

Oregon Juvenile Detention Facility Guidelines

4th Edition

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**Developed by the Oregon Commission on Children and Families and
Oregon Department of Corrections**

With assistance from:

Association of Oregon Counties

Juvenile Crime Prevention Advisory Committee

Oregon Criminal Justice Commission

Juvenile Detention Facility Managers

Juvenile Justice Advisory Committee

Oregon Juvenile Department Directors' Association

Oregon Youth Authority

Joseph Christy, Consultant

Linda Wagner, Consultant

Foreword

Purpose

These guidelines pertain to the general operation of juvenile detention facilities in the State of Oregon. They are binding if identified as statutory, federally mandated, or established by administrative rule or other regulation. Local circumstances may justify different practices within these guidelines. The guidelines are required by Oregon Revised Statute (ORS) 169.090 (2) which state 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.

For the purpose of these guidelines, a juvenile detention facility is a facility allowing 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, ORS419A.010, ORS419A.050 to ORS419A.063 and ORS420.855).

These guidelines operate on the principle that each guideline must be addressed in written policy. In some instances, statute requires written policy as stated explicitly in the guidelines below when that is the case. The intention of these guidelines is to extend the requirement for written policy to all of the guidelines described herein without directing what that policy must be, except when legally mandated.

Background

The guidelines were first adopted in 1982, and revised in 1984 (2nd Edition) and 2001 (3rd Edition). In 2010, the Oregon Juvenile Detention Managers initiated the most recent update to the guidelines. They reviewed the guidelines and made recommendations for revisions. The Oregon Commission on Children and Families solicited feedback from key stakeholders to modify and formalize the revisions. The revised guidelines were presented to the Juvenile Justice Advisory Committee for review on October 27, 2011. The proposed Juvenile Detention Facility Guidelines were presented for review and approval to the Association of Oregon Counties (AOC) on November 15, 2011. The Juvenile Crime Prevention Advisory Committee adopted the revisions on January 26, 2012.

Effective Date The 4th Edition becomes effective January 27, 2012.

Format of Revised Guidelines

These guidelines incorporate Oregon Revised Statutes (ORS) and other federal and state regulations and requirements. ORS references are in bold and link to each respective reference. 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. The guidelines should be used with comprehensive written policies that ORS 169.760 requires for each juvenile detention facility. This format is intended to provide a uniform framework for organization of local policies.

For questions, contact Anya Sekino, Juvenile Crime Prevention Manager

Oregon Commission on Children and Families
530 Center Street NE, Suite 100
Salem, OR 97301-3754
Phone: 503-378-5115
Email: anya.sekino@state.or.us

DETENTION GUIDELINES WORKGROUP, 2010-2011

Workgroup Co-Chairs

Faye Fagel	Marion County Juvenile Department, JJAC Vice Chair
Mike Wilkerson	Oregon Department of Corrections
Molly Rogers	Wasco County Youth Services, JCPAC Chair

Facilitators

Joseph Christy	Consultant
Linda Wagner	Consultant

Staff

Anya Sekino	Oregon Commission on Children and Families
-------------	--

Workgroup Participants

Bryan Baird	Coos County Juvenile Department
Phil Cox	Oregon Youth Authority
Kelly Dedel	JJAC Chair and JCPAC Member
Jay Dixon	JJAC Member and JCPAC Vice Chair
Joe Ferguson	Jackson County Juvenile Department
Troy Fuller	Linn County Juvenile Department
David Fullerton	JJAC and JCPAC Member
Georgia Gates	Oregon Commission on Children and Families
Debbie Hansen	Oregon Youth Authority
Jeff Hindley	Yamhill County Juvenile Department
Jessie Ickes	Oregon Commission on Children and Families
Ken Jeske	Oregon Youth Authority
Deirdre Kasberger	Hood River County Juvenile Department
Christina McMahan	Douglas County Juvenile Department, JCPAC member
Monica Moran	Oregon Youth Authority
Scott Paasch	Yamhill County Juvenile Department
Craig Prins	Criminal Justice Commission
Cliff Toney	Yamhill County Youth Services

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SECTION 1: GENERAL ADMINISTRATION

Purposes of Juvenile Detention

[ORS 419C.145](#)

Juvenile detention facilities shall comply with pre-adjudication detention criteria as required by Oregon statute. Facilities shall have written policy on compliance with criteria.

[ORS 419C.156](#)

[ORS 419C.159](#)

The statutory criteria for pre-adjudicatory detention as well as special criteria with respect to detention for purposes of holding out of state runaways and as a court disposition are outlined in detail in the Part 5, Section A of these Guidelines – Intake, Admission, and Release.

[ORS 419C.453](#)

[Juvenile Justice and Delinquency Prevention Act](#)

Juvenile detention facilities shall be administered in compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act of 2002, implementing regulations into policy.

See Appendix B for detailed information.

[42 USC 5633 Section 223\(a\)\(11\)](#)

Status offenders and non-offenders may not be housed in secure facilities for any period of time. Accused status offenders who fail to appear for court hearings remain status offenders and cannot be upgraded to delinquent offenders for their failure to appear.

The following exceptions apply to juvenile detention centers:
- youth admitted under the Youth Handgun Safety Act (18 U.S.C 922(x))
- out of state runaways until their safe return to the home state.

The agency has written policy and procedures on status offenders and non-offenders, the exceptions under the Youth Handgun Safety Act and out of state runaways, including notification of a home state for safe return.

See Appendix B for detailed information.

[ORS 169.076\(a\)\(b\)\(d\)\(h\)](#)

The governing body of the area in which the juvenile detention facility is located shall have a comprehensive written policy with respect to legal confinement authority, denial of admission, admission and release medical procedures, the release process to include authority, identification and return of personal property.

Administration

[ORS 419A.010\(2\)](#) **The director shall be the administrator of the juvenile department** or departments for the county or counties and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority.

[ORS 419C.550](#) **Juvenile detention facilities shall have written policy, procedure, and practice to provide for the safety, health, and well-being of detained youth.** This shall include, but not be limited to food, clothing, shelter and incidental necessities; care, education and discipline; medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment; authorization of surgery or other extraordinary care.

Inspections

[ORS 132.440](#) **Juvenile detention facilities shall have written policy providing the Grand Jury** free access at all reasonable times to the facility, and, without charge, to all public records in the county pertaining inquiries into the condition and management of the facility that are required once each year.

[ORS 162.135](#)

[ORS 169.040\(1\)](#) **Juvenile detention facilities shall have written policy in keeping with the statutory requirement that the county court or board of county commissioners inspect the facility at least once in each regular term.** The county court or board of county commissioners of each county is the inspector of the local facilities in the county. The court or board shall visit facilities at least once in each regular term. When the court or board visits a local facility, it shall examine fully into the facility, including, but not limited to, the cleanliness of the facility and the health and discipline of the detained youth.

[ORS 169.040\(2\)](#) **Juvenile detention facilities shall have written policy in keeping with the requirement that the facility be inspected by the county health officer** or the representative of the county health officer 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 may notify the appropriate local governmental agency in writing of the required health and sanitation conditions or practices necessary to ensure 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 facility to the county board of health. If after a hearing the county board of health finds that the facility is in an insanitary or unhealthful condition, it may suspend the operation of the facility until such time as the complies with the recommended health and sanitation conditions and practices.

