



## MULTNOMAH COUNTY OREGON DETENTION REFORM INITIATIVE

### Juvenile Justice Council (JCC)

September 17, 2007 (Monday)

12:00 pm – 1:30 pm

Juvenile Justice Complex - large conference room

1401 NE 68th Avenue

Portland, Oregon 97213

### MEETING MINUTES

#### Council Members:

Kathy Brennan  
Mary Claire Buckley  
Loren Calkins  
Tom Cleary  
Tracey Cordes  
Tina Edge

William H. Feyerherm  
Lisa Fithian-Barrett  
Shelley Flynn  
Carolyn Graf  
Rob Halverson  
Debbie Hansen

Carol Herzog  
Linda Hughes  
Dave Knofer  
Dave Koch  
Paula Kurshner  
Steve Liday

Michael Loy  
Keith Meisenheimer  
Leo Muniz  
Lorenzo Poe  
Christine Pedersen  
Carla Piluso

Tom Ryan  
Wayne Scott  
Diana Stuart  
Susan Svetkey  
Scott Taylor  
Katherine Tennyson

Rod Underhill  
Heather Updike  
Nan Waller  
Michael Ware  
Carol Wessinger  
Sara Westbrook

Merri Wyatt

AGENDA TOPIC:	NOTES:	PLAN OF ACTION
Review and revise past minutes (if applicable) / approve today's agenda  Judge Waller	Judge Waller asks that all edits to the minutes and updates to the council distribution list be sent directly to Tina Edge who is the administrative support for this meeting.	The agenda was approved and each member of the group introduced themselves. If you have changes to past minutes, contact:  Tina Edge <b>JSD Treatment &amp; Specialized Services</b> Juvenile Service Division 1401 NE 68th Street Portland, OR 97213 (503) 988-3083 <a href="mailto:tina.a.edge@co.multnomah.or.us">tina.a.edge@co.multnomah.or.us</a>
Beyond Detention Reform & JDAI Update  Rick Jensen	Rick shared a list of DCJ workshop participants for the National JDAI Conference in Dallas, Texas on September 26 - 28, 2007 (see Exhibit J). He also distributed the Beyond Detention Reform Project (BDRP), 2007-08 Work Plan (see Exhibit K) - vision focuses on measurable outcomes and identifying strengths of probation programming. He requested the council to review the work plan and give feedback to him or Thach Nguyen in identifying any additional items. Beyond Detention Reform has a broader focus than	If you have feedback on the work plan or have questions, contact Rick or Thach at:  Rick Jensen <b>Juvenile Detention Alternatives Initiative</b> Juvenile Service Division 1401 NE 68th Street Portland, OR 97213

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	<p>researching data - it is targeting services needed. Thach is examing what probation is currently doing and questioning if it meets the needs - Charlene Rhyne is assisting with research data.</p> <p>Janus Youth took over as contractor for the Avenues for Youth reception center and combined it with two other programs which enables them to meet budget requirements allowing them to continue. They have been open a total of 8 weeks and had 300 intake screenings since July 2007.</p> <p>Rick will send "Connected by 25" and "Kids Count" information with the meeting minutes.</p>	<p>(503) 988-5698  <a href="mailto:rick.k.jensen@co.multnomah.or.us">rick.k.jensen@co.multnomah.or.us</a></p> <p>Thach Nguyen  <b>JSD Counseling &amp; Court Services</b>  Juvenile Service Division  1401 NE 68th Street  Portland, OR 97213  (503) 988-5635  <a href="mailto:thach.v.nguyen@co.multnomah.or.us">thach.v.nguyen@co.multnomah.or.us</a></p>
<p>Risk Assessment Instrument (RAI) Override Policy Update</p> <p>Rob Halverson</p>	<p>Rob was not present so David Koch gave an update. The new JJIS release in October will have the new RAI in it - so it is critical this policy needs to be in place (they are very close to being done). The council fully supports moving ahead with it. Rob will give an update at the next council meeting. Current members reviewing the policy are:</p> <ul style="list-style-type: none"> <li>• Tom Cleary, District Attorney's Office</li> <li>• Kate Desmond, Multnomah County DCJ</li> <li>• Shelley Flynn, Volunteers of America Community Detention</li> <li>• Rob Halverson, Multnomah County DCJ</li> <li>• Debbie Hansen, OYA</li> <li>• Linda Hughes, Referee</li> <li>• Julie McFarlane, Juvenile Rights Project</li> <li>• Adrian Navarro, Multnomah County DCJ</li> <li>• Louise Palmer, McKeown &amp; Brindle</li> <li>• Merri Souther-Wyatt, Judge</li> <li>• Heather Updike, Multnomah County DCJ</li> <li>• Rakeem Washington, Juvenile Rights Project</li> <li>• Sarah Westbrook, Portland Police</li> </ul>	<p>If you have questions on this topic, contact</p> <p>Rob Halverson, Supervisor  <b>BIST Team</b>  Juvenile Service Division  1401 NE 68th Street  Portland, OR 97213  (503) 988-4603  <a href="mailto:Robert.p.halverson@co.multnomah.or.us">Robert.p.halverson@co.multnomah.or.us</a></p>
<p>Preliminary Hearing Policy / Firearm Policy Update</p> <p>Heather Updike</p>	<p>The Firearm policy has been finalized (attached). The preliminary hearing policy is not an originating policy, it is a revision - the revisions outline clearer workflow processes and define expectations. Heather also included the policy's Exhibits – i.e. Safety Plans, Interpreter Access, etc. (attached). It was suggested to include judicial players in reviewing proposed revisions which would be this council. Warrant policy review will be coming up in the next few</p>	<p>This Preliminary Hearing will undergo one more committee review before being posted to the 21-day review process. The next meeting will be held at JDH in the large conference room on Thursday September 27<sup>th</sup> 9-10:30. JJC members are encouraged to review the draft and attend the last committee meeting.</p>

