to 419B.100 or 419C.005 shall, upon motion of any party or on its own motion, and after prompt hearing, release any juvenile detained in a facility which violates ORS 169.076 (7) to (11), (13) or (14), 169.740 or 169.750, unless the court finds that such violation is not likely to reoccur. The court may comply with the release provisions of this section by transferring a detained juvenile to an available juvenile detention facility which it finds complies with ORS 169.076 (7) to (11), (13) or (14), 169.740 and 169.750, or by placing the juvenile in shelter care, or by releasing the juvenile to the custody of a responsible adult under terms and conditions specified by the court, or by releasing the juvenile on personal recognizance under terms and conditions specified by the court. An order under this section is a final order appealable pursuant to ORS 419A.200, but an appeal shall not suspend the jurisdiction of the juvenile court while the appeal is pending. No subsequent order of the juvenile court shall moot the appeal. <1981 c.869 s4; 1985 c.499 s8; 1985 c.618 s11; 1993 c.33 s 315>

**169.800 Detention of juveniles before conviction and execution of sentence.** Notwithstanding a waiver order under ORS 419C.349, 419C.352, 419C.364 or 419C.370, if a person under 16 years of age is detained prior to conviction

or after conviction but prior to execution of sentence, such detention shall be in a facility used by the county for detention of juveniles. <1985 c.631 s3; 1993 c.33 s316; 1993 c.546 s120>

### ORS CHAPTER 133

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336.585 Education at detention facilities. (1) A school district shall provide or cause to be provided appropriate education for children placed in a detention facility located in the school district. The education may be provided by the school district or an education service district. (2) The school district or education service district shall notify the resident district of each child placed in the detention facility and may bill the resident district for the costs of the child's education. The billing may be made annually. The billing shall be accompanied by a signed affidavit from the school district or education service district, stating the period of time the child was in the detention facility. The resident district shall pay the actual cost of the child's education. The district may claim State School Fund reimbursement under ORS 327.006 to 327.133 for each child who is in a detention facility for more than 10 days. (3) As used in this section: (a) "Detention facility" has the meaning given the term in ORS 419A.004. (b) "Resident district" means the school district in which the parents or legal guardian, if any, of the child resided at the time of placement. If the child has no parents or legal guardian, or none can be located, the resident district shall be the school district in which the child is physically located. [Formerly 339.205]

### ORS CHAPTER 419A

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**Juvenile Detention Administration** 419A.010 (2) The director shall be the administrator of the juvenile department or departments for the county or counties, including any juvenile detention facilities maintained by the county or by the counties jointly, and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority. <1993 c.33 s4; 1993 c.546 s3>

**419A.012 Duties of director or counselor.** The director of a juvenile department or one of the counselors shall: (1) Make or cause to be made an investigation of every child brought before the court and report fully thereon to the court. (2) Be present in court to represent the interests of the child when the case is heard. (3) Furnish such information and assistance as the court requires. (4) Take charge of any child before and after the hearing as may be directed by the court. <1993 c.33 s5>

**419A.014 Reports by juvenile department.** The juvenile department of a county shall report annually to the State Commission on Children and Families the frequency with which juveniles are held in preadjudicative detention and the duration of the detention. <1993 c.33 s6>

**419A.050 Authority to acquire, equip and maintain detention facilities.** (1) Any county may acquire in any lawful manner, equip and maintain within the county suitable

detention facilities for the detention of dependent and delinquent children confined pursuant to a judicial commitment or order pending final adjudication of the case by the juvenile court. (2) Where two or more counties have entered into an agreement under ORS 419A.010, the counties jointly may acquire in any lawful manner, equip and maintain, at a suitable site or sites in the counties, detention facilities suitable for the detention of dependent and delinquent children confined pursuant to judicial commitment or order pending final adjudication of the case by the juvenile court. (3) Any county may designate, equip and maintain a short-term detention facility for youths and youths in transit. The facility may house up to five youths and youths in transit for a period not to exceed four continuous days pending further placement. Short-term detention facilities:

- (a) May not be located with detention facilities established under subsection (1) or (2) of this section; and
- (b) Are subject to the standards and specifications found in ORS 169.740 and 419A.052. Upon written request of the county, the Department of Corrections may approve waivers and variances from the standards and specifications as long as the waivers or variances are consistent with the safety and welfare of detained youths. [1993 c.33 s.8; 1993 c.546 s.4; 1997 c.696 s.1]