[ORS 169.085](#)

Juvenile detention facilities shall have written policy in keeping with the statutory requirement that construction or renovation plans 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.

[ORS 169.070](#)

[ORS 169.072](#)

Juvenile detention facilities shall have written policy in keeping with the statutory role of the Department of Corrections to conduct inspections of the facilities to ensure compliance with the standards established in ORS 169.076 to 169.078, 169.740, 419A.059, and 419B.180.

[National School Lunch and Breakfast Programs](#)
[USDA 7 CFR, 210.13\(b\)](#)

Juvenile detention facilities participating in the National School Lunch and/or Breakfast Program shall comply with all review and inspection requirements. If participating in the National School Lunch and/or Breakfast Program, facilities must ensure that serving areas and preparation site are inspected twice annually.

Section 2: Personnel

Staffing

[ORS 169.076](#)

Juvenile detention facilities shall provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees, with personal inspection at least once each hour. The 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.

Drug-Free Workplace

[1988 Drug Free Workplace Act](#)

Juvenile detention facilities shall have written policy and procedure in keeping with requirements for a drug-free workplace for all employees, including:

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

Training and Staff Development

[Oregon Juvenile Department Directors' Association \(OJDDA\) Policy on Detention Worker Training and Requirements for Certification for Juvenile Correctional Staff](#)

Juvenile detention facilities shall provide minimum basic staff training and development as outlined in the policy approved by the Oregon Juvenile Department Directors' Association (OJDDA):

- Safety and Security
- Youth Movements
- Key Control
- Transports
- Emergency Evacuation
- Crisis Prevention / Intervention
- Use of Force
- Radio Communication
- Security Item Counts
- Searches (facility, youth)
- Contraband and Chain of Evidence
- Restraints

Facility Operations

- Physical plant orientation
- Control room procedures
- Court procedures and process
- Visitation routines and times
- Intake and release
- Daily youth routines
- Documentation and recording
- Shift observation

Introduction and Overview of the Juvenile Justice System

- Philosophy
- Mission and purposes
- Youth/Juvenile rights
- Department organizational structure

Mandatory Training Topics

- Occupational Safety and Health Administration (OSHA)
- Prison Rape Elimination Act (PREA)
- First Aid and CPR
- Mandatory reporting of abuse
- Sexual harassment
- Juvenile Justice Information System (JJIS)
- Blood borne pathogens

Medical and Mental Health

- Medical and mental health procedures
- Health screening
- Suicide prevention
- Medication administration
- Admission health screening

- Medical standing orders

Professionalism and Ethics

- Boundaries
- Conduct
- Gender
- Workforce relationships
- Confidentiality
- Communication (partners, media, parents)

Programming

- Behavior management system
- Facility specific programs

Requirements for certification for juvenile custodial staff by the Oregon Juvenile Department Directors' Association include:

- Education: minimum of a high school diploma or general equivalency diploma, with two years of higher education and/or relevant work experience, preferably in the field of juvenile justice or social service;
- Basic Facilities Training: successful completion of local Basic Facilities Detention/Custody training as approved by OJDDA;
- Current Employment: employed as a custodial staff by an Oregon juvenile department.

OJDDA policy for continuing training/education requirements to maintain certification: successful completion of 40 hours of continuing training/ education within the 12-month period following the most recent certificate obtained.

[Prison Rape Elimination Act \(PREA\) Standards](#)

Juvenile detention facilities shall train all employees on a resident's right to be free from sexual abuse, the right of residents and the employees to be free from retaliation for reporting sexual abuse, the dynamics of sexual abuse in confinement, and the common reactions of sexual abuse victims. The facility shall maintain written documentation verifying employees understanding of the training received.

[ORS 169.750\(5\)\(b\)](#)

Juvenile detention facilities shall train nonmedical personnel (when applicable) on 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 medications according to orders and for recording the administrations in a manner approved by the responsible physician.

Section 3: Records and Information Systems

Youth Records

Oregon Juvenile Justice Information System (JJIS) Policy

Juvenile detention facilities shall maintain basic youth records in accord with the policies of the Oregon Juvenile Justice Information System (JJIS).

The JJIS policy on *Linking Detention Admission to a Referral* supports the ability to conduct consistent local, statewide, and federal compliance reporting on detention utilization. The JJIS Custody feature records initial custody and Intake Screening, Admissions, Movement and Releases for Oregon Youth Authority correctional facilities, county detention facilities, and youth care centers and shelter care facilities housed in county detention facilities. All admissions to detention for the following admission reasons must be linked to a referral: new law violation (ORS 419C.145), mandatory minimum sentence law violation (ORS 137.705(3)), temporary hold for release planning (ORS 419C.136), runaway from another state (ORS 419C.156), material witness warrant (ORS 136.611), federal housing, out of state housing, and tribal housing. When a youth is admitted to a county detention facility for any of the aforementioned reasons, a new valid referral should be entered and linked to the admission. The minimum information should be entered at the time of admission to create the valid referral and linkage, including the referring agency and at least one of the allegations for which the youth is being detained. The referral must be updated with complete information at a subsequent time. After the new referral is added, the link should be made at the time of admission.

JJIS policy on *Material Witness Youth in Detention* clarifies how Material Witness Youth housed in a county juvenile detention facility will be recorded in JJIS. The following data entry standards shall be followed:

- Allegation: ORS 136.611B - Material Witness Warrant
- County of Crime: None
- Detention Admission Reason: “Warrant”
- Detention Release Reason: “Court Approved”
- Disposition: “Referred to Another Agency”
- County of Jurisdiction: County that issued the warrant

JJIS policy on *Referrals and Detention of Out-of-State Runaway Youth* establishes a standard for entering referrals and tracking detention admissions for out-of state runaway youth. The following data entry standards shall be followed:

- Allegation: ORS 419C.156 – Runaway/Juvenile Out of State
- County of Jurisdiction: Out of State

- Disposition: Referred to State of Residence
- Custody Reason: Protective Custody
- Detention Admission Reason: Out of State Runaway
- Detention Release Reason: Return to Other Jurisdiction

JJIS policy on *Custody of Out-of State, Federal, or Tribal Housing Youth* clarifies how youth housed in a county juvenile detention facility through an agreement with another government jurisdiction will be recorded in JJIS.

JJIS policy on *Detention/Close Custody Release, Discharge, and Transfer* clarifies detention and close custody release and transfer standards in JJIS and distinguishes detention practices from state close custody practices. County juvenile detention facilities will always use the Release/Discharge Movement Type rather than the Transfer to Another Facility Type when a youth permanently leaves the detention facility.

[ORS 419A.253](#)

Juvenile detention facilities shall have written policy, procedure, and practice in keeping with statutory requirements on youth records and confidentiality.

[ORS 419A.255](#)

[ORS 419A.014](#)

The juvenile department of a county shall report annually to the Oregon Criminal Justice Commission the frequency with which runaway children held under ORS 419C.156, youths, and youth offenders are held in pre-adjudicative detention and the duration of the detention.