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	<p>weeks and they would like to have a judicial representative on the workgroup.</p>	<p>Attachments to the minutes include:</p> <ul style="list-style-type: none"> <li>• Warrant Policy – plus related forms as Exhibits</li> <li>• Youth Referred on a Firearm Charge Policy Plus related forms as Exhibits</li> <li>• Prep for Preliminary Hearing Policy – Plus related Exhibits</li> </ul> <p>If you have questions or concerns, please contact Heather at:</p> <p>Heather Updike, Juvenile Custody Specialist  <b>Department of Community Justice</b>  501 SE Hawthorne Blvd, Suite 250  Portland, OR 97214  (503) 988-5587  <a href="mailto:heather.k.updike@co.multnomah.or.us">heather.k.updike@co.multnomah.or.us</a></p>
<p>Model Court Subcommittee Update</p> <p>Julie McFarlane</p>	<p>Julie gave an update on the subcommittee which selected and prioritized six key principles of the National Council of Juvenile and Family Court Judges' KEY PRINCIPLES OF A JUVENILE DELINQUENCY COURT OF EXCELLENCE for the group to work on. They are:</p> <ol style="list-style-type: none"> <li>1. First Priority = Juvenile Delinquency Courts and Juvenile Abuse and Neglect Courts Should Have Integrated One Family-One Judge Case Assignments;</li> <li>2. Second Priority = Juvenile Delinquency Court Judges Should Ensure the Court Has an Information System that Can Generate the Data Necessary to Evaluate Performance;</li> <li>3. Third Priority = Juvenile Delinquency Court Judges Should Ensure Effective Post-Disposition Review is Provided to Each Delinquency Youth as Long as the Youth is Involved in any Component of the Juvenile Justice System;</li> <li>4. Fourth Priority = Juvenile Delinquency System Staff Should Engage Parents and Families at all Stages of the Juvenile Delinquency Court Process to Encourage Family Members to Participate Fully in the Development and Implementation of the Youth's Intervention Plan;</li> <li>5. Fifth Priority = Juvenile Delinquency Court Judges Should Ensure Crime Victims Have Access to All Phases of the Juvenile Delinquency Court Process and Receive All Services to Which They are Entitled by Law; and</li> <li>6. Sixth Priority = The Juvenile Delinquency Court Should Engage the School and Other Community Support Systems as Stakeholders in Each Individual Youth's Case.</li> </ol>	<p>If you have questions or suggestions for this subcommittee, contact:</p> <p>Julie H. McFarlane  Supervising Attorney  <b>Juvenile Rights Project, Inc.</b>  401 NE 19th Avenue, Suite 200  Portland, OR 97232  (503) 232-2540 ext. 227  <a href="mailto:Julie@jrplaw.org">Julie@jrplaw.org</a></p>

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	<p>Julie talked about needing to get more committee members, especially Juvenile Department folks, DHS folks and someone from OYA – DCE Committee members should recruit more members.</p> <p>She discussed the One Judge-One Family concept. There was consensus that this was an important principle. The Clerk's Office could start identifying when there is a current or former dependency judicial officer. Teleconferencing could be used instead of transporting downtown. The County now has teleconferencing capability, with a unit in every courtroom at Juvenile Court and a portable unit in room 302B downtown that can be moved around. They should include the Sheriff's Department in the discussion of transportation. They discussed needing a mechanism to determine whether a case is going to be contested. Pati Archuletta talked about her former job, where each adjudicator JCC was assigned to a Judge and that Judge did all the hearings and probation reviews on that JCC's cases. It was suggested that an available Referee could take the plea, schedule a dispositional hearing with the One Judge and make release or placement decision pending that dispositional hearing. Dedicated time on a Judge's docket could help accommodate these cases. If a courtroom was not available we could use video-conferencing in one of the detention visiting rooms. It was suggested that they should look at what other counties/states are doing to implement One Judge-One Family. Judge Waller volunteered to send out an e-mail to her colleague's on the NCJFCJ to get this information.</p> <p>They spent a small amount of time talking about minority over-representation in both the dependency and delinquency arenas, as well as in police contacts and school discipline. It was suggested that they could seeking funding – from Casey perhaps – to address these issues. They decided that regular meetings would be the last Monday of each Month 12:00noon - 1:30-pm in the large conference room at JSD (where this council currently meets).</p>	
<p>Role of the Delinquency Team in Relation to the Juvenile Justice Council</p> <p>David Koch / Tom Cleary</p>	<p>It was decided to make this team into an adhoc group to address specific issues that arise since many of the team members are also on this council. Detention Reform Team can send issues to Judge Waller and cc: David Koch.</p>	<p>If you have questions on this topic, contact:</p> <p>David Koch  <b>Juvenile Service Division</b>  1401 NE 68th Street  Portland, OR 97213  (503) 988-4171  <a href="mailto:david.m.koch@co.multnomah.or.us">david.m.koch@co.multnomah.or.us</a></p>

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<p>Failure to Supervise Hearings for Parents of Curfew Violators/Minor in Possession (MIP) Truancy Dockets</p> <p>Judge Wyatt &amp; Judge Waller</p>	<p>There have not been any recent citations of parents of curfew violators to Juvenile Court under the Failure to Supervise statute. Judge Waller wants to an ongoing discussion on the most effective way to address status offenders. Mark Fry has produced a memo on what the Juvenile Department can offer in terms of advice and referrals when parents call with concerns that their child is beyond their control (this information will be provided at the next meeting). It was suggested to have these posted on the county website as a resource for parents.</p>	<p>If you have questions on this topic, please contact:</p> <p>Judge Waller  <b>Family Court Judge</b>  1021 SW 4th Avenue  Portland, OR 97204-1123  Interoffice 101/362  (503) 988-3038  (503) 988-3425 fax  <a href="mailto:nan.waller@ojd.state.or.us">nan.waller@ojd.state.or.us</a></p> <p>or contact her assistant, Gloria Martin at:  <a href="mailto:'Gloria.J.MARTI@ojd.state.or.us'">'Gloria.J.MARTI@ojd.state.or.us'</a></p>
<p>Role of Probation Programming &amp; Judicial Use of Programming</p> <p>Judge Waller</p>	<p>Judge Waller proposed that over the next year there be a review the role of probation and programming to assure that probation is effective. This examination of probation practices and programming will be addressed both through the Beyond Detention effort and the Delinquency Guidelines committee.</p>	<p>If you have questions on this topic, please contact:</p> <p>Judge Waller  <b>Family Court Judge</b>  1021 SW 4th Avenue  Portland, OR 97204-1123  Interoffice 101/362  (503) 988-3038  (503) 988-3425 fax  <a href="mailto:nan.waller@ojd.state.or.us">nan.waller@ojd.state.or.us</a></p> <p>or contact her assistant, Gloria Martin at:  <a href="mailto:'Gloria.J.MARTI@ojd.state.or.us'">'Gloria.J.MARTI@ojd.state.or.us'</a></p>
<p>Dual Jurisdiction Youth</p> <p>Judge Waller</p>	<p>There has been an increasing national interest in dual jurisdiction youth. The Dependency Committee is also interested in looking at the most effective practices to deal with dual jurisdiction youth. There was discussion as to whether a joint subcommittee of the JJC and the Dependency committee be formed to look at the issue of how to assure that that the needs of dependent children with delinquency involvement are being fully addressed. There was also a discussion of the impact of over-representation in child welfare on over-representation in juvenile justice. It was agreed that we should invite representatives from the King County Casey Family initiative on over-representation.</p>	<p>If you have questions on this topic, please contact:</p> <p>Judge Waller  <b>Family Court Judge</b>  1021 SW 4th Avenue  Portland, OR 97204-1123  Interoffice 101/362  (503) 988-3038  (503) 988-3425 fax  <a href="mailto:nan.waller@ojd.state.or.us">nan.waller@ojd.state.or.us</a></p>

AGENDA TOPIC:	NOTES:	PLAN OF ACTION

Facilitator: Referee Linda Hughes/Dave Koch      Note taker: Tina Edge

*Next meeting ...*  
 October 15, 2007 (Monday)  
 12:00noon - 1:30pm  
**Juvenile Justice Complex**  
 Large conference room  
 1401 NE 68th Avenue    Portland, OR 97213

\*\* Meetings will take place 3rd Monday of every month 12:00noon - 1:30pm\*\*

# EXHIBIT A: WARRANT POLICY

JUVENILE SERVICES DIVISION: Counseling Services		
SUBJECT: Warrants		
APPROVAL:	EFFECTIVE DATE: <i>DRAFT</i>	REPLACES (policy # and date): Warrants; February 2003

I. **PURPOSE:**

To provide staff with expectations for requesting, processing, serving, and recalling "Failure to Appear", "Unable to Locate", "Probation Violation", "Violation of Conditional Release" and "Dependency" warrants.