**Specifications for Juvenile detention facilities:** *The standards established in ORS 169.076 and ORS 419.052 apply to juveniles detained in juvenile detention facilities.*

**419A.052 Specifications of facilities.** (1) Suitable detention facilities shall be of Class I construction and comply with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. In addition, the facilities shall provide:

- (a) Sanitary drinking water in living units and dayrooms;
  - (b) Toilets and washbasins accessible to juveniles in all housing and activity areas;
  - (c) At least one shower for every 10 detainees;
  - (d) A heating system and all equipment required to ensure healthful and comfortable living and working conditions for juveniles and staff, and which maintains a temperature no lower than 64 degrees;
  - (e) Lighting at 20 footcandles density; and
  - (f) Verbal or mechanical communications from sleeping rooms to staff.
- (2) New or major renovated facilities shall conform to the requirements of subsection (1) of this section and shall also provide:
- (a) That any single sleeping rooms located therein are at least 70 square feet and that any dormitories located therein are at least 50 square feet per occupant and house no more than five individuals each;
  - (b) At least one toilet and washbasin for every five detainees;
  - (c) Corridors of at least six feet in width;
  - (d) Thirty square feet of dayroom space per child;
  - (e) Heating units capable of maintaining 68 to 85 degrees temperature;
  - (f) Tamper-proof lighting with capability of 20 footcandles;
  - (g) Air circulation of 10 cubic feet of fresh air per minute, per occupant;
  - (h) Sleeping rooms' water valves accessible for staff control;
  - (i) Rooms provided for classes, library, arts and crafts; and
  - (j) Indoor and outdoor recreation and exercise areas. [1993 c.33 s.9; 1999 c.59 s.117]

**419A.055 Examination of facilities; capacity limits.** The county court or board of commissioners of a county may

institute an examination of the county's juvenile detention facility and establish the maximum number of juveniles that may be held in accordance with constitutional standards in the facility at any given time. If a county court or board of commissioners adopts a capacity limit on the number of juveniles that may be held in the detention facility and the number of juveniles held in the juvenile facility exceeds the established capacity, the county, through the juvenile department director, shall immediately notify the judge of the juvenile court who shall authorize the release of a sufficient number of juveniles to reduce the population of the detention facility to the established capacity. <1993 c.33 s10>

**419A.057 Payment of maintenance expenses.** (1) All expenses incurred in the maintenance of the facilities for detention and the personnel required therefor, except as otherwise provided in subsection (2) of this section, shall be paid upon order of the board of county commissioners or county court from county funds duly levied and collected in any manner provided by law. When joint detention facilities are maintained as provided in ORS 419A.050 (2), each county shall pay its share of the costs and expenses of acquiring, equipping and maintaining the joint detention facilities, to be determined pursuant to an agreement between the counties. Counties may accept gifts or donations of property, including money, for the use of detention facilities to be expended and used as directed by the board of county commissioners. (2) When a county operates a combined facility to provide both care and rehabilitation services, under ORS 420.855 to 420.885, and detention facilities, the county may also receive state support for such care and rehabilitation services as permitted by ORS 420.880. (3) When a county operates a combined facility as described in subsection (2) of this section, only those juveniles shall be admitted to the youth care center of such facility who: (a) Are 12 years of age or older; (b) Have been found to be within the jurisdiction of the juvenile court as a result of an adjudication of a petition filed by reason of ORS 419C.005; and (c) Have had the placement in such combined facility reviewed by the juvenile court. <1993 c.33 s11; 1993 c.546 s5>

**419A.059 Designation of detention and shelter facilities.** The juvenile court of each county shall designate the place or places in which children are to be placed in detention or shelter care when taken into temporary custody. If the county is adjacent to another state, the court may designate a place or places in the adjoining state where children, pursuant to an agreement between such place or places and the juvenile department of the county, may be placed in detention when taken into custody. A county juvenile department shall not enter into an agreement with an out-of-state place for detention of juveniles, as provided in this section, unless the place or places conform to standards of this state for such a place and unless the agreement includes a provision that the place be subject to inspection by officers of this state under ORS 419A.061. <1993 c.33 s12>

**419A.061 Inspection of detention facilities.** Inspection of juvenile detention facilities, including jails or lockups where juveniles are detained, and enforcement of those juvenile detention standards contained in ORS 419A.059 or otherwise established by statute, shall be conducted in the same manner as provided in ORS 169.070 and 169.080. <1993 c.33 s13>