[JJDP Act](#)

Information Systems

Oregon Juvenile Justice Information System (JJIS) Policies

Juvenile detention facilities shall enter and maintain data on detainees in the Oregon Juvenile Justice Information System (JJIS) in accord with JJIS policies.

Public Information

[ORS 169.760\(4\)](#)

Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to **access to the facility by the public and news media.**

Section 4: Physical Plant

Building and Fire Codes

<p><u>ORS 419A.052 (1)</u></p> <p><u>ORS 169.076(11)</u></p> <p><u>ORS 169.077(7)</u></p>	<p>Juvenile detention facilities shall have written policy, procedure, and practice that conforms to applicable federal, state and/or local building codes and keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.</p> <p>http://www2.iccsafe.org/states/oregon/07_structural/building07_frameset.htm</p> <p>http://www.oregon.gov/osp/SFM/docs/Fire_Life_Safety/FLSA_IA_Outline.pdf</p>
<p><u>ORS 419A.052 (1)</u></p> <p><u>ORS 169.076(11)</u></p> <p><u>ORS 169.077 (7)</u></p>	<p>Juvenile detention facilities shall conform to applicable federal, state and local safety codes. Suitable detention facilities must be of Class I construction and comply with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. Facilities safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.</p>

Rated Capacity

[ORS 169.042](#)

Juvenile detention facilities shall have written policy in keeping with the statutory provision that the county court or board of commissioners of a county may institute an examination of the county's local juvenile detention facility for the purpose of obtaining a recommendation regarding the maximum number of detainees that should be held in the facility. This recommendation shall be based on consideration of the following: (1) the advice of the district attorney, county counsel and sheriff concerning prevailing constitutional standards relating to conditions of incarceration; (2) the design capacity of the facility; (3) the physical condition of the facility; and (4) the programs provided for detainees of the facility.

[ORS 419A.055](#)

Juvenile detention facilities shall have written policy, procedure, and practice consistent with the statutory requirement that the county court of any county may institute an examination of the county's detention facility and establish its capacity in accord with constitutional standards. A county court may adopt standards for releasing youths and youth offenders when the capacity of the detention facility is exceeded. If a county court issues an order establishing the capacity of the detention facility and that capacity is exceeded, the county court, through the juvenile department director of that county, may release a sufficient number of youths or youth offenders to reduce the population of the detention facility to the established capacity. The county court, through the juvenile department director, shall immediately notify the judge of the juvenile court of the county of the release.

Location

[Juvenile Justice and Delinquency Prevention Act Section 223\(a\)12](#)

Juvenile detention facilities must ensure the separation of youth from adult inmates by sight and sound.
See Appendix B for detailed information.

[ORS 169.740\(2\)\(c\)](#)

Juvenile detention facilities shall provide for separation of detained juveniles from the sight and sound of detained adults. Juveniles may not be placed in facilities that are designated for isolation of adult prisoners in order to meet this standard.

[Juvenile Justice and Delinquency Prevention Act \(JJDP\) Section 31.303\(e\)\(3\)](#)

A juvenile detention facility collocated with an adult facility in the same building or part of a related complex of buildings located on the same grounds must comply with the core requirements of the JJDP in the same way that juvenile detention facilities are required to comply. Four criteria must be met to ensure compliance of a detention facility collocated with an adult lockup:

- the facility must ensure separation between juveniles and adults so that there can be no sustained sight and sound contact – separation can be achieved architecturally or through time-phasing use of non-residential areas
- the facility must have separate juvenile and adult program areas
- the facility must separate staff for juvenile and adult populations
- the facility must meet the statutory standards established for review by the Department of Corrections

See Appendix B for detailed information on the JJDP.

ORS 419A.063

Juvenile detention facilities shall have written policy, procedure, and practice in keeping with the following statutory requirements:

- the juvenile court may not place a youth offender in a detention facility under ORS 419C.453 unless the facility houses youth in a room or ward screened from the sight and sound of adults, and is staffed by juvenile department employees;
- in no case may the court order that a youth offender under 14 years of age be placed in any detention facility in which adults are detained or imprisoned.

Sleeping Rooms and Dayrooms

ORS 419A.052

Juvenile detention facilities must be of Class I construction and comply with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. New or major renovated facilities must also 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 detainee and house no more than five detainees each;

ORS 419A.052

In juvenile detention facilities, each sleeping room has at minimum the following facilities and conditions:

- (a) Sanitary drinking water in living units and dayrooms;
- (b) Toilets and washbasins accessible to detainees 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, and that maintains a temperature no lower than 64 degrees;
- (e) Lighting at 20 foot-candles density; and
- (f) Verbal or mechanical communications from sleeping rooms to staff.

New or major renovated facilities must conform to the requirements above and must also provide:

- (a) at least one toilet and washbasin for every five detainees;
- (b) corridors of at least six feet in width;
- (c) heating units capable of maintaining 68 to 85 degrees temperature;
- (d) tamper-proof lighting with capability of 20 foot-candles;
- (e) air circulation of 10 cubic feet of fresh air per minute per detainee;
- (f) sleeping room water valves accessible for staff control;
- (g) rooms for provided for classes, library, arts and crafts; and
- (h) indoor and outdoor recreation and exercise areas.

ORS 419A.052(2)(d) In juvenile detention facilities, dayrooms provide a minimum of thirty square feet of dayroom space per detainee.

Housing for the Disabled

Americans with Disabilities Act [Code of Federal Regulation, Chapter 28, Section 35]

Juvenile detention facilities shall have written policy, procedure, and practice complying with the requirements of the American with Disabilities Act. The Code of Federal Regulations, Chapter 28, Section 35 sets forth requirements for services, programs, and activities provided or made available by state and local governments.

Classrooms and Activity Space

ORS 419A.052

New or major renovated facilities shall provide space for classes, library, arts, crafts, indoor and outdoor exercise areas. In addition, facilities must provide thirty square feet of **dayroom** space per detainee.

ORS 169.740

Juvenile detention facilities shall provide for non-dispositional 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.

Section 5: Youth Rights

Protection from Harm

Prison Rape Elimination Act (PREA) Standards

Juvenile detention facilities shall have a written policy mandating zero tolerance toward all forms of sexual abuse. Elements of the policy include

- aggressive response, investigation, and support of prosecution of sexual misconduct in facilities;
- continual training and education of staff and juveniles to increase awareness of safe reporting mechanisms and services available to victims;
- separation and monitoring of both sexually aggressive and vulnerable juvenile through assessments and room assignment;
- establishing means of data collection to track sexual misconduct, analyze incidents, and improve operations and services.

Prison Rape Elimination Act (PREA) Standards

Juvenile detention facilities shall train all employees on a resident's right to be free from sexual abuse, the right of residents and the employees to be free from retaliation for reporting sexual abuse, the

dynamics of sexual abuse in confinement, and the common reactions of sexual abuse victims. The facility maintains written documentation verifying employees understanding of the training received.

