

JOSEPHINE COUNTY JUVENILE JUSTICE STANDARDS: FY 2015-16

A Work In Progress

STANDARDS ORS OAR JO CO LAW

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**UNDERSTANDING THE JUVENILE JUSTICE
JOSEPHINE COUNTY (JO CO) BUDGET STANDARDS: FY 2015-16**

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JOSEPHINE COUNTY JUVENILE JUSTICE STANDARDS: FY 2015-16

Josephine County Juvenile Justice Public Safety Services

Jon Whalen and Mike Walker, Co-Authors

JS&PSS Exploratory Committee

Hugo Neighborhood Association & Historical Society

<http://www.hugoneighborhood.org/juvenile.htm>

Justice System & Public Safety Services Study Design: 2015 (*Study Design*)

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I. PURPOSE

A. Record Juvenile Justice Standards & Criteria

The purpose of this standards paper is to research, study, and develop an independent collection of Josephine County (JO CO) juvenile justice (JJ) budget standards and criteria for FY 2015-16.

- Josephine County Board of County Commissioners (BCC). June 17, 2015. *Josephine County, Oregon Adopted Budget FY 2015-16*. <http://www.hugoneighborhood.org/budgets.htm>

This specific effort is part of the Exploratory Committee *Study Design* project to research JO CO's current budget document for elective, necessary, and/or mandated public safety services (PSS) (*Josephine County, Oregon Adopted Budget FY 2015-16*; Appendix A). The Committee's description of the JJ Department standards and criteria will serve as a public awareness description for future levies.

1. JJ Law (Oregon Revised Statutes)
2. JJ Rules (Oregon Administrative Rules)
3. JJ Josephine County Policy/Law
4. JJ Federal
5. JJ Other

This standards paper also includes the identification of any JJ authorities, standards, and criteria beyond those explicitly identified in the *Josephine County, Oregon Adopted Budget FY 2015-16*

B. Purpose of *Study Design*

Recording the JJ standards is part of a larger effort (*Study Design*; Appendix A) to understand the county's present public safety services (PSS). Its very first question is about consensus of the problem and vetted information. What is Josephine County's (JO CO) Justice System & Public Safety Services (JS&PSS) Problem, . . . or Issue? First, *What are the public safety services (PSS) being referred to?* Second, *What is the issue?* The third, and final question, perhaps the most important question, is "*Or, is there a problem, and if so, judged by what standards?*"

C. References

The standards and criteria are directly related to three other JO CO JJ documents and two standards documents.

Josephine County Juvenile Justice Standards: FY 2015-16 (A Work In Progress)

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - May 11, 2016. *Josephine County Juvenile Justice Standards: FY 2015-16*. Hugo Neighborhood Association & Historical Society. Hugo, OR.

1. JO CO Juvenile Justice Papers

Josephine County Juvenile Justice Public Safety Services (Conceptual Prototype)

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. *First Draft - April 27, 2016*. *Josephine County Juvenile Justice Public Safety Services*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

Understanding The Juvenile Justice Josephine County Budget: FY 2015-16 (Conceptual Prototype)

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - April 27, 2016. *Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

***Purpose, Conceptual Prototype, Chapter VI Recommendations, Part of "Understanding The Juvenile Justice Josephine County Budget: FY 2015-16"* (Conceptual Prototype)**

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - April 27, 2016. *Purpose, Conceptual Prototype, Chapter VI Recommendations (Voter Educational Outreach Projects), Part of Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

2. Standards Papers

Appendix 4B. Josephine County's Minimally Adequate Level of Public Safety Services Standards

- Walker, Mike; Whalen, Jon, Members JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society. Very Draft December 15, 2015. *Appendix 4B. JO CO's Minimally Adequate Level of Public Safety Services (MALPSS) Standards, Including Law Enforcement Staffing & Deployment*. Supporting Justice System & Public Safety Services Study Design: 2015. Hugo, OR.

Standards For Public Safety Services (Public Outreach 5.9)

Web Page: http://www.hugoneighborhood.org/JSPSS_Studies.htm

- Walker, Mike; Whalen, Jon, Members JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society. Very Draft February 1, 2016. *Standards For Public Safety Services (Public Outreach 5.9)*, At Studies & Information Hugo, OR.

II. JO CO JUVENILE JUSTICE DEPARTMENT BUDGET FY: 2015-16

A. Public Safety Fund Description ORS (PSF, page 160/764 of JO CO budget)

The Public Safety Fund [PSF] was formed in 2006. It was comprised of three departments: Sheriff, District Attorney, and Community Justice, which had previously been in the General Fund. The Community Justice Department was further reorganized into Juvenile Justice and Adult Corrections. In 2007, Adult Corrections was moved to a separate fund. The Sheriff and District Attorney are elected officials. The manager of the Juvenile Justice Department reports to a liaison County Commissioner. The departments within this fund provide support for the criminal justice system utilized by city, county and state law enforcement. County wide services include court prosecution, civil services, the jail and juvenile facility.

The budget is in balance, which means that the budgeted requirements (expenditures and ending fund balance) are equal to the resources (beginning fund balance and revenues) that are estimated to be available during the budget year. The primary source of revenue to operate the departments in this Fund had been monies received under the Troubled Assets Relief Program (TARP) and a transfer from the General Fund. Additionally, programs operated by the three departments generate revenues for specific program purposes. The TARP "county payments" money replaced the O&C distributions that the County received for many years.

In the pages that follow, a summary of the Public Safety Fund (Resources and Requirements) is presented first followed by sections for each of the three departments. The money available for them is equal to total resources of the fund, less the requirement for Internal Service Fund charges. Major reductions in programs occurred in FY 2012-13 due to the loss of funding and five percent reductions have been occurring annually since.

For each department, there is a summary of its programs (Schedule A), which in turn is supported by a Program Worksheet (Schedule B) for each program. Schedule B provides information about the purpose of the program, how much revenue it is expected to generate during the budget year, and a breakdown of its expenditure budget by the categories specified in Oregon Local Budget Law.

Schedules C, D, and E provide details of resources, personal services and other expenditures, respectively.

1. JO CO Juvenile Justice Court & Field Program

Juvenile Justice Court & Field Program

Fund: Public Safety Fund (12)

Office/Division: Juvenile Justice

Program: Court & Field

Cost Center# 2430

FTE: 8.6

Budgeted: \$1,019,700 (Schedule B)

Budgeted: Requirements: \$1,019,700; Net \$817,800 (Schedule A)

Table. Resources And Requirements (PSF, page 2)

Public Safety Fund (12)

Juvenile Justice Adopted By Governing Body: \$982,700

Purpose of Program: (PSF, pages 217/764 - 223/764).

Juvenile Court and Field Services are mandated in ORS 419A.010-020. Felony youth referrals are received from law enforcement, evaluated by the District Attorney's Office for legal sufficiency and the course of disposition is prescribed by Juvenile Justice. Misdemeanor referrals are evaluated by Juvenile Justice. The program promotes community protection through accountability for youth, opportunity for reformation and justice for victims. The course of action is driven by severity of offense and risk assessment with most services being directed to the medium to high risk offender. Lower risk, first time offenders are usually diverted from court with informal action which includes Community Service and restitution to victims when appropriate (PSF, page 218/764).

Outcomes include mandates that youth abide by their informal contracts or court ordered probation conditions. Victim restitution is collected or docketed as civil judgment in most cases. Caseload contacts are maintained according to the youth's level of risk and the severity of the crime. Youth violations result in a structured sanction process. The supervision of medium and high risk youth may include a mandate to attend Aggression Replacement Training and/or Functional Family Therapy (FFT), each are evidence-based programs (PSF, page 219/764).

A budget goal of community outreach is accomplished in the geographical assignment of caseloads. In compliance with law, schools are advised of youth pending court and final dispositions. Juvenile participates in quarterly meetings of law enforcement, schools and treatment providers. Options, Department of Human Services and Oregon Youth Authority consult with the program regarding out-of-home placements. Functional Family Therapy is partially funded by the Division and accepts family referrals from throughout the community. Funding revenue from the state, office rent and fees account for 20% of the budget. The balance is required from County public safety funds. The department maintains training standards and accreditation through the Oregon Juvenile Department Director's Association (OJDDA; PSF, page 219/764).

2. Juvenile Justice Shelter Detention Program n/a

Except for the rental of three (3) youth detention beds, there was no JJ Shelter Detention Program in FY 2015-16 (see Chapter I, *Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*, for information on JJ Shelter Detention program in FY 2010-11).

FY 2015-16

FTE: 0.0 (Schedule B)

Budgeted: \$0.0 (Schedule B)

Budgeted: Requirements: 0.0 (Schedule A)

Three (3) youth detention beds rented from Douglas County, but cannot track the FTE and budget for this JJ service.

FY 2010-11

FTE: 23.7 (Schedule B)

Budgeted: \$1,674,600 (Schedule B)

Budgeted: Requirements: \$1,674,600; Net \$1,674,600 (Schedule A)

ORS 419.012. Duties of director or counselor

ORS 419C.145. Preadjudication detention

Housing of Measure 11 Youth (Section III.A.8)

MANDATORY SENTENCING/MEASURE 11

Mandatory Sentences for Violent Offenders, now codified in ORS 137.707

14 youth detention beds in Grants Pass

16 youth shelter beds in Grants Pass.

3. Rental Detention Beds The JO CO JJ Shelter-Detention Program is not identified in the FY 2015-16 budget, yet news articles continue to inform about a rental detention program. For example, see *'Status quo' budget proposed for coming year*. Where in the budget document is identification of the rental detention program?

B. Juvenile Justice Special Programs Funds ORS (33) (PSF, pages 442/764 - 456/764)

Table. Resources And Requirements

Juvenile Justice Special Program Fund (SPF)/(33) (SPF, page 95)

Juvenile Justice Adopted By Governing Body: \$181,000

Fund: Juvenile Justice Special Program (33)/(SPF, page 96) Schedule A

Child Advocacy - CAMI	FTE 0.60	Budget Requirements	\$55,100
Mediation - 2440	FTE 1.00	Budget Requirements	\$107,900
Flex - 2450	FTE 0.00	Budget Requirements	<u>\$18,000</u>
		Total	\$181,000

1. Juvenile Justice Child Advocacy Program - CAMI (PSF, pages 447/764 - 449/764)

Fund: Juvenile Justice Special Programs (33)

Office/Division: Juvenile Justice

Program: Child Advocacy - CAMI

Cost Center #: 2420

FTE: 0.60 (Schedule B)

Budgeted: \$55,100 (Schedule B)

Purpose of Program

The Child Abuse Multidisciplinary team (MDT) is mandated under ORS 418.746-796. A non-competitive grant is offered counties to maintain a team to evaluate all cases of child abuse, neglect and fatality. Juvenile Justice oversees the Child Advocate (.6 FTE) who schedules and records all MDT staffings, conducts forensic interviews, maintains video evidence and coordinates the legal and treatment process for child victims.

Program objectives include providing a coordinated MDT approach to child abuse investigations, maintaining a trained team including the DA, law enforcement, Juvenile, Public Health, Mental Health, DHS, child treatment agencies and schools. Outcomes include advocating for all victims in legally substantiated cases and obtaining an 80% conviction rate when offender is charged with crimes against children.

2. Juvenile Justice Mediation Program (PSF, pages 450/764 - 452/764)

Fund: Juvenile Justice Special Programs (33)

Office/Division: Juvenile Justice

Program: Mediation

Cost Center #: 2440

FTE: 1.0

Budgeted: \$107,900

Purpose of Program:

ORS 107.775 mandates Court Mediation to assist families to develop child custody and parenting plans. The Mediator does not make recommendations to the court but, will work with parents to identify a mutually acceptable plan. The program leads to decreased court time and reduces future trauma to children. Parents are more likely to comply with their own mediated agreements. As an outcome, Court Mediation is to result in 100% of the applicable families having access to the program. A weekly orientation is afforded prior to mediation for all parents who have a parenting conflict.

3. Juvenile Justice Flex Program (PSF, pages 453/764 - 456/764)

Fund: Juvenile Justice Special Programs (33)

Office/Division: Juvenile Justice

Program: Flex

Cost Center #: 2450

FTE: -

Budgeted: \$18,000

Purpose of Program:

Juvenile Flex Funds are provided by Oregon Youth Authority and utilized for the purchase of treatment services and other barrier removal items for youth committed to OYA as well as youth under the supervision of Josephine County. This program is totally self-supporting.

C. JO CO JJ Standards: FY 2015-16

1. Public Safety Fund Description ORS

- JO CO Juvenile Justice Court & Field Program ORS 419A.010-020.
- Juvenile Justice Shelter Detention Program n/a - no program; see Section III.A.
- Rent Detention Beds ?

2. Juvenile Justice Special Programs Funds ORS

- Juvenile Justice Child Advocacy Program ORS 418.746-796.
- Juvenile Justice Mediation Program ORS 107.775
- Juvenile Justice Flex Program ?

III. STANDARDS & CRITERIA: JJ ELECTIVE, NECESSARY, AND/OR MANDATED PUBLIC SAFETY SERVICES (PSS)

The Exploratory Committee is especially grateful to Jim Goodwin, Director, Josephine County Juvenile Justice Department, and Joe Ferguson, President Elect, Oregon Juvenile Department Directors Association (OJDDA), for their assistance in helping the Committee understand the authorities and standards, especially the applicable ORSs and OARs, for the JO CO JJ Department.

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At the level of analysis of this paper, “Standards & Criteria: JJ Elective, Necessary, And/or Mandated PSS,” assumes that applicable ORS and OAR are standards and criteria. However, that assumption may or may not be true (i.e., probably less than more - see “standards” papers identified in Chapter I, Section I.C.2).

- *Appendix 4B. Josephine County’s Minimally Adequate Level of Public Safety Services Standards*
- *Standards For Public Safety Services (Public Outreach 5.9)*

The focus of this chapter is the first step of identifying applicable ORS, OAR, and local law for the 36 Oregon county JJ departments. After that step is completed the analysis can move to an evaluation of whether there are any “JJ Elective, Necessary, And/or Mandated PSS.”

A. JJ Law (Oregon Revised Statues)

The core of the following sets of ORS are identified as responsibilities of the JO CO Juvenile Justice Department in its FY 2015-16 budget (Chapter II).

- Josephine County (JO CO) Board of County Commissioners (BCC). June 17, 2015. Josephine County, Oregon Adopted Budget FY 2015-16. JO CO BCC Resolution Number 2015-026. Grants Pass, OR.
- ORS 419C – Juvenile Code: Delinquency (Appendix F)
ORS 419C.001: Purposes of juvenile justice system in delinquency cases (ID by OJDDA; Section III.A.8.a))
ORS 419C.145. Preadjudication detention* (Detention And Shelter Facilities)
- ORS 419A: Juvenile Code: General Provisions and Definitions (Appendix D)
ORS 419A.004: Definitions (ID by Exploratory Committee)
ORS 419A.010-020: Juvenile Court and Field Services (Appendices C &D)
- ORS 419A: Juvenile Code: General Provisions and Definitions (Appendix D)
ORS 419A.012. Duties of director or counselor*
ORS 419C.145. Preadjudication detention* (Detention And Shelter Facilities)
- Housing of Measure 11 Youth (see ORS 137 & ORS 137.707)*
ORS 419A.050-063: Detention And Shelter Facilities** (Appendices C &D)
- ORS 419B: Juvenile Code: Dependency (Appendix E)
ORS 419B.112: Court appointed special advocate ***
- ORS 418: Child Welfare Services
ORS 418.746-796: Child Abuse Multidisciplinary team (MDT)
- ORS 107: Marital Dissolution, Annulment and Separation; Mediation and Conciliation Services; Family Abuse Prevention
ORS 107.775: Court Mediation to Assist Families to Develop Child Custody and Parenting Plans
- ORS 137: Judgment and Execution; Parole and Probation by the Court
Housing of Measure 11 Youth*
ORS 137.707 Adult prosecution of 15-, 16- or 17-year-old offenders

Notes

* Note for ORS 419A.050-063: Detention And Shelter Facilities. The two identified ORS are not for FY 2015-16. They are for FY 2010-11 which also identified “Housing of Measure 11 Youth.”

- ORS 419A.012. Duties of director or counselor (FY 2010-11)
- ORS 419C.145. Preadjudication detention (FY 2010-11)
- Housing of Measure 11 Youth (FY 2010-11; Section III.A.8)

** Note for ORS 419A.050-063: Detention And Shelter Facilities identified by Exploratory Committee from ORS 419A.004 Definitions (10) & (11).

*** Note for ORS 419B.112: Court appointed special advocate identified by Exploratory Committee from ORS 419A.004 Definitions (7).

The text descriptions of ORS that follow are minimal focusing on purpose (go to the links for the full ORS).

1. ORS 419C – Juvenile Code: Delinquency

a) ORS 419C.001: Purposes of juvenile justice system in delinquency cases (Appendix F)

GENERALLY

ORS 419C.001: Purposes of juvenile justice system in delinquency cases (ID by OJDDA, Section III.A.8.a))

(1) The Legislative Assembly declares that in delinquency cases, the purposes of the Oregon juvenile justice system from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior. The system shall be open and accountable to the people of Oregon and their elected representatives.

ORS 419C.005: Jurisdiction?

ORS 419C.007: Suspension or revocation of driving privileges?

ORS 419C.010: Extradition?

ORS 419C.013: Venue?

ORS 419C.020: Notice to parents or guardian of youth?

ORS 419C.025: Appearance by telephone or closed-circuit television?

b) ORS 419C.145: Preadjudication Detention (see Notes * on p. IIIA-2)

(1) A youth may be held or placed in detention before adjudication on the merits if one or more of the following circumstances exists:

- (a) The youth is a fugitive from another jurisdiction;
- (b) The youth is alleged to be within the jurisdiction of the court under ORS 419C.005 (Jurisdiction), 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 (Disorderly conduct in the first degree); 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 (Jurisdiction), 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 (Jurisdiction) 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 (Unlawful possession of firearms); or
- (g) The youth is required to be held or placed in detention for the reasonable protection of the victim.

2. ORS 419A. Juvenile Code: General Provisions & Definitions

a) ORS 419A.010-020: Juvenile Court and Field Services (Appendix D)

(1) ORS (Chapter) 419A. Juvenile Code: General Provisions and Definitions

JUVENILE CODE: GENERAL PROVISIONS AND DEFINITIONS
HUMAN SERVICES; JUVENILE CODE; CORRECTIONS

(a) General Provisions: ORS 419A.004 The definitions for ORS 419A are not identified in the JO CO budget as an authority or standard. Nevertheless, the Exploratory Committee believes definitions (ORS 419A.004) must apply to the court and field services program (ORS 419A.010-020).

ORS 419A.004: Definitions. The 36 definitions identified in ORS 419A.004 are used for ORS 419A, ORS 419B, and ORS 419C, unless the context requires otherwise. A few example definitions follow.

(3) Community service has the meaning given that term in ORS 137.126 (Definitions for ORS 137.126 to 137.131).

(5) Counselor means a juvenile department counselor or a county juvenile probation officer.

(6) Court means the juvenile court.

(7) Court appointed special advocate means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112 (Court appointed special advocate).

(10) Detention or detention facility means a facility established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities) for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order.

DETENTION AND SHELTER FACILITIES

419A.050 Authority to acquire, equip and maintain detention and shelter facilities

419A.052 Specifications of facilities

419A.055 Examination of facilities; capacity limits; standards for release; notice

419A.057 Payment of maintenance expenses; admission of youth offenders

419A.059 Designation of detention and shelter facilities

419A.061 Inspection of detention facilities

419A.063 Requirements for detention facilities

(11) Director means the director of a juvenile department established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities).

DETENTION AND SHELTER FACILITIES (see (10) above).

(23) Restitution has the meaning given that term in ORS 137.103 (Definitions for ORS 137.101 to 137.109).

JUDGMENT

(Compensatory Fine)

137.101 Compensatory fine

(Restitution)

137.103 Definitions for ORS 137.101 to 137.109

137.106 Restitution to victims; objections by defendant; disclosure to defendant

137.107 Authority of court to amend part of judgment relating to restitution

137.108 Restitution when defendant has entered into diversion agreement

137.109 Effect of restitution order on other remedies of victim; credit of restitution against subsequent civil judgment; effect of criminal judgment on subsequent civil action

(25) Shelter care means a home or other facility suitable for the safekeeping of a child, ward, youth or youth offender who is taken into temporary custody pending investigation and disposition.

(26) Short-term detention facility means a facility established under ORS 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) (3) for holding children, youths and youth offenders pending further placement.

(31) Victim means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, victim includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

(b) County Juvenile Department: ORS 419A.010-020

ORS 419A.010: Appointment of counselors and director; juvenile director oversight committee

(1)(a) Subject to paragraph (b) of this subsection, the governing body of any county, after consultation with the judges of the juvenile court in that county, shall appoint or designate one or more persons of good moral character as counselors of the juvenile department of the county, to serve at the pleasure of and at a salary designated by the governing body of the county. . . .

(2) The director shall be the administrator of the juvenile department or departments for the county or counties, including any juvenile detention facilities maintained by the county or by the counties jointly, and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority.

(3) Notwithstanding subsection (2) of this section, if the county has entered into a written agreement under ORS 190.010 (Authority of local governments to make intergovernmental agreement) with any other unit or units of local government to coordinate juvenile detention facilities established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities) for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order, a juvenile director oversight committee may assume the duties and powers described in subsection (2) of this section and ORS 419A.012 (Duties of director or counselor), 419A.014 (Reports by juvenile department), 419A.015 (Reports to school administrators concerning youth offenders on probation) and 419A.016 (Powers of director or counselor) if the following requirements have been met:

ORS 419A.012: Duties of director or counselor

The director of a juvenile department or one of the counselors shall:

- (1) Make or cause to be made an investigation of every child, ward, youth or youth offender brought before the court and report fully thereon to the court.
- (2) Be present in court to represent the interests of the child, ward, youth or youth offender when the case is heard.
- (3) Furnish such information and assistance as the court requires.
- (4) Take charge of any child, ward, youth or youth offender before and after the hearing as may be directed by the court.