**419A.063 Requirements for detention facilities.** (1) The juvenile court shall not place a child in a detention facility for children under ORS 419C.453 unless the facility: (a) Houses

children in a room or ward screened from the sight and sound of adults who may be detained in the facility; and (b) Is staffed by juvenile department employees. (2) In no case may the court order, pursuant to ORS 419C.453, that a child under 14 years of age be placed in any detention facility in which adults are detained or imprisoned. <1993 c.33 s14>

### **419A.200 Appeals**

(8) If the state pursuant to subsection (7) of this section appeals a preadjudicatory order, and the child is in detention in the same proceeding pursuant to ORS 419C.109, 419C.136, 419C.139, 419C.170 and 419C.173, the juvenile court shall consider release of the child from detention during the pendency of the appeal in accordance with the following provisions:

(a) When the child is charged with an act which would be murder if committed by an adult, release shall be denied when the proof is evident or the presumption strong that the child committed the act.

(b) The child shall be released upon the child's personal recognizance unless release criteria show to the satisfaction of the juvenile court that the child would not be likely to appear before the court as ordered upon later appearance dates and that such a release is therefore unwarranted.

Release criteria shall include the following:

(A) The child's education and employment status and history and financial condition;

(B) The nature and extent of the child's family relationships;

(C) The child's past and present residences;

(D) Identification of persons who agree to assist the child in attending court at the proper time;

(E) The nature of the current petition;

(F) The child's juvenile record, if any, and, if the child has previously been released pending trial, whether the child appeared as required;

(G) Any facts indicating the possibility of violations of law if the child is released without restrictions;

(H) Any facts tending to indicate that the child has strong ties to the community; and

(I) Any other facts tending to indicate the likelihood of the child's appearing before the court as ordered upon later appearance dates.

(c) If the court finds that release of the child on the child's personal recognizance is unwarranted, it shall order conditional release. The court may impose upon the released child one or more of the following conditions, but shall impose the least onerous condition reasonably likely to assure the child's later appearance:

(A) Release of the child into the care of a parent or other responsible person or organization for supervising the child and assisting the child in appearing in court. The supervisor shall notify the court immediately in the event that the child breaches the terms of the conditional release.

(B) Reasonable restrictions on the activities, movements, associations and residences of the child.

(C) Any other reasonable restriction designed to assure the child's appearance.

(9) If the child, parent or guardian is shown to be without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature and complexity of the case to represent the person in an appeal as provided in subsections (1) to (8) of this section, the court, upon request of the person or upon its own motion, shall appoint suitable counsel to represent the person. Counsel appointed by the court shall be paid compensation determined by the appellate court as provided in ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500 if the Court of Appeals or Supreme Court is the appellate court.

(10)(a) Where the court appoints counsel to represent the

child, it may require the parent, if able, or guardian of the estate, if the estate is able, to pay to the State Court Indigent Defense Account in the General Fund in full or in part the administrative costs of determining the ability of the parents or estate to pay for legal services and the costs of the legal and other services that are related to the provision of appointed counsel.

(b) The test of the parent's or estate's ability to pay costs under paragraph (a) of this subsection shall be the same test as applied to appointment of counsel for defendants under ORS 135.050. If counsel is provided at state expense, the court shall apply this test in accordance with the rules of the State Court Administrator adopted under ORS 151.487.

(c) If counsel is provided at state expense, the court shall determine the amount the parents or estate shall be required to pay for the costs of administrative, legal and other services related to the provision of appointed counsel in the same manner as this amount is determined under ORS 151.487.

(d) The court's order of payment shall be enforceable in the same manner as an order of support under ORS 419B.408 and 419C.600.

(11) Where the court appoints counsel and the child, parent or guardian is without sufficient financial means to employ counsel, the compensation for counsel and costs and expenses necessary to the appeal shall be allowed and paid as provided in ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500 if the Court of Appeals or Supreme Court is the appellate court.