Written policy outlines that facility administrators and supervisors responsible for reviewing critical incidents must examine areas in the facility where sexual abuse has occurred to assess whether there are any physical barriers that may have enabled the abuse, the adequacy of staffing levels during different shifts, and the need for monitoring technology to supplement direct care staff supervision.

Accommodations are made to convey all written information about sexual abuse policies, including how to report sexual abuse, verbally to residents who have limited reading skills or who are visually impaired, or who are limited English proficient.

ORS 169.760

Juvenile detention facilities 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: 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; The use of physical restraints, physical force, chemical agents, internal searches and isolation of or upon a detained juvenile; A detained juvenile's access to medical and dental treatment, education, counseling and exercise; Access to the facility by the public and news media; Access to reading materials for detained juveniles; Dress and groom code which will allow for individual identity of detained juveniles; Access to visitation and telephone calls for a detained juvenile with family and friends; Sanctions for violating rules of inmate conduct made pursuant to ORS 169.076 and procedures for fact-finding and imposition of discipline or punishment; and 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.

**ORS 419B.005
through ORS
419B.015**

Juvenile detention facilities shall have written policies that comply with Oregon statute with respect to the definition of child abuse and establish directions for reporting child abuse and/or neglect consistent with Oregon law.

Access to Courts, Counsel, and Governing Authorities

ORS 169.076(10)

Juvenile detention facilities have written policy, procedure and practice in keeping with the statutory requirement to forward, without examination or censorship, each juvenile's outgoing written communications to the Governor, facility administrator, Attorney General, judge, juvenile department, or attorney of the juvenile.

[ORS 169.740\(2\)\(f\)](#) **Juvenile detention facilities shall provide payment of postage** for the youth's mail to an attorney or to federal, state, county or municipal government officials.

[ORS 169.760\(9\)](#) **Juvenile detention facilities shall have established comprehensive written policies** providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to the **attorney of the detained juvenile**, parent or guardian or other interested person as provided for in ORS 419A.

[ORS 169.740\(2\)\(d\)](#) **Juvenile detention facilities shall provide for unrestricted contact between detained juveniles and their attorneys** unrestricted attorney access to the facility for private attorney-client consultation. Unrestricted contact between 8 a.m. and 5 p.m. for a period of not less than five hours per day is the minimum requirement.

Access to Records and Legal Materials

[ORS 169.076\(14\)](#) **Juvenile detention facilities shall safeguard and ensure that the juvenile's access to legal materials is protected.**

[ORS 169.760\(9\)](#) **Juvenile detention facilities shall have established comprehensive written policies with respect to access to records and grievance procedures** by detained juveniles, the attorney of the detained juvenile, parent or guardian or other interested person as provided by ORS 419A.255.

Juveniles with Disabilities

[Americans with Disabilities Act \[Code of Federal Regulation, Chapter 28, Section 35\]](#) **Juvenile detention facilities shall have written policy in keeping with the requirements of the Americans with Disabilities Act.** The Code of Federal Regulations, Chapter 28, Section 35 sets forth the requirements for services, programs, and activities provided or made available by state and local governments.

[ORS 169.750\(8\)](#) **Juvenile detention facilities shall have written policy, procedure, and practice in keeping with the statutory requirement that they may not detain juveniles with emotional disturbances, mental retardation or physical disabilities** on the same charges and circumstances for which other juveniles would have been released or provided with another alternative.

Dress, Grooming, and Personal Hygiene

[ORS 169.760\(6\)](#) **Juvenile detention facilities shall have established comprehensive written policies** providing for the least restrictive alternative consistent with the safety and security of the facility with respect to **dress and groom code** which will allow for individual identity of detained juveniles.

[ORS 169.076\(8\)](#) **Juvenile detention facilities shall ensure that the facility be clean, and provide each detainee materials to maintain personal hygiene, clean clothing twice weekly, mattresses and blankets that are clean and fire-retardant, and require each detainee to shower twice weekly.**

Freedom of Religious Expression

[ORS 169.076\(13\)](#) **Juvenile detention facilities shall not restrict the free exercise of religion** unless failure to impose the restriction will cause a threat to facility order or a threat of disorderly conduct within the facility.

[ORS 169.740\(2\)\(h\)](#)

Grievance Procedures

[ORS 169.760\(9\)](#) **Juvenile detention facilities shall have established comprehensive written policies** providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to records and **grievance procedures** for complaints by the detained juvenile.

[ORS 169.750\(7\)](#) **Juvenile detention facilities may not discipline or punish any juvenile for conduct or behavior by room-lock, 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.

Section 6: Food Services

Meals, Nutrition, and Special Diets

- [ORS 169.076\(7\)\(b\)](#) **Juvenile detention facilities shall insure that detainees are 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 purposes; and will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietitian or the Oregon Health Authority. If participating in the National School Lunch Program and School Breakfast Program, meals must meet program regulations as defined by the USDA.
- [USDA 7 CFR 210](#)
- [USDA 7 CFR 220](#)
- [ORS 169.076\(7\)\(c\)](#) **Juvenile detention facilities shall insure that confined detainees will be provided special diets as prescribed by the designated facility physician or nurse practitioner.**

Food Health and Safety

- [ORS 169.076\(7\)\(d\)](#) **Juvenile detention facilities shall insure that confined detainees shall have food procured, stored, prepared, distributed and served under sanitary conditions,** as defined by the authority under ORS 624.041. <http://www.leg.state.or.us/ors/169.html>
- [ORS 624.041](#) **Juvenile detention facilities shall have written policy, procedure, and practice in keeping with rules established by the Oregon Health Authority with respect to food services. The rules shall provide for, but need not be restricted to, the following:**
- (1) A water supply adequate in quantity and safe for human consumption.
 - (2) Disposal of sewage, refuse and other wastes in a manner that will not create a nuisance or a health hazard.
 - (3) The cleanliness and accessibility of toilets and hand washing facilities.
 - (4) The cleanliness of the premises.
 - (5) The refrigeration of perishable foods.
 - (6) The storage of food for protection against dust, dirt and contamination.
 - (7) Equipment of proper construction and cleanliness of such equipment.
 - (8) The control of insects and rodents.
 - (9) The cleanliness and grooming of food workers.
 - (10) Exclusion of unauthorized persons from food preparation and storage areas.
 - (11) Review of proposed plans for the construction or remodeling of facilities subject to licensing under this chapter

Section 7: Health Care

Access to Care

[ORS 169.076](#)

Juvenile detention facilities shall have a comprehensive written policy with respect to:

- A detained juvenile's access to medical and dental treatment
- Admission and release medical procedures;
- Medication and prescriptions.

[ORS 169.760\(3\)](#)

In addition, **facilities shall provide for emergency medical and dental health**, having written policies providing for:

- licensed physician or nurse practitioner review of the facility's medical and dental plans;
- medical and dental plans
- the security of medication and medical supplies.
- A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided.
- First aid supplies and staff first aid training.

[ORS 169.150](#)

Juvenile detention facilities shall have written policy regarding the statutory provision permitting the county to charge persons committed to the facility a reasonable health care fee for health care services, medications and equipment if the county: provides necessary medical care regardless of the person's ability to pay; provides equal treatment to all persons regardless of ability to pay; establishes a system that notifies the person of the fees and services covered; and establishes a grievance system that allows a person to challenge the deduction of a fee from the person's account.