ORS 419A.014: Reports by juvenile department

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 (Detention of runaway from another state), youths and youth offenders are held in preadjudicative detention and the duration of the detention.

ORS 419A.015: Reports to school administrators concerning youth offenders on probation

(1)(a) Once each month, a county juvenile department shall provide to school administrators of schools or of school districts in the county a list of all youth offenders enrolled in a school in the county who are on probation by order of the juvenile court in the county.

ORS 419A.016: Powers of director or counselor

Any director or counselor has the power of a peace officer as to any child, ward, youth or youth offender committed to the care of the director or counselor. Any director or counselor may, in the discretion of the director or counselor and at any time, bring a child, ward, youth or youth offender committed to the custody and care by the juvenile court before the court for any further action the court considers advisable.

ORS 419A.018: Juvenile department is county agency

Except as provided in ORS 419A.010 (Appointment of counselors and director), the juvenile department of a county is and shall be considered a county agency for all purposes.

ORS 419A.020 County responsibility for expenses of juvenile department

(1) The cost of maintaining a juvenile department and all expenditures incidental thereto, including traveling expenses, and necessarily incurred in supplying the immediate necessities of children, wards, youths or youth offenders while committed to the charge of a director or counselor, and all salaries for the personnel of a juvenile department and of any detention facilities maintained in the county, are payable upon the order of the board of county commissioners or county court of the county from county funds budgeted and levied for that purpose in any manner provided by law.

b) ORS 419A.050-063: Detention And Shelter Facilities

This section on JJ detention and shelter facilities is to explain the standards for when the JO CO JJ Department had substantial local detention and shelter programs (i.e, prior to FY 2012-13).

FY 2010-11:

- ORS 419A.012. Duties of director or counselor
- ORS 419C.145. Preadjudication detention
- Housing of Measure 11 Youth (Section III.A.8)

MANDATORY SENTENCING/MEASURE 11

Mandatory Sentences for Violent Offenders, now codified in ORS 137.707

The definitions for ORS 419A are not identified in the JO CO budget as an authority or standard. Nevertheless, the Exploratory Committee believes definitions (ORS 419A.004) must apply to the court and field services program (ORS 419A.010-020 - see Section III.A.1.a)(1)).

10) Detention or detention facility means a facility established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities) for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order.

DETENTION AND SHELTER FACILITIES

419A.050 Authority to acquire, equip and maintain detention and shelter facilities

419A.052 Specifications of facilities

419A.055 Examination of facilities; capacity limits; standards for release; notice

419A.057 Payment of maintenance expenses; admission of youth offenders

419A.059 Designation of detention and shelter facilities

419A.061 Inspection of detention facilities

419A.063 Requirements for detention facilities

(11) Director means the director of a juvenile department established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities). DETENTION AND SHELTER FACILITIES (see (10) above).

(23) Restitution has the meaning given that term in ORS 137.103 (Definitions for ORS 137.101 to 137.109).

JUDGMENT

(Compensatory Fine)

137.101 Compensatory fine

(Restitution)

137.103 Definitions for ORS 137.101 to 137.109

137.106 Restitution to victims; objections by defendant; disclosure to defendant

137.107 Authority of court to amend part of judgment relating to restitution

137.108 Restitution when defendant has entered into diversion agreement

137.109 Effect of restitution order on other remedies of victim; credit of restitution against subsequent civil judgment; effect of criminal judgment on subsequent civil action

(26) Short-term detention facility means a facility established under ORS 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) (3) for holding children, youths and youth offenders pending further placement.

ORS 419A.050: Authority to acquire, equip and maintain detention and shelter facilities

(1) Any county may acquire in any lawful manner, equip and maintain within the county suitable facilities for the shelter or detention of children, wards, youths and youth offenders confined pursuant to a judicial commitment or order pending final adjudication of the case by the juvenile court.

(3) Any county may designate, equip and maintain a short-term detention facility for children, youths and youth offenders in transit. The facility may house up to a total of five children, youths and youth offenders in transit for a period not to exceed four continuous days pending further placement. Short-term detention facilities:

(b) Are subject to the standards and specifications found in ORS 169.740 (Standards for juvenile detention facilities) and 419A.052 (Specifications of facilities).

ORS 419A.052: Specifications of facilities

(1) 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. In addition, the facilities must provide:

- (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.

(2) New or major renovated facilities must conform to the requirements of subsection (1) of this section and must also provide:

- (a) That any single sleeping rooms located therein are at least 70 square feet and that any dormitories located therein are at least 50 square feet per detainee and house no more than five detainees each;
- (b) At least one toilet and washbasin for every five detainees;
- (c) Corridors of at least six feet in width;
- (d) Thirty square feet of dayroom space per detainee;
- (e) Heating units capable of maintaining 68 to 85 degrees temperature;
- (f) Tamper-proof lighting with capability of 20 foot-candles;
- (g) Air circulation of 10 cubic feet of fresh air per minute, per detainee;
- (h) Sleeping rooms water valves accessible for staff control;
- (i) Rooms provided for classes, library, arts and crafts; and
- (j) Indoor and outdoor recreation and exercise areas.

ORS 419A.055: Examination of facilities

- capacity limits
- standards for release
- notice

(1) As used in this section:

(a) Contracting county means a county that contracts with another county or a regional juvenile detention correctional facility to place youths and youth offenders in a detention facility in another county or in a regional juvenile detention correctional facility.

(b) County court has the meaning given that term in ORS 174.100 (Definitions - “(3) County court includes board of county commissioners.”).

(2) The county court of a county may:

(a) Institute an examination of the county’s detention facility and establish its capacity in accordance with constitutional standards; and

(b) Issue an order establishing the capacity of the county’s detention facility.

(3)(a) A county court of a county may adopt standards for releasing youths and youth offenders when the capacity of the detention facility is exceeded.

(b) A county court of a contracting county may adopt standards for releasing youths and youth offenders when the number of youths or youth offenders requiring placement in a detention facility in another county or in a regional juvenile detention correctional facility exceeds the number of youths and youth offenders for whose placement the contracting county has contracted.

(4) 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.

(5) If the number of youths and youth offenders requiring placement in a detention facility in another county or in a regional juvenile detention correctional facility exceeds the number for whose placement the contracting county has contracted, the county court of the contracting county, through the juvenile department director of the contracting county, may release a sufficient number of youths or youth offenders who have been placed in a detention facility in another county or in a regional juvenile detention correctional facility to reduce the number of youths and youth offenders to the number for whose placement the contracting county has contracted.

(6)(a) The county court of a county, through the juvenile department director of the county, shall immediately notify the judge of the juvenile court of the county of the release of the youths or youth offenders.

(b) The county court of a contracting county, through the juvenile department director of the contracting county, shall immediately notify the judge of the juvenile court of the contracting county of the release of the youths or youth offenders.

ORS 419A.057: Payment of maintenance expenses

(1) All expenses incurred in the maintenance of the facilities for detention and the personnel required for the facilities, except as otherwise provided in subsection (2) of this section, shall be paid upon order of the board of county commissioners or county court from county funds duly levied and collected in any manner provided by law. When joint detention facilities are maintained as provided in ORS 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) (2), each county shall pay its share of the costs and expenses of acquiring, equipping and maintaining the joint detention facilities, to be determined pursuant to an agreement between the counties. Counties may accept gifts or donations of property, including money, for the use of detention facilities to be expended and used as directed by the board of county commissioners.

(2) When a county operates a combined facility to provide both care and rehabilitation services, under ORS 420.855 (Definitions for ORS 420.855 to 420.885) to 420.885 (Audit and payment of claims), and detention facilities, the county may also receive state support for the care and rehabilitation services as permitted by ORS 420.880 (Level of state support).

(3) When a county operates a combined facility as described in subsection (2) of this section, only youth offenders may be admitted to the youth care center of the facility and only following court review of the admission.

Definitions for ORS 420.855 to 420.885 As used in ORS 418.020 (Unexpended balances of budgeted county funds may be expended as aid for children), 418.025 (Prevention, reduction or control of juvenile delinquency by county programs and activities) and 420.855 (Definitions for ORS 420.855 to 420.885) to 420.885 (Audit and payment of claims), unless the context requires otherwise:

(1) Juvenile court means the court exercising jurisdiction under ORS chapters 419B and 419C in the county.

(2) Youth means a youth as defined in ORS 419A.004 (Definitions) who is at least 12 years of age and has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 (Jurisdiction).

(3) Youth authority means the Oregon Youth Authority.

(4) Youth care center or center means a facility established and operated by a public or private agency or a combination thereof, primarily to provide care and rehabilitation services for youths committed to the custody of the youth care center by the juvenile court or placed by the youth authority. Youth care center or center does not include detention facilities established under ORS 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.057 (Payment of maintenance expenses) except that when a county operates a combined facility to provide both care and rehabilitation services under ORS 420.855 (Definitions for ORS 420.855 to 420.885) to 420.885 (Audit and payment of claims), and detention facilities, the combined facility may be considered a youth care center to the extent that it is used to provide the care and rehabilitation services for youths not in detention. [1967 c.444 §1; 1969 c.597 §139; 1971 c.401 §62; 1971 c.698 §4; 1985 c.500 §10; 1993 c.33 §346; 1995 c.422 §114]

ORS 420.880 Level of state support. Subject to the availability of funds, each youth care center that has received approval from the Oregon Youth Authority and continues to meet the requirements of ORS 420.855 (Definitions for ORS 420.855 to 420.885) to 420.885 (Audit and payment of claims) and the rules of the youth authority is eligible to receive state support in an amount to be negotiated between the youth care center and the youth authority.

ORS 419A.059: Designation of detention and shelter facilities

The juvenile court of each county shall designate the place or places in which children, wards, youths or youth offenders are to be placed in detention or shelter care when taken into temporary custody. If the county is adjacent to another state, the court may designate a place or places in the adjoining state where children, wards, youths or youth offenders, pursuant to an agreement between such place or places and the juvenile department of the county, may be placed in detention or shelter care when taken into custody. A county juvenile department may not enter into an agreement with an out-of-state place for placement in detention as provided in this section, unless the place or places conform to standards of this state for such a place and unless the agreement includes a provision that the place be subject to inspection by officers of this state under ORS 419A.061 (Inspection of detention facilities).

ORS 419A.061: Inspection of detention facilities

Inspection of juvenile detention facilities, including jails or lockups, and enforcement of the juvenile detention standards contained in ORS 419A.059 (Designation of detention and shelter facilities) or otherwise established by statute, must be conducted in the same manner as provided in ORS 169.070 (Coordination of state services by Department of Corrections) and 169.080 (Effect of failure to comply with standards).

ORS 169.070' Coordination of state services by Department of Corrections

(1) The Department of Corrections shall provide and coordinate state services to local governments with respect to local correctional facilities and juvenile detention facilities. The Director of the Department of Corrections shall designate staff to provide technical assistance to local governmental agencies in the planning and operation of local correctional facilities, lockups, temporary holds and juvenile detention facilities, and advice on provisions of state law applicable to these facilities. The department shall inspect local correctional facilities, lockups, temporary holds and juvenile detention facilities, to ensure compliance with the standards established in ORS 169.076 (Standards for local correctional facilities) to 169.078 (Standards for temporary hold facilities), 169.740 (Standards for juvenile detention facilities), 419A.059 (Designation of detention and shelter facilities) and 419B.180 (Shelter and detention facilities).

ORS 169.080 Effect of failure to comply with standards

(1) If the condition or treatment of prisoners in a local correctional facility, lockup or temporary hold or juvenile detention facility is not in accordance with the standards established in ORS 169.076 (Standards for local correctional facilities) to 169.078 (Standards for temporary hold facilities), 169.740 (Standards for juvenile detention facilities), 419A.059 (Designation of detention and shelter facilities) or 419B.180 (Shelter and detention facilities), the staff of the Department of Corrections may notify in writing the appropriate local governmental agency of the standards which are not being met and specific recommendations for the agency to comply with the standards. Corrective measures shall be taken by the local governmental agency to insure compliance with all standards within a reasonable length of time jointly agreed upon by the agency and the Department of Corrections.

ORS 419A.063: Requirement for detention facilities

(1) The juvenile court may not place a youth offender in a detention facility under ORS 419C.453 (Detention) unless the facility:

- (a) Houses youth offenders in a room or ward screened from the sight and sound of adults who may be detained in the facility; and
- (b) Is staffed by juvenile department employees.

(2) In no case may the court order, pursuant to ORS 419C.453 (Detention), that a youth offender under 14 years of age be placed in any detention facility in which adults are detained or imprisoned.

(3) As used in this section, adult does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005 (Jurisdiction).

3. ORS 418: Child Welfare Services

ORS 418: Child Welfare Services (2015 Edition)

https://www.oregonlegislature.gov/bills_laws/ors/ors418.html

a) **ORS 418.746-796: Child Abuse Multidisciplinary team (MDT)** ORS 418.746 - 796 has two broad categories.

- Investigation of Child Abuse, Rape and Suicide

ORS 418.746 Child Abuse Multidisciplinary Intervention Account; uses; eligibility determination; plans; rules

ORS 418.747 County teams for investigation; duties; training; method of investigation; designated medical professional

ORS 418.748 Statewide team on child abuse and suicide

ORS 418.751 Training and education for persons investigating child abuse

- Regional Assessment Centers and Community Assessment Services

ORS 418.780 Purpose

ORS 418.782 Definitions for ORS 418.746 to 418.796

ORS 418.783 Child Abuse Multidisciplinary Intervention Program

ORS 418.784 Advisory Council on Child Abuse Assessment; membership; officers; meetings; quorum

ORS 418.785 Child Fatality Review Teams

ORS 418.786 Grant program

ORS 418.788 Grant application; criteria for awarding grants; rules

ORS 418.790 Application contents for regional centers; rules

ORS 418.792 Application contents for community assessment center

ORS 418.793 Report to Child Abuse Multidisciplinary Intervention Program; rules

ORS 418.794 Confidentiality of video recordings

ORS 418.795 Confidentiality of information and records

ORS 418.796 Authority of council to solicit and accept contributions

ORS 418.800 Review of certain cases by county multidisciplinary child abuse team

a) Investigation of Child Abuse, Rape and Suicide

ORS 418.746: Child Abuse Multidisciplinary Intervention Account; uses; eligibility determination; plans; rules

(1) The Child Abuse Multidisciplinary Intervention Account is established separate and distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account. All moneys deposited in the account are continuously appropriated to the Department of Justice for the purposes of ORS 418.751 (Training and education for persons investigating child abuse) and this section.

(2) The Child Abuse Multidisciplinary Intervention Program, with the advice of the Advisory Council on Child Abuse Assessment, created by ORS 418.784 (Advisory Council on Child Abuse Assessment), shall allocate moneys from the Child Abuse Multidisciplinary Intervention Account to eligible county multidisciplinary child abuse teams formed under ORS 418.747 (County teams for investigation), or entities designated by the teams, serving the counties from which the moneys were collected. The program may award only one grant per county. The moneys shall be allocated by the same formula as, or a formula similar to, the formula used by the Attorney General for equitable distribution of the fund for victims assistance programs under ORS 147.227 (Disbursement of moneys to be used for victims assistance programs) (1). Moneys allocated under this subsection may not be used as replacement revenues for currently available funds previously allocated by the county for child abuse intervention.

ORS 418.747: County teams for investigation; duties; training; method of investigation; designated medical professional

(1) The district attorney in each county shall be responsible for developing county multidisciplinary child abuse teams to consist of but not be limited to law enforcement personnel, Department of Human Services child protective service workers, school officials, county health department personnel, county mental health department personnel who have experience with children and family mental health issues, child abuse intervention center workers, if available, and juvenile department representatives, as well as others specially trained in child abuse, child sexual abuse and rape of children investigation.

ORS 418.748: Statewide team on child abuse and suicide

(1) The Oregon Health Authority, in collaboration with the Department of Human Services, shall form a statewide interdisciplinary team to meet twice a year to review child fatality cases where child abuse or suicide is suspected, identify trends, make recommendations and take actions involving statewide issues.

ORS 418.751: Training and education for persons investigating child abuse

(1) The Department of Human Services, as provided in ORS 418.702 (Training and continuing education for mandatory reporters), and the Department of Justice shall ensure that training and education are provided for persons, other than law enforcement officers, who are required to investigate allegations of child abuse.

(2) The Department of Human Services and the Department of Justice shall work with the Board on Public Safety Standards and Training to ensure that the training that is offered to persons under subsection (1) of this section and ORS 418.702 (Training and continuing education for mandatory reporters) is coordinated with the training given to law enforcement officers.

b) Regional Assessment Centers and Community Assessment Services

ORS 418.780: Purpose

(1) The Legislative Assembly recognizes that:

(a) Protection of the child is of primary importance.

(b) A serious need exists for a coordinated multidisciplinary approach to the prevention and investigation of child abuse, for intervention and for the treatment of children who are victims of child abuse in a manner that is sensitive to the needs of children. No child in this state should be denied access to a child abuse medical assessment because of an inability to pay. The cost of not assessing and treating abused children with the aid of specially trained personnel is too high.

(2) The purpose of ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions) is to establish and maintain:

(a) Sufficient county multidisciplinary child abuse teams to conduct timely investigations of allegations of child abuse and provide comprehensive services to victims of child abuse through coordinated child abuse multidisciplinary intervention plans.

(b) Sufficient regional assessment centers and community assessment centers in Oregon to ensure that every child reasonably suspected to have been subjected to child abuse receives a skilled, complete and therapeutic child abuse medical assessment.

ORS 418.782: Definitions for ORS 418.746 to 418.796

As used in ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions):

(1) **Child abuse** means abuse as defined by ORS 419B.005 (Definitions).

(2) **Child abuse medical assessment** means an assessment by or under the direction of a licensed physician or other licensed health care professional trained in the evaluation, diagnosis and treatment of child abuse. Child abuse medical assessment includes the taking of a thorough medical history, a complete physical examination and an interview for the purpose of making a medical diagnosis, determining whether or not the child has been abused and identifying the appropriate treatment or referral for follow-up for the child.

(3) **Community assessment center** means a neutral, child-sensitive community-based facility or service provider to which a child from the community may be referred to receive a thorough child abuse medical assessment for the purpose of determining whether the child has been abused or neglected.

(4) **Regional assessment center** means a facility operated by a community assessment center that provides child abuse medical assessments, assistance with difficult or complex child abuse medical assessments, education, training, consultation, technical assistance and referral services for community assessment centers or county multidisciplinary child abuse teams in a region or regions designated by the administrator of the Child Abuse Multidisciplinary Intervention Program.

ORS 418.783: Child Abuse Multidisciplinary Intervention Program

(1) The Child Abuse Multidisciplinary Intervention Program is established in the Department of Justice. The purpose of the program is to:

- (a) Establish and maintain a coordinated multidisciplinary community-based system for responding to allegations of child abuse that is sensitive to the needs of children;
- (b) Ensure the safety and health of children who are victims of child abuse to the greatest extent possible; and
- (c) Administer the grant programs established under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) and 418.786 (Grant program).

ORS 418.784: Advisory Council on Child Abuse Assessment; membership; officers; meetings; quorum

(1) There is created the Advisory Council on Child Abuse Assessment, consisting of at least nine members appointed by the Attorney General. The Attorney General shall serve as an ex officio member of the council. The council shall direct the administrator of the Child Abuse Multidisciplinary Intervention Program on the administration of funds to establish and maintain regional assessment centers or community assessment centers under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions).

ORS 418.785: Child Fatality Review Teams

(1) Each county multidisciplinary child abuse team shall establish a child fatality review team to conduct child fatality reviews. The purpose of the review process is to help prevent severe and fatal child abuse and neglect by:

- (a) Identifying local and state issues related to preventable child fatalities; and
- (b) Promoting implementation of recommendations at the county level.

(2) In establishing the review process and carrying out reviews, the child fatality review team shall be assisted by the county medical examiner or county health officer as well as other professionals who are specially trained in areas relevant to the purpose of the team.

ORS 418.786: Grant program

To accomplish the purpose described in **ORS 418.780 (Purpose)**, with the assistance of the Advisory Council on Child Abuse Assessment, the administrator of the Child Abuse Multidisciplinary Intervention Program shall develop and administer a grant program to establish and maintain regional assessment centers and community assessment centers under **ORS 418.746** (Child Abuse Multidisciplinary Intervention Account) to **418.796** (Authority of council to solicit and accept contributions).

ORS 418.788: Grant application; criteria for awarding grants; rules

(1) Subject to the availability of funds under the provisions of ORS 418.796 (Authority of council to solicit and accept contributions), the administrator of the Child Abuse Multidisciplinary Intervention Program shall make grants for the establishment and maintenance of regional assessment centers or community assessment centers.

(2) A public or private agency may apply to the administrator for a grant to establish and maintain a regional assessment center or community assessment center under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions). The administrator may consolidate applications from more than one public or private agency or may return the application with the recommendation that the application be consolidated.

(3) The administrator shall by rule establish criteria for awarding grants to establish and maintain regional assessment centers or community assessment centers under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions), including but not limited to: . . .

ORS 418.790: Application contents for regional centers; rules

Each application for funds to establish or maintain a regional assessment center shall include information required by the rules of the Department of Justice and any other information requested by the department.