(12) The district attorney or Attorney General shall represent the state in the appeal. [1993 c.33 s.47; 1995 c.79 s.214; 1995 c.422 s.66; 1997 c.389 s.10; 1997 c.761 s.5; 1999 c.263 s.1; 1999 c.859 s.15a]

### CROSS-REFERENCES

Juvenile courts, 3.250 to 3.280, 5.020

419A.050 to 419A.063 Assisting escape from detention, 162.175 Education, responsibility for juvenile detention facilities, 336.585 Escaping from detention, 162.175, 419A.061 Release of detained juvenile when detention facility violates juvenile detention facility standards, 169.770 , 419A.250 Vital statistics relative to inmates of institutions, 432.165 419A.002

### ORS CHAPTER 419B

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#### **419B.175 Initial disposition of child taken into custody.**

(1) This subsection establishes the authority and procedures that apply to a person designated by a court to effect disposition of a child taken into protective custody or brought before the court under ORS 419B.160, 419B.165, 419B.168 or 419B.171. The person shall, when the person has taken custody of a child or has authority to effect disposition of a child taken into custody: (a) Release the child to the custody of a parent, guardian or other responsible person; (b) Release the child on the child's own recognizance when appropriate; (c) Subject to ORS 419B.121 or 419B.180, place the child in shelter care or detention. The child shall be placed in shelter care rather than detention, unless the person has probable cause to believe that the court will be able to detain the child under ORS 419B.121; or (d) Pursuant to order of the court made after the filing of a petition, hold, retain or place the child in shelter care subject to further order. (2) If the child is released under subsection (1)(a) of this section, the person releasing the child shall inform the juvenile court. <1993 c.33 s69; 1993 c.546 s35>

**419B.180 Shelter and detention facilities.** The juvenile court of each county shall designate the place or places in which children are to be placed in detention or shelter care when taken into protective custody. If the county is adjacent to another state, the court may designate a place or places in the adjoining state where children, pursuant to an agreement between such place or places and the juvenile department of the county, may be placed in detention when taken into custody. A county juvenile department shall not enter into an agreement with an out-of-state place for detention of juveniles, as provided in this section, unless the place or places conform to standards of this state for such a place and unless the agreement includes a provision that the place be subject to inspection by officers of this state under ORS 419A.061. <1993 c.33 s68; 1993 c.546 s34>

**419B.183 Speedy hearing required.** No child shall be held in detention or shelter care more than 24 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court made pursuant to a hearing. <1993 c.33 s70>

### ORS CHAPTER 419C

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**419C.080 Custody; when authorized.** (1) A peace officer, or any other person authorized by the juvenile court of the county in which the youth is found, may take a youth into custody in the following circumstances:

- (a) When, if the youth were an adult, the youth could be arrested without a warrant; or
- (b) When the juvenile court, by order indorsed on the summons as provided in ORS 419C.306 or otherwise, has ordered that the youth be taken into custody.

(2) A peace officer or person authorized by the juvenile court shall take a youth into custody if the peace officer or person authorized by the juvenile court has probable cause to believe that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382. [1993 c.33 s.158; 1993 c.546 s.59; 1997 c.727 s.1; 1999 c.577 s.3; 1999 c.1095 s.13]

**419C.085 Citation in lieu of custody.** In lieu of taking a youth into custody, a peace officer may issue a citation to a youth for the same offenses and under the same circumstances that a citation may be issued to an adult. Unless the citation is issued for violation of law or ordinance for which an order has been entered pursuant to ORS 419C.370, the citation is returnable to the juvenile court of the county in which the citation is issued. Law enforcement agencies in a county, in consultation with the juvenile court of the county, may develop a form for citations issued pursuant to this section. <1993 c.33 s159>

**419C.088 Custody by private person.** A private person may take a youth into custody in circumstances where, if the youth were an adult, the person could arrest the youth. [1993 c.546 s.160; 1993 c.33 s.60; 1997 c.727 s.2]

**419C.091 Custody not arrest.** (1) Protective custody shall not be deemed an arrest so far as the youth is concerned. All peace officers shall keep a record of youths taken into protective custody and shall promptly notify the juvenile court or counselor of all youths taken into protective custody. (2) A peace officer taking a youth into protective custody has all the privileges and immunities of a peace officer making an arrest. <1993 c.33 s161; 1993 c.546 s61> **419C.094 Jurisdiction attaches at time youth taken into custody.** Except as otherwise provided in ORS 419C.103 (2) and (3), the jurisdiction of the juvenile court of the county in which a youth is taken into protective custody shall attach from the time the youth is taken into custody. <1993 c.33 s162; 1993 c.546 s62>

