



## Oregon Juvenile Department Directors' Association

*Representing Oregon's County Juvenile Departments*

[www.ojdda.org](http://www.ojdda.org)

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### **Oregon Juvenile Detention Facilities**

#### **Authority to acquire, equip and maintain detention facilities under state statute:**

Any county or counties may establish a detention facility if standards and specifications are met in statute pertaining to specific construction and building codes. The county court or board of county commissioners may institute an examination of facilities, setting of capacity, and adopt standards for releasing youth when capacity is met. Inspection of detention facilities and enforcement of the juvenile detention standards contained in statute must be conducted in the same manner as adult correctional facilities. Youth must be kept from the sight and sound of adult offenders and facilities are to be staffed by juvenile department employees.

- ORS 419A.050: Authority
- ORS 419A.052: Specifications of facility construction and space
- ORS 419A.055: Examinations of facilities; capacity limits; standards for release
- ORS 419A.059: Designation of detention and shelter facilities
- ORS 419A.061: Inspections of detention facilities
- ORS 419A.063: Requirements for detention facilities

#### **There are specific procedures when youth are taken into custody for a criminal offense.**

Any youth under the age of 12 must have a judge's approval prior to being placed in detention. All youth must meet specific conditions to be placed in detention, these may include a warrant, crime involving infliction of physical injury, any felony crime, is currently on probation and has violated a condition of probation, has violated a condition of release pending a court hearing, or possessing a firearm under certain circumstances. Youth are limited to no more than 56 days in detention pre-adjudication, unless the adjudication is continued with the express consent of the youth. Youth have review court hearings every 10 days, excluding weekends and holiday to determine if continued detention is needed, unless waived by counsel. The court can order youth to serve up to 8 days of detention or, if the facility has been approved, to hold youth for a maximum of 30 days for violations of probation or if found under the jurisdiction of the court. Youth that are runaways from other states may be held in detention until arrangements are made to return the youth to that state.

- ORS 419C.103: Procedures when youth is not released when taken into custody
- ORS 419C.133: Detention of youth under 12 years of age
- ORS 419C.136: Temporary hold to develop release plan
- ORS 419C.145: Pre adjudication of detention
- ORS 419C.150: Time limits on detention, exceptions
- ORS 419C.156: Detention of runaway from another state

**There are statutory and other required inspections for detention facilities.**

Specific reviews are conducted annually or every other year to inquire if the facility is meeting statutory requirements in terms of conditions of detention and if other inspections have been completed, there is a separation of youth and adults, and the overall conditions and management of facility.

- ORS 169.040: Inspection of local correctional facilities, County Court or Board of Commissioners, local health officer
- ORS 169.070: Inspections to determine compliance, Department of Corrections
- ORS 132.440: Grand Jury annual inquiry of facilities
- JJDP Act: Juvenile Justice and Delinquency Prevention Act, Section 223(a) 12 requiring the separation of youth from adult inmates by sight and sound, Youth Development Council
- PREA: Prison Rape Elimination Act under Public Law 108-79 to eliminate and prevent sexual assaults and rape in juvenile detention facilities.

**There are specific standards and restrictions for detention facilities.**

Each facility must meet standards pertaining to, but not limited to provide: personal inspection, receipt and sending of mail, non-dispositional counseling, physical exercise, notifications of use of restraints, sufficient staffing levels, legal confinement authority, prescribed medication, rules on correspondence and visitation and to: not administer physical punishment, provide emergency medical and dental care, provide three nutritional meals per day, a clean facility, provide for free exercise of religion and access to legal materials. Also, facilities are Restricted of imposing discipline or punishment for infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding meals, inappropriate use of physical force, use restraining devices for a purpose other than to prevent physical injury or escape, isolation in excess of six hours, use of room lock except for the discipline and punishment for a violation of a rule of conduct or behavior and not in excess of 12 hours without a hearing.

- ORS 169.076: Standards for local correctional facilities
- ORS 169.080: Enforcement by Attorney General on failure to comply with standards
- ORS 169.090: Juvenile detention guidelines, Department of Corrections and Youth Development Council
- ORS 169.730: Standards for Juvenile Detention Facilities
- ORS 169.760: Juvenile detention facility written policy
- ORS 169.770: Release of juveniles when facility violates standards

**Statute allows extended detention and youth care centers designations within detention.**

Under the approval of the Youth Development Council, based on standards established, counties can hold certain youth in detention for a maximum of 30 days if criteria is met. ORS 419C.453

Under the approval of the Oregon Youth Authority, counties can operate a combine facility housing both detention youth and youth placed in a youth care center. ORS 420.855 and ORS 420.885

Both of these agencies review approved detention facilities to ensure that rehabilitation services are being provided to youth placed. ORS 420.870

**Positive Human Development, Collaborative Problem Solving, Social Skill Building, Trauma Informed Practices, Etc.**

Over the last 10 years there has been an increased focus in providing cultural and environmental changes within detention to address the wide range of special needs of youth, which has contributed to an increase in safety and positive change for youth.