ORS 418.792: Application contents for community assessment center

Each application for funds to provide a community assessment center shall include:

- (1) Evidence indicating that the applicant has at least one medical practitioner trained in the evaluation, diagnosis and treatment of child abuse and neglect.
- (2) A commitment by the medical practitioner:
- (3) Evidence indicating the proposed community assessment center has access to special equipment used in the evaluation of child abuse.
- (4) A description of where the community assessment center is to be located, including but not limited to a hospital, medical clinic or other appropriate public or private agency. However, the proposed center shall not be located in an office of the Department of Human Services or in the office of any law enforcement agency.
- (5) The level of support available to the proposed community assessment center through in-kind contributions from the community.
- (6) A description of procedures to be followed by the proposed community assessment center, including the availability of personnel from the community assessment center to testify in cases involving alleged abuse of children evaluated by the center.

ORS 418.793: Report to Child Abuse Multidisciplinary Intervention Program; rules

Once each year, a regional assessment center or community assessment center established under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions) shall submit a report to the Child Abuse Multidisciplinary Intervention Program describing how the assessment center has met the purposes of ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions). The program may prescribe by rule a form for the report.

ORS 418.794: Confidentiality of video recordings

Video recordings produced pursuant to ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions) shall remain in the custody of the regional assessment center or the community assessment center and shall remain confidential and not subject to public disclosure except under a lawfully issued subpoena and protective order.

ORS 418.795: Confidentiality of information and records

(1) All information and records acquired by a county multidisciplinary child abuse team established under ORS 418.747 (County teams for investigation) or a child fatality review team established under ORS 418.785 (Child Fatality Review Teams) in the exercise of its duties are confidential and may be disclosed only when necessary to carry out the purposes of the child abuse investigation or the child fatality review process.

ORS 418.796: Authority of council to solicit and accept contributions

The Advisory Council on Child Abuse Assessment may solicit and accept contributions of funds and assistance from the United States, its agencies or from other sources, public or private, and agree to conditions not inconsistent with the purposes of ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions). All funds received are to aid in financing the functions of the advisory council and the purposes of ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions) and shall be deposited in the General Fund of the State Treasury to the credit of a separate account and are continuously appropriated to the Child Abuse Multidisciplinary Intervention Program established by ORS 418.783 (Child Abuse Multidisciplinary Intervention Program) for the purposes of ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) to 418.796 (Authority of council to solicit and accept contributions).

4. ORS 107.775: Court Mediation to Assist Families to Develop Child Custody and Parenting Plans

(1) A circuit court may obtain mediation services, with the prior approval of the governing body of each county involved, by:

(a) Using personnel performing conciliation services for the **court under ORS 107.510** (Definitions for **ORS 107.510 to 107.610**) to **107.610** (Qualifications of conciliation counselors);

(b) Contracting or entering into agreements with public or private agencies to provide mediation services to the court; or

(c) Employing or contracting for mediators directly.

(2) Personnel performing mediation services for the circuit court shall have the minimum educational and experience qualifications established by rules adopted under ORS 1.002 (Supreme Court).

(3) Subject to the provisions of the Local Budget Law, the compensation and expenses of personnel performing mediation services for the circuit court and other expenses of mediation services provided by the court shall be paid by the county or as may be agreed upon by the counties involved. Personnel performing mediation services are not state employees, and their compensation and expenses shall not be paid by the state.

(4) The parties to a child custody, parenting time or visitation dispute that is referred by the circuit court to mediation may use, at their option and expense, mediation services other than those provided by the court.

(5) Two or more counties may join together to provide services under ORS 107.510 (Definitions for ORS 107.510 to 107.610) to 107.610 (Qualifications of conciliation counselors) and **107.755 (Court-ordered mediation) to 107.795 (Availability of other remedies)**. (Court-ordered mediation) to 107.785 (Privacy of proceedings)

5. ORS 419B – Juvenile Code: Dependency (Appendix E)

a) ORS 419B.112: Court appointed special advocate

(1) In every case under ORS chapter 419B, the court shall appoint a court appointed special advocate. The court appointed special advocate is deemed a party in these proceedings and may be represented by counsel, file pleadings and request hearings and may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel shall be paid from funds in the Court Appointed Special Advocate Fund established under ORS 458.584 (Court Appointed Special Advocate Fund). Counsel representing a court appointed special advocate may not be paid from moneys in the Public Defense Services Account established by ORS 151.225 (Public Defense Services Account), from moneys appropriated to the Public Defense Services Commission or from Judicial Department operating funds.

(2) Subject to the direction of the court, the duties of the court appointed special advocate are to:

(a) Investigate all relevant information about the case;

(b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;

(c) Facilitate and negotiate to ensure that the court, the Department of Human Services, if applicable, and the child or wards attorney, if any, fulfill their obligations to the child or ward in a timely fashion; and

(d) Monitor all court orders to ensure compliance and to bring to the courts attention any change in circumstances that may require a modification of an order of the court.

6. ORS 137: Judgment and Execution; Parole and Probation by the Court

a) Restitution

ORS 419A.004: Definitions - Definition (23)

- (23) Restitution has the meaning given that term in ORS 137.103 (Definitions for ORS 137.101 to 137.109).

b) Judgment: Compensatory Fine

ORS 137.101: Compensatory fine

(1) Whenever the court imposes a fine as penalty for the commission of a crime resulting in injury for which the person injured by the act constituting the crime has a remedy by civil action, unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction, the court may order that the defendant pay any portion of the fine separately to the clerk of the court as compensatory fines in the case. The clerk shall pay over to the injured victim or victims, as directed in the courts order, moneys paid to the court as compensatory fines under this subsection. This section shall be liberally construed in favor of victims.

c) Judgment: Restitution

ORS 137.103: Definitions for ORS 137.101 to 137.109

As used in ORS 137.101 (Compensatory fine) to 137.109 (Effect of restitution order on other remedies of victim), 161.675 (Time and method of payment of fines, restitution and costs) and 161.685 (Effect of nonpayment of fines, restitution or costs):

- (1) Criminal activities means any offense with respect to which the defendant is convicted or any other criminal conduct admitted by the defendant.
- (2) Economic damages:
 - (a) Has the meaning given that term in ORS 31.710 (Noneconomic damages), except that economic damages does not include future impairment of earning capacity; and
 - (b) In cases involving criminal activities described in ORS 163.263 (Subjecting another person to involuntary servitude in the second degree), 163.264 (Subjecting another person to involuntary servitude in the first degree) or 163.266 (Trafficking in persons), includes the greater of:
 - (A) The value to the defendant of the victims services as defined in ORS 163.261 (Definitions for ORS 163.263 and 163.264); or
 - (B) The value of the victims services, as defined in ORS 163.261 (Definitions for ORS 163.263 and 163.264), computed using the minimum wage established under ORS 653.025 (Minimum wage rate) and the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).
- (3) Restitution means full, partial or nominal payment of economic damages to a victim. Restitution is independent of and may be awarded in addition to a compensatory fine awarded under ORS 137.101 (Compensatory fine).
- (4) Victim means:
 - (a) The person against whom the defendant committed the criminal offense, if the court determines that the person has suffered economic damages as a result of the offense.

- (b) Any person not described in paragraph (a) of this subsection whom the court determines has suffered economic damages as a result of the defendants criminal activities.
- (c) The Criminal Injuries Compensation Account, if it has expended moneys on behalf of a victim described in paragraph (a) of this subsection.
- (d) An insurance carrier, if it has expended moneys on behalf of a victim described in paragraph (a) of this subsection.

(5) Victim does not include any coparticipant in the defendants criminal activities.

ORS 137.106: Restitution to victims; objections by defendant; disclosure to defendant

(1)(a) When a person is convicted of a crime, or a violation as described in ORS 153.008 (Violations described), that has resulted in economic damages, the district attorney shall investigate and present to the court, at the time of sentencing or within 90 days after entry of the judgment, evidence of the nature and amount of the damages. The court may extend the time by which the presentation must be made for good cause. If the court finds from the evidence presented that a victim suffered economic damages, in addition to any other sanction it may impose, the court shall enter a judgment or supplemental judgment requiring that the defendant pay the victim restitution in a specific amount that equals the full amount of the victims economic damages as determined by the court. The lien, priority of the lien and ability to enforce the specific amount of restitution established under this paragraph by a supplemental judgment relates back to the date of the original judgment that is supplemented.

ORS 137.107: Authority of court to amend part of judgment relating to restitution

At any time after entry of a judgment upon conviction of a crime, the court may amend that part of the judgment relating to restitution if, in the original judgment, the court included language imposing, recommending or requiring restitution but failed to conform the judgment to the requirements of ORS 18.048 (Judgment in criminal action that contains money award) or any other law governing the form of judgments in effect before January 1, 2004.

ORS 137.108: Restitution when defendant has entered into diversion agreement

(1) When a person has entered into a driving while under the influence of intoxicants diversion agreement and the persons actions resulted in economic damages, the district attorney shall investigate and present to the court within 90 days of when the diversion agreement is entered, evidence of the nature and amount of the damages. If the court finds from the evidence presented that a victim suffered economic damages, the court shall order the defendant to pay restitution and include in the diversion agreement one of the following:

- (a) A requirement that the defendant pay the victim restitution in a specific amount that equals the full amount of the victims economic damages as determined by the court.
- (b) A requirement that the defendant pay the victim restitution in a specific amount that is less than the full amount of the victims economic damages, with the consent of the victim.

ORS 137.109: Effect of restitution order on other remedies of victim; credit of restitution against subsequent civil judgment; effect of criminal judgment on subsequent civil action

(1) Nothing in ORS 137.103 (Definitions for ORS 137.101 to 137.109) to 137.109 (Effect of restitution order on other remedies of victim), 137.540 (Conditions of probation), 144.102 (Conditions of post-prison supervision), 144.275 (Parole of inmates sentenced to pay compensatory fines or make restitution), 161.675 (Time and method of payment of fines, restitution and costs) and 161.685 (Effect of nonpayment of fines, restitution or costs) limits or impairs the right of a person injured by a defendants commission of a crime, by a defendants commission of a violation described in ORS 153.008 (Violations described), or by a defendants commission of an act that has brought the defendant before the court for the purpose of entering into a driving while under the influence of intoxicants diversion agreement, to sue and recover damages from the defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution pursuant to ORS 137.103 (Definitions for ORS 137.101 to 137.109) to 137.109 (Effect of restitution order on other remedies of victim), 137.540 (Conditions of probation), 144.102 (Conditions of post-prison supervision), 144.275 (Parole of inmates sentenced to pay compensatory fines or make

restitution), 161.675 (Time and method of payment of fines, restitution and costs) and 161.685 (Effect of nonpayment of fines, restitution or costs) may not be introduced in any civil action arising out of the facts or events that were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim against any judgment in favor of the victim in such civil action.

7. Oregon Ballot Measure 11 (1994)

- a) Housing of Measure 11 Youth (Section III.A.8)
- b) ORS 137.707: Adult prosecution of 15-, 16- or 17-year-old offenders
- c) ORS 137.707_Paper-Mandatory Sentencing-Measure 11
- d) Background
- e) Measure 11 Mandatory Minimum Sentencing
- f) Oregon Ballot Measure 11 (1994)
- g) Misguided Measures

a) Housing of Measure 11 Youth (Section III.A.8)

MANDATORY SENTENCING/MEASURE 11

Mandatory Sentences for Violent Offenders, now codified in ORS 137.707

b) ORS 137.707: Adult prosecution of 15-, 16- or 17-year-old offenders

c) ORS 137.707_Paper-Mandatory Sentencing-Measure 11

d) Background

Measure 11 reflects a tug of war of ideas: 1. those that wish to continue the focus on rehabilitation, and 2. those seeking to abolish, or substantially change the juvenile system, arguing that it has failed in its rehabilitation efforts and in not punishing serious criminal behavior by young people.

Before the nineteenth century, children were generally considered to be young adults, and they were expected to behave accordingly. Children over the age of seven years who were accused of crimes were prosecuted in adult court.

In 1899 the U.S. made legal history when the world's first juvenile court opened in Chicago. The basic framework created by that first juvenile court act is largely intact. Rehabilitation, not punishment, remains the aim. However, since the late 1970s, critics of the juvenile courts have sought to abolish this system, arguing that it has failed in its rehabilitation efforts and in not punishing serious criminal behavior by young people. At the same time, defenders of the juvenile justice system contend that for the vast majority of children, the system is a worthwhile means of addressing problems. They maintain that a handful of violent juveniles who have committed serious crimes should not lead the public to believe that the system does not provide ways of changing behavior. Preserving the juvenile justice system allows many teenagers to learn from their mistakes without prejudicing their adulthood.

Finally, defenders note that many states have changed their laws to deal more severely with violent juvenile offenders. As long as there are ways of diverting these offenders into the adult system, defenders insist, the current juvenile justice system should be maintained.

e) Measure 11 Mandatory Minimum Sentencing

Oregon Department of Corrections (DOC) Research and Statistics

https://www.oregon.gov/doc/RESRCH/pages/measure_11.aspx

Measure 11 Statistics

Inmate Demographics

Post-prison Demographics

Juvenile Demographics

What is Measure 11?

Oregon voters approved Ballot Measure 11 in November 1994 to apply mandatory minimum prison sentences to certain crimes against persons committed on or after April 1, 1995, with no possibility for any reduction in sentence, such as for good behavior. The list of Ballot Measure 11 offenses currently includes the following:

Murder	Attempted Murder	Attempted Aggravated Murder
Assault I	Manslaughter I	Kidnapping I
Assault II	Manslaughter II	Kidnapping II
Rape I	Sodomy I	Sexual Penetration I
Rape II	Sodomy II	Sexual Penetration II
Robbery I	Robbery II	Sexual Abuse I
Arson I	Compelling Prostitution	Use of Child in Display of Sex Act

It has been modified by legislation several times:

- House Bill 3439, passed June 1995, added Attempted Murder and Attempted Aggravated Murder.
- Senate Bill 1049, passed July 1997 and effective October 4, 1997, added Arson I (when a serious physical threat is involved), Compelling Prostitution, and Use of Child in Display of Sex Act; it also allowed for departures from the mandatory minimum sentence for some Assault II, Kidnapping II, and Robbery II convictions, including those already sentenced.
- House Bill 2494, passed August 1999, allowed for departures from the mandatory minimum sentence for some Manslaughter II convictions committed on or after October 23, 1999.
- House Bill 2379, passed July 2001, allowed for departures from the mandatory minimum sentence for some Rape II, Sodomy II, Sexual Penetration II, and Sexual Abuse I convictions committed on or after January 1, 2002.

f) Oregon Ballot Measure 11 (1994)

From Wikipedia, the free encyclopedia

[https://en.wikipedia.org/wiki/Oregon_Ballot_Measure_11_\(1994\)](https://en.wikipedia.org/wiki/Oregon_Ballot_Measure_11_(1994))

Downloaded April 12, 2016

Measure 11 was a citizens' initiative passed in 1994 in the U.S. State of Oregon. This statutory enactment established mandatory minimum sentencing for several crimes. The measure was approved in the November 8, 1994 general election with 788,695 votes in favor, and 412,816 votes against.[1]

The sentencing judge cannot give a lesser sentence than that prescribed by Measure 11, nor can a prisoner's sentence be reduced for good behavior. Prisoners cannot be paroled prior to serving their minimum sentence. [2]

The measure applies to all defendants aged 15 and over, requiring juveniles 15 and over charged with these crimes to be tried as adults.[2]

The measure was placed on the ballot via initiative petition by Crime Victims United, a tough-on-crime political group. Then-State Representative Kevin Mannix, who sponsored the measure, has since argued that violent criminals cannot be reformed through probation or short prison sentences, and that the time they are kept incarcerated is itself a benefit to society.[5]

Ballot Measure 10, also passed in 1994, permitted the Oregon Legislative Assembly to change Measure 11, but only with a 2/3 vote in each chamber. The legislature has done so several times.[2][6]

Proponents of Measure 11 argued that judges had been too lenient in sentencing violent offenders. They saw the measure as critical for lowering crime rates.

Opponents of Measure 11 argued that judges should be allowed discretion in sentencing and should be able to account for the particular circumstances of a given crime. They also objected to the requirement that many teenage defendants be tried as adults.[7]

Oregon's prison population increased after Measure 11, and as of 2004, 41% of the growth was attributed to the direct or indirect impact of Measure 11. Crime rates in Oregon decreased between 1994 and 2000, but increased in 2001; opponents of Measure 11 noted that the trend mirrored national trends, while acknowledging that some likely re-offenders were imprisoned as a result of the law.[2]

Background and Context Prior to 1989, Oregon judges would decide whether a convicted felon should be put on probation or sent to prison, and for those sent to prison, set a maximum sentence (known as an "indeterminate sentence.") [8] Based on a subsequent decision by the Parole Board, the average offender would serve a fraction of the sentence handed down by the judge.[8]

The Oregon Legislative Assembly established felony sentencing guidelines in 1989, in an attempt to achieve the following four goals:[8]

- Proportional punishment, imposing the most severe sentences on the most serious offenders
- Truth in sentencing, so the judge's sentence would more closely reflect actual prison time
- Sentence uniformity, to reduce disparities among judges
- Maintenance of correctional capacity consistent with sentencing policy, so the criminal justice system would be able to deliver proposed penalties.

Parole release for most offenders was abolished by the establishment of these guidelines. The Board of Parole and Post-Prison Supervision continues to have release authority over those prison inmates sentenced for crimes committed prior to November 1, 1989, those sentenced by the courts as dangerous offenders, and for murderers and aggravated murderers who are eligible for parole, regardless of the date of their crimes. Other prisoners began serving at least 80% of their sentences.[8]

Measure 11, passed in 1994, affected only specific crimes, which were covered by the sentencing guidelines from 1989 to 1994.[8]

Various exceptions exist to the guidelines, and to Measure 11 restrictions on sentencing.[8]

Political Impact The passage of Measure 11 was a central issue of Governor John Kitzhaber's first term, and remains a matter of controversy in Oregon politics. Supporters credit Measure 11 for reducing crime rates.[9] Opponents argue Measure 11 pressures innocent defendants into plea bargains for lesser (non-Measure 11) crimes, due to fear of mandatory sentences.[10]

In 2000, Measure 94 was put on the ballot in an attempt to repeal Measure 11. This measure was defeated 387,068 to 1,073,275.[11]

References

1. "Initiative, Referendum and Recall: 1988-1995". Oregon Blue Book. State of Oregon. Retrieved 2007-03-03.
2. Taylor, Bill. Background brief on Measure 11, Legislative Committee Services. May, 2004. Accessed on January 2, 2008.
3. "Full Text of Measure 11". Crime Victims United. Retrieved 2007-03-03.
4. Oregon's sodomy laws only apply in cases in which one person is under 16 years old or does not consent. text of law
5. "Effects of Measure 11 on Juvenile Justice in Oregon". League of Women Voters. 2000. Retrieved 2007-03-03.
6. http://www.oregon.gov/DOC/RESRCH/measure_11.shtml#What_is_Measure_11_
7. "Measure 11 Arguments". Crime Victims United. Retrieved 2007-03-03.
8. Taylor, Bill. Background brief on felony sentencing. May, 2004. Accessed on January 2, 2008.
9. "Portland Violent Crime Statistics". Crime Victims United. May 19, 2000. Retrieved 2007-03-03.
10. Phyllis A. Lincoln, JD Staff. "Comment on Measure 11". Justice: Denied. Retrieved 2007-03-03.
11. "Initiative, Referendum and Recall: 2000-2006". Oregon Blue Book. State of Oregon. Retrieved 2007-03-03.

g) Misguided Measures

Partnership for Safety and Justice

<http://www.safetyandjustice.org/our-work/youth-justice/misguided-measures>

Downloaded April 12, 2016

Sponsors The Campaign for Youth Justice (CFYJ) is a national organization dedicated to ending the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system.

Partnership for Safety and Justice (PSJ) is a statewide advocacy organization that was founded in 1999. PSJ has developed a pioneering model for our work that brings together all of those most directly affected by crime—survivors of crime, people convicted of crime, and the families of both—to advocate for a system that builds safer, healthier communities.

Executive Summary Oregon has taken a major step forward in making the juvenile justice system a model for the rest of the country. As this report went to press, Oregon legislators passed House Bill 2707, which allows youth to be held in juvenile detention facilities rather than adult jails as they await trial. Passage of this legislation demonstrates Oregon’s commitment to best practices for youth and recognition that tough crime policy is not the same as smart policy. There is so much about Oregon’s approach to juvenile justice that is smart and effective, but there is more that can be done for Oregon’s youth. This report examines additional avenues for Oregon to reexamine policies related to trying youth as adults, specifically Measure 11.

Oregon voters passed Measure 11 in November 1994. The measure created new mandatory minimum sentences for 16 crimes and required that youth charged with those crimes be tried as adults. The legislature subsequently added more crimes to Measure 11. Today, Measure 11 requires youth ages 15 years or older charged with one of 21 crimes to be prosecuted automatically in the adult criminal justice system and if convicted of that crime, to serve the same mandatory sentence that applies to adults.

Fifteen years after Measure 11 was enacted, the Campaign for Youth Justice and Partnership for Safety and Justice embarked on a study to determine the impact that Measure 11 was having on youth in Oregon. The authors analyzed data on 3,274 young people indicted with Measure 11 offenses since 1995. The authors also looked at a subset of 759 cases handled between 2006 and 2008 to understand the current way Measure 11 is being implemented in the 36 Oregon counties.

8. Opinions/Interpretations/Observations/Questions

The following standards are from the JO CO budget: FY 2015-16 (Section II.C).

- JO CO Juvenile Justice Court & Field Program ORS 419A.010-020.
- Juvenile Justice Shelter Detention Program ?
- Rent Detention Beds ?