**419C.097 Notice to parents.** As soon as practicable after the youth is taken into custody under ORS 419C.080 and 419C.088, the person taking the youth into custody shall notify the youth's parent, guardian or other person responsible for the youth. The notice shall inform the parent, guardian or other person of the action taken and the time and place of the hearing. [1993 c.33 s.163; 1993 c.320 s.2; 1993 c.546 s.63; 1997 c.727 s.5]

**419C.100 Release of youth taken into custody.** The person taking the youth into custody under ORS 419C.080 and 419C.088 shall release the youth to the custody of the youth's parent, guardian or other responsible person in this state, except in the following cases:

- (1) When the court has issued a warrant of arrest against the youth.
- (2) When the person taking the youth into custody has probable cause to believe that the welfare of the youth or others may be endangered by the release of the youth.
- (3) When the person taking the youth into custody has probable cause to believe that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382. [1993 c.33 s.164; 1993 c.546 s.64; 1997 c.727 s.6; 1999 c.577 s.4; 1999 c.615 s.2; 1999 c.1095 s.14]

### **419C.103 Procedure when youth is not released.**

(1) Except as otherwise provided in subsection (2) of this section, if a youth taken into custody is not released as provided in ORS 419C.100 and the juvenile court for the county has not established the alternative procedure authorized in subsection (5) of this section, the person taking the youth into custody shall, without unnecessary delay, do one of the following:

- (a) Take the youth before the court or a person appointed by the court to effect disposition under ORS 419C.109 and 419C.136.
- (b) Take the youth to a place of detention or shelter care or a public or private agency designated by the court and as soon as possible thereafter notify the court that the youth has been taken into custody.
- (2) If the person taking the youth into custody has probable cause to believe that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, the person may not release the youth from custody and shall do one of the following without unnecessary delay:
  - (a) Take the youth before the court for a determination of initial disposition under ORS 419C.109 (3); or
  - (b) Notwithstanding ORS 419C.133, take the youth to a place of detention and, as soon as possible thereafter, notify the court and the juvenile department that the youth has been taken into custody and detained.
- (3) Where a youth residing in some other county is taken into custody the youth may be:
  - (a) Released to the youth's parent, guardian or other responsible person in this state as provided in ORS 419C.100.
  - (b) Delivered to a peace officer or juvenile counselor in the county in which the youth resides, if such delivery can be made without unnecessary delay. In such event, the person to whom the youth is delivered shall assume custody of the youth and shall proceed as provided in this chapter.
- (4) Where a youth is released or delivered as provided in subsection (3) of this section, the jurisdiction of the juvenile court of the county in which the youth resides shall attach from the time the youth is taken into custody.
- (5) The juvenile court may establish, as an alternative to the provisions of subsection (1) of this section, that if a youth taken into custody is not released as provided in ORS 419C.100, procedures shall be followed that comply with the following:
  - (a) The person taking the youth into custody may communicate, by telecommunications or otherwise, with the person appointed by the court to effect disposition under ORS 419C.109.
  - (b) After interviewing the person taking the youth into custody and obtaining such other information as is considered necessary, the person appointed by the court under ORS 419C.109 to effect disposition may exercise the authority granted under that section and shall, in such case, direct that the person taking the youth into custody release the youth or deliver the youth in accordance with such direction.
  - (c) The person taking the youth into custody shall comply with the direction of the person appointed by the court to effect disposition. [1993 c.33 s.165; 1993 c.546 s.65; 1997 c.727 s.7; 1999 c.577 s.5; 1999 c.1095 s.15]

**419C.106 Report required when youth is taken into custody.** Except where the youth is taken into custody pursuant to an order of the court, the person taking the youth into custody under ORS 419C.080 and 419C.088 shall promptly file with the court or a counselor a brief written report stating all of the following:

- (1) The youth's name, age and address.
- (2) The name and address of the person having legal or physical custody of the youth.
- (3) Efforts to notify the person having legal or physical custody of the youth and the results of those efforts.
- (4) Reasons for and circumstances under which the youth was taken into custody.
- (5) If the youth is not taken to court, the placement of the youth.
- (6) If the youth was not released, the reason why the youth was not released.
- (7) If the youth is not taken to court, why the type of placement was chosen. [1993 c.33 s.166; 1993 c.546 s.66; 1997 c.727 s.8]