To provide staff with expectations regarding the active monitoring of warrant status cases in order to maximize public safety and hold youth accountable by locating juvenile absconders and clearing warrants in the most expeditious manner.

II. **REVIEW HISTORY:**

Reviewed by Juvenile Counseling Services Managers April 2000; February 2003; May 2005.

III. **CONTACT:**

Counseling Manager

IV. **PERSONS AFFECTED:**

Juvenile Court Counselors, Juvenile Custody Services Specialists, Data Services staff, Unit Support staff.

V. **POLICY:**

It is the policy of the Department of Community Justice to request warrants in accordance with established criteria in order to maximize public safety, and preserve the integrity of the court system.

Department staff will make reasonable, affirmative efforts to locate, notify, and produce clients for court appearances and compliance with probation conditions in order to improve the functioning of the Juvenile Justice System while reducing the reliance on warrants.

Department staff will make on-going documented (in JJIS) efforts to locate and produce individuals for whom a warrant has been issued.

VI. **RATIONALE:**

The department recognizes the risk to the community and the potential liability associated with the failure to request a warrant for certain high risk youth who are out of compliance with probation conditions and can not be located for service of summons. The department also recognizes the potential liability in cases where a youth's location could have been determined but staff failed to make a reasonable, good faith effort to locate the youth prior to requesting a warrant. The department further recognizes that the prudent use of warrants is essential given the significant system wide financial costs attached to the issuance and service of warrants.

VII. **CROSS REFERENCES:**

Oregon Revised Statutes 419C.306; 419C.317; 419C.320; Oregon Administrative Rules (257-15-000 through 257-15-100) related to the Law Enforcement Data System; and National Crime Information Center (NCIC) protocols.

VIII. **DEFINITIONS:**

**Absconder:** someone who runs away to avoid arrest or prosecution.

**Affidavit for Warrant:** A sworn statement submitted to the court detailing the basis for the warrant request including a citation of documents and information that supports a "probable cause" finding as well as details regarding the department's efforts to locate the subject of the warrant.

**Call Docket:** The calendar of cases awaiting action in court.

**Community Detention:** A program designed to provide supervision and tracking for youths who are awaiting a hearing to assure that they appear at their hearing and do not re-offend.

**Dependency Warrant:** A court order directing that a child/youth be taken into protective custody when the child/youth's condition and circumstances reasonably appear to jeopardize the child/youth's welfare.

**Disposition:** The juvenile court decision or "sentence" following the adjudication of a petition.

**Extradite:** To give up or deliver someone in one jurisdiction to the legal authority of another jurisdiction.

**Failure to Appear (FTA) Warrant:** A court order directing law enforcement to take physical custody of a youth who fails to appear at a judicial proceeding for which summons was served.

**Felony:** The most serious category of crime punishable by a maximum term of imprisonment of more than one year.

**JCC:** Juvenile Court Counselor

**JCSS:** Juvenile Custody Services Specialist

**LEDS (Law Enforcement Data System):** The State Police information system that contains statewide warrant information and is linked to the National Criminal Justice Information System (NCIC).

**Misdemeanor:** A less serious category of crime punishable by a maximum term of imprisonment of not more than one year.

**No Means Less Restrictive:** The belief that a youth, if released from secure custody, would not appear for a scheduled court hearing or is likely to re-offend while awaiting a court hearing.

**Plea:** The answer of the accused to a delinquency charge.

**Preliminary Hearing:** A hearing held at juvenile court within 36 hours of a youth being taken into custody to determine “probable cause” and whether the youth requires detention or release with conditions.

**Probation Violation (PV) Warrant:** A court order directing law enforcement to take physical custody of a youth who is alleged to have violated conditions of formal probation and who cannot be located for service of summons.

**Restitution:** Full, partial, or nominal payment of damages or loss to a victim.

**Summons Service:** The formal, documented presentation of notice for a named individual to appear in court on a specified date and time.

**Summons:** A court sanctioned instrument requiring the individual(s) named on the summons to appear in court on a specified date and time. The summons is to be accompanied by a true copy of the petition upon which the court hearing is based.

**Unable to Locate (UTL) Warrant:** A court order directing law enforcement to take physical custody of a youth that is: **Not** on probation, has a pending law violation petition, and cannot be located for service of summons.

## IX. PROCEDURES:

### A. *WARRANTS - GENERAL*

1. **Summons:** If a youth required to appear before the court is to be subject to a “Fail to Appear” warrant, he/she must be served with summons.
2. **Hearing Notification:** Department staff will make an affirmative effort by way of telephone, the U.S. mail, home visits or combination of the above, to **notify or remind youth and parents of scheduled hearings** within 48 hours of the hearing. If the hearing is set from the “call docket,” then notification is to occur as soon as possible. NOTE: This is intended to supplement, not replace, the defense attorney’s responsibility to notify and advise youth of hearings set from the call docket.
3. **Transportation to Hearing:** Upon notifying/reminding youth and parents of hearings, Department staff will **inquire about transportation plans** and, when indicated or necessary, the Department will **facilitate, assist, or provide transportation** to the hearing. [NOTE: Youth and families will be expected to provide their own transportation. Facilitation/assistance may well be limited to a discussion of public transportation schedules, when a youth will need to leave home in order to be on time, an offer of bus tickets, etc. In selected cases, Department staff may choose to provide transportation in order to assure a court appearance.]
4. **Affidavit for Warrant:** When requesting a warrant, the JCC will prepare and submit to the State Clerk’s office an “Affidavit for Warrant,” a “Request for Warrant” information form, and a copy of the original petition.  
The Affidavit for Warrant must contain the following information:
  - a. The date of and the offense for which the youth is charged, or the underlying law violation if the request is for a probation violation warrant;
  - b. If the warrant request is based on a probation violation (PV), then state the date and exact nature of the violation, including facts and information that would cause a reasonable person to believe the youth committed the violation;
  - c. If the warrant request is based on a new law violation where “probable cause” was **not** established at a preliminary hearing, provide a concise summary statement of the facts and information that would cause a reasonable person to believe the youth committed the crime;