- Juvenile Justice Child Advocacy Program ORS 418.746-796.
- Juvenile Justice Mediation Program ORS 107.775
- Juvenile Justice Flex Program ?

a) Expert Opinions by OJDDA

Some of the text of several ORS are provided for some summary of the JO CO JJ Departments standards and criteria (i.e., elective, necessary, and/or mandated public safety services (PSS) with a brief interpretation by Oregon Juvenile Department Directors Association (OJDDA).

ORS 419A.010 – County Juvenile Department, states that the governing body of any county shall appoint or designate one or more persons as counselors of the juvenile department. The governing bodies of two or more contiguous counties may jointly appoint one or more persons as counselors. If more than one person is appointed one may be designated as director.

OJDDA (Appendix D): There is a statutory requirement to have a local juvenile department that has at least one person who is designated as a counselor or that two or more counties may pursue an agreement to establish a juvenile department within the two or more counties. A director would be chosen and shall be the administrator of the juvenile department.

ORS 419A.018 states that the juvenile department is a county agency and ORS 419A.020 states that the cost of maintaining a juvenile department and all expenditures are the responsibility of the county, even when two or more counties have an agreement.

OJDDA (Appendix D): County funds budgeted and levied for this purpose are to be used to fund the juvenile department.

ORS 419A.050

OJDDA (Appendix D): ORS 419A.050 does not provide any statutory requirement to have a juvenile detention and/or shelter facility, this is left up to the governing body to decide on.

ORS 419A.059 states that the juvenile court of each county shall designate the place or places in which youth are to be placed in detention or shelter care when taken into temporary custody.

OJDDA (Appendix D): Even if a county does not have their own detention facility, they must have funds to pay another facility to hold youth when needed and approved.

ORS 419C.001 states the purpose of the juvenile justice system in delinquency cases from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasizes prevention of further criminal activity by the use of early and certain sanction, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior.

OJDDA (Appendix D): To be able to meet the purpose of this statute there must be a system in place to provide public safety, needed services to youth, and services to victims.

ORS: basic and diversion funding?? JO CO Juvenile Justice Child Advocacy Program (ORS 418.746-796)?? Administer the grant programs established under ORS 418.746 (Child Abuse Multidisciplinary Intervention Account) and 418.786 (Grant program)??

OJDDA (Appendix D): Through the partnership of the Oregon Youth Authority and the 36 counties in Oregon, there has been established basic and diversion funding that goes to each county through a formula based on the number of youth ages 0 to 17 in each county. This funding is meant to provide those basic services (detention, shelter, treatment services, graduated sanctions and aftercare services – youth 10 to 17 years of age) and diversion services (community based services to divert commitment of youth from OYA close custody facilities – youth 12 to 18 years of age). These funds assist with the continuum of services available to youth who enter the juvenile justice system and provides for services to be accessed at the “front end” of the system rather than youth being pushed further into the juvenile justice system which is much more costly.

ORS: Other Statutory Requirements

OJDDA (Appendix D): Remaining statutory requirements are around processes within the juvenile departments regarding court proceedings, detention, reports, etc.

The rest of Chapter 419A Juvenile Code: General Provisions and Definitions?

Summary Expert Opinions by OJDDA

- ORS 419A.010 County Juvenile Department (with at least one person who is designated as counselor)
- ORS 419A.018 County juvenile department is a county agency
- ORS 419A.020 Cost of maintaining a juvenile department and all expenditures are the responsibility of the county.
- ORS 419A.050 Does not provide any statutory requirement to have a juvenile detention and/or shelter facility, this is left up to the governing body to decide on.
- ORS 419A.059 The juvenile court of each county shall designate the place or places in which youth are to be placed in detention or shelter care when taken into temporary custody. Even if a county does not have their own detention facility, they must have funds to pay another facility to hold youth when needed and approved.
- ORS 419C.001 The purpose of the juvenile justice system in delinquency cases from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasizes prevention of further criminal activity by the use of early and certain sanction, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior.
- ORS ??: **basic and diversion funding??** Through the partnership of the Oregon Youth Authority and the 36 counties in Oregon, there has been established basic and diversion funding that goes to each county through a formula based on the number of youth ages 0 to 17 in each county. This funding is meant to provide those basic services (detention, shelter, treatment services, graduated sanctions and aftercare services – youth 10 to 17 years of age) and diversion services (community based services to divert commitment of youth from OYA close custody facilities – youth 12 to 18 years of age). These funds assist with the continuum of services available to youth who enter the juvenile justice system and provides for services to be accessed at the “front end” of the system rather than youth being pushed further into the juvenile justice system which is much more costly.
- ORS ??: Other Statutory Requirements. Remaining statutory requirements are around processes within the juvenile departments regarding court proceedings, detention, reports, etc.

b) Observations by Exploratory Committee

Observation #1. Some of the definition descriptions in ORS 419A.004 Definitions are helpful in understanding relationships in authorities and standards.

Other examples (see Chapter IV).

Observation #2. In the opinion of the Exploratory Committee, JO CO government is plagued by a lack of trust by a majority of county voters, and by ineffective informed voter outreach, especially educational program descriptions of public safety services. How can the public be well-informed voters?

Being an informed voter is tough as it means to be knowledgeable about the issues and positions of candidates when voting. However, knowledge is power even though most of us are busy with the day to day of work and responsibilities. However, to put it bluntly most voters are assisted in being better informed when as many as possible low-growing fruits of information formats are available.

Public outreach activities are targeted to provide information to groups of current or potential clients and/or to network partners and other community partners regarding available services or benefits. If community leaders want change, they should provide educational opportunities to the voting public.

The Committee provided six educational outreach recommendations in *Purpose, Conceptual Prototype, Chapter VI Recommendations*.

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - April 27, 2016. *Purpose, Conceptual Prototype, Chapter VI Recommendations* (Voter Educational Outreach Projects), Part of *Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

- Recommendation 1. Understanding Staffing Analysis
- Recommendation 2. Department Descriptions & Relationships
- Recommendation 3. Supplemental Web Page for JO CO JJ Department
- Recommendation 4. Use Of References & Links
- Recommendation 5. Flow Chart of Josephine County Juvenile Justice Department
- Recommendation 6. Citizen's Guide To The Budget

Observation #3. An important topic is public understanding and having juvenile ORS for CO departments identified in one place. Perhaps a new ORS 419A.023 in the ORS 419A.010-022 series identifying all other ORS and OAR that are applicable to Oregon's CO juvenile departments? We are currently a proponent of CO public safety services departments having flow charts/diagrams illustrating the interrelationships of their services, including other applicable juvenile work units, and partners.

Observation #4.

c) Questions by Exploratory Committee (just started - a work in progress)

Not developed yet as this paper is evolving. Also not much time yet spent on this section.

Question 1. What is the relationship of ORS 419A, ORS 419B, and ORS 419C to the JO CO JJ Department described in the JO CO Budget: 2015-16?

1. ORS 419A.010-020: Juvenile Court and Field Services
 - a) ORS 419A. Juvenile Code: General Provisions and Definitions
 - b) ORS 419C. Juvenile Code: Delinquency
2. ORS 419A.050-063: Detention And Shelter Facilities
3. ORS 418.746-796: Child Abuse Multidisciplinary team
4. ORS 107.775: Court Mediation to Assist Families to Develop Child Custody and Parenting Plans

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. *First Draft - April 27, 2016. Josephine County Juvenile Justice Public Safety Services*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

Question 2a. Has JO CO established a capacity for its detention/shelter facilities in accordance with constitutional standards (ORS 419A.055)?

Question 2b. Has JO CO issued an order establishing the capacity of the JO CO's detention facility (ORS 419A.055)?

Question 2c. Has JO CO adopted standards for releasing youths and youth offenders when the capacity of the detention facility is exceeded (ORS 419A.055)?

Question 3. What is the authority (ORS) for "basic and diversion funding" (page III.A.8 - 3)? Is this the source of funding for the JO CO JJ Department's three rental beds? Are these funds "special program funds" (Section II.B)?

Question 4. Are the following ORS the applicable Oregon county juvenile departments authorities and responsibilities?

ORS Volumes

- Volume 03 - Landlord-Tenant, Domestic Relations, Probate - Chapters 90-130 (36)
- Volume 04 - Criminal Procedure, Crimes - Chapters 131-170 (34)
- Volume 10 - Highways, Military, Juvenile Code, Human Services - Chapters 366-430 (52)

ORS Chapters

- ORS 419C: Juvenile Code: Delinquency
- ORS 419A: Juvenile Code: General Provisions and Definitions
- ORS 419B: Juvenile Code: Dependency
- ORS 418: Child Welfare Services
- ORS 107: Marital Dissolution, Annulment and Separation; Mediation and Conciliation Services; Family Abuse Prevention
- ORS 137: Judgment and Execution; Parole and Probation by the Court (Housing of Measure 11 Youth)

Question 5. Why doesn't the Oregon county juvenile program have one ORS chapter identifying all the applicable ORS pertain to providing county juvenile services?

Having juvenile ORS for CO departments identified in one place would help facilitate public understanding. Perhaps a new ORS 419A.023 in the ORS 419A.010-022 series identifying all other ORS and OAR that are applicable to Oregon's CO juvenile departments?

Question 6. The budget description of the Shelter Detention Program for FY 2010-11 seems oddly brief for such a large program.

Juvenile Justice Shelter Detention Program FY 2010-11 (Section II.A.2)

FTE: 23.7 (Schedule B)

Budgeted: \$1,674,600 (Schedule B)

Budgeted: Requirements: \$1,674,600; Net \$1,674,600 (Schedule A)

ORS 419.012. Duties of director or counselor

ORS 419C.145. Preadjudication detention

Housing of Measure 11 Youth (Section III.A.8)

MANDATORY SENTENCING/MEASURE 11

Mandatory Sentences for Violent Offenders, now codified in ORS 137.707

14 youth detention beds in Grants Pass

16 youth shelter beds in Grants Pass.

Question 7.

d) Supplemental Web Page for JO CO JJ Department The JO CO JJ Department's web page is a component of the JO CO's web page. It looks like the government, and it is brief in being helpful information toward public understanding. It communicates most effectively with JJ professionals.

Josephine County Juvenile Justice

<http://www.co.josephine.or.us/SectionIndex.asp?SectionID=163>

The JO CO JJ Department needs a supplemental web pages to promote and informed the public. For example, see the following.

- (1) **Washington County Juvenile Department**
<http://www.co.washington.or.us/Juvenile/>
- (2) **Clackamas County Juvenile Department**
<http://www.clackamas.us/juvenile/>
- (3) **Multnomah County, Dept of Community Justice (DCJ) Juvenile Services**
<https://multco.us/dcj-juvenile>
- (4) **Marion County Juvenile Department**
<http://www.co.marion.or.us/JUV>
- (5) **Benton County Juvenile**
<https://www.co.benton.or.us/juvenile>
- (6) **Jackson County Community Justice Department**
<http://jacksoncountyor.org/community-justice>
Juvenile Services -
<http://jacksoncountyor.org/community-justice/Juvenile-Services/Overview>

It is speculated that citizen groups (i.e., pro or con tax levies) would be willing to subsidize and/or secure volunteer services for supplemental web publications.

e) Flow Charts The reader vitally need assistance in viewing the whole system of ORS authorities, responsibilities, and standards. See the following flow chart examples.

(1) U. S. Juvenile Justice System Structure and Process Case Flow Diagram

Office of Juvenile Justice and Delinquency Prevention

Office of Justice Programs

U.S. Department of Justice

Flow Chart 1. U.S. Juvenile Justice System Structure and Process Case Flow Diagram

(2) Yamhill County’s Juvenile Justice System 2013

Yamhill County, Oregon Juvenile Justice Department

Flow Chart 2. Yamhill County’s Juvenile Justice System 2013

(3) Marion County Juvenile Department’s Flow Charts

Marion County, Oregon Juvenile Department

Flow Chart 3. Marion County Juvenile Department’s Flow Charts

- Flow Chart: Marion County Juvenile Department Overview
- Flow Chart: Marion County Juvenile Department Referral Processing
- Flow Chart: Marion County Juvenile Department Offense and Risk Based Referral Processing
- Flow Chart: Marion County Juvenile Department Measure 11 Offense Process Flow
- Flow Chart: Marion County Juvenile Department FAA with petition held in abeyance
- Flow Chart: Marion County Juvenile Department Aid and Assist (370 Evaluation); Process for youth with mental disease or defect considerations
- Flow Chart: Marion County Juvenile Department Rapid Outpatient Assessment Response for Detention Youth
- Flow Chart: Marion County Juvenile Justice: 2014 Disposed* Criminal Referrals

B. JJ Rules (Oregon Administrative Rules)

The Oregon Administrative Rules (OAR) are the rules by which state agencies and subunits operate. They are the strategies that agencies use to carry out the goals established by the Oregon Revised Statutes. Unlike the ORS, OAR are not officially adopted by the Legislative Assembly.

OAR – Oregon Administrative Rules are numbered by the Division and Chapter. The "Oregon Administrative Rules Compilation" (OAR) is the official compilation of rules and regulations having the force of law in the state of Oregon. The OAR is compiled and issued annually by the Administrative Rules Unit of the Secretary of State's Archives Division.

ORS - Oregon Revised Statutes defines "rule" as "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency." ORS 183.310(9). The Oregon Revised Statutes (ORS) is the codified body of statutory law governing the state of Oregon, as enacted by the Oregon Legislative Assembly, and occasionally by citizen initiative. The statutes are subordinate to the Oregon Constitution.

1. Oregon Administrative Rules

From Wikipedia, the free encyclopedia

https://en.wikipedia.org/wiki/Oregon_Administrative_Rules

Retrieved May 1, 2016

Oregon Administrative Rules Compilation (OAR) is the official compilation of rules and regulations having the force of law in the U.S. state of Oregon. It is the regulatory and administrative corollary to Oregon Revised Statutes, and is published pursuant to ORS 183.360[1] (3). It is compiled and issued annually by the Administrative Rules Unit of the Secretary of State's Archives Division, with monthly updates issued as the Oregon Bulletin, the latter also providing notice of intended rule action, Executive Orders of the Governor, Opinions of the Attorney General, and orders issued by the Director of the Department of Revenue.

A rule is defined by the Oregon Revised Statutes as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency”.

In 1957, the Oregon Legislative Assembly directed that all agencies should compile and publish rules to be known as Oregon Administrative Rules by filing rules with the Secretary of State and notifying the Secretary when rules changed. The Secretary of State was required to publish the compilations at least every two years.[2] These compilations of Oregon Administrative Rules expanded over the years – the 1957-1963 editions were published in two loose leaf volumes, the 2009 edition comprises 18 volumes. The Oregon Administrative Rules is organized by chapters, with each chapter representing a government agency (Chapter 110 for example is the Capitol Planning Commission).

The Office of the Legislative Counsel reviews administrative rules with regard to constitutionality and scope and intent of enabling legislation.[3]

References

1. "Chapter 183". www.oregonlegislature.gov. Retrieved 2016-03-07.
2. <http://arcweb.sos.state.or.us/doc/recmgmt/sched/special/state/overview/20010039sosadov.pdf>
3. "Permanent Rulemaking Overview" (PDF). Oregon State Archives. 2005. Retrieved 2012-02-18.

2. Agencies

OAR 413	Department of Human Services, Child Welfare Programs
OAR 416	Oregon Youth Authority
OAR 309	Oregon Health Authority, Health Systems Division: Mental Health Services
OAR 309-019	Division 19, Outpatient Addictions and Mental Health Services
OAR 309-019-0105	Definitions (2) "Abuse of a child" means the circumstances defined in ORS 419B.005.

3. Oregon Juvenile Department Directors Association (OJDDA)

<http://www.ojdda.org/Index.html>

Retrieved May 1, 2016

a) Training Links

- Oregon Youth Authority - Oregon Juvenile Justice Training Academy
- Portland State University Continuing Education
- Human Services Course Offerings
- American Correctional Association
- American Probation and Parole Association
- Center for the Promotion of Mental Health in Juvenile Justice
- Juvenile Justice Training Association
- National Council of Juvenile and Family Court Judges
- National Juvenile Detention Association
- Office of Juvenile Justice and Delinquency Prevention
- National Institute of Corrections

b) Useful Links

- Oregon Youth Authority
- Juvenile Justice Data for Oregon (Collected from JJIS, a statewide data system)
- Partners for Children and Families
- Oregon Association of Community Corrections Directors
- Juvenile Population Data: Population Profiles, State Comparisons, County Comparisons and more
- Juvenile Justice Information System (JJIS) Annual Data and Evaluation Reports
- Oregon Counties and County Data Sheet
- Oregon Department of Education: Provides general information; assessment and disciplinary data on any school district in the State and then filter down for more detailed information.
- Criminal Justice Programs: A directory of Accredited Criminal Justice Schools
- Online Criminal Justice Schools: A directory of Accredited Online Criminal Justice Schools

c) Detention

- Detention Managers
- PREA Standards, Model Policies, and Resources
- PREA Employee Training
- PREA Refresher Training

d) President Elect, OJDDA The Exploratory Committee is especially grateful to Joe Ferguson, President Elect, OJDDA, for his assistance in helping the Committee understand the authorities and standards for Oregon's 36 county juvenile justice (JJ) departments (Appendix G).

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Oregon Administrative Rules (OARs) do not apply to County operations in regards to juvenile departments. OARs established for the Oregon Youth Authority and Department of Human Services would only apply to County Juvenile Departments if they contract for residential programs and interstate compact for example.

OAR 416 are for the Oregon Youth Authority. OAR 413 are for the Department of Human Services – Child Welfare.

Secretary of States information regarding OARs:
http://sos.oregon.gov/archives/Pages/about_rules.aspx

The State Rulemaking Process

A "rule" is "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency" - ORS 183.310(9)<https://www.oregonlegislature.gov/bills_laws/ors/ors183.html>.

Understanding the History of an Administrative Rule

State agencies operate in an environment of ever-changing laws, public concerns and legislative mandates, which require ongoing rulemaking. To track changes to individual rules and organize the original rule documents for permanent retention, the Administrative Rules Unit maintains history lines for each rule, located at the end of the rule text. OAR histories contain the rule's statutory authority, statutes implemented and dates of each authorized modification to the rule text.

Oregon Administrative Rules Compilation (OAR) is the official compilation of rules and regulations having the force of law in the U.S.

state<https://en.wikipedia.org/wiki/U.S._state> of Oregon<<https://en.wikipedia.org/wiki/Oregon>>.

It is the regulatory and administrative corollary to Oregon Revised

Statutes<https://en.wikipedia.org/wiki/Oregon_Revised_Statutes>, and is published pursuant to ORS 183.360[1]<https://en.wikipedia.org/wiki/Oregon_Administrative_Rules#cite_note-1> (3).

There is equal weight for OARs and ORS, however at the county level we rely on the ORS much more as it pertains more to our operations. I know with Jackson County we will use some OARs to build policy and procedure as well. Counties rely on their Board of Commissioners and County Counsels to assist with interpretation when needed of ORS. This also means that the Association of Oregon Counties may get involved.

C. JJ Josephine County Policy/Law

None provided by JJ Department.

D. Federal

1. Office of Juvenile Justice & Delinquency Prevention

Juvenile Justice Reform Initiatives in the States: 1994 - 1996

- Bilchik, Shay; Administrator, Office of Juvenile Justice and Delinquency Prevention. October 1997. *Juvenile Justice Reform Initiatives in the States: 1994 - 1996*. National Criminal Justice Association. Washington, DC.

U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention (OJJDP)
810 Seventh Street NW.
Washington, DC 20531
<http://www.ojjdp.gov/>

Janet Reno
Attorney General
U.S. Department of Justice

John C. Dwyer
Acting Associate Attorney General

Laurie Robinson
Assistant Attorney General

Shay Bilchik
Administrator
Office of Juvenile Justice and Delinquency Prevention

Oregon: Making Juvenile Offenders Accountable
Juvenile Justice Reform Initiatives in the States: 1994 - 1996
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
U.S. Department of Justice
http://www.ojjdp.gov/pubs/reform/ch3_e.html
Downloaded April 17, 2016

2.

E. Other (e.g., Federal, courts, etc.)

1. U.S. Code on Juvenile Delinquency (18.U.S.C.A. §§ 5031 et seq.)

18 U.S. Code Chapter 403 - JUVENILE DELINQUENCY

Legal Information Institute

<https://www.law.cornell.edu/uscode/text/18/part-IV/chapter-403>

Downloaded April 12, 2016

§ 5031 - Definitions

§ 5032 - Delinquency proceedings in district courts; transfer for criminal prosecution

§ 5033 - Custody prior to appearance before magistrate judge

§ 5034 - Duties of magistrate judge

§ 5035 - Detention prior to disposition

§ 5036 - Speedy trial

§ 5037 - Dispositional hearing

§ 5038 - Use of juvenile records

§ 5039 - Commitment

§ 5040 - Support

§ 5041 - Repealed. Pub. L. 98-473, title II, §214(b), Oct. 12, 1984, 98 Stat. 2014]

§ 5042 - Revocation of probation

2. American Correctional Association

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards__Accreditation/Standards/ACA_Member/Standards_and_Accreditation/StandardsInfo_Home.aspx?hkey=7c1b31e5-95cf-4bde-b400-8b5bb32a2bad

Standards Since 1954, the American Correctional Association has published operational standards designed to enhance correctional practices for the benefit inmates, staff, administrators, and the public. In the decades since the Manual on Correctional Standards- First Edition was created, the Association has diversified and expended its standards and today publishes 22 different manuals for all areas of the field of corrections. This includes dedicated manuals for the operation of differing facility types, including prisons, jails, juvenile correctional facilities, juvenile detention facilities, probation/parole agencies, halfway houses, and others. Similarly, ACA publishes standards for correctional programs that impact multiple facilities such as correctional industries (manufacturing programs), food service, electronic monitoring, therapeutic communities, and central office administration. Recently, the Association added new International Core Standards, designed to implement basic correctional practice on the international level.