### **419C.109 Initial disposition of youth taken into custody.**

(1) Except as otherwise provided in subsection (3) of this section, the court may designate a person to effect disposition of a youth taken into custody or brought before the court under ORS 419C.097, 419C.100, 419C.103 and 419C.106. If the requirements of ORS 419C.145 (3) are met, the person may do any of the following when the person has taken custody of a youth or has authority to effect disposition of a youth taken into custody:

- (a) Release the youth to the custody of a parent, guardian or other responsible person.
- (b) Release the youth on the youth's own recognizance when appropriate.
- (c) Upon a finding that release of the youth on the youth's own recognizance is unwarranted, or upon order of the court or if probable cause exists to believe the youth may be detained under ORS 419C.145, 419C.150, 419C.153, 419C.156, 419C.159 or 419C.453, place the youth on conditional release.
- (d) Subject to ORS 419A.059, 419A.061, 419C.130 and 419C.133, place the youth in shelter care or detention. The youth shall be placed in shelter care rather than detention, unless the person has probable cause to believe that the court will be able to detain the youth under ORS 419C.145, 419C.150, 419C.153, 419C.156, 419C.159 or 419C.453.
- (e) Pursuant to order of the court made subsequent to the filing of a petition, hold, retain or place the youth in detention or shelter care subject to further order.
- (f) Exercise authority to detain the youth as provided in ORS 419C.136.
- (2) If the youth is released under subsection (1) of this section, the person releasing the youth may issue a summons to the youth requiring the youth to appear before the court. The summons must include the date, time and location for the youth to appear before the court. The person releasing the youth shall inform the juvenile court, which may review the release as provided in ORS 419C.153. If the youth fails to appear on the date and time required by the summons, the court may issue a warrant for the arrest of the youth.
- (3)(a) When a youth is retained in custody under ORS 419C.100 (3) and 419C.103 (2) and a petition is filed under ORS 419C.005 alleging that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382, the court shall determine the youth's initial disposition at a hearing conducted pursuant to ORS 419C.145. The parties to the hearing are the youth, the juvenile department and the state, represented by the district attorney.
  - (b) The court shall inform the youth:
    - (A) Of the youth's rights, including the right to be represented by counsel and the right to remain silent; and
    - (B) Of the allegations against the youth.
  - (c) The court shall make a determination under ORS 419C.145 whether the youth should remain in detention

pending adjudication on the merits. The court may order that the hearing be continued and that the youth remain in detention for a reasonable period of time not to exceed seven days if the court finds:

(A) That additional information concerning the youth is necessary to aid the court in making the determination under ORS 419C.145; and

(B) There is probable cause to believe that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(d) If the court orders that the hearing be continued and that the youth remain in detention under paragraph (c) of this subsection, in addition to and not in lieu of any other order the court may make, the court may order a mental health assessment or screening of the youth.

(e) If the court determines that the youth should not be detained pending adjudication on the merits, the court may order any other preadjudication disposition authorized. [1993 c.33 s.169; 1993 c.546 s.67; 1995 c.422 s.73d; 1999 c.577 s.6; 1999 c.1095 s.16]

**419C.130 Youth may not be detained where adults are detained; exceptions.** (1) No youth shall be detained at any time in a police station, jail, prison or other place where adults are detained, except as follows: (a) A youth 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. (b) A youth waived under ORS 419C.349 or 419C.364 to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained, except that any such person under 16 years of age shall, prior to conviction or after conviction but prior to execution of sentence, be detained, if at all, in a facility used by the county for the detention of youths. (2) No youth waived to the court handling criminal actions or to municipal court pursuant to a standing order of the juvenile court under ORS 419C.370, including a youth accused of nonpayment of fines, shall be detained in a jail or other place where adults are detained. <1993 c.33 s167; 1993 c.546 s115>

**419C.133 Detention of youth under 12 years of age; judicial review required.** No youth under 12 years of age shall be placed in detention except pursuant to judicial review. Such review may be ex parte, and the youth does not need to be present. However, a juvenile court judge or referee must determine that the youth is eligible for detention under ORS 419C.145 or 419C.156 and that appropriate alternative methods of controlling the youth's behavior are unavailable. A youth detained under this section shall have the right to a hearing as provided in ORS 419C.153. <1993 c.33 s168>