- d. If “probable cause” was established at a preliminary hearing, note that information in the affidavit and attach a copy of the preliminary hearing order;
  - e. Identify the source of all information and provide sufficient information to establish the reliability of the source;
  - f. Provide a clear and concise statement of the reasons why “no less restrictive means” than arrest will ensure the youth/child’s appearance;
  - g. If the request is for a warrant where summons cannot be served because the youth’s whereabouts is unknown, then provide information regarding the Department’s attempts to locate the youth.
5. **Warrant Information Form:**
- a. Complete the Warrant Request/Warrant Information sheet with the most accurate, current information available.
  - b. “NATIONAL OR IN-STATE ONLY” section:
    - **“YES” [WILL EXTRADITE]**: Check “yes” if the department intends to extradite the youth if he/she is arrested on our warrant in another state. This would apply to most felony cases and some misdemeanor cases if the youth is considered a risk to public safety.
    - **“NO” [WILL NOT EXTRADITE]**: Check “no” if the department does not intend to extradite the youth if he/she is arrested on our warrant in another state. This would apply to most misdemeanor cases and some property felony cases if the youth is not considered a public safety risk.
6. *Unable to Locate Warrants:*
- a. Prior to filing an “Affidavit for Warrant” based on the assigned JCC’s inability to serve summons for a hearing for a law violation petition, Department staff will make and document the following attempts to locate the youth: **[Note: If it becomes apparent that a youth left the state and/or there are no leads or information that would assist in locating the youth, then each step below need not be pursued.]**
    - Attempt telephone contact with the youth and/or parent/guardian. If there is no home telephone, attempt to contact the parent/guardian at their place of employment or attempt contact with a relative or other known individual who may have residence information.
    - Send an appointment letter by U.S. mail.
    - Attempt civil service of summons.
    - Contact Oregon Youth Authority (OYA), Department of Human Services (DHS) or other agency familiar with the youth / family.
    - Contact the last known school in which the youth was enrolled and/or contact school police for a current address.
    - Contact the defense attorney or assigned trial assistant and provide them with an opportunity to contact and produce the youth within a specified timeframe.
    - Conduct a home visit to the last known address. If it is apparent that the youth and parent/guardian have moved, staff may attempt contact with a neighbor or the landlord in order to obtain a forwarding address.
    - Request the assistance of unit support staff to check Department of Motor Vehicles (DMV), Oregon Judicial Information Network (OJIN), Department of Corrections (DOC), and Portland Police Data System (PPDS) databases for current parent/guardian or youth address.
    - Each effort to locate the youth must be documented with a chronological notation in JJIS.
  - b. When it is apparent that the above efforts to locate the youth have failed, the JCC will evaluate the case and apply the following criteria to determine whether a warrant will be requested:
    - When the pending, filed petition alleges a felony, a warrant shall be requested.
    - If the pending, filed petition alleges a Class A person misdemeanor, or a misdemeanor firearm charge, a warrant shall be requested.
    - If the pending, filed petition alleges a property misdemeanor with a loss of \$500.00 or more a warrant shall be requested.

- If the pending, filed petition does not meet the above criteria, the JCC will consult his/her supervisor to determine whether a warrant will be requested. Consideration will be given to the perceived risk to public safety, prior referral history, whether there is un-recovered loss to a victim, etc. If it is determined that a warrant is not required and the petition was filed at the discretion of the Department, a motion to dismiss the petition without prejudice will be filed. Once the petition is dismissed, the case may be closed with the understanding that the youth will be held accountable if he/she again comes to the attention of the department.

**7. Violation of Conditional Release Warrants:** Youth with a

pending law violation petition who repeatedly violate release conditions ordered at a preliminary hearing may, with Placement Coordinator approval, be served with summons for a preliminary hearing to review conditions of release.

Youth who run from a placement or home after having been specifically ordered at a preliminary hearing to not run from home, or to cooperate with a DHS / OYA / or other placement may be subject to a warrant if their whereabouts is not known and summons can not be served for a review of release conditions. Prior to requesting a warrant, the JCC will attempt to locate the youth per Section A-6,a above. If a warrant is indicated, the JCC will:

- a. File an affidavit for warrant in accordance with Section A--4 above, to include: a statement regarding the pending petition, the date the youth appeared at a preliminary hearing, a statement indicating that "probable cause" was established at the preliminary hearing, the release conditions ordered by the court, information regarding the youth's runaway from placement or home, the source of this information, and details of the JCC's attempt to locate the youth.
- b. Submit the "affidavit for warrant" along with a copy of the petition, the preliminary hearing order, and the "Warrant Request / Warrant Information" form to the State Clerk's office.

**8. Failure to Appear Warrants:**

- a. Failure to Appear warrants may be requested when a youth, properly served with summons, fails to appear for any of the following hearing types:
  - Contested Law Violation, Plea, Disposition, Preliminary, Probation Violation, Review, or Community Detention Review. As indicated above (See Warrants-General, Section A2 and A3), the Department will make an affirmative effort to notify or remind youth and parents of scheduled hearings within 48 hours of the hearing and Department staff will inquire about transportation plans.
  - If the hearing is not contested with witnesses summoned, and if there is reason to believe that the youth did not intentionally fail to appear, the JCC should request a delay in the issuing of a warrant. This will allow the JCC time to produce the youth (at a time determined by the court), for purposes of rescheduling the hearing.
  - When requesting a "Fail to Appear" warrant, the JCC will prepare a "Failure to Appear Request and Order for Warrant" form and submit it to the judge / referee for signature. Follow the procedures indicated above (Section A. Warrants-General, 6a and 6b), attach a copy of the petition and an "affidavit for warrant" and submit all to the State Clerk's office for processing.

**9. Probation Violation Warrants:**

- a. Subsequent to the filing of a Probation Violation petition, a Probation Violation warrant shall be requested when the following conditions exist:
  - There are facts and information that would cause a reasonable person to believe that the youth has violated probation conditions by committing a felony person law violation or a firearm related law violation and the youth cannot be located for service of summons.
  - The youth is classified "high" risk, has violated probation condition(s), and cannot be located for service of summons.
  - The underlying charge is a person felony or is firearm related, the youth has violated probation conditions, and cannot be located for service of summons.
  - The youth has violated probation condition(s), there is credible information indicating that the youth poses a significant risk to public safety and cannot be located for service of summons.
  - The youth has unmet court-ordered restitution obligations of \$500.00 or more and cannot be located for service of summons.
- b. In all other case situations, subsequent to the filing of a Probation Violation petition, a Probation Violation Warrant may be requested when the youth has runaway or absconded from probation and cannot be located to serve summons.