Across the United States and the world, the ACA standards have been integrated into routine operations in more than 1,300 facilities and agencies. Tens of thousands of staff and inmates are impacted by the ACA standards on a daily basis. For more information on the creation and monitoring of the ACA standards; individual standards manuals; updates and interpretations from the ACA staff; or to purchase the ACA standards, explore the links on this page.

What are ACA's Standards? Since their inception, the ACA standards have served to establish a fundamental operational structure for facilities and agencies that have implemented them. ACA standards interface with all aspects of operations, including safety, security, order, care, programs, justice, and administration, among others. While ACA standards provide guidelines for these areas and require the existence of some specific practices or conditions, they are designed to facilitate the development of independent agency policy and procedure that govern the agency's everyday operations. Since the mid-2000s, ACA standards have gradually migrated to a "performance-based" model in which agencies collect, track, and analyze internal outcomes related to each standard in order to gauge their performance and adjust their operations accordingly. This model has proven to be a successful method of improving agency operations through the use of real-time data with an immediate and significant impact on inmates, staff, and administrators throughout the facility or agency.

ACA standards guide operations in every area of the facility of agency. Secure facilities such as jails and prisons must operate effectively as self-contained communities in which all necessary goods and services are provided in a safe, secure, and controlled manner. ACA standards relating to safety require adherence to all federal, state, and local fire and safety codes; emergency planning and preparation; and the provision of related training and materials for staff and inmates. Security standards mandate inspections and training of all firearms and armed officers; visitor and staff searches and tracking procedures; and inmate counting and tracking

procedures. Other sections throughout each manual regulate policy, procedure, and practice at a similar level for other institutional or facility activities.

ACA standards are divided into two categories: mandatory and non-mandatory standards. In order to be accredited, facilities must meet the requirements for all applicable mandatory standards and 90% of applicable non-mandatory standards. Due to differences in mission, physical plant, and jurisdictional intricacies, not all standards may apply to a given facility. Those standards deemed to be non-applicable to a particular facility are deducted from the calculation of the facility's compliance score. Similarly, some standards (especially those regulating physical size and/or space limitations) are deemed applicable only to facilities built after a certain date in order to allow facilities sufficient time to design new facilities around ACA requirements.

For more information on the ACA standards, explore the other parts of this section. These include the Manuals and Supplements section, which lists each of the 22 manuals published by the Association. It also includes the Updates and Interpretations section in which ACA staff posts specific changes to the standards that are important for both facilities and ACA auditors.

Please note that the ACA standards are not available online and must be purchased in a print version.

Juvenile Justice Manuals & Supplements

- Juvenile Community Residential Facilities, 3rd Edition (JCRF)
- Juvenile Correctional Facilities, 4th Edition (JCF)
- Juvenile Detention Facilities, 3rd Edition (JDF)
- Juvenile Correctional Boot Camp Programs, 1st Edition (JBC)
- Juvenile Day Treatment Programs, 1st Edition (JDTP)

How the Courts View ACA Accreditation (see Exploratory Committee's web page on Courts, II. INTERPRETATIONS at <http://www.hugoneighborhood.org/courts1.htm>.)

3. Juvenile Detention Standards in Washington State

- Collins, William C. December 1998. *Juvenile Detention Standards in Washington State*. Christopher Murray & Associates, M. M. Bell, Inc.

The Washington State Institute for Public Policy contracted with Christopher Murray & Associates to assist in the review and analysis. Christopher Murray and Merlyn Bell, of M. M. Bell, Inc., visited all detention facilities, completed the analysis, and wrote this report.

Engrossed Second Substitute Senate Bill 6445, Chapter 269, Laws of 1998 required the Washington State Institute for Public Policy to address six tasks regarding standards for juvenile detention facilities. These six tasks were:

- What standards are in place and proposed for all existing and planned detention facilities in this state?
- What is the current compliance of detention facilities with recommended **American Correctional Association standards** and those delineated in RCW 13.06.050?
- What concerns, problems, or issues regarding current standards have a direct impact on the safety and health of offenders, staff, and the community?
- Identify and make recommendations with regard to the improvements needed, including a timeline for the implementation of such improvements.
- Recommend a schedule for periodic review of juvenile detention standards.
- Analyze the costs to implement the recommendations in accordance with the recommended timeline.

No Uniform Juvenile Detention Standards Operate in Washington State While there have been attempts to develop and implement juvenile detention standards in Washington State since the Juvenile Justice Reform Act of 1977, there are no uniform standards in the state today. RCW 13.06.050 directs local jurisdictions that receive state juvenile justice funds to have standards in place, but non-compliance has been without consequence. In the absence of clear and up-to-date state standards, some of the juvenile court administrators who want to assess how well their facility and staff measure up have turned to the standards issued by the American Correctional Association (ACA). Other administrators still look to Washington standards proposed in 1987 or to a combination of ACA and the proposed Washington State standards. Among the juvenile court administrators and detention managers, however, there is little or no support for state mandated detention standards at this time.

The National Context In the 1970s and 1980s, professionals in the field were increasingly concerned with the less than adequate, and even dangerous, conditions in prisons, jails, training schools, and juvenile detention facilities in many states. The courts were often actively involved. For example, inmate-on-inmate assault cases resulted in case law on separation and classification of violent from non-violent inmates. Courts required that juveniles be given medical screening, regular sick call, and other types of medical and mental health care. The courts were especially concerned with access to education for juvenile detainees. Facilities were required to remedy environmental conditions in dirty and overcrowded physical plants.

In the late 1970s, various national bodies were advocating and developing **standards for the operation of juvenile facilities**. These discussions generally included explicit assumptions about accreditation or monitoring for compliance with standards. Foremost among these groups were the American Bar Association, the American Correctional Association (ACA), and the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). The National Advisory Committee of NIJJDP completed its standards in 1980. The ACA issued theirs in 1979. A second edition of juvenile detention standards was published by the ACA in 1983, and a third in 1991. Most recently, ACA issued a supplement to its juvenile detention standards in 1998. New editions and supplements generally respond to changes in case law.

- American Correctional Association (ACA)
- National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP)

WASHINGTON STATE COMPLIANCE WITH ACA STANDARDS IN 1998

Methodology

Overall Levels of Compliance

Compliance With Facility Issues

Compliance With Juvenile Housing Standards

Compliance With Space Standards

Compliance With Capacity and Crowding Standards

Compliance With Staffing Standards

Compliance With Training Standards

Compliance With Parity Standards

Compliance With Health Care Standards

Compliance With Other Mandatory Standards

Other Areas of Concern

American Correctional Association's Juvenile Detention Standards

4. Juvenile Justice Standards: For Institute of Judicial Administration and the American Bar Association

- Flicker, Barbara. 1982. *Juvenile Justice Standards Project*, 2nd Edition, 326 pages. For Institute of Judicial Administration and the American Bar Association. Ballinger Publishing Company. Cambridge, MA.

This document was prepared for the Juvenile Justice Standards Project of the Institute of Judicial Administration and the American Bar Association. The project is supported by grants from the National Institute of Law Enforcement and Criminal Justice, the American Bar Endowment, the Andrew W. Mellon Foundation, the Vincent Astor Foundation, and the Herman Goldman Foundation. The views expressed in this draft do not represent positions taken by the sponsoring organizations or the funding sources. Votes on the standards were unanimous in most but not all cases. Serious objections have been noted in formal dissents printed in the volumes concerned.

PART I: NATIONAL STANDARDS FOR JUVENILE JUSTICE

1.1 Special Nature of Juvenile Justice.

The size and complexity of the task undertaken by the Juvenile Justice Standards Project of the Institute of Judicial Administration and the American Bar Association and the IJA-ABA Joint Commission of Juvenile Justice Standards must be understood at the outset of this volume. The formulation of standards to govern the juvenile justice system goes far beyond criminal jurisprudence. Juvenile offenders are only a portion of the population within the juvenile justice system. Neglected, abused, and dependent children, as well as their parents and other affected persons, also come within the jurisdiction of juvenile or family court. But even those parties and proceedings do not cover the full spectrum of juvenile issues. The mere fact of minority and its attendant disabilities and special circumstances present problems unique to a system for the provision of justice for juveniles. These standards attempt to cover every aspect of the laws regulating children in their contact with social institutions.

When we consider that age and dependency, conditions beyond the control of the principal party involved, can precipitate involvement in the juvenile justice system, whereas the commission of an unlawful act is the sole determinant in initiating contact with the criminal justice system, we begin to recognize major differences between the two justice systems. Nevertheless, each is a system of justice for which standards should be promulgated, compelling a commitment to shared principles of justice and administrative coherence. The standards for criminal and juvenile justice alike must provide procedures for all the agencies and individuals functioning as parts of the organizational whole to arrive at a fair disposition of them matters brought before them. Police, probation, courts, and corrections agencies must mesh into the criminal justice system. And the roles of the actors--defendants, victims, witnesses, law enforcement officers, probation workers, judges, prosecutors, defense counsel, and administrators--must be defined with precision.

1.2 Reasons for Formulating National Standards.

The juvenile justice system stands in dire need of thorough dissection preparatory to the promulgation of a comprehensive set of standards. Standards generally are adopted for the following purposes:

1. to achieve uniformity in the law for greater fairness, efficiency, and predictability in the consequences of the same conduct, action, or behavior, regardless of jurisdiction;
2. to develop linkages within the system by: defining the roles of affected individuals and agencies; eliminating gaps and duplication in services; and coordinating the planning, operation, and monitoring of programs;
3. to reexamine accepted concepts and premises underlying the current laws in the light of objective findings derived from recent studies and other developments. Basic principles should be reaffirmed, revised, or replaced, as a result of taking a fresh look at the system;
4. to codify the relevant case law, administrative decisions, selected statutory innovations, and fundamental principles approved in the standards in a form readily translatable into a model act or acts. With respect to the juvenile justice standards, the Commission deliberately sought to attain those goals. It voted to apply the standards to federal and local laws as well as to state laws.

IV. MULTIPLE OVERLAPPING ORS STANDARDS NOT ORGANIZED IN ONE ORS CHAPTERS

A. Issue

This chapter is, in part, the Exploratory Committee's frustration in not being able to understand the applicable ORS to Oregon's 36 county juvenile departments. It should not be this difficult. Its local "standards and criteria" research project (i.e., this paper) has demonstrated to the Committee of the distance the county JJ departments need to go, if they seek understanding and support of their programs and services by the public.

A problem for the Exploratory Committee is to understand what ORS are applicable to Oregon county juvenile justice (JJ) departments, and specifically to the JO CO JJ Department. For example, some ORS appear to be standard for JJ departments, but many are not explicitly obvious. For example, ORS 419A.010-022 are the obvious ORS as they are identified under "County Juvenile Department."

County Juvenile Department

ORS 419A.010	Appointment of counselors and director; juvenile director oversight committee
ORS 419A.012	Duties of director or counselor
ORS 419A.014	Reports by juvenile department
ORS 419A.015	Reports to school administrators concerning youth offenders on probation
ORS 419A.016	Powers of director or counselor
ORS 419A.018	Juvenile department is county agency
ORS 419A.020	County responsibility for expenses of juvenile department
ORS 419A.022	Responsibility of counties over 400,000 population

Others are obvious when the ORS specifically reference ORS 419A.010-022. For example, ORS 419A.004 Definitions are defined as "*As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise . . .*"

Other ORS are indirectly obvious (e.g., when several of the ORS 419A.004 Definitions reference other ORS that are obvious to "County Juvenile Departments," etc.). For example, ORS 419A.004 Definitions #(10) and #(11).

(10) Detention or detention facility means a facility established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities) for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order.

(11) Director means the director of a juvenile department established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities).

Definitions #(10) and #(11) are explicit in identifying ORS 419A.050-.063.

DETENTION AND SHELTER FACILITIES

- 419A.050 Authority to acquire, equip and maintain detention and shelter facilities
- 419A.052 Specifications of facilities
- 419A.055 Examination of facilities; capacity limits; standards for release; notice
- 419A.057 Payment of maintenance expenses; admission of youth offenders
- 419A.059 Designation of detention and shelter facilities
- 419A.061 Inspection of detention facilities
- 419A.063 Requirements for detention facilities

Cross-references in ORS 419A to other ORS are used to direct the attention of the user to applicable or related statutes under another ORS section number, in the permanent edition of the ORS. There are other cross-references within the volume of ORS 419A and other ORS volumes and ORS chapters. The Exploratory Committee ceased researching at three ORS volumes and six ORS chapters that appeared applicable to “County Juvenile Departments.” However, the cross-referencing research by the Committee was not completed as it was beyond the time constraints of the Committee (i.e., 60 - 80 hours and growing).

The following ORS volumes and ORS chapters have been tentatively identified as applicable to Oregon 36 county juvenile departments, including the JO CO JJ Department.

ORS Volumes

- Volume 03 - Landlord-Tenant, Domestic Relations, Probate - Chapters 90-130 (36)
- Volume 04 - Criminal Procedure, Crimes - Chapters 131-170 (34)
- Volume 10 - Highways, Military, Juvenile Code, Human Services - Chapters 366-430 (52)

ORS Chapters

- ORS 419C: Juvenile Code: Delinquency
- ORS 419A: Juvenile Code: General Provisions and Definitions
- ORS 419B: Juvenile Code: Dependency
- ORS 418: Child Welfare Services
- ORS 107: Marital Dissolution, Annulment and Separation; Mediation and Conciliation Services; Family Abuse Prevention
- ORS 137: Judgment and Execution; Parole and Probation by the Court (Housing of Measure 11 Youth)

There are other ORS that appear applicable, but are not identified as pertaining to “County Juvenile Departments.” ORS 419C.001 is an example as the purposes of the juvenile justice system in delinquency cases appears to be applicable and was so noted OJDDA (Section III.A.8.a), and some JJ county web sites.

ORS 419C.001: Purposes of juvenile justice system in delinquency cases

(1) The Legislative Assembly declares that in delinquency cases, the purposes of the Oregon juvenile justice system from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in

delinquent behavior. The system shall be open and accountable to the people of Oregon and their elected representatives.

But, what about the other “Generally” ORS that ORS 419C.001 is a part? Are ORS 419C.001-.025 applicable to the 36 county JJ departments?

ORS 419C.001: Purposes of juvenile justice system in delinquency cases
ORS 419C.005: Jurisdiction?
ORS 419C.007: Suspension or revocation of driving privileges?
ORS 419C.010: Extradition?
ORS 419C.013: Venue?
ORS 419C.020: Notice to parents or guardian of youth?
ORS 419C.025: Appearance by telephone or closed-circuit television?

Are all the juvenile code ORS chapters applicable to “County Juvenile Departments?”

- ORS 419C: Juvenile Code: Delinquency
- ORS 419A: Juvenile Code: General Provisions and Definitions
- ORS 419B: Juvenile Code: Dependency

The cross-referencing ORS continues to ORS volumes and ORS chapters that do not have “juvenile” in the titles. Where does it end? Does it end? It would be very helpful for the interested public to be provided opportunities to gain “educational and understanding” entry to Oregon’s 36 county JJ departments to become an educated voter without the headache, or it being limited to professional with salaried jobs.

The following are the specific ORS that the Exploratory Committee had arrived at as of May 9, 2016. The Committee thinks they are in the ballpark, but really has no idea.

- ORS 419C: Juvenile Code: Delinquency
ORS 419C.001: Purposes of juvenile justice system in delinquency cases (ID by OJDDA)
ORS 419C.145: Preadjudication detention* (Detention And Shelter Facilities)
- Juvenile Court and Field Services
ORS 419A: Juvenile Code: General Provisions and Definitions
ORS 419A.004: Definitions (ID by Exploratory Committee)
ORS 419A.010-020: Juvenile Court and Field Services
- Detention And Shelter Facilities
ORS 419A: Juvenile Code: General Provisions and Definitions
ORS 419A.012: Duties of director or counselor*
ORS 419C.145: Preadjudication detention*
- Housing of Measure 11 Youth (see ORS 137 & ORS 137.707)*
ORS 419A.050-063: Detention And Shelter Facilities**
- ORS 419B: Juvenile Code: Dependency
ORS 419B.112: Court appointed special advocate ***
- ORS 418: Child Welfare Services
ORS 418.746-796: Child Abuse Multidisciplinary team (MDT)

- ORS 107: Marital Dissolution, Annulment and Separation; Mediation and Conciliation Services; Family Abuse Prevention
ORS 107.775: Court Mediation to Assist Families to Develop Child Custody and Parenting Plans
- ORS 137: Judgment and Execution; Parole and Probation by the Court
Housing of Measure 11 Youth*
ORS 137.707: Adult prosecution of 15-, 16- or 17-year-old offenders
- Others Not Yet Identified?

Notes

* Note for ORS 419A.050-063: Detention And Shelter Facilities. The two identified ORS are not for the FY 2015-16 budget. They are for the FY 2010-11 budget which also identified "Housing of Measure 11 Youth."

- ORS 419A.012. Duties of director or counselor (FY 2010-11)
- ORS 419C.145. Preadjudication detention (FY 2010-11)
- Housing of Measure 11 Youth (FY 2010-11)

** Note for ORS 419A.050-063: Detention And Shelter Facilities identified by Exploratory Committee from ORS 419A.004 Definitions (10) & (11).

*** Note for ORS 419B.112: Court appointed special advocate identified by Exploratory Committee from ORS 419A.004: Definitions (7).

Oregon Administrative Rules (OARs) do not apply to County operations in regards to juvenile departments. OARs established for the Oregon Youth Authority and Department of Human Services would only apply to Oregon county juvenile departments if they contract for residential programs and interstate compact for example.

- OAR 416: Oregon Youth Authority
- OAR 413: Oregon Department of Human Services – Child Welfare

A "rule" or OAR is any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.

OARs are the official compilation of rules and regulations having the force of law in the U.S. They are the regulatory and administrative corollary to ORSs. There is equal weight for OARs and ORSs.

B. Jurisdictions

1. Federal Standards
2. Multiple Overlapping ORS Standards
3. Multiple Overlapping OAR Standards and/or No OAR Standards
4. Local County Law

C. Brainstorming

The ORS is published every two years. Each edition incorporates all laws, and changes to laws, enacted by the Legislative Assembly through the odd-numbered year regular session referenced in the volume titles for that edition.

Each ORS chapter affected by a later act contains a notice describing how the ORS chapter is affected. To see how an entire ORS volume is affected by the 2016 regular session, see the 2016 Update to 2015 Oregon Revised Statutes.

- The objective of state policy planning is to establish a central core of goals, priorities and policies and to organize the state government's programs around this core in such a way as to achieve a unified approach to issues of concern.
- JJ work unit ORS responsibilities and interests overlap with other criminal justice programs.
- As JJ programs continue to grow, and new ones appear, their systems, policies, and ORS under which they were created grows inclemently, sometimes independently, and sometimes haphazardly.
- Insufficient training of ORS standards and unclear expectations are surely weaknesses.
- The product of state JJ policy planning is more than a book containing goals and policies. Hopefully the public can understand the continuously functioning Oregon county juvenile system that includes defining of goals, priorities and policies, and management of state government in conformity with these-guidelines.
- Delegated broad ORS authorities to agency directors without adequate oversight of their decisions or performance. Or, probably worse, no delegate authorities for JJ agencies to develop their own OAR.
- Without a public understanding of ORS relationships and proper controls or adequate oversight responsibilities, there is greater risk of theft, misappropriation, noncompliance and under performance problems.
- Interrelated and overlapping ORS authorities has been the basis for ORS program consolidation.
- Public interest groups are brought together to review a specific ORS topics and recommend policy, or cooperate on items of interest and overlapping ORS responsibility common to more than one work unit or group.

- The growth of state and local laws and the resulting patchwork of state and local laws is a concern. While the scope of local laws may seem limited, their impact can be significant, and costly.
- Fragmented governments lose economies of scale.
- Multiple layers of government complicates coordination and duplicates costs.
- Low awareness and poor voter turnout reduces JJ program viability and public accountability.
- The responsibility for defining goals, priorities and policies lies with the "policymakers" – primarily the legislators and the governor. It is the function of the state planning office to provide the actual structure or framework by which all state programs flow to the central policy core, are evaluated and then proceed out of the core in a unified, coordinated manner. However, don't underestimate the power of local Oregon county JJ departments to initial valuable changes.

V. CONCLUSION

Not developed as paper is not compelled.

Braining Storming Ideas

The Exploratory Committee does not feel this paper is comprehensive.

After the identified ORS authorities and standards in the JO CO budget document, the rest of the ORS are generally lacking any obvious principle of organization. After the budget authorities, it was built in an exhausting, but haphazard way going from one clue to another.

This experience is another powerful example for more information in a plain language way (see recommendations).

Committee's research and study starting to pay off:

1. Reading and reading ORSs
2. Following ORS references to other ORS references
3. Reviewing and studying flow charts from other counties.