[ORS 169.166](#)

An individual who receives medical services not provided by the county while in custody of a juvenile detention facility is liable to the provider for charges, and to the local facility for the medical services not provided by the county. A person providing medical services not provided by the county to a detainee shall make reasonable efforts to collect the charges from the individual before seeking to collect them from the facility. If the provider has not been paid within 45 days of the date of billing, the provider may bill the facility who shall pay the account in accordance with 169.140 and 169.150. A bill submitted to the facility must be accompanied by evidence documenting that the provider has billed the individual or the individual's insurer or health care service contractor. If the provider receives payment from the individual or the insurer or health care contractor after receiving payment from the facility, the provider shall repay the amount to the facility less the difference between payment received from the individual, insurer, or health contractor and the billing amount.

Mental Health Services

[ORS 169.740](#)

Juvenile detention facilities shall provide for counseling of any detained juvenile found to be within the jurisdiction of the court.

Pharmaceuticals

[ORS 169.076\(5\)](#)

Juvenile detention facilities shall have comprehensive written policy with respect to medication and prescriptions and the security of medication and medical supplies.

[ORS 169.076\(5\)\(b\)](#)

[ORS 169.750\(5\)\(b\)](#)

Juvenile detention facilities may not 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, prescription medication may not 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 non-injectable medications in accordance with rules adopted by the Oregon State Board of Nursing pursuant to ORS 678.150 (8);

[ORS169.750\(5\)\(b\)](#)

Juvenile detention facilities shall ensure that nonmedical personnel 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.

Medication may not 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;

Juvenile detention facilities may not administer to any detained juvenile any medication or medical procedure for purposes of experimentation.

Medical and Dental Services

[ORS 169.076\(5\)](#)

Juvenile detention facilities shall provide for emergency medical and dental health, having written policies providing for:

- licensed physician or nurse practitioner review of the facility's

medical and dental plans.

- A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided.

First Aid

[ORS 169.076\(5\)](#)

Juvenile detention facilities shall have a comprehensive written policy with respect to first aid supplies and staff first aid training.

Infectious Disease

[ORS 135.139](#)

[ORS 433.045](#)

[ORS 433.065](#)

[ORS 433.080](#)

[ORS 433.009](#)

Juvenile detention facilities shall have written policy, procedure, and practice in keeping with statutes relating to HIV and infectious disease. References to Oregon statutes are listed in the column to the right.

[ORS 169.076 \(g\)](#)

Juvenile detention facilities shall have a comprehensive written policy with respect to vermin and communicable disease control.

Informed Consent

[ORS 169.750](#)

Juvenile detention facility may not 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.

Prescription medication may not 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 non-injectable medications in accordance with rules adopted by the Oregon State Board of Nursing pursuant to ORS 678.150 (8);

Health Records

[Health Insurance Portability and Accountability Act \(HIPAA\)](#)

Juvenile detention facilities shall maintain the health records of detainees in accord with federal privacy and security rules as described in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

<http://www.hhs.gov/ocr/privacy/>

Section 8: Intake, Admission, and Release

Intake and Admission

ORS 169.076 Juvenile detention facilities shall have a comprehensive written policy with respect to legal confinement authority, denial of admission, admission and release medical procedures..

Juvenile detention facilities shall have written policy, procedure, and practice in compliance with Oregon statutory criteria for admission.

ORS 419C.133 **Detention of youth under 12 years of age requires judicial review.** No youth under 12 years of age shall be placed in detention except pursuant to judicial review and written findings describing why it is in the best interests of the youth to be placed in detention.

ORS 419C.145 **Preadjudication detention grounds.** 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;
 - (B) A misdemeanor under ORS 166.023; or
 - (C) 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;
- (f) The youth is alleged to be in possession of a firearm in violation of ORS 166.250; or
- (g) The youth is required to be held or placed in detention for the reasonable protection of the victim.

In addition, one or more of the following circumstances must be 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, the victim or another person, or endangers the community.

[ORS 419C.136](#)
[ORS 419C.156](#)
[ORS 419C.103](#)

The court may not release a youth when:

- (a) There is probable cause to believe the youth committed an offense that, if committed by an adult, would constitute a violent felony; and
- (b) There is clear and convincing evidence that the youth poses a danger of serious physical injury to or sexual victimization of the victim or members of the public while the youth is on release.

[ORS 137.705](#)

In addition to the pre-adjudicative detention criteria, Oregon law permits detention under specific circumstances:

- Temporary hold to develop release plan (ORS 419C.136).
- Detention of runaway from another state (ORS 419C.156).
- Possession of a firearm or destructive device (ORS 419C.103)

[ORS 419C.125](#)

Juvenile detention facilities shall have written policy in keeping with Oregon statute providing for detention of a person charged with a crime under ORS 137.707. If under 16 years of age, the person may not be detained in a jail or other place where adults are detained. If 16 or 17 years of age, the person shall be detained in custody of a detention facility, unless the county juvenile department director and the sheriff agree to detain the person in a jail or other place where adults are detained, and the person is subject to release on the same terms and conditions as for adults.

[ORS 419C.130\(2\)](#)

Juvenile detention facilities shall have written policy and procedures in keeping with Oregon statute providing for the detention of persons 18 years of age or older under ORS 419C.125.

Juvenile detention facilities shall have written policy and procedures in keeping with Oregon statute providing for the detention of persons under the age of 18 based on an order from a court where youth have been waived to criminal or municipal court, as referenced in ORS 419C.130(2).

[ORS 419C.453](#)
[ORS 419C.159](#)
[ORS 419C.456](#)

Juvenile detention facilities shall have written policy, procedure, and practice in keeping with Oregon statute permitting admission to detention for a period not to exceed eight days for:

- A youth offender (in addition to time already spent in the facility);
- A 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 (ORS 419C.159);
- A youth offender 12 years of age or older, when the youth offender has been found to be within the jurisdiction of the juvenile court by reason of having escaped from a detention facility (ORS 419C.456).

[ORS 419C.453](#)

If applicable, juvenile detention facilities shall have written policy and procedure relating to Oregon statute providing for Extended Detention. A youth offender may be placed in a detention facility for a period of time not to exceed eight days, in addition to time already spent in the facility,

unless a program plan in conformance with standards established by the State Commission on Children and Families has been approved by the commission, in which case the youth offender may be held in detention for a maximum of 30 days in addition to time already spent in the facility, when:

(a) The youth offender 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

(b) The youth offender 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.

[ORS 169.105](#)

Juvenile detention facilities shall have policy and practice in keeping with the statutory requirement that an unconscious person may not be admitted. No person who is unconscious shall be admitted to a juvenile detention facility, but shall instead be taken immediately to the nearest appropriate medical facility for medical diagnosis, care, and treatment.

[ORS 419C.097](#)

Juvenile detention facilities shall ensure notification of parents or guardians and victims in accord with Oregon law: 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. If the victim requests, the district attorney or juvenile department shall notify the victim of the time and place of the hearing.