The JCC will consider the following factors and may consult with his / her supervisor to determine whether a warrant will be requested:

- The "risk" classification of the youth

- The time elapsed since the last known law violation
- The youth's general level of compliance with probation conditions
- Whether the youth is believed to be a significant danger to himself / herself
- Whether the youth has met or continues to be in need of court ordered treatment / counseling that is intended to address his/her offending behavior
- Whether there are outstanding court ordered accountability obligations (restitution, community service, unitary assessments, detention time, etc.)

c. Prior to requesting a Probation Violation warrant, the Department will make every reasonable effort to locate the youth **[See A-7-a]**

#### **B. DEPENDENCY WARRANTS**

The Department of Human Services (DHS) court liaison initiates requests for dependency warrants for children within DHS custody who are missing or endangered. Department Intake staff serve as backup to the DHS court liaison in facilitating this process.

#### **C. MONITORING DELINQUENCY WARRANT CASES**

Delinquency cases for which a warrant has been issued will be monitored according to the following standards:

1. Warrant status cases will **remain open** with the assigned JCC, and the Department will make ongoing, regular, documented (chronological note in JJIS) efforts to locate youth for whom a warrant has been issued.
2. During the initial 90 days, the assigned JCC or designee will, on a monthly basis, actively attempt to locate the youth. Department staff will attempt contact with parents, relatives, and schools. Staff will conduct home visits to the last known address, and will request the assistance of unit support staff to check DMV, OJIN, DOC, JJIS and PPDS databases for parent/guardian, youth addresses, etc.
3. These efforts will continue on a monthly basis for "high" risk youth; and, at a minimum of every 60 days for "medium" and "low" risk youth.
4. Each month, the Department will prepare and distribute to JCCs, for review and comment, a list of outstanding warrants. JCCs will indicate whether the warrant should be continued or recalled. If the warrant is to be recalled, the JCC will follow the "warrant recall" procedures in Section IX - E.
5. Periodically, a representative from Counseling and Court Services, Data Services, and the District Attorney's office will meet to review the list of outstanding warrants to determine whether warrants in the system for over one year should be recalled. If there is consensus that a warrant should be recalled, the assigned JCC will be asked to process a recall request or indicate why, in their opinion, the warrant should be continued.

#### **D. SERVING / CLEARING WARRANTS**

1. JCCs and other Department staff are not authorized by the Department to arrest or take warrant status youth into physical custody.
2. When Department staff become aware of the location/whereabouts of a warrant status youth classified "high" risk or otherwise believed to pose a significant risk to public safety, Department staff shall **immediately** call law enforcement, report the youth's location and request apprehension. When calling law enforcement to report the location of a warrant status youth and to request that a warrant be served, call the **police non-emergency number (823-3333)**. If, however, there is credible information suggesting that the youth presents an imminent risk to self or others, then call 911.
3. In all other cases where the location of a warrant status youth is known, Department staff must either call law enforcement or instruct the youth to immediately turn him/her self into Juvenile Detention (JDH) for an intake screening and a hold/release decision. If the youth fails to take reasonable, immediate steps to turn himself/herself in and the youth's location is known, Department staff will call law enforcement to request that the warrant be served.
4. In those instances where a warrant status youth indicates a desire to turn himself/herself into JDH, Department staff are permitted to transport the youth (in a county vehicle) to JDH providing there is no reason to believe that the youth will act impulsively. Before transporting the youth, Department staff must advise the youth that he/she is not in custody. If the youth should change his/her mind and decide to walk away, Department staff are not authorized by the Department to physically take the youth into custody. However, law enforcement must then be contacted if the youth's location is known.

#### **E. WARRANT RECALL**

1. Factors to be considered prior to requesting warrant recall are as follows:
  - Whether the pending or underlying charge is a felony or misdemeanor.
  - Whether the pending or underlying charge is a person or firearm law violation.

- If based on a pending petition, whether the victim and/or witnesses are still available to testify at a contested hearing.
  - The “risk” classification of the youth.
  - Whether the youth is believed to pose a significant public safety risk.
  - Whether the youth has met or continues to be in need of court ordered treatment/counseling that is intended to address his/her offending behavior.
  - The age or adult status of a youth.
  - Whether or not the youth is still subject to commitment to a Youth Correctional Facility (over age 19).
  - Whether the youth is also under the jurisdiction of the adult justice system.
  - Whether there is unpaid court ordered restitution.
  - The length of time that the warrant has been in the system.
  - If there is credible information indicating the youth resides out of state and, if so, whether we intend to extradite if the youth is arrested on our warrant.
2. When it is determined by the Department that a warrant should be recalled, the assigned JCC will prepare a “Request for Warrant Recall” form. The form must contain a statement detailing the reason for the request and summary of the Department’s efforts to locate the youth.
  3. If the recall request is for a warrant involving a felony, a firearm charge, or a person Class A misdemeanor, the JCC will forward the form / request to the District Attorney’s office for review and comment. The District Attorney’s Office will indicate whether they object or agree to the request for recall and return the form to the JCC. The JCC will then forward the form to Data Services for further processing and submission to the Clerk’s office.
  4. Warrants that are not based on a felony, a person Class A misdemeanor, or a firearm charge are to be forwarded directly to Data Services for processing and submission to the Clerk’s office. Note: The JCC will check the box indicating that DDA review is not necessary.

**Note:** Upon receiving a “Request for Warrant Recall”, Data Services will remove the warrant from LEDS. In the event the Judge declines to authorize the recall of the warrant, Data Services will re-enter the warrant into LEDS.

X.

**EXHIBITS:**

**EXHIBIT A-** Request for Warrant / Warrant Information form (electronic copy available)

**EXHIBIT B-** Affidavit for Warrant form (electronic copy available)

**EXHIBIT C-** Failure to Appear Request and Order for Warrant form (State form, electronic copy not available)

## REQUEST FOR WARRANT WARRANT INFORMATION

Petition No(s) \_\_\_\_\_ Court File No. \_\_\_\_\_  
 \_\_\_\_\_ JJIS No. \_\_\_\_\_

Youth’s name: \_\_\_\_\_ Soc. Sec # \_\_\_\_\_  
 Alias \_\_\_\_\_

Residence \_\_\_\_\_

Probable Location \_\_\_\_\_

Cautions/Remarks \_\_\_\_\_

### DESCRIPTION

Sex _____	Race _____
DOB: _____	Weight _____
Height _____	Eyes _____
Hair _____	Tattoos _____
Marks, Scars or Noticeable Features _____	

REQUEST

**NATIONAL OR IN STATE ONLY:** ☐ **YES** [WILL EXTRADITE] ☐ **NO** [WILL NOT EXTRADITE]  
(Applies to most Felonies) (Applies to most Misdemeanors)  
\*\*\* (See warrant policy or consult supervisor for choice) \*\*\*\*

Type of Warrant: ☐ PV ☐ **Felony** ☐ **Misdemeanor**  
Current Allegation(s): ☐ UNABLE TO LOCATE ☐ CONTEMPT OF COURT  
☐ FELONY \_\_\_\_\_