Appendices

- Appendix A. Justice System Exploratory Committee's *Study Design*
- Appendix B. Josephine County Public Safety Services
- Appendix C. Josephine County Juvenile Justice Department's Public Safety Services: FY 2015-16 Budget
- Appendix D. ORS/Chapter 419A – Juvenile Code: General Provisions and Definitions
- Appendix E. ORS/Chapter 419B – Juvenile Code: Dependency
- Appendix F. ORS/Chapter 419C – Juvenile Code: Delinquency
- Appendix G. Oregon Juvenile Department Directors Association

Appendix A. Justice System Exploratory Committee's *Study Design*

(Public Outreach 1.4: December 15, 2015)

What is Josephine County's (JO CO) Justice System & Public Safety Services (JS&PSS) Problem, . . . or Issue? First, *What are the public safety services (PSS) being referred to?* Second, *What is the issue?* The third, and final question, perhaps the most important question, is *"Or, is there a problem, and if so, judged by what standards?"*

Web Page: *Justice System & Public Safety Services Study Design: 2015*

Justice System Exploratory Committee

Web Page: <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

- ***Justice System & Public Safety Services Study Design: 2015***
- **Public Outreach**
- Outreach 1.1 What's the Problem?
- Outreach 1.2 Arguments For Supporting Study Design
- Outreach 1.3 Summary Highlights: Arguments For Supporting Study Design
- Outreach 1.4 Introduction To Justice System Exploratory Committee's Web Page
- Outreach 2.1 Interested In Becoming Involved?
- Outreach 3.1 Publicly Identified Problems/Issues
- Outreach 3.2 Summary Highlights: Publicly Identified Problems/Issues
- Outreach 4.1 Publicly Identified Range of Alternative Solutions
- Outreach 4.2 Summary Highlights: Publicly Identified Range of Alternative Solutions
- Outreach 5.1 Vetted Public Safety Facts
- Outreach 5.2 Summary Highlights: Vetted Public Safety Facts
- Outreach 5.3 Summary Highlights: Study Design Research Projects Prior To Phase 3 Contracted *Study*
- Outreach 5.4 Summary Highlights: Content Analysis Of JO CO's Recorded Public Safety Values
- Outreach 5.5 Summary Highlights: JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS)
- Outreach 5.6 Executive Summary Of JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS)
- Outreach 6.1 Study Design's Planning Horizon Is Flexible
- Outreach 6.2 Summary Highlights: Study Design's Planning Horizon Is Flexible
- Outreach 7.1 Table Talk Discussion Script
- Outreach 8.1 How To Communicate In Plain Language
- Outreach 9.1 JS&PSS Issue Overview Educational Brochure
- Outreach 10. Aspiration Letter From Authors Of Study Design
- Outreach 11. Enquiry Stakeholder Letters/Emails (Ongoing)
- ***Justice System & Public Safety Services Issue Scope Of Work*** (2013 Authority;)

JUSTICE SYSTEM EXPLORATORY COMMITTEE Justice System & Public Safety Services Study Design: 2015

The Hugo Justice System & Public Safety Services Exploratory Committee's (JS&PSS Committee or Committee) was formed with a definition of its July 18, 2013 scope of work, *Justice System & Public Safety Services Issue Scope Of Work*. That year, and the next, it worked on understanding the issue, writing letters to the editor of The Grants Pass Daily Courier, and web publishing educational brochures on the issue.

- Hugo Justice System & Public Safety Services Exploratory Committee. Draft July 18, 2013. *Justice System & Public Safety Services Issue Scope Of Work* (Scope). Hugo Neighborhood Association & Historical Society. Hugo, OR.

The 2012 expiration of federal SRS payments to JO CO, used mostly for public safety services, resulted in four county tax levies and one city sales tax as solutions. They all failed. However, there is a high probability for another levy and/or tax proposal to be on a future ballot. This is reasonable, as public safety services are needed, even though the form and the cost are issues.

1. **May 15, 2012 JO CO-wide Primary Election Measure 17-43**, Criminal Justice System Operations Four Year Local Option Tax (i.e., \$1.99 per \$1,000 of assessed value), failed 57 - 43 percent, Voter Turnout - Total 52.59%; 25,405 votes for Measure 17 - 43/ 49,561 registered voters = 51%.
2. **May 21, 2013 JO CO-wide Special Election Measure 17-49**, Criminal Justice and Public Safety Three Year Local Option Tax (i.e., \$1.48 per \$1,000 of assessed value), failed 51 - 49 percent, Voter Turnout - Total 51.97%; 26,331 votes for Measure 17 - 49/ 50,944 registered voters = 52%.
3. **May 20, 2014 JO CO-wide Primary Election Measure 17-59**, Criminal Justice and Public Safety Three Year Local Option Tax (i.e., \$1.19 per \$1,000 of assessed value), failed 53 - 48 percent, Voter Turnout - Total 56.51%; 27,991 votes for Measure 17 - 59/ 50,655 registered voters = 55%.
4. **May 19, 2015 JO CO-wide Special Election Measure 17-66**, For Patrol, Jail, Shelter of Abused Youth; Five Year Levy (i.e., \$1.40 per \$1,000 of assessed value), failed 54 - 46 Percent, Voter Turnout - Total 50.65%; 25,824 votes for Measure 17 - 59/ 51,143 registered voters = 51%.
5. **November 3, 2015 Grants Pass City-wide Special Election Measure 17-67** 2 Percent Sales Tax for City Public Safety and Criminal Justice Services, failed 78 - 22 Percent.

After the 2th levy failure in as many years, the JS&PSS Committee asked the question, "What can we do to shed some light on the issues?" Members of the Committee believed that the first important step was the identification of the preliminary issues for why the levies failed. The reasons for the levy failures were complex and unknown as facts. However, it is believed that the identification of citizen problems/ issues is the most important step in developing a successful *Study Design*.

- Hugo Justice System & Public Safety Services Exploratory Committee. Draft 2015. *Justice System & Public Safety Services Study Design: 2015*. Hugo Neighborhood Association & Historical Society. Hugo, OR.

The purpose of *Study Design*, the proposed JS&PSS study grant, and *Study* is to provide grass roots opportunities, for JO CO citizens for active citizen involvement (CI), accessibility to information, and education, to better understand the JS&PSS issue, which is partially driven by the history of revenue sharing from the federal government.

Appendix B. Josephine County Public Safety Services

Public Safety Services

JS&PSS Exploratory Committee

Hugo Neighborhood Association & Historical Society (HNAHS)

<http://www.hugoneighborhood.org/pss.htm>

The Josephine County Juvenile Justice Department is one of six major public safety services identified in the last four county levies and the sales tax proposal (2012 - 2015). Locally there are usually considered to be the six major components of the JO CO public safety program.

1. Adult Jail.
2. Juvenile Justice.
3. District Attorney's Office.
4. Sheriff Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Control/Protection.
7. Other PSS: Adult Corrections

Appendix 4B. Josephine County's Minimally Adequate Level of Public Safety Services Standards, Section III.C. Components Of JO CO Public Safety Program For Increased Funding: 2012 - 2015.

JS&PSS Exploratory Committee

Hugo Neighborhood Association & Historical Society

<http://www.hugoneighborhood.org/malpss.htm>

- Walker, Mike; Whalen, Jon, Members JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society. Very Draft December 15, 2015. Appendix 4B. JO CO's Minimally Adequate Level of Public Safety Services (MALPSS) Standards, Including Law Enforcement Staffing & Deployment. Supporting Justice System & Public Safety Services Study Design: 2015. Hugo, OR.

Budgets: Josephine County, Oregon

JS&PSS Exploratory Committee

HNA&HS

<http://www.hugoneighborhood.org/budgets.htm>

Appendix C. Josephine County Juvenile Justice Department's Public Safety Services: FY 2015-16 Budget

References to four Exploratory Committee papers on Josephine County (JO CO) Juvenile Justice (JJ) Department's Public Safety Services (PSS): FY 2015-16 budget follow.

- Paper 1. Josephine County Juvenile Justice Public Safety Services
- Paper 2. Understanding The Juvenile Justice Josephine County Budget: FY 2015-16
- Paper 3. Purpose, Conceptual Prototype, Chapter VI Recommendations, Part of "Understanding The Juvenile Justice Josephine County Budget: FY 2015-16"
- Paper 4. Josephine County Juvenile Justice Standards: FY 2015-16

Josephine County Juvenile Justice Public Safety Services

JS&PSS Exploratory Committee

Hugo Neighborhood Association & Historical Society

<http://www.hugoneighborhood.org/juvenile.htm>

Justice System & Public Safety Services Study Design: 2015 (Study Design)

JS&PSS Exploratory Committee

Hugo Neighborhood Association & Historical Society

<http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

1. Josephine County Juvenile Justice Public Safety Services (Conceptual Prototype)

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - April 27, 2016. *Josephine County Juvenile Justice Public Safety Services*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

2. Understanding The Juvenile Justice Josephine County Budget: FY 2015-16 (Conceptual Prototype)

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - April 27, 2016. *Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

3. Purpose, Conceptual Prototype, Chapter VI Recommendations, Part of "Understanding The Juvenile Justice Josephine County Budget: FY 2015-16" (Conceptual Prototype)

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - April 27, 2016. *Purpose, Conceptual Prototype, Chapter VI Recommendations (Voter Educational Outreach Projects)*, Part of *Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

1. Understanding Staffing Analysis
2. Department Descriptions & Relationships
3. Professional Web Page for JO CO JJ Department
4. Use Of References & Links
5. Flow Chart of Josephine County Juvenile Justice Department
6. Citizen's Guide To The Budget

The purpose of the two Josephine County (JO CO) Juvenile Justice (JJ) Department papers is to research, study, and become informed about the JO CO JJ Department. The research and study analysis would be done through trying to understand the JJ Department's web pages and its *Josephine County, Oregon Adopted Budget FY 2015-16*. This would be accomplished through an analysis of web and budget "text" for the JJ program.

The budget, a product of a budget process, allows the county to make resource allocation decisions, including choices about staffing, technology, equipment and priorities to be addressed in the coming fiscal year.

- Josephine County Board of County Commissioners (BCC). June 17, 2015. *Josephine County, Oregon Adopted Budget FY 2015-16*. <http://www.hugoneighborhood.org/budgets.htm>

The above two papers are the first two conceptual prototypes for the Exploratory Committee's analysis of JO CO budget documents for all public safety services programs. Testing a prototype/developed design process is a very important part of the design process. Testing and evaluation, simply confirms that the process will work as it is supposed to, or if it needs refinement. In general, testing a prototype allows the user to assess the viability of a design. Will it be successful? Testing also helps identify potential faults, which in turn allows the designer to make improvements.

4. Josephine County Juvenile Justice Standards: FY 2015-16

- Whalen, Jon & Walker, Mike, Members, JS&PSS Exploratory Committee. First Draft - May 11, 2016. *Josephine County Juvenile Justice Standards: FY 2015-16*, Part of *Understanding The Juvenile Justice Josephine County Budget: FY 2015-16*. Conceptual Prototype. Hugo Neighborhood Association & Historical Society. Hugo, OR.

Standards

Oregon Revised Statutes (ORS)

Oregon Administrative Rules (OAR)

JO CO Law

Appendix D. ORS/Chapter 419A — Juvenile Code: General Provisions and Definitions
https://www.oregonlegislature.gov/bills_laws/ors/ors419a.html

2015 EDITION

JUVENILE CODE: GENERAL PROVISIONS AND DEFINITIONS

HUMAN SERVICES; JUVENILE CODE; CORRECTIONS

GENERAL PROVISIONS

419A.004 Definitions

COUNTY JUVENILE DEPARTMENT

419A.010 Appointment of counselors and director; juvenile director oversight committee
419A.012 Duties of director or counselor
419A.014 Reports by juvenile department
419A.015 Reports to school administrators concerning youth offenders on probation
419A.016 Powers of director or counselor
419A.018 Juvenile department is county agency
419A.020 County responsibility for expenses of juvenile department
419A.022 Responsibility of counties over 400,000 population

COURT SERVICES

419A.045 Policy and purpose
419A.046 Definition for ORS 419A.046 and 419A.048
419A.048 Court to comply with fiscal reporting procedures

DETENTION AND SHELTER FACILITIES

419A.050 Authority to acquire, equip and maintain detention and shelter facilities
419A.052 Specifications of facilities
419A.055 Examination of facilities; capacity limits; standards for release; notice
419A.057 Payment of maintenance expenses; admission of youth offenders
419A.059 Designation of detention and shelter facilities
419A.061 Inspection of detention facilities
419A.063 Requirements for detention facilities

LOCAL CITIZEN REVIEW BOARDS

419A.090 Local citizen review boards
419A.092 Membership; training
419A.094 Additional boards; creation
419A.096 Duties of Judicial Department in administering boards
419A.098 Rules
419A.100 Confidentiality of information; penalty
419A.102 Access to confidential information by boards; procedure
419A.104 Report on children and wards in substitute care

- 419A.106 Review of cases generally
- 419A.107 Review of cases of youth offenders
- 419A.108 Procedure for conflicts of interest
- 419A.109 Review of cases of wards for whom guardian has been appointed; rules
- 419A.110 Immunity of participants in case review
- 419A.112 Disclosure of information to participants in case review; confidentiality
- 419A.114 When presence of agency personnel at board hearings required
- 419A.116 Findings and recommendations; judicial review
- 419A.118 Records; disclosure of findings and recommendations
- 419A.120 Court use of findings and recommendations
- 419A.122 Use of findings and recommendations by Department of Human Services
- 419A.124 Policy and procedure recommendations
- 419A.128 State Citizen Review Board Operating Account

JUVENILE COURT REFEREES

- 419A.150 Appointment; qualifications; hearings; orders; rehearings

CONTEMPT

- 419A.180 Power of court to enforce orders by contempt order

FORMER JEOPARDY

- 419A.190 Effect of adjudicatory hearing or admission

APPEALS

- 419A.200 Who may appeal; time limitations; procedure; effect of filing appeal; record on appeal; disclosure
- 419A.205 Judgments described; jurisdiction of juvenile court during pendency of appeal; disposition
- 419A.208 Orders subject to appeal by state; effect of appeal of preadjudicatory order
- 419A.209 Joint motion to vacate judgment or order; appeal after reconsideration
- 419A.211 Appointment of counsel

FINGERPRINTING AND PHOTOGRAPHING

- 419A.250 Authority; segregation of records; access; when records may be kept with those of adults; destruction of records; missing children

RECORDS

- 419A.252 Definitions for ORS 419A.252, 419A.253, 419A.255 and 419A.256
- 419A.253 When information in report, material or document considered by court must be identified in record
- 419A.255 Maintenance; disclosure; providing transcript; exceptions to confidentiality
- 419A.256 When transcript of proceeding is part of record of case; furnishing transcript to person without financial means; disclosure
- 419A.257 Reports and materials privileged; permissible disclosures; use of materials in evidence

- 419A.260 Expunction; definitions
- 419A.262 Expunction proceeding; notice to victim; effect of expunction; confidentiality; penalties
- 419A.265 Eligibility for order of expunction for certain adjudications involving marijuana

MISCELLANEOUS

- 419A.300 Reports to school districts concerning young persons on conditional release
- 419A.305 Notice to school administrators concerning students subject to juvenile court petitions

Appendix E. ORS/Chapter 419B – Juvenile Code: Dependency

Oregon Revised Statutes: Chapter 419B Juvenile Code: Dependency

OregonLaws.org

<http://www.oregonlaws.org/ors/chapter/419B>

Downloaded April 8, 2016

Reporting Of Child Abuse

- § 419B.005 Definitions
- § 419B.007 Policy
- § 419B.010 Duty of officials to report child abuse
- § 419B.015 Report form and content
- § 419B.016 Offense of false report of child abuse
- § 419B.017 Time limits for notification between law enforcement agencies and Department of Human Services
- § 419B.020 Duty of department or law enforcement agency receiving report
- § 419B.021 Degree requirements for persons conducting investigation or making determination regarding child
- § 419B.022 Short title
- § 419B.023 Duties of person conducting investigation under ORS 419B.020
- § 419B.024 Critical Incident Response Team for child fatality
- § 419B.025 Immunity of person making report in good faith
- § 419B.028 Photographing child during investigation
- § 419B.030 Central registry of reports
- § 419B.035 Confidentiality of records
- § 419B.040 Certain privileges not grounds for excluding evidence in court proceedings on child abuse
- § 419B.045 Investigation conducted on public school premises
- § 419B.050 Authority of health care provider to disclose information

JUVENILE COURT

(Generally)

- § 419B.090 Juvenile court
- § 419B.100 Jurisdiction
- § 419B.110 Emergency medical care
- § 419B.112 Court appointed special advocate
- § 419B.116 Intervention
- § 419B.117 Notice to parents or guardian of child
- § 419B.118 Venue
- § 419B.121 Return of runaway children to another state
- § 419B.124 Transfer to juvenile court from another court
- § 419B.127 Transfer to court of county of child or wards residence
- § 419B.130 Delegation of jurisdiction by county of residence

§ 419B.132 Delegation of jurisdiction among county juvenile courts

§ 419B.135 Transfer of case

(Protective Custody)

§ 419B.150 When protective custody authorized

§ 419B.155 Protective custody not arrest

§ 419B.157 Jurisdiction attaches at time of custody

§ 419B.160 Place of detention

§ 419B.165 Release of child taken into custody

§ 419B.168 Procedure when child is not released

§ 419B.171 Report required when child is taken into custody

§ 419B.175 Initial disposition of child taken into custody

(Shelter Hearings)

§ 419B.180 Shelter and detention facilities

§ 419B.183 Speedy hearing required

§ 419B.185 Evidentiary hearing

(Placement Of Child Or Ward)

§ 419B.192 Placement of child or ward

(Counsel)

§ 419B.195 Appointment of counsel for child or ward

§ 419B.198 Responsibility for payment of costs related to provision of appointed counsel for child or ward

§ 419B.201 Compensation for court-appointed counsel for child or ward under ORS 135.055

§ 419B.205 Appointment of counsel for parent or legal guardian

§ 419B.208 Other law applicable to appointment of counsel

§ 419B.211 Motion to withdraw as counsel

(Educational Surrogate)

§ 419B.220 Appointment of surrogate

§ 419B.223 Duties and tenure of surrogate

(Guardian Ad Litem For Parent)

§ 419B.231 Appointment

§ 419B.234 Qualifications

§ 419B.237 Duration of appointment

(Hearings)

§ 419B.305 When hearing must be held

§ 419B.310 Conduct of hearings

(Disposition)

§ 419B.325 Disposition required

§ 419B.328 Ward of the court

- § 419B.331 When protective supervision authorized
- § 419B.334 Placement out of state
- § 419B.337 Commitment to custody of Department of Human Services
- § 419B.340 Reasonable or active efforts determination
- § 419B.343 Recommendations of committing court
- § 419B.346 Medical planning
- § 419B.349 Court authority to review placement
- § 419B.352 Hospitalization

(Guardianships)

- § 419B.365 Permanent guardianship
- § 419B.366 Guardianship
- § 419B.367 Letters of guardianship
- § 419B.368 Review, modification or vacation of guardianship order
- § 419B.369 Guardianship study
- § 419B.371 Community guardianship

(Legal Custodian Of Child)

- § 419B.372 Guardianship as incident of custody
- § 419B.373 Duties and authority of legal custodian

(Guardian)

- § 419B.376 Duties and authority of guardian
- § 419B.379 Guardian is not conservator

(Authority Over Parents)

- § 419B.385 Parent or guardian as party
- § 419B.387 Parent participation in treatment or training
- § 419B.389 Inability of parent to comply with order of court

(Paternity)

- § 419B.395 Judgment of paternity or nonpaternity

(Support)

- § 419B.400 Authority to order support
- § 419B.402 Support order is judgment
- § 419B.404 Support for child or ward in state financed or supported institution
- § 419B.406 Assignment of support order to state
- § 419B.408 Enforcement of support order

(Reports By Guardians And Custodians)

- § 419B.440 Circumstances requiring reports
- § 419B.443 Time and content of reports
- § 419B.446 Filing report
- § 419B.449 Review hearing by court

§ 419B.452 Distribution of report by court

(Child Surrendered For Adoption)

§ 419B.460 Agency's responsibility

(Permanency Hearing)

§ 419B.470 Permanency hearing

§ 419B.473 Notice

§ 419B.476 Conduct of hearing

(Termination Of Parental Rights)

§ 419B.498 Termination of parental rights

§ 419B.500 Termination of parental rights generally

§ 419B.502 Termination upon finding of extreme conduct

§ 419B.504 Termination upon finding of unfitness

§ 419B.506 Termination upon finding of neglect

§ 419B.508 Termination upon finding of abandonment

§ 419B.510 Termination upon finding child conceived as result of rape

§ 419B.517 Mediation to be encouraged

§ 419B.518 Appointment of counsel for parents

§ 419B.521 Conduct of termination hearing

§ 419B.524 Effect of termination order

§ 419B.527 Disposition of ward after termination

§ 419B.529 Adoption after permanent commitment or surrender

§ 419B.530 Representation by Attorney General

(Emancipation Of Minor)

§ 419B.550 Definitions for ORS 419B.550 to 419B.558

§ 419B.552 Application for emancipation judgment

§ 419B.555 Hearing

§ 419B.558 Entry of judgment of emancipation

Juvenile Court Dependency Procedure

§ 419B.800 Applicability of ORS 419B.800 to 419B.929

§ 419B.803 Jurisdiction

§ 419B.806 Consolidation

§ 419B.809 Petition

§ 419B.812 Issuance of summons

§ 419B.815 Summons for proceeding to establish jurisdiction under ORS 419B.100

§ 419B.816 Notice to person contesting petition to establish jurisdiction

§ 419B.818 Form of summons under ORS 419B.815

§ 419B.819 Summons for proceeding to establish permanent guardianship or terminate parental rights

§ 419B.820 Notice to parent contesting petition to establish permanent guardianship or terminate parental rights

§ 419B.822	Form of summons under ORS 419B.819
§ 419B.823	Service of summons generally
§ 419B.824	Methods of serving summons
§ 419B.827	Responsibility for costs of service of summons and travel expenses of party summoned
§ 419B.830	Return of summons
§ 419B.833	Proof of service of summons or mailing
§ 419B.836	Effect of error in summons or service of summons
§ 419B.839	Required and discretionary summons
§ 419B.842	When arrest warrant authorized
§ 419B.845	Restraining order when child abuse alleged
§ 419B.846	Service of restraining order
§ 419B.848	Process generally
§ 419B.851	Service of process
§ 419B.854	Computing statutory time periods
§ 419B.857	Pleadings
§ 419B.860	Motions
§ 419B.863	Pleadings
§ 419B.866	Signing pleadings required
§ 419B.869	Responding to pleadings
§ 419B.872	Amendment of pleadings
§ 419B.875	Parties to proceedings
§ 419B.876	Visitation or other contact between grandparent and ward
§ 419B.878	Applicability of Indian Child Welfare Act
§ 419B.881	Disclosure
§ 419B.884	Depositions
§ 419B.887	Objections at depositions
§ 419B.890	Dismissal of petition at end of petitioners case
§ 419B.893	Subpoenas generally
§ 419B.896	Subpoena for production of books, papers, documents and other tangible things
§ 419B.899	Issuance of subpoena
§ 419B.902	Service of subpoena
§ 419B.905	Subpoena of incarcerated witness
§ 419B.908	Witness fees
§ 419B.911	Failure to obey subpoena
§ 419B.914	Proceeding when person entitled to service is not summoned and is not before court
§ 419B.918	Manner of appearance
§ 419B.920	New hearings
§ 419B.923	Modifying or setting aside order or judgment
§ 419B.926	Stay of order or judgment pending appeal
§ 419B.929	Enforcement of certain orders and judgments

Miscellaneous

§ 419B.950	Educational program regarding federal and state adoption and child welfare laws
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Source: Legislative Counsel Committee, CHAPTER 419B—Juvenile Code: Dependency,
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors419B.html External_link_icon(2013)
 (last accessed Apr. 27, 2014).