**419C.136 Temporary hold to develop release plan; duration.** If a parent, guardian or other person responsible for the youth cannot be found or will not take responsibility for the youth, no appropriate shelter care space is available and the youth cannot be released safely on recognizance or conditionally, a youth who is accused of an act which would be a crime if committed by an adult may be detained for a period of time not exceeding 36 hours from the time the youth first is taken into custody to allow the juvenile department counselor or other person designated by the juvenile court to develop a release plan to insure the youth's safety and appearance in court. Such detention shall conform to the limitations of ORS 419C.130. <1993 c.33 s170; 1995 c.422 s73e>

**419C.139 Speedy hearing on detention cases.** No youth shall be held in detention or shelter care more than 36 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court made pursuant to a hearing under ORS 419C.145, 419C.150, 419C.153, 419C.156 and 419C.159. <1993 c.33 s171; 1995 c.422 s73f>

**419C.142 Notice of detention hearing.** Whenever a hearing concerning the detention of a youth under this chapter is held, notice of the hearing shall be given to the youth and, if any can be found, to a parent or guardian of the youth or to any other person responsible for the youth. The notice shall state the time, place and purpose of the hearing. If a parent, guardian or other person cannot be found and personally notified prior to the hearing, a written notice of the hearing shall be left at the residence, if known, of a parent, guardian or other person. <1993 c.33 s172>

**419C.145 Preadjudication detention; grounds.** (1) A youth may be held or placed in detention before adjudication on the merits if one or more of the following circumstances exists: (a) The youth is a fugitive from another jurisdiction; (b) The youth is alleged to be within the jurisdiction of the court under ORS 419C.005, by having committed or attempted to commit an offense which, if committed by an adult, would be chargeable as: (A) A crime involving infliction of physical injury to another person; or (B) Any felony crime; (c) The youth has willfully failed to appear at one or more juvenile court proceedings by having disobeyed a proper summons, citation or subpoena; (d) The youth is currently on probation imposed as a consequence of the youth previously having been found to be within the jurisdiction of the court under ORS 419C.005, and there is probable cause to believe the youth has violated one or more of the conditions of that probation; (e) The youth is subject to conditions of release pending or following adjudication of a petition alleging that the youth is within the jurisdiction of the court pursuant to ORS 419C.005 and there is probable cause to believe the youth has violated a condition of release; or (f) The youth is alleged to be in possession of a firearm in violation of ORS 166.250. (2) A youth detained under subsection (1) of this section must be released to the custody of a parent or other responsible person, released upon the youth's own recognizance or placed in shelter care unless the court or its authorized representative finds that there is probable cause to believe that the youth may be detained under subsection (1) of this section, and that one or more of the following circumstances are present: (a) No means less restrictive of the youth's liberty gives reasonable assurance that the youth will attend the adjudicative hearing; or (b) The youth's behavior endangers the physical welfare of the youth or another person, or endangers the community. (3) When a youth is ordered held or placed in detention, the court or its authorized representative shall state in writing the basis for its detention decision and a finding that it is contrary to the welfare of the youth and community for the youth to be released to the custody of the youth's parent or some other responsible adult. The youth shall have the opportunity to rebut evidence received by the court and to present evidence at the hearing. (4) In determining whether release is appropriate under subsection (2) of this section, the court or its authorized representative shall consider the following: (a) The nature and extent of the youth's family relationships and the youth's relationships with other responsible adults in the community; (b) The youth's previous record of referrals to juvenile court and recent demonstrable conduct; (c) The youth's past and present residence; (d) The youth's education status and school attendance record; (e) The youth's past and present employment; (f) The youth's previous record regarding appearance in court; (g) The nature of the charges

against the youth and any mitigating or aggravating factors; and (h) Any other facts relevant to the likelihood of the youth's appearance in court or likelihood that the youth will comply with the law and other conditions of release. <1993 c.33 s173; 1993 c.546 s130; 1995 c.422 s73g>

**419C.150 Time limitations on detention.** (1) A youth may be held in detention under this section and ORS 419C.145, 419C.153 and 419C.156 for a maximum of 28 days except for good cause shown prior to the expiration of the 28-day period. If good cause for continued detention is shown, the period of detention may be extended for no more than an additional 28 days unless the adjudication is continued with the express consent of the youth. (2) Subsection (1) of this section does not apply to a youth alleged to be within the jurisdiction of the juvenile court for having committed an act that would be murder, attempted murder, conspiracy to commit murder or treason if committed by an adult and if proof of the act is evident or the presumption strong that the youth committed the act. The juvenile court may conduct such hearing as the court considers necessary to determine whether the proof is evident or the presumption strong. <1993 c.33 s174>