[ORS 419C.139](#)

Juvenile detention facilities shall have written policy in keeping with Oregon statutory requirements for 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.

[ORS 419C.150](#)

Juvenile detention facilities shall have written policy, procedure, and practice in keeping with statutory time limitations on detention. A youth may be held in detention under this section or 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. This limitation 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.

Interstate Compact for Juveniles

[ORS 417.030](#)

Juvenile detention facilities shall have written policy on cooperation with the interstate compact administrator in holding and/or returning juveniles charged with youth offenses from another state, in accord with the Interstate Compact on Juveniles.

Personal Property

[ORS 169.076\(2\)\(f\)\(h\)](#)

Juvenile detention facilities shall have a comprehensive written policy on personal property accountability which complies with ORS 133.455 and on the release process to include authority, identification and **return of personal property**.

[ORS 133.455](#)

When a juvenile detention facility takes or receives money or other valuables from a juvenile in custody for safekeeping or for other purposes, the facility receiving valuables or money shall provide one of duplicate receipts for the property being surrendered to the juvenile. If possible, the juvenile shall countersign both the original and duplicate receipts. A file of the original receipts shall be kept for at least six months after the money or valuables have been returned.

Release

[ORS 169.076\(2\)\(d\)\(h\)](#)

Juvenile detention facilities shall have a comprehensive written policy with respect to:

- admission and **release** medical procedures
- **release process** to include authority, identification, and return of personal property

[ORS 169.760\(1\)](#)

Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to: 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.

Section 9: Program Services

Counseling

[ORS 169.740\(L\)](#)

Juvenile detention facilities shall provide for counseling of any

[ORS 169.740\(2\)\(g\)](#) **detained youth found to be within the jurisdiction of the court,** and for non-dispositional **counseling** of any juvenile held in excess of five judicial days.

[ORS 169.760\(3\)](#) **Juvenile detention facilities shall have established comprehensive written policies** providing for the least restrictive alternative consistent with the safety and security of the facility with respect to a detained juvenile's access to **counseling**.

[Americans with Disabilities Act \[Code of Federal Regulation, Chapter 28, Section 35\]](#) **Juvenile detention facilities shall have written policy in keeping with the requirements of the American with Disabilities Act.** The Code of Federal Regulations, Chapter 28, Section 35 sets forth the requirements for services, programs, and activities provided or made available by state and local governments.
<http://gpoaccess.gov>

Education in Juvenile Detention

[ORS 169.760\(3\)](#) **Juvenile detention facilities shall have established comprehensive written policies** providing for the least restrictive alternative consistent with the safety and security of the facility with respect to a detained juvenile's **access to education**.

[ORS 169.740\(2\)\(g\)](#)

Juvenile detention facilities shall provide access to **education** for juveniles held in excess of five judicial days.

[ORS 336.585](#) **Juvenile detention facilities have written policy, procedure, and practice ensuring compliance with Oregon law regarding education in the facility in accord with ORS 336.585.** The Department of Education shall provide or cause to be provided appropriate education for children placed in a detention facility. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children placed in a detention facility. The superintendent shall pay the costs of providing education to children placed in detention facilities from the State School Fund grant allocated to the Juvenile Detention Education Program for that purpose under ORS 327.026.

[ORS 419A.052\(2\)\(I\)](#) New or major renovated facilities must provide rooms for **classes, library, arts and crafts**.

Extended Detention Programs

[OAR 213-050-0060\(e\)](#) **Juvenile detention facilities shall insure that educational programs are available to all juveniles placed in extended detention in**

accordance with Oregon Department of Education standards in OAR Chapter 581. Participation by juveniles in educational programming must not be unnecessarily interrupted.

Vocational / Work Programs

[Fair Labor Standards Act](#)

Juvenile detention facilities shall have written policy and procedure in compliance with requirements of the federal Fair Labor Standards Act with respect to vocational and work programs.

<http://www.dol.gov/dol/topic/youthlabor/>

Recreation and Physical Exercise

[ORS 169.760\(3\)](#)

Juvenile detention facilities shall have established comprehensive written policy for the least restrictive alternative consistent with the safety and security of the facility with respect to a detained juvenile's access to exercise.

[ORS 169.740\(2\)\(g\)](#)

Juvenile detention facilities shall provide for physical exercise of any juvenile held in excess of five judicial days.

[ORS 419A.052](#)

New or major renovated facilities must provide thirty square feet of dayroom space per detainee; rooms for classes, library, arts and crafts; and indoor and outdoor recreation and exercise areas.

Library Services

[ORS 169.760](#)

Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to reading materials for detained juveniles.

[ORS 419A.052\(i\)](#)

In addition, facilities must provided rooms for classes, library, arts and crafts.

Mail, Telephone, Visiting

[ORS 169.076\(2\)\(i\)](#) [ORS 169.760\(7\)](#)

Juvenile detention facilities shall have a comprehensive written policies with respect to rules governing correspondence, visitation,

and telephone calls for detained juveniles with family and friends

[ORS 169.076\(10\)](#)
[ORS 169.740 \(2\)\(f\)](#)

Juvenile detention facilities shall forward, without examination or censorship, detainees' outgoing written communications to the Governor, facility administrator, Attorney General, juvenile department, or the attorney of the juvenile.

In addition, juvenile detention facilities shall provide for the **payment of postage** for the juvenile's mail to an attorney or to federal, state, county or municipal government officials.

[ORS 169.740 \(2\)\(e\)](#)

Juveniles detained in juvenile detention facilities shall, unless ordered by the juvenile court, provide for **private and unrestricted receipt of and sending of mail**. Incoming mail may be opened in the presence of the juvenile upon reasonable suspicion that the mail contains contraband as defined in ORS 162.135; incoming packages shall be opened in the presence of the juvenile and the contents may be held until the juvenile is released. The juvenile shall be informed of any confiscated contraband.

Section 10: Security and Control

Supervision of Youth

[ORS 169.076\(1\)](#)

Juvenile detention facilities shall provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees, with personal inspection at least once each hour. The supervision may include the use of electronic monitoring equipment when approved by the governing body of the area in which the facility is located.

[ORS169.740\(2\)\(a\)\(b\)](#)

Facilities shall provide for personal inspection of each juvenile at least once each hour unless a particular situation requires more frequent inspection. Each facility shall provide for personal or electronically monitored supervision on each floor where juveniles are detained.

Use of Restraints

[ORS 169.760\(2\)](#)

Juvenile detention facilities 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 the use of **physical restraints**, force, chemical agents, internal searches and isolation of or upon a detained juvenile.

ORS 169.760(2)

Juvenile detention facilities may not impose physical restraint for the purposes of discipline or punishment. Use of physical force or other means of physical control are prohibited 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 room lock 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 the danger exists. A use of force or other physical means of control may not employ 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.

ORS 169.740(2)(i)

Juvenile detention facilities shall make a written report, one copy of which shall be maintained in a general log, of each use of **restraint**, setting forth in detail the reason such action was taken and the name of the staff person taking such action.