☐ MISDEMEANOR \_\_\_\_\_

Allegation(s) Placed on Probation for: \_\_\_\_\_

☐ **Dependency Custody Warrant**

Reason for Warrant: ☐ Endangered Child ☐ Missing Child

Mother's Soc Sec. # \_\_\_\_\_ Father's Soc Sec # \_\_\_\_\_

**Person having physical custody and possible location(s) of said person(s):** \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Juvenile Court Counselor*

Request for Warrant /revised 2/11/05

**FAILURE TO APPEAR  
REQUEST FOR WARRANT**

**WARRANT INFORMATION**

Petition No.(s) \_\_\_\_\_ Court Legal File No. \_\_\_\_\_  
JJIS No. \_\_\_\_\_

Youth's name: \_\_\_\_\_ Soc. Sec # \_\_\_\_\_  
Alias \_\_\_\_\_

Residence \_\_\_\_\_

Probable Location \_\_\_\_\_

Cautions/Remarks \_\_\_\_\_

DESCRIPTION

Sex _____	Race _____
DOB _____	Weight _____
Height _____	Eyes _____
Hair _____	Tattoos _____

Marks, Scars or Noticeable  
Features \_\_\_\_\_

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## REQUEST

NATIONAL OR IN STATE ONLY: ☐ YES [WILL EXTRADITE] ☐ NO [WILL NOT EXTRADITE]

(Applies to most Felonies) (Applies to most Misdemeanors)  
\*\*\* (See warrant policy or consult supervisor for choice)\*\*\*

☐ **Delinquency Custody Warrant**

☐ **Felony** ☐ **Misdemeanor**

Current  
Allegation(s) \_\_\_\_\_

### PROBATION:

Youth was placed on Probation for: \_\_\_\_\_

Youth Failed to appear for \_\_\_\_\_ On: \_\_\_\_\_  
TYPE OF COURT HEARING DATE OF FTA

\_\_\_\_\_  
Date

\_\_\_\_\_  
Juvenile Court Counselor

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## ORDER

A BENCH WARRANT SHALL ISSUE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Juvenile Court Judge / Referee

Failure to Appear Request & Order for Warrant/Revised 11/15/2004

# EXHIBIT B: YOUTH REFERRED ON FIREARM CHARGE

DIVISION: Juvenile Services		
SUBJECT: Youth Referred to Custody on Firearm Charge		
APPROVAL:	EFFECTIVE DATE:	REPLACES (policy # and date): Youth Referred to Custody on Firearm Charge; January 2, 2007

**XI. PURPOSE:**

To provide a consistent practice of assessing youth who are brought to detention on firearm related charges.

**XII. REVIEW HISTORY:**

Reviewed by Juvenile Counseling Services, Treatment Services and Custody Services Management 12-4-06 and 5-12-07.

**XIII. CONTACT:**

Custody Services Manager

**XIV. PERSONS AFFECTED:**

Community Justice Managers; Mental Health Consultants; Juvenile Court Counselors; Juvenile Custody Services Specialists; Placement Coordinator.

**XV. POLICY:**

It is the policy of the Department of Community Justice to hold all youth brought to detention with a referral for: 1) unlawful possession or use of a firearm, or 2) unlawful possession of a destructive device. A preliminary hearing will determine future judicial proceedings.

**XVI. RATIONALE:**

Gun assessment instruments provide predictive validity for recidivism. In accordance to ORS 419C.109(3), youth who are brought to detention with allegations of possessing a firearm or destructive device in violation of ORS 166.250, 166.370, or 166.382 may receive a mental health assessment.

**XVII. CROSS REFERENCES:**

ORS 419C.109(3); 166.210; 166.250, 166.370; 166.382; Juvenile Treatment Services - File and Record-Keeping Guidelines; Global Appraisal of Individual Needs (GAIN), Version 5.3.

**XVIII. DEFINITIONS:**

**Assessment and Treatment for Youth and Families (ATYF):** An outpatient mental health and alcohol and drug service, run by Juvenile Treatment and Specialized Services. This resource is available to meet the unique needs of youth and families involved in the criminal justice system, or at imminent risk of deeper involvement in the system, or at imminent risk of institutionalization.

**Criminal Violence Index (CVI):** A list of 19 violence-related behaviors that have been shown to predict recidivism in youth who have engaged in such behaviors in the past year. The CVI is scored as Low (0 behaviors in the past year), Moderate (1-3 behaviors in the past year) or High (4-19 behaviors in the past year) severity.

**Destructive device:** Any of the following devices with an explosive, incendiary or poison gas component: (A) Bomb; (B) Grenade; (C) Rocket having a propellant charge of more than four ounces; (D) Missile having an explosive or incendiary charge of more than one-quarter ounce; or (E) Mine; or any combination of parts either designed or intended for use in converting any device into any destructive device.

**Firearm:** A weapon designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.

**GAIN (Global Assessment of Individual Needs):** a comprehensive bio-psycho-social clinical assessment that provides diagnostic information and treatment placement recommendations according to objective criteria.

**GAIN-Q (Global Assessment of Individual Needs – Quick): A subset of items from the GAIN’s core pathological, outcome and service utilization scales designed to make the referral process more efficient. Responses to the GAIN-Q can be used to support brief interventions.**

**GCTI (General Crime Tactic Index):** A list of 18 crime-related behaviors that have been shown to predict recidivism in youth who have engaged in such behaviors during the past year. The GCTI is scored as Low (0 behaviors in the past year), Moderate (1-3 behaviors in the past year), or High (4-18 behaviors in the past year) severity.

**Gun Assessment:** The Gun Assessment is composed of the GAIN-Quick, the GCTI, and the CVI (see definitions). It is used as one source of information to determine a youth’s risk to recidivate. It does not provide a comprehensive mental health assessment, a diagnosis or any treatment recommendations.

**JCP (Juvenile Crime Prevention – Risk Assessment):** The JCP Risk Assessment was developed by the Oregon Juvenile Department Directors’ Association (OJDDA) for use by Oregon County Juvenile Departments to identify risk and protective factors that put youth at risk of delinquency, and to use this information to guide and update decisions regarding level and type of intervention and/or supervision.

**Mental Health Consultant (MHC):** provides consultation, assessment, and treatment for children, adolescents, adults and families who exhibit severe emotional disturbances, substance abuse and/or criminal behavior; perform varied mental health tasks, primarily in educational, child welfare, corrections, health care, family, and community systems.

**RAI (Risk Assessment Instrument):** The objective assessment instrument implemented during the Custody Intake process and used to determine the level of risk of pre-adjudicated youth.