**419C.153 Detention review or release hearing.** (1) Any youth ordered detained under ORS 419C.145, 419C.150 and 419C.156 shall have a review hearing at least every 10 days, excluding Saturdays, Sundays and judicial holidays. At the review hearing the court shall determine whether sufficient cause exists to require continued detention of the youth. In addition, the court may review and may confirm, revoke or modify any order for the detention or release of the youth under this section or ORS 419C.109, 419C.136, 419C.139, 419C.145, 419C.150 or 419C.156 and, in the event that the youth is alleged to have committed an offense which if committed by an adult would be a misdemeanor or Class C felony, may do so ex parte. Release of a youth may not be revoked, however, except upon a finding that the youth may be detained under this section or ORS 419C.145, 419C.150 and 419C.156, and after a hearing is held in accordance with ORS 419C.109, 419C.136 and 419C.139 and subsection (2) of this section. (2) A hearing to consider whether to revoke the release of a youth or whether a youth should be continued in detention may be held by telephone or closed circuit television as long as all parties having an interest in the proceeding have access to the telephone or television circuit used for the hearing and as long as the hearing is made publicly audible within the courtroom of the court under whose authority it is held. <1993 c.33 s175>

**419C.156 Detention of runaway from another state.** Notwithstanding ORS 419C.145 (1) and (2), the court may order the detention of a youth who resides in another state if the court finds probable cause to believe that the youth has run away from home or from a placement. If a youth is ordered detained under this section, the court shall make such orders as are necessary to cause the youth to be immediately returned to the youth's state of residence. <1993 c.33 s176>

**419C.159 Escape; punishment.** Any youth 12 years of age or older, alleged to be within the jurisdiction of the juvenile court by reason of having committed an act which would be a crime if committed by an adult, who escapes from a juvenile detention facility as defined in ORS 419A.004 after having been placed in the facility pursuant to the filing of a petition alleging that the youth has committed an act which would be a crime if committed by an adult commits a violation punishable by placement in a detention facility for youths for a specific period of time not to exceed eight days, in addition

to time already spent in the facility, when such punishment is ordered by the juvenile court pursuant to ORS 419C.453. <1993 c.33 s177>

**419C.170 Speedy hearing in shelter care cases.** No youth shall be held in shelter care more than 36 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court made pursuant to a hearing under ORS 419C.145, 419C.150, 419C.153 and 419C.156. <1993 c.33 s178; 1995 c.422 s73h>

**419C.453 Detention; when authorized.** Pursuant to hearing, the juvenile court may order a youth 12 years of age or older placed in a detention facility for youths for a specific period of time not to exceed eight days, in addition to time already spent in the facility, unless a program plan that is in conformance with standards established by the State Commission on Children and Families has been filed with and approved by the commission, in which case the youth may be held in detention for a maximum of 30 days in addition to time already spent in the facility, when: (1) The youth has been found to be within the jurisdiction of the juvenile court by reason of having committed an act which would be a crime if committed by an adult; or (2) The youth has been placed on formal probation for an act which would be a crime if committed by an adult, and has been found to have violated a condition of that probation. <1993 c.33 s231>

**419C.456 Detention after escape.** Pursuant to a hearing, the juvenile court may order a youth 12 years of age or older placed in a detention facility for youths for a specific period of time not to exceed eight days, in addition to time already spent in the facility, when the youth has been found to be within the jurisdiction of the juvenile court by reason of having escaped from a juvenile detention facility as defined in ORS 419A.004, after having been placed in the facility pursuant to the filing of a petition alleging that the youth has committed an act which would be a crime if committed by an adult or the offense described in ORS 419C.159. <1993 c.33 s232>

### ORS CHAPTER 420

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420.855 Definitions for ORS 420.855 to 420.885. (4) **"Youth care center" or "center"** means a facility established and operated by a public or private agency or a combination thereof, primarily to provide care and rehabilitation services for youths committed to the custody of the youth care center by the juvenile court or placed by the youth authority. "Youth care center" or "center" does not include detention facilities established under ORS 419A.050 to 419A.057 except that when a county operates a combined facility to provide both care and rehabilitation services under ORS 420.855 to 420.885, and detention facilities, the combined facility may be considered a "youth care center" to the extent that it is used to provide the care and rehabilitation services for youths not in detention.