ORS 169.740(2)(j)

Juvenile detention facilities shall notify the attorney and the parent or guardian of the detained youth after the use of any use of **restraint** upon the youth as soon as reasonable after the use and by mailing a copy of the written report within 24 hours after the use.

Control of Contraband

ORS 169.760(2)

Juvenile detention facilities 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 the use of **internal searches** upon a detained juvenile.

ORS 169.750(4)

Juvenile detention facilities may not 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.

ORS 169.740

Juvenile detention facilities shall provide for the private and unrestricted receipt and sending of mail (unless otherwise ordered by the juvenile court following a hearing). Incoming mail may be opened in the presence of the juvenile on reasonable suspicion that the mail contains contraband as defined in ORS 162.135 (1), and

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;

Use of Force

[ORS 161.205](#)

Juvenile detention facilities shall have policy, procedure, and practice in keeping with statutory standards on the use of physical force. The use of physical force is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian or **other person entrusted with the care and supervision of a minor** may use reasonable physical force when the person reasonably believes it necessary to maintain discipline or promote the welfare of the minor. A teacher may use reasonable physical force upon a student when the teacher reasonably believes it necessary to maintain order in the school or classroom.

(2) An authorized official of a juvenile detention facility may use physical force when and to the extent that the official reasonably believes it necessary to maintain order and discipline or as is authorized by law.

(3) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.

(4) A person may use physical force upon another person in self-defense or in defending a third person, in defending property, in making an arrest or in preventing an escape, as prescribed in chapter 743, Oregon Laws 1971

[ORS 169.760](#)

Juvenile detention facilities 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 the use of physical restraints, **physical force**, chemical agents, internal searches and isolation of or upon a detained juvenile.

[ORS 169.750](#)

Juvenile detention facilities may not administer physical punishment to any detainee at any time.

[ORS 169.750\(1\)\(2\)](#)

Juvenile detention facilities may not for purposes of discipline or punishment impose any infliction of or threat of physical injury or pain. A facility may not 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 room lock or isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only as long as it appears that the danger exists. A use of force or other physical means of control may not employ 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.

ORS 169.740(2)(i)

Juvenile detention facilities shall make a written report, one copy of which shall be maintained in a general log, of each use of **physical force**, restraint, isolation, room lock or internal search, setting forth in detail the reason such action was taken and the name of the staff person taking such action.

ORS 169.740(2)(j)

Juvenile detention facilities shall notify the attorney and parent or guardian of a detained youth after the use of any physical force upon the youth as soon as reasonable after the use of force and by mailing a copy of the written report within 24 hours after the use of force.

Safety and Security

ORS 169.076(3)

Juvenile detention facilities shall formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies.

**ORS 169.076(11)
ORS 169.077(7)
ORS 419A.052(1)**

Juvenile detention facilities shall have written policy, procedure, and practice in keeping with applicable federal, state and local safety codes, including fire safety inspections and fire drill requirement. Juvenile detention facilities shall keep the facility safe and secure in accord with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

ORS 160.076(3)

Juvenile detention facilities shall formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies.

ORS 169.076(6)

Juvenile detention facilities shall have written policy, procedure, and practice that prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

Section 11: Rules and Discipline

Rules of Conduct

[ORS 169.076\(12\)](#)

Juvenile detention facilities shall have and provide each detained youth with written rules for conduct and disciplinary procedures. If the juvenile cannot read or is unable to understand the written rules, the information shall be conveyed to the juvenile orally.

Discipline

[ORS 169.760\(8\)](#)

Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to **sanctions for violating rules of conduct** made pursuant to ORS 169.076(12) and procedures for fact-finding and imposition of discipline or punishment.

[ORS 169.076\(4\)](#)

Juvenile detention facilities shall not administer any physical punishment to any youth at any time.

[ORS 169.750\(1\)](#)

Juvenile detention facilities may not impose upon a detained youth for purposes of discipline or any punishment infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, or isolation.

[ORS 169.076\(12\)](#)

Juvenile detention facilities shall have and provide each detained youth with written rules for conduct and disciplinary procedures. If the juvenile cannot read or is unable to understand the written rules, the information shall be conveyed to the juvenile orally.

Room-lock and Isolation

[ORS 169.760\(2\)](#)

[ORS 169.730](#)

Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to the use of physical restraints, physical force, chemical agents, internal searches and **isolation** of a detained juvenile

[“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.](#) “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, “room lock”

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.

ORS 169.750(7)

Juvenile detention facilities may not discipline or punish any juvenile for conduct or behavior by room lock 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.

ORS 169.750(3)

Juvenile detention facilities may not use room lock 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 that constitutes a crime under the laws of this state or that would justify physical force, control or isolation under subsection (2) of this section.

ORS 169.750(2)(b)

Juvenile detention facilities may not use force or other physical means of control that employ isolation for a period in excess of six hours.

ORS 169.740(2)(i)

Juvenile detention facilities shall make a written report, one copy of which shall be maintained in a general log, of each use of physical force, restraint, **isolation, room lock** or internal search, setting forth in detail the reason such action was taken and the name of the staff person taking such action.

Juvenile detention facilities shall notify the attorney and the parent or guardian of the detained juvenile after the use of any physical force, restraint, **isolation** or internal search as soon as is reasonable after the use and by mailing a copy of the report within 24 hours after the use.

APPENDICES

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.

“**Collocated Detention Facility**” means a juvenile detention facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance and engineering.

“**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 Oregon statute [ORS 419A.012].

“**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 detainees. Dormitories include sleeping and dayroom areas.

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

“**Evidence-based practices**” as established by SB 267 for programs receiving state funding. Detention services under other funding are encouraged to implement best practices.

“**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-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 [ORS 169.730].

“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 (Source: Corrections Division).

“Non-Offender” is a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, or mental health issues, but not a delinquent act.

“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.

“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, “room lock” 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 [ORS169.740].

“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.

“Sight and Sound Contact” means any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. **Sight contact** is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. **Sound contact** is defined as direct oral communication between incarcerated adults and juvenile offenders.

“Status Offender” is a juvenile who has been charged with, or adjudicated for, conduct that would not be criminal if committed by an adult. Examples include: running away, underage possession of alcohol or tobacco, curfew violation, and truancy.

“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.

“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 supervised on-the-job learning. Meetings of professional associates are considered training when there is clear evidence of the above.

“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.

“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 who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

“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

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT SUMMARY

Detention facilities shall be administered in compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act of 2002, implementing regulations into policies.

Federal Rules and Regulations

Deinstitutionalization of Status Offenders (DSO), Sight and Sound Separation, and Disproportionate Minority Contact (DMC) are the core protection requirements that apply to juvenile detention centers. The Jail Removal requirement is not applicable as juvenile offenders may be held in or sentenced to juvenile detention facilities for longer than six hours.

Section
223(a)11

Deinstitutionalization of Status Offenders (DSO)

The JJDP Act states that status offenders and non-offenders may not be housed in secure facilities for any period of time.

Accused status offenders who fail to appear for court hearings remain status offenders and cannot be upgraded to delinquent offenders for their failure to appear.