Appendix F. ORS/Chapter 419C – Juvenile Code: Delinquency

<http://www.oregonlaws.org/ors/chapter/419C>

GENERALLY

§ 419C.001	Purposes of juvenile justice system in delinquency cases
§ 419C.005	Jurisdiction
§ 419C.007	Suspension or revocation of driving privileges
§ 419C.010	Extradition
§ 419C.013	Venue
§ 419C.020	Notice to parents or guardian of youth
§ 419C.025	Appearance by telephone or closed-circuit television

TRANSFER

§ 419C.050	Transfer to juvenile court from another court
§ 419C.053	Transfer to court of county of youths residence
§ 419C.056	Transfer of jurisdiction by court in county of youths residence
§ 419C.058	Transfer of jurisdiction to tribal court
§ 419C.059	Facilitation of disposition
§ 419C.062	Fact-finding when other county conducts hearing
§ 419C.065	Transportation of youth whose case is transferred
§ 419C.067	Case transferred to juvenile court after verdict in criminal court

CUSTODY

§ 419C.080	Custody
§ 419C.085	Citation in lieu of custody
§ 419C.088	Custody by private person
§ 419C.091	Custody not arrest
§ 419C.094	Jurisdiction attaches at time youth taken into custody
§ 419C.097	Notice to parents, victim
§ 419C.100	Release of youth taken into custody
§ 419C.103	Procedure when youth is not released
§ 419C.106	Report required when youth is taken into custody
§ 419C.109	Initial disposition of youth taken into custody

DETENTION

§ 419C.125	Detention in place where adults are detained of certain persons alleged to be within courts jurisdiction
§ 419C.130	Youth or youth offender may not be detained where adults are detained
§ 419C.133	Detention of youth under 12 years of age
§ 419C.136	Temporary hold to develop release plan
§ 419C.139	Speedy hearing on detention cases
§ 419C.142	Notice of detention hearing
§ 419C.145	Preadjudication detention
§ 419C.150	Time limitations on detention

- § 419C.153 Detention review or release hearing
- § 419C.156 Detention of runaway from another state
- § 419C.159 Escape

SHELTER HEARINGS

- § 419C.170 Time limitations on shelter care
- § 419C.173 Evidentiary hearing
- § 419C.176 Conditional release by court
- § 419C.179 Release security provisions not applicable

COURT APPOINTED COUNSEL

- § 419C.200 Court-appointed counsel for youth
- § 419C.203 Payment for compensation of counsel
- § 419C.206 Compensation for counsel when youth, parent or guardian cannot pay
- § 419C.209 Applicability of other laws

EDUCATIONAL SURROGATE

- § 419C.220 Appointment of surrogate
- § 419C.223 Duties and tenure

AUTHORIZED DIVERSION PROGRAMS

- § 419C.225 Authorized diversion programs
- § 419C.226 Youth courts

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- § 419C.230 Formal accountability agreements
- § 419C.233 Nature of agreement
- § 419C.236 Agreement may require counseling, community service, education, treatment or training
- § 419C.237 Agreement may require mental health evaluation
- § 419C.239 Requirements of agreement
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- § 419C.255 Facts to be pleaded
- § 419C.258 Service
- § 419C.261 Amendment and dismissal of petition

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- § 419C.270 Application of criminal procedure laws
- § 419C.273 Right of victim to be present at proceedings
- § 419C.276 Disclosure of personal identifiers of victim or witness

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- § 419C.280 Consolidation Parties
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- § 419C.300 Time limits on issuance of summons
- § 419C.303 Form of summons
- § 419C.306 Effect of summons
- § 419C.309 Service of summons or other process
- § 419C.312 Alternate service
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- § 419C.317 Compliance with summons
- § 419C.320 When arrest warrant for summoned person authorized
- § 419C.323 Proceeding when summoned party not before court

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- § 419C.340 Authority to waive youth to adult court
- § 419C.343 Depositions
- § 419C.346 Juvenile courts retention of authority over parent
- § 419C.349 Grounds for waiving youth to adult court
- § 419C.352 Grounds for waiving youth under 15 years of age
- § 419C.355 Written findings required
- § 419C.358 Consolidation of nonwaivable and waivable charges
- § 419C.361 Disposition of nonwaivable consolidated charges and lesser included offenses
- § 419C.364 Waiver of future cases
- § 419C.367 Vacating order waiving future cases
- § 419C.370 Waiver of motor vehicle, boating, game, violation and property cases
- § 419C.372 Handling of motor vehicle, boating or game cases not requiring waiver
- § 419C.374 Alternative conduct of proceedings involving traffic, boating and game cases

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§ 419C.378 Motion for finding that youth is unfit to proceed

(Evaluation)

§ 419C.380 Evaluation

§ 419C.382 Duties of Oregon Health Authority

§ 419C.384 Removal of youth from placement for purpose of evaluation

(Report, Hearing And Findings)

§ 419C.386 Filing of report

§ 419C.388 Objection to report

§ 419C.390 Order

§ 419C.392 Effect of findings

(Restorative Services)

§ 419C.394 Program to provide restorative services

§ 419C.396 Provision of restorative services

§ 419C.398 Removal of youth from placement for purpose of receiving restorative services

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§ 419C.400 Conduct of hearings

§ 419C.405 Witnesses

§ 419C.408 Witness fees

§ 419C.411 Disposition order

§ 419C.420 Adjudication without hearing

DISPOSITION

§ 419C.440 When court has duties and authority of guardian

§ 419C.441 Mental health evaluation, care and treatment

§ 419C.443 Diversion

§ 419C.446 Probation

§ 419C.449 Supervision fee

§ 419C.450 Restitution

§ 419C.453 Detention

§ 419C.456 Detention after escape

§ 419C.459 Fines

§ 419C.461 Disposition for graffiti related offenses

§ 419C.462 Community service

§ 419C.465 Service to victim

§ 419C.470 Opportunities to fulfill obligations imposed by court

§ 419C.472 Suspension of driving privileges

§ 419C.473 Authority to order blood or buccal samples

§ 419C.475 Authority to order HIV testing

- § 419C.478 Commitment to Oregon Youth Authority or Department of Human Services
- § 419C.481 Guardianship and legal custody of youth offender committed to Oregon Youth Authority
- § 419C.486 Consideration of recommendations of committing court
- § 419C.489 Condition requiring medical care or special treatment
- § 419C.492 Courts authority to review placement
- § 419C.495 When commitment to youth correction facility authorized
- § 419C.498 Disposition under compact, agreement or arrangement with another state
- § 419C.501 Duration of disposition
- § 419C.504 Duration of probation
- § 419C.507 Additional options
- § 419C.510 Advisory committee to study dispositions

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- § 419C.520 Definitions
- § 419C.522 Mental disease or defect as affirmative defense
- § 419C.524 Notice and filing report prerequisite to defense
- § 419C.527 Procedure for state to obtain mental examination of youth
- § 419C.529 Finding of serious mental condition
- § 419C.530 Continuing jurisdiction of Psychiatric Security Review Board after placement
- § 419C.531 Notice to victim
- § 419C.532 Hearings of juvenile panel of Psychiatric Security Review Board
- § 419C.533 Rules
- § 419C.535 Appointed counsel
- § 419C.538 Conditional release
- § 419C.540 Discharge or conditional release after commitment
- § 419C.542 Hearings before juvenile panel of Psychiatric Security Review Board
- § 419C.544 Transfer of cases from juvenile panel to adult panel of Psychiatric Security Review Board

LEGAL CUSTODIAN OF YOUTH OR YOUTH OFFENDER

- § 419C.550 Duties and authority

GUARDIAN

- § 419C.555 Authority to appoint guardian
- § 419C.558 Duties and authority of guardian
- § 419C.561 Limitation of guardianship granted by juvenile court

AUTHORITY OF COURT OVER PARENT OR GUARDIAN

- § 419C.570 Parent or guardian summoned subject to jurisdiction of court
- § 419C.573 Court may order education or counseling
- § 419C.575 Court may order drug or alcohol treatment

SUPPORT

- § 419C.590 Authority of court to order support
- § 419C.592 Support order is judgment and final
- § 419C.595 Support for youth offender in state financed or supported residence
- § 419C.597 Assignment of support obligation to state
- § 419C.600 Enforcement

MODIFICATION OF ORDERS

- § 419C.610 Authority to modify or set aside orders
- § 419C.613 Notice of modification
- § 419C.615 Grounds for setting aside order
- § 419C.616 Effect of prior proceeding on petition under ORS 419C.615
- § 419C.617 Time limitation for certain adults seeking relief under ORS 419C.615

REPORTS BY AGENCY HAVING GUARDIANSHIP OR LEGAL CUSTODY

- § 419C.620 Circumstances requiring report
- § 419C.623 Frequency and content of report
- § 419C.626 Review hearing by court
- § 419C.629 Distribution of report by court

DISPOSITIONAL REVIEW HEARINGS

- § 419C.653 Notice

CURFEW

- § 419C.680 Curfew

Source: Legislative Counsel Committee, CHAPTER 419C—Juvenile Code: Delinquency, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors419C.html External_link_icon(2013) (last accessed Apr. 27, 2014).

Appendix G. Oregon Juvenile Department Directors Association (OJDDA)

The Exploratory Committee is especially grateful to Joe Ferguson, Deputy Director/President Elect, OJDDA, for his assistance in helping the Committee understand the authorities and standards for Oregon's 36 county juvenile justice (JJ) departments.

Joe Ferguson, Deputy Director
Jackson County Juvenile Services
609 W 10th Street
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Phone: (541) 774-4833
Fax: (541) 774-4888
joe.ferguson@jacksoncounty.org

1. Exploratory Committee & OJDDA Communications

April 18, 2016	Committee to OJDDA
April 26, 2016	OJDDA to Committee
May 5, 2016	Committee to OJDDA
May 5, 2016	OJDDA to Committee
May 6, 2016	Committee to OJDDA
May 6, 2016	OJDDA to Committee

2. Email Text

April 18, 2016 Committee to OJDDA

From: Mike [mailto:hugo@jeffnet.org]
Sent: Monday, April 18, 2016 9:22 AM
To: Ferguson Joe Pres OJDDA 1 <info@ojdda.org>; Joe Ferguson <FergusJW@jacksoncounty.org>
Cc: Goodwin Jim JO CO Juvenile Justice <jgoodwin@co.josephine.or.us>; Whalen Jon CoAuthor Study Design <bear46@charter.net>; Walker Mike, JCHS/HNAHS/RA/G1/OCTA <hugo@jeffnet.org>
Subject: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments

Joe Ferguson, President
Oregon Juvenile Department Directors Association (OJDDA)

Subject: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments

Dear Joe:

We contract the OJDDA for information about the authorities and standards for JJ departments in Oregon as they relate to Josephine County's (JO CO's) Justice System & Public Safety Services (JS&PSS) Problem/Issue (i.e., public safety issue). The Hugo JS&PSS Exploratory Committee has been trying to understand our county's public safety issue since 2013. Too that end we are working with Jim Goodwin, Director, Josephine County Juvenile Justice, and other JO CO public safety leaders in understanding the issue, and in seeking solutions for it. In this case, we are asking for OJDDA's assistance in understanding JJ (see attachments).

We assume all county JJ departments have the same authorities and standards which is the main reason we contract OJDDA. For this enquiry we are specially interested in understanding the applicable Oregon Revised Statutes, Oregon Administrative Rules, and/or court opinions pertinent to Oregon's 36 county JJ departments. Our research on applicable court opinions is in its infancy.

Thank you in advance for any assistance you can provide.

Sincerely,

Mike & Jon :)

Mike Walker, Co-Author
JS&PSS Study Design
JS&PSS Exploratory Committee
Hugo Neighborhood Association & Historical Society

Jon Whalen, Co-Author
JS&PSS Study Design

JS&PSS Exploratory Committee
Hugo Neighborhood Association & Historical Society

Email copy: Jim Goodwin, Director, Josephine County Juvenile Justice Department

Attachments:

- Attachment 1. April 18, 2016 Letter/Email to Joe Ferguson, President, OJDDA, From JS&PSS Exploratory Committee
- Attachment 2. April 4, 2016 Letter/Email To Josephine County Board of County Commissioners On Minimally Acceptable Level Of Public Safety Services, From JS&PSS Exploratory Committee

April 26, 2016 OJDDA to Committee

From: Joe Ferguson
Sent: Tuesday, April 26, 2016 8:41 AM
To: <mailto:hugo@jeffnet.org> ; <mailto:bear46@charter.net>
Subject: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments

Mike and Jon,

Thank you for reaching out to OJDDA for information on the authorities and standards for Oregon County Juvenile Departments. I have referred to several Oregon Revised Statutes (ORS) below that discuss statutory requirements of counties pertaining to juvenile departments:

ORS 419A.010 – County Juvenile Department, states that the governing body of any county shall appoint or designate one or more persons as counselors of the juvenile department. The governing bodies of two or more contiguous counties may jointly appoint one or more persons as counselors. If more than one person is appointed one may be designated as director.

There is a statutory requirement to have a local juvenile department that has at least one person who is designated as a counselor or that two or more counties may pursue an agreement to establish a juvenile department within the two or more counties. A director would be chosen and shall be the administrator of the juvenile department.

ORS 419A.018 states that the juvenile department is a county agency and ORS 419A.020 states that the cost of maintaining a juvenile department and all expenditures are the responsibility of the county, even when two or more counties have an agreement.

County funds budgeted and levied for this purpose are to be used to fund the juvenile department.

ORS 419A.050 does not provide any statutory requirement to have a juvenile detention and/or shelter facility, this is left up to the governing body to decide on.

ORS 419A.059 states that the juvenile court of each county shall designate the place or places in which youth are to be placed in detention or shelter care when taken into temporary custody.

Even if a county does not have their own detention facility, they must have funds to pay another facility to hold youth when needed and approved.

ORS 419C.001 states the purpose of the juvenile justice system in delinquency cases from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasizes prevention of further criminal activity by the use of early and certain sanction, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior.

To be able to meet the purpose of this statute there must be a system in place to provide public safety, needed services to youth, and services to victims.

Through the partnership of the Oregon Youth Authority and the 36 counties in Oregon, there has been established basic and diversion funding that goes to each county through a formula based on the number of youth ages 0 to 17 in each county. This funding is meant to provide those basic services (detention, shelter, treatment services, graduated sanctions and aftercare services – youth 10 to 17 years of age) and diversion services (community based services to divert commitment of youth from OYA close custody

facilities – youth 12 to 18 years of age). These funds assist with the continuum of services available to youth who enter the juvenile justice system and provides for services to be accessed at the “front end” of the system rather than youth being pushed further into the juvenile justice system which is much more costly.

Remaining statutory requirements are around processes within the juvenile departments regarding court proceedings, detention, reports, etc.

I hope that this helps provide some information you are looking for. Please let me know if you have additional questions or need clarification on any of this information.

Thank-you,

Joe Ferguson, President Elect
Oregon Juvenile Department Directors' Association
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May 05, 2016 - Committee to OJDDA

From: "Mike" <hugo@jeffnet.org>
To: "Joe Ferguson" <FergusJW@jacksoncounty.org>
Cc: "Whalen Jon CoAuthor Study Design" <bear46@charter.net>; "Walker Mike, JCHS/HNAHS/RA/G1/OCTA" <hugo@jeffnet.org>; "Goodwin Jim JO CO Juvenile Justice" <jgoodwin@co.josephine.or.us>
Subject: Re: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments
Date: Thursday, May 05, 2016 2:42 AM

Dear Joe:

Thank you for responding. We are studying your respond and will get back to you.

Thanks again.

Mike & Jon :)

p.s., What OARs are applicable to the ORSs you provided?

May 05, 2016 OJDDA to Committee

From: Joe Ferguson
Sent: Thursday, May 05, 2016 4:36 PM
To: 'Mike'
Cc: Whalen Jon CoAuthor Study Design ; Goodwin Jim JO CO Juvenile Justice
Subject: RE: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments

Mike and Jon,

Oregon Administrative Rules (OARs) do not apply to County operations in regards to juvenile departments. OARs established for the Oregon Youth Authority and Department of Human Services would only apply to County Juvenile Departments if they contract for residential programs and interstate compact for example.

For your information: OAR 416 are for the Oregon Youth Authority. OAR 413 are for the Department of Human Services – Child Welfare.

Thanks,

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joe.ferguson@jacksoncounty.org

May 6, 2016 - Committee to OJDDA

From: Mike [mailto:hugo@jeffnet.org]

Sent: Friday, May 06, 2016 2:55 AM

To: Joe Ferguson <FergusJW@jacksoncounty.org>

Cc: Whalen Jon CoAuthor Study Design <bear46@charter.net>; Goodwin Jim JO CO Juvenile Justice <jgoodwin@co.josephine.or.us>; Walker Mike, JCHS/HNAHS/RA/G1/OCTA <hugo@jeffnet.org>

Subject: Re: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments

Joe:

You are being very helpful and we appreciate your assistance in trying to understand the Oregon JJ Departments.

We accept your response on OARs. However, Mike is a 30 year retired BLM planner and he does not understand the lack of detailed guidance (OAR) to implement ORS. He has always viewed the ORS/OAR system as similar to the U.S. laws and the Code of Federal Regulations (CFR). The CFR is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States. The CFR is a consolidation and codification by subject matter of the general and permanent laws of the U.S.

Without OARs (or other guidance), how do the Oregon JJ Departments individually interpret something as broad as the ORS in a consistent and standard manner for all Oregon counties?

Mike & Jon :)

May 6, 2016 OJDDA to Committee

From: "Joe Ferguson" <FergusJW@jacksoncounty.org>

To: "Mike" <hugo@jeffnet.org>

Cc: "Whalen Jon CoAuthor Study Design" <bear46@charter.net>; "Goodwin Jim JO CO Juvenile Justice" <jgoodwin@co.josephine.or.us>

Subject: RE: Understand The Authorities and Standards For Oregon's 36 County Juvenile Justice (JJ) Departments

Date: Friday, May 06, 2016 11:21 AM

Mike,

In reviewing the Secretary of States information regarding OARs:
(http://sos.oregon.gov/archives/Pages/about_rules.aspx)

[The State Rulemaking Process](#)

A "rule" is "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency" - ORS 183.310(9)<https://www.oregonlegislature.gov/bills_laws/ors/ors183.html>.

Understanding the History of an Administrative Rule

State agencies operate in an environment of ever-changing laws, public concerns and legislative mandates, which require ongoing rulemaking. To track changes to individual rules and organize the original rule documents for permanent retention, the Administrative Rules Unit maintains history lines for each rule, located at the end of the rule text. OAR histories contain the rule's statutory authority, statutes implemented and dates of each authorized modification to the rule text.

Additionally, I found - Oregon Administrative Rules Compilation (OAR) is the official compilation of rules and regulations having the force of law in the U.S.

state<https://en.wikipedia.org/wiki/U.S._state> of Oregon<<https://en.wikipedia.org/wiki/Oregon>>.

It is the regulatory and administrative corollary to Oregon Revised

Statutes<https://en.wikipedia.org/wiki/Oregon_Revised_Statutes>, and is published pursuant to ORS

183.360[1]<https://en.wikipedia.org/wiki/Oregon_Administrative_Rules#cite_note-1> (3).

So I agree that there is equal weight for OARs and ORS, however at the county level we rely on the ORS much more as it pertains more to our operations. I know with Jackson County we will use some OARs to build policy and procedure as well. Counties rely on their Board of Commissioners and County Counsels to assist with interpretation when needed of ORS. This also means that the Association of Oregon Counties may get involved.

Thanks,

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joe.ferguson@jacksoncounty.org

Juvenile Justice System Structure and Process Case Flow Charts

The reader vitally need assistance in viewing the whole system of ORS authorities, responsibilities, and standards. See the following flow chart examples.