**XIX. PROCEDURES:**

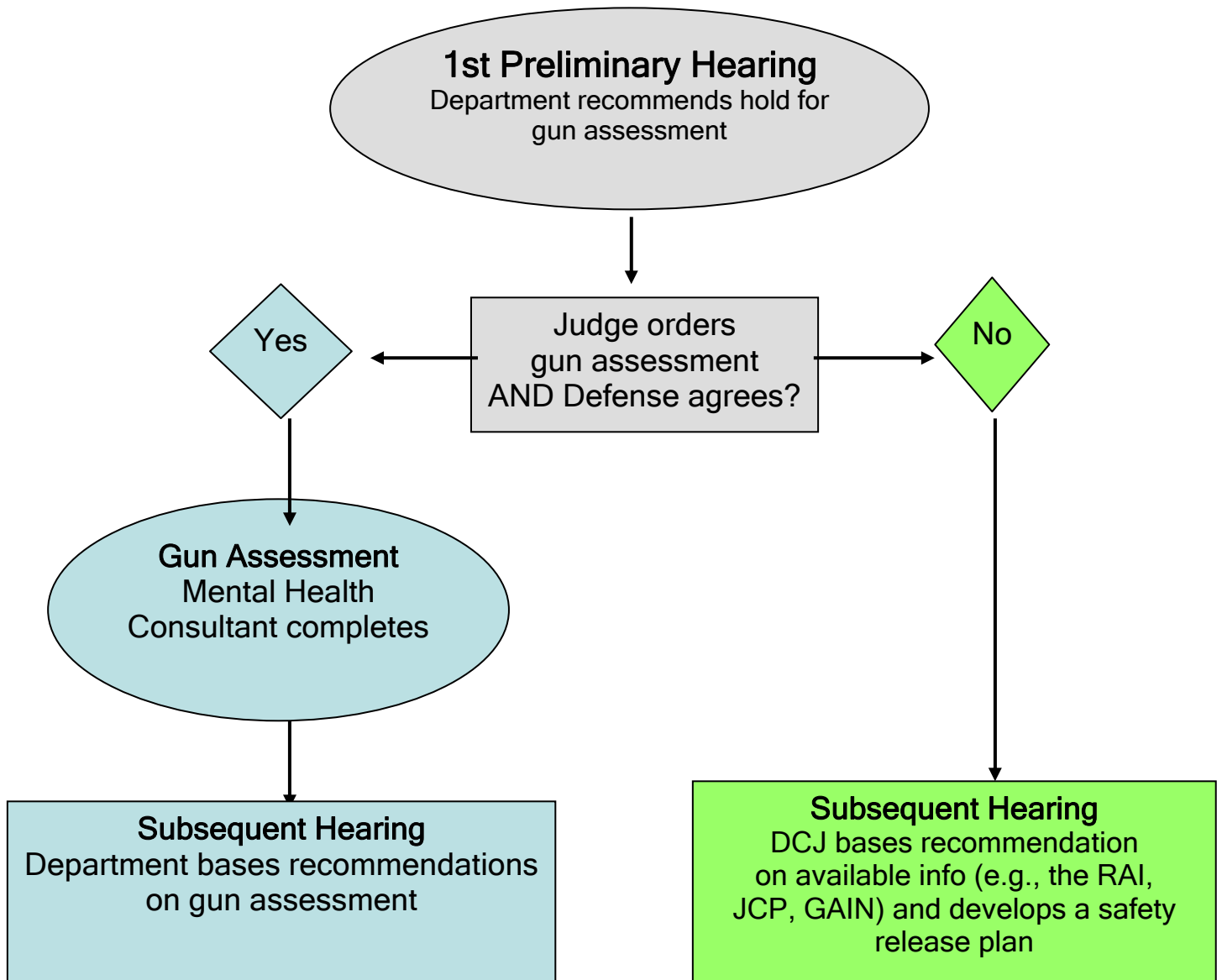
- A. At the youth’s initial preliminary hearing, the department recommends holding the youth in order to obtain a gun assessment. A Juvenile Court Counselor (JCC) completes an electronic Gun Assessment Referral, (within 24 hours) either when one has been court ordered, or when an attorney has provided written approval for a gun assessment to be administered with his/her client.
- B. The Gun Assessment Referral is electronically submitted to the ATYF supervisor who assigns a MHC to the case; a copy of the police report is provided to ATYF supervisor.
- C. If the defense attorney requests to be present during the assessment, the MHC will notify the attorney of two assessment schedule options.
- D. MHC meets with the youth and administers the gun assessment.
- E. MHC obtains collateral information from the JCC, the youth’s primary caregiver(s), and the police report.
- F. Administering a gun assessment, including gathering and inputting data from collateral sources, takes approximately 72 hours.
- G. If a youth chooses not to answer questions (either by choice or advice of counsel, or if no reliable historian exists in the situation in question, or if data is inconsistent and unreliable), validity of the assessment may be compromised and risk level may not be determined. The validity of the data is reported in a written summary of the assessment.
- H. MHC gives the JCC and the Placement Coordinator a written summary that identifies a risk level that indicates the probability of future offenses.
- I. A copy of the Gun Assessment summary is maintained in the youth’s social file and in a chart maintained by Juvenile Treatment and Specialized Services.
- J. At subsequent hearings (2nd Prelim, Review, etc.), the department’s recommendation to hold or release a youth is based on the gun assessment information and other factors - including the availability of a responsible adult to assist in supervision.
- K. If an attorney does not grant permission to administer a gun assessment and the court does not order a gun assessment, the department will recommend holding the youth and setting a 2<sup>nd</sup> preliminary hearing within 72 hours, so that other assessment information (RAI, JCP, etc.) can be reviewed for the development of the most appropriate safety plan. **Please refer to Exhibit A – Firearm Flowchart.**

**XX. EXHIBITS:**

Exhibit A – Gun Assessment Procedure / Flow Chart  
Exhibit B – Gun Assessment Referral



# EXHIBIT C: GUN ASSESSMENT PROCEDURE



# EXHIBIT D: PREPARATION FOR PRELIMINARY HEARING

DIVISION: Juvenile Services		
SUBJECT: Preparation for Preliminary Hearings		
APPROVAL:	EFFECTIVE DATE: <i>DRAFT</i>	REPLACES (policy # and date):

XXI. **PURPOSE:**  
To establish expectations for staff involved with organizing the Juvenile Department's representation during Preliminary Hearings. This representation supports the utilization of alternatives to detention while providing Judicial Officers with all available information to make an informed decision.

XXII. **REVIEW HISTORY:**  
Reviewed by Custody Services and Counseling Services Management 6/01, 6/04 and 3/07.

XXIII. **CONTACT:**  
Community Justice Intake Manager

XXIV. **PERSONS AFFECTED:**  
Juvenile Court Counselors; Placement Coordinator; Preliminary Hearing's Processor; Juvenile Custody Services Specialists; Community Justice Managers; District Attorney; contracted partners.

XXV. **POLICY:**  
It is the policy of the Department of Community Justice to have a primary spokesperson present the best pre-trial recommendation of each youth at Preliminary Hearings.

XXVI. **RATIONALE:**  
Designating a Placement Coordinator and conducting Pretrial Placement Planning Meetings generates an efficient and consistent Preliminary Hearing process. The collaborative process also fosters information sharing among stakeholders.

XXVII. **CROSS REFERENCES:**  
Risk Assessment Intervention (RAI); RAI Override Policy; Intake Manual; Oregon Revised Statutes 419C.145, 419C.150, 419C.153, 419C.156 and 135.805-865.

XXVIII. **DEFINITIONS:**  
**Bring-ins:** Youth who are summonsed to a preliminary hearing, but are not held in detention.

**Community Detention:** A program that monitors youth who are awaiting a court hearing.

**Discovery:** The compulsory disclosure of pertinent facts or documents in a legal action.

**Informal Staffing:** Also known as the CDM Decision Team Meeting that meets once a week to discuss all youth (pre and post) currently enrolled on CDM. The CDM manager and Placement Coordinator decide which youth need to be reviewed in either a CD review or an Informal Review.

**Informal Review:** The informal gathering of a youth, his/her JCC, a Community Justice Manager and the Placement Coordinator (along with any family members, case managers or community partners - as needed), to discuss a youth's non compliance with program parameters.

**Juvenile Justice Information System (JJIS):** An information system used by all 36 Oregon counties and the Oregon Youth Authority that allows for the tracking of juvenile offenders as they pass through the various decision points of the Juvenile Justice System. This information system also enables state caseworkers to co-manage their clients' files on a computer. JJIS provides up-to-date reporting capabilities which enable Juvenile Court Counselors, detention personnel and management to monitor and relay pertinent information to one another.

**Placement Coordinator / Expeditor:** The Department representative who coordinates the planning and placements for pretrial youth and presents the Departments' recommendations during preliminary hearings. Additionally, the role of the Expeditor is to manage the capacity of secure detention and detention alternatives.

**Preliminary Hearing:** A hearing held for youth who have been admitted into custody or have been summonsed to court. The hearing could be a result of a filed petition(s) on law or probation violation(s), a review of release, or a warrant. The hearing's primary function is to determine whether youth are held in secure custody, in shelter/foster care, or released with/without conditions pending a future hearing.

**Preliminary Hearing Processor:** The Department's support staff who prepares the preliminary hearing docket and all paperwork affiliated with preliminary hearings.

**Pretrial Placement Planning Meeting:** A collaboration and sharing of information between the Placement Coordinator, Community Detention staff and other stakeholders to make the best possible pre-trial planning and placement recommendations for youth on the preliminary hearing docket.

**Risk Assessment Instrument (RAI):** An instrument designed to assess a youth's risk of failing to appear for their court hearing and/or of re-offending pending their hearing.

XXIX.

**PROCEDURES:**

**A. The role of the Placement Coordinator / Expeditor**

1. The Placement Coordinator (or designee) performs the following daily tasks relating to Preliminary Hearings:
  - a. Review of Override requests
    - In case of a discrepancy in an Override recommendation between the Placement Coordinator and Juvenile Court Counselor (JCC), the Pretrial Placement Planning Resolution Process document is to be followed (see Exhibit A).
  - b. Keep up-to-date information on the availability of pre-trial release resources, including electronic monitoring, community detention, shelter care, as well as resource availability through other agencies.
  - c. Share resource availability information with relevant JCCs each morning before Preliminary Hearings.
  - d. Review Preliminary Hearing list and discovery content to assure statutory and policy compliance.
  - e. Identify in-custody youth with placement problems.
  - f. Review JCC recommendation sheet and collaborate with a JCC to decide placement decision.
  - g. Review Community Detention history (when applicable).
  - h. Review and adjust the RAI if needed.
  - i. Facilitate the 11:30 AM Pretrial Placement Planning Meeting each judicial day and provide Preliminary Hearing Recommendation packets to all attendees.
  - j. Present Department recommendations at the 11:30 meeting and at the Preliminary Hearing, based upon the RAI, Department policies and all available information from stakeholders.
  - k. With the exception of judicial orders, collaborate with Community Detention staff and a JCC to determine whether a Community Detention pretrial youth needs a formal judicial review.
  - l. Attend Community Detention Informal Reviews and Staffing meetings.
  - m. Facilitate Juvenile Department follow-up on judicial orders from Preliminary Hearings.

**B. The role of Juvenile Court Counselors**

1. The assigned Juvenile Court Counselor or designee completes a placement investigation and submit case files as soon as possible, no later than 11:00 the morning of the Preliminary Hearing, including:
  - a. Read intake and police reports.
  - b. Review and confirm RAI score. If an override is requested it must first be staffed with the Placement Coordinator.
  - c. Contact parents/guardians.
  - d. Contact collateral individuals as necessary.
  - e. Contact youth in-custody or attempt contact with out-of-custody youth.
  - f. Determine hold/release recommendation by collaborating with stakeholders. Involve youth's attorney, Placement Coordinator, Department of Human Services (DHS), Oregon Youth Authority (OYA), and contract staff if appropriate.
  - g. Contact Private Attorney firm if they last represented the youth.

h. Contact the State Office to request an interpreter for the parents and/or youth. Provide the language and dialect the family speaks. (See Exhibit C - Interpreter Services)

i. Prepare cases for review (10, 28, 56-day review):

- 10-day in-custody reviews (on preliminary docket) - made available to the Placement Coordinator at the earliest possible time, no later than 11:00 the day of the hearing.
- 28 and 56-day in-custody reviews (not on preliminary docket). \*The assigned Juvenile Court Counselor attends these hearings.
- Contact attorney to confirm whether or not the 10-day review has been waived.
- Contact parents/guardians as necessary.

2. Juvenile Counselors prepare the case for Preliminary Hearings and provide all necessary materials to the Placement Coordinator at the earliest possible time, but not later than 11:00 the day of the hearing. Preparation includes:

a. Draft out-of-custody misdemeanor charges.

- One copy of the police report will be provided to the Preliminary Hearing Processor.

b. Consult with Placement Coordinator regarding placement options other than detention.

c. Complete Counselor Recommendation Form, including recommended conditions of release if appropriate.

d. If new information about a client becomes available at the last minute, every effort is made to provide this information to the Placement Coordinator prior to the Preliminary Hearing.

e. When complicated circumstances arise, the Placement Coordinator will invite JCCs to attend a Preliminary Hearing.

f. The addition of "bring-ins" on the Preliminary Hearing docket (other than those summonsed to Preliminary Hearings by Custody Services Intake) must be staffed/approved with the appropriate Counseling Unit's CJM prior to the screening and approval Placement Coordinator.

g. Under circumstances a youth is identified as an appropriate candidate for alternative detention programming, the necessary referral process must be followed.

**C. The role of the Preliminary Hearing's Processor**

1. Create *discovery* packets and distribute to: Attorney, Judge/Referee, and JCC.

2. E-mail and fax first draft of docket to appropriate partners.

3. Contact JCCs on open cases and notify supervisors on unassigned cases (for JCC assignment purposes).

4. Get social file of Measure 11 