The following are exceptions which apply to juvenile detention centers:

Youth Handgun Safety Act Possession Exemption

The Youth Handgun Safety Act (18 U.S.C. 922(x)) prohibits possession of a handgun by a minor under the age of 18. There are exceptions to this Act such as using a handgun in a gun safety course or hunting under the supervision of an adult. Because the Youth Handgun Safety Act applies only to juveniles and handgun possession, it fits the definition of a status offense since, in most cases, it would not be a crime if committed by an adult. However, the Violent Crime Control and Law Enforcement Act of 1994, Subtitle B, Youth Handgun Safety, amended the JJDP Act to provide that juveniles who violate U.S.C. Title 18, Section 922(x), or a similar state law can be placed in secure detention or correctional facilities without violating the DSO requirement. Youth held in juvenile detention or correctional facilities solely for possession of a handgun are exempt from violation; however, the JJDP Act compliance monitor must capture that information yearly for OJJDP.

Out of State Runaways Exemption

Out-of-state runaways may be held securely until their safe return to the home state. The agency has written policy, procedure and documentation regarding detention admissions as it relates to out-of-state runaways, including notification of a home state for safe return. Out-of-state runaways held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements and may be held until they can be safely returned to the home state. Other out-of-state runaways securely held beyond 24 hours solely for the purpose of being returned to proper custody in another state in response to a warrant, or request from a jurisdiction in the other state or pursuant to a court order must be reported as violations of the DSO

requirement. The JJDP Act compliance monitor must verify that out of state runaways being held in juvenile detention centers are being held pursuant to the Interstate Compact on Youth.

Regulatory Exception - Applies to Accused Status Offenders and Alien Juveniles ONLY

OJJDP regulations allow a juvenile detention center to hold an accused status offender or an alien juvenile with no delinquent charges for up to 24 hours, exclusive of weekends and legal holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance. The OJJDP regulations allow for secure holding prior to and immediately following an INITIAL court appearance. This exception does not apply to subsequent court appearances.

Valid Court Order - Statutory Exception - Applies to Adjudicated Status Offenders Only

This provision allows an adjudicated status offender found to have violated a Valid Court Order to be sentenced to juvenile detention as a civil penalty for contempt of court. The JJDP Act may be reauthorized in the near future with the recommendation by OJJDP to phase out the VCO process, but as of this "Guideline" revision the VCO process is required.

Section 223
(a)12

Sight and Sound Separation

Juvenile facility must be separated from adult inmates by sight and sound.

Accused or adjudicated delinquent offenders, status offenders and non-offenders cannot have sight or sound contact with adult inmates, including inmate trustees. Inmate trustees who perform maintenance or other duties at juvenile detention centers must be sight and sound separated from the juvenile detainees at all times.

- A juvenile who is direct-filed, transferred or waived or is otherwise under the jurisdiction of a criminal court may be detained or confined in a juvenile correctional facility or juvenile detention facility with other juveniles under the jurisdiction of the juvenile court.
- An adult held for a delinquency proceeding can be held in a juvenile detention center or a juvenile training school. For example, if a 17-year-old committed a burglary and was charged with this delinquent offense at age 18, he or she could be held in a juvenile detention center. This does not violate the separation requirement because the 18-year-old “has not been convicted of a crime or is awaiting trial on criminal charges.”
- Under current OJJDP policy and proposed regulation, Oregon must assure that no juvenile offender under public authority shall enter, for any amount of time, into a secure setting or secure section of any jail, lockup or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Scared Straight or Shape Up). Therefore, even incarcerated juveniles cannot be transported to a secure adult facility, or adult prisoners brought to a secure juvenile facility for such programs.

Section 31.303
(e) (3)

Collocated Facilities - (Consolidated Regulation for JJDP Formula Grant) – juvenile facility collocated with adult facility located in the same building or part of a related complex of buildings located on the same grounds.

Collocated facilities comply with core requirements of JJDP in the same way a juvenile detention facilities are required to comply.

However, the following four criteria must be met to ensure the requisite separateness of a juvenile detention facility that is collocated with an adult jail or lockup:

- The facility must ensure separation between juveniles and adults such that there could be no sustained sight and sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time phasing of common use non-residential areas.
- The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns.
- The facility must have separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (e.g. medical care, food services, laundry, maintenance, and engineering) who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults can serve both populations.
- The facility must meet the statutory standards established for review by Department of Corrections regarding the facility's physical plant, staffing patterns, and programs.

APPENDIX C

VALID COURT ORDER – STATUTORY EXCEPTION [applies to adjudicated status offenders only]

In 1980, Congress enacted a provision intended to address concerns that the DSO core requirement deprived juvenile court judges of a significant option in handling chronic status offenders who were not willing to comply with court orders. This provision was meant to be applied sparingly to the small number of status offenders that continually flout the will of the court and have exhausted all non-secure civil sanctions available. The provision provides that adjudicated status offenders found to have violated a Valid Court Order (VCO) may be sentenced to juvenile detention as a civil penalty for contempt of court.

- Adjudicated status or non-offenders cannot be held in juvenile detention centers unless all of the conditions of the Valid Court Order are met.

For the purpose of determining whether a VCO exists and a juvenile has been found in violation of that order, all of the following conditions must be present prior to secure incarceration:

A. The juvenile must be brought before a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile. Prior to issuance of the order, the juvenile must have received the full due process rights guaranteed by the Constitution of the United States.

B. The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

C. The juvenile must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to the juvenile's attorney and/or legal guardian in writing and be reflected in the court record and proceedings.

D. All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. For protective purposes or to assure appearance at the violation hearing, a juvenile accused of violating a valid court order may be held in secure detention no longer than 72 hours, exclusive of non-judicial days. However, there must be a judicial determination based on a hearing during the initial 24- hour grace period, permitted for a noncriminal juvenile offender under OJJDP monitoring policy, that there is probable cause to believe the juvenile violated the court order. A juvenile alleged or found in a violation hearing to have violated a valid court order may be held only in a secure juvenile detention and not in an adult jail or lockup.

E. Prior to and during the violation hearing, the following due process rights must be provided:

- The right to have the charges against the juvenile in writing served upon the juvenile in a reasonable time before the hearing;
- The right to a hearing before the court;
- The right to an explanation of the nature and consequences of the proceeding;
- The right to legal counsel, and the right to have such counsel appointed by the court if indigent;
- The right to confront witnesses;
- The right to present witnesses;
- The right to have a transcript of the proceedings; and
- The right of appeal to an appropriate court.

F. In entering any order that directs or authorizes the placement of a status offender in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile and, in the case of a violation hearing, the judge must obtain and review a written report that: reviews the behavior of the juvenile and the circumstances under which the juvenile was brought before the court and made subject to such order; determines the reasons for the juvenile's behavior; and determines whether all

dispositions other than secure confinement have been exhausted or are clearly inappropriate. This report must be prepared and submitted by an appropriate public agency (other than a court or law enforcement agency).

G. A non-offender such as a dependent and neglected child cannot be placed in a secure detention facility for violating a valid court order.

The presence of all of the above elements must be verified by the Compliance Monitor before the event qualifies as a Valid Court Order exception. If all are not present, the detention constitutes a violation.