Flow Chart 1. U.S. Juvenile Justice System Structure and Process Case Flow Diagram

Flow Chart 2. Yamhill County's Juvenile Justice System 2013

Flow Chart 3. Marion County Juvenile Department's Flow Charts: 2015

Flow Chart 1. U.S. Juvenile Justice System Structure and Process Case Flow Diagram

Juvenile Justice System Structure and Process Case Flow Diagram

Office of Juvenile Justice and Delinquency Prevention

Office of Justice Programs

U.S. Department of Justice

http://www.ojjdp.gov/ojstatbb/structure_process/case.html

Flow Chart 2. Yamhill County's Juvenile Justice System 2013

Yamhill County's Juvenile Justice System 2013

Yamhill County, Oregon Juvenile Justice Department

Flow Chart 3. Marion County Juvenile Department's Flow Charts

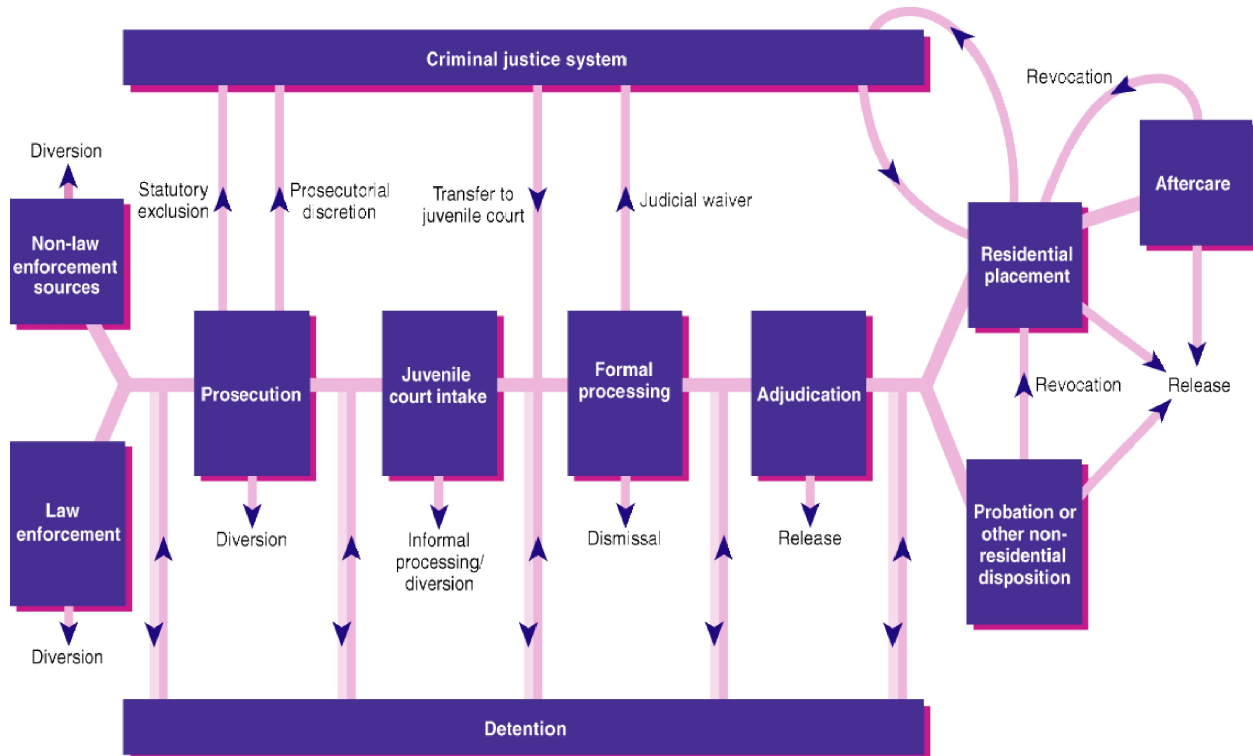
Marion County Juvenile Department's Flow Charts

Marion County, Oregon Juvenile Department

Flow Chart 1. U.S. Juvenile Justice System Structure and Process Case Flow Chart

Juvenile Justice System Structure and Process Case Flow Diagram
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
U.S. Department of Justice
http://www.ojjdp.gov/ojstatbb/structure_process/case.html

The case flow diagram (Flow Chart 1) describes the stages of delinquency case processing in the juvenile justice system.



Flow Chart 1. U.S. Juvenile Justice System Structure and Process Case Flow Chart

The following is an excerpt from the *Juvenile Offenders and Victims: A National Report publication*, NCJ 153569, pages 76–79. The statistics have been updated to reflect the latest available data.

Young law violators generally enter the juvenile justice system through law enforcement...

Each State's processing of law violators is unique:

Even within States, case processing often varies from community to community depending on local practice and tradition. Consequently, any description of juvenile justice processing must be general, outlining a common series of decision points.

Law enforcement diverts many juvenile offenders out of the justice system:

At arrest, a decision is made either to send the matter further into the justice system or to divert the case out of the system, often into alternative programs. Usually, law enforcement makes this decision, after talking to the victim, the juvenile, and the parents, and after reviewing the juvenile's prior contacts with the juvenile justice system.

Twenty-two percent of all juveniles arrested in 2009 were handled within the police department and then released. Seventy percent of arrested juveniles were referred to juvenile court.

Federal regulations discourage holding juveniles in adult jails and lockups. If law enforcement must detain a juvenile in secure custody for a brief period in order to contact a parent or guardian or to arrange transportation to a juvenile detention facility, Federal regulations require that the juvenile be securely detained for no longer than 6 hours and in an area that is not within sight or sound of adult inmates.

Most juvenile court cases are referred by law enforcement:

Law enforcement referrals accounted for 83% of all delinquency cases referred to juvenile court in 2009. The remaining referrals were made by others such as parents, victims, schools, and probation officers.

The court intake function is generally the responsibility of the juvenile probation department and/or the prosecutor's office. At this point intake must decide either to dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

To make this decision, an intake officer first reviews the facts of the case to determine if there is sufficient evidence to prove the allegation. If there is not, the case is dismissed. If there is sufficient evidence, intake will then determine if formal intervention is necessary. About half of all cases referred to juvenile court intake are handled informally. Most informally processed cases are dismissed. In the other informally processed cases, the juvenile voluntarily agrees to specific conditions for a specific time period. These conditions are often outlined in a written agreement, generally called a "consent decree." Conditions may include such items as victim restitution, school attendance, drug counseling, or a curfew. In most jurisdictions, a juvenile may be offered an informal disposition only if he or she admits to committing the act. The juvenile's compliance with the informal agreement is often monitored by a probation officer. Consequently, this process is sometimes labeled "informal probation."

If the juvenile successfully complies with the informal disposition, the case is dismissed. If, however, the juvenile fails to meet the conditions, the intake decision may be to formally prosecute the case, and the case will proceed just as it would have if the initial decision had been to refer the case for an adjudicatory hearing.

During the processing of a case, a juvenile may be held in a secure detention facility:

Juvenile courts may hold delinquents in a secure detention facility if the court believes it is in the best interest of the community or the child. After arrest a youth is often brought to the local juvenile detention facility by law enforcement. Juvenile probation officers or detention workers review the case and decide if the juvenile should be held pending a hearing by a judge.

In all States, a detention hearing must be held within a time period defined by statute, generally within 24 hours. At the detention hearing a judge reviews the case and determines if continued detention is warranted. As a result of the detention hearing the youth may be released or detention continued. In 2009 juveniles were detained in 1 in 5 (21%) delinquency cases processed by the juvenile courts. Detention may extend beyond the adjudicatory and dispositional hearings. In some cases crowded juvenile facilities require that detention continue beyond adjudication until a bed becomes available in a juvenile correctional institution or treatment facility.

Prosecutors may file a case in either juvenile or criminal court:

In many States prosecutors are required to file certain (generally serious) cases involving juveniles in the criminal court. These are cases in which the legislature has decided the juvenile should be handled as a criminal offender. In a

growing number of States the legislature has given the prosecutor the discretion of filing a defined list of cases in either juvenile or adult court. In these States both the juvenile and adult courts have original jurisdiction over these cases, and the prosecutor selects the court that will handle the matter.

If the case is handled in juvenile court, two types of petitions may be filed: delinquency or waiver. A delinquency petition states the allegations and requests the juvenile court to adjudicate (or judge) the youth a delinquent, making the juvenile a ward of the court. This language differs from that used in the criminal court system (where an offender is convicted and sentenced).

In response to the delinquency petition, an adjudicatory hearing is scheduled. At the adjudicatory hearing (trial), witnesses are called and the facts of the case are presented. In nearly all adjudicatory hearings the determination that the juvenile was responsible for the offense(s) is made by a judge; although, in some States the juvenile is given the right to a jury trial. In 2009, juveniles were adjudicated delinquent in 59% of cases petitioned to juvenile court for criminal law violations.

Intake may ask the juvenile court to transfer the case to criminal court:

A waiver petition is filed when the prosecutor or intake officer believes that a case under jurisdiction of the juvenile court would be more appropriately handled in criminal court. The court decision in these matters follows a review of the facts of the case and a determination that there is probable cause to believe that the juvenile committed the act. With this established, the court then considers whether jurisdiction over the matter should be waived and the case is transferred to criminal court.

This decision generally centers around the issue of whether the juvenile is amenable to treatment in the juvenile justice system. The prosecution may argue that the juvenile has been adjudicated several times previously and that interventions ordered by the juvenile court have not kept the juvenile from committing subsequent criminal acts. The prosecutor may argue that the crime is so serious that the juvenile court is unlikely to be able to intervene for the time period necessary to rehabilitate the youth.

If the judge agrees that the case should be transferred to criminal court, juvenile court jurisdiction over the matter is waived and the case is filed in criminal court. If the judge does not approve the waiver request, an adjudicatory hearing is scheduled in juvenile court.

Between the adjudication decision and the disposition hearing, an investigation report is prepared by probation staff:

Once the juvenile is adjudicated delinquent, a disposition plan is developed. To prepare this plan, probation staff develop a detailed understanding of the youth and assess available support systems and programs. To assist in preparation of disposition recommendations, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility.

At the disposition hearing, dispositional recommendations are presented to the judge. The prosecutor and the youth may also present dispositional recommendations. After considering options presented, the judge orders a disposition in the case.

Most cases placed on probation also receive other dispositions:

Most juvenile dispositions are multi-faceted. A probation order may include additional requirements such as drug counseling, weekend confinement in the local detention center, and community or victim restitution. The term of probation may be for a specified period of time or open ended. Review hearings are held to monitor the juvenile's progress and to hear reports from probation staff. After conditions of the probation have been successfully met, the judge terminates the case. In 2009, 60% of adjudicated delinquents were placed on formal probation.

The judge may order the juvenile committed to a residential placement:

Residential commitment may be for a specific or indeterminate ordered time period. In 2009, 27% of adjudicated delinquents were placed in a residential facility. The facility may be publicly or privately operated and may have a secure prison-like environment or a more open, even home-like setting. In many States, when the judge commits a juvenile to the State department of juvenile corrections, the department determines where the juvenile will be placed

and when the juvenile will be released. In other instances the judge controls the type and length of stay. In these situations review hearings are held to assess the progress of the juvenile.

Juvenile aftercare is similar to adult parole:

Following release from an institution, the juvenile is often ordered to a period of aftercare or parole. During this period the juvenile is under supervision of the court or the juvenile corrections department. If the juvenile does not follow the conditions of aftercare, he or she may be recommitted to the same facility or to another facility.

The processing of status offense cases differs from that of delinquency cases:

A delinquent offense is an act committed by a juvenile for which an adult could be prosecuted in criminal court. There are, however, behaviors that are law violations only for youth of juvenile status. These "status offenses" may include such behaviors as running away from home, truancy, ungovernability, curfew violations, and underage drinking. In many ways the processing of status offense cases parallels that of delinquency cases.

Not all cases, however, consider all of these behaviors to be law violations. Many States view these behaviors as indicators that the child is in need of supervision and respond to the behavior through the provision of social services. This different characterization of status offenses causes them to be handled more like dependency than delinquency cases.

While many status offenders enter the juvenile justice system through law enforcement, in many States the initial, official contact is a child welfare agency. Nearly half (59%) of all petitioned status offense cases referred to juvenile court in 2009 were from law enforcement.

The Juvenile Justice and Delinquency Prevention Act discourages the holding of status offenders in secure juvenile facilities, either for detention or placement. This policy has been labeled deinstitutionalization of status offenders. An exception to this policy occurs when the status offender violates a valid court order such as a probation order that requires the adjudicated status offender to attend school and observe a court-ordered curfew. In such situations, the status offender may be confined in a secure detention facility.

Flow Chart 2. Yamhill County's Juvenile Justice System 2013

Yamhill County, Oregon

Juvenile

Juvenile Crime Trends

Yamhill Juv Justice System Chart - 2013

Yamhill County, Oregon

<http://www.co.yamhill.or.us>

Juvenile

Yamhill County, Oregon

<http://www.co.yamhill.or.us/juvenile>

Ted Smietana - Corrections Director

Yamhill County Courthouse 535 E. Fifth Street

McMinnville, OR 97128

Phone:(503)434-7512 Fax (503)434-7466

Detention: (503)434-7407 TTY 800-735-2900

Email: smietant@co.yamhill.or.us

Yamhill County Juvenile Corrections Division (YCJCD) Community Service program's mission is to provide youth a structured working environment to assist in their community service obligations, fees, fines and restitution.

The Community Service program provides youth the opportunity to gain knowledge in job skills that promote a safe, stable and enriching environment. YCJCD Community Service program requires participation with lessons in respect, accountability, teamwork, social skills and cultural awareness.

YCJCD division crew leaders are dedicated to youth and their success in completing their commitment to the court. It is our hope that all youth finish their commitment while learning skills that will help them in the future.

YCJCD work crews are supervised by division crew leaders. Division crew leaders transport juvenile work crews to designated work sites throughout the county. Juveniles work under direct supervision of division crew leaders at all times. Juveniles assigned to work crews are adjudicated youth offenders or on informal probation.

In order to give youth daily feed back on their performance, the program relies heavily on the following score system:

5 - Excellent

4 - Above average

3 - Satisfactory

- 2 - Below average
- 1 - Unacceptable

The following areas are scored each working day:

Attendance/Punctuality: The youth must arrive on time and be ready to work. If late or ill, they must phone in to the Juvenile Department.

Attitude: The youth must have a positive and cooperative attitude. They must have a respectful and responsible attitude towards the work program and the Court System in general.

Work Effort: The youth must put forth a consistent work effort throughout the day. They must motivate themselves without the need for extended supervision.

Peer Relations: The youth must interact appropriately with other youth on crew.

Staff Relations: The youth must interact appropriately with staff. All youth must be respectful, honest and cooperative.

Safety: The youth must work in a safe manner for both himself/herself and those around them.

Staff averages all scores. This average is the youth's final score for that day. Staff averages all scores. This average is the youth's final score for that day. A score of three or above is necessary for the youth to pass the day.

Juvenile Department Information

Juvenile Department Homepage

Mission & Principles

Juvenile Crime Trends

Yamhill Juv Justice System Chart - 2013

Yamhill Juv Justice System Chart - 2013

Juvenile Justice Department

Yamhill County, Oregon

<http://www.co.yamhill.or.us/sites/default/files/Yamhill%20Juv%20Justice%20System%20Chart%20-%202013.pdf>

Community Service

Work Projects

Work Schedule

Community Service Agreement (PDF)

Detention

Mission Statement

Visitation

Attorney Visitation Information

Volunteers/Practicum

Release of Information
Tours
Expansion Project

Probation Services

Supervision Information

Courts

Drug Court
Juvenile Violation Court
Victims/Restitution
Victims Information
Expungement

Other Resources

Youth Resources Page
First Step Adolescent Center
Juvenile Crime Plan
Oregon Juvenile Justice Statistics
Family & Youth Programs
Related Links

Mission & Principles

<http://www.co.yamhill.or.us/content/mission-principles>

Mission Yamhill County Juvenile Department is dedicated to promoting good citizenship, accountability, community safety, and victim restoration, through community involvement.

General Principles

- We must strengthen the family in its primary responsibility to instill moral values and provide guidance and support to children
- We must support core social institutions - schools, religious institutions, and community organizations - in their roles of developing capable, mature, and responsible youth.
- We must promote delinquency prevention as the most cost-effective approach to reducing juvenile delinquency.
- We must intervene immediately and effectively when delinquent behavior occurs to successfully prevent delinquent offenders from becoming chronic offenders or progressively committing more serious and violent crimes.
- We must identify and control the small groups of serious, violent, and chronic juvenile offenders who have committed felony offenses, have failed to respond to intervention and nonsecure community-based treatment and rehabilitation services offered by the juvenile justice system.

Juvenile Crime Trends

<http://www.co.yamhill.or.us/content/juvenile-crime-trends>

- Yamhill County Juvenile Department 2013 Annual Report.pdf
- [Yamhill Juv Justice System Chart - 2013.pdf](#)
- Juvenile Department Quick Reference 2013.pdf

Flow Chart 3. Marion County Juvenile Department's Flow Charts: 2015

Marion County Board of Commissioners
Public Safety Coordinating Council
Marion County Juvenile Justice System
Juvenile Justice System Documents
Juvenile Dept. Flow Charts 2015

Marion County Board of Commissioners
Marion County, Oregon
<http://www.co.marion.or.us/BOC/Pages/default.asp>

- Board of Commissioners
- Current Board Session Agenda
- Prior Board Sessions
- Management Update
- Public Safety Coordinating Council
- Mid-Willamette Homeless Initiative
- News, Meetings & Events

Public Safety Coordinating Council
Marion County Board of County Commissioners
<http://www.co.marion.or.us/BOC/PSCC/Pages/default.aspx>

- Monthly Meeting Materials
- Meeting Minutes
- Juvenile Justice
- Justice Reinvestment Initiative
- Public Safety Community Forums

Marion County Juvenile Justice System
Marion County Board of County Commissioners
<http://www.co.marion.or.us/BOC/PSCC/Pages/Health.aspx>

Marion County's Juvenile Department works hard to implement what are known as "evidence-based practices" to address youth behaviors. Our goal is to not only hold youth accountable for their actions, but also to help redirect your towards positive outcomes.

Roughly 1,400 youth are referred to Marion County's Juvenile Department each year. While most are referred by local police departments throughout the county, younger youth can be referred by nonprofits, schools, and parents to the department's Family Support Program. Youth referred to the Juvenile Department are mostly boys, although there are a growing number of girls. While most youth are 14-18, the Family Support Program sees youth as young as age 9.

Youth are referred for crimes or violations through a police report, or physically brought by police to detention for the most serious crimes. Criminal offenses range from criminal mischief to occasionally murder. Violations, however, are for behaviors that would not apply to adults, such as being out after curfew, running away from home, or tobacco, alcohol, or marijuana possession.

Juvenile Justice System Documents

- Marion County Juvenile Department
- **Juvenile Dept. Flow Charts 2015**
- Juvenile Dept. Crime Prevention Plan 2015-2017
- Juvenile Crime Prevention Data Summary 2011-2013
- Juvenile Crime Prevention Plan 2010
- Juvenile Crime Prevention Data Summary 2007-2009
- Juvenile Dept. Overview 2015-2016 Budget
- Marion County Inmate Survey Report, 2015

Juvenile Dept. Flow Charts 2015

<http://www.co.marion.or.us/BOC/PSCC/Documents/Marion%20County%20Juvenile%20Department%20Flow%20Charts%202015.pdf>

- Flow Chart: Marion County Juvenile Department Overview
- Flow Chart: Marion County Juvenile Department Referral Processing
- Flow Chart: Marion County Juvenile Department Offense and Risk Based Referral Processing
- Flow Chart: Marion County Juvenile Department Measure 11 Offense Process Flow
- Flow Chart: Marion County Juvenile Department FAA with petition held in abeyance
- Flow Chart: Marion County Juvenile Department Aid and Assist (370 Evaluation); Process for youth with mental disease or defect considerations
- Flow Chart: Marion County Juvenile Department Rapid Outpatient Assessment Response for Detention Youth
- Flow Chart: Marion County Juvenile Justice: 2014 Disposed* Criminal Referrals

Marion County Juvenile Department

Marion County, Oregon

<http://www.co.marion.or.us/JUV>

The Juvenile Department serves a vital role in providing accountability, interventions and positive pro-social skill development for youth and families to mitigate community risk and increase public safety. The Department builds on the prevention and intervention efforts of the early childhood system, in an effort to address high-risk youth behaviors, victim and community impact, and redirect youth from escalating criminal behavior into the state juvenile justice system; and eventually the adult criminal justice system.

The Juvenile Department is responsible:

To process juvenile delinquency referrals from law enforcement on youth who are alleged to have committed a criminal act.

We also provide:

A resource for law enforcement, schools, and probation officers to refer youth twelve and under who are experiencing serious difficulties and are at risk to enter into the juvenile justice system. Our Family Support program provides direct interventions to the family system to reduce risk factors, increase school success, decrease acting out behavior, improve family functioning and increase positive peer associations and activities.

Marion County Juvenile Department's Flow Charts

Marion County, Oregon Juvenile Department

<http://www.co.marion.or.us/BOC/PSCC/Documents/Marion%20County%20Juvenile%20Department%20Flow%20Charts%202015.pdf>

Purpose of Juvenile Justice System in Delinquency Cases

<http://www.co.marion.or.us/JUV/Pages/purpose.aspx>

ORS 419C.001 The Legislative Assembly declares that in delinquency cases, the purposes of the Oregon juvenile justice from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct.

The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community.

The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior.

The system shall be open and accountable to the people of Oregon and their elected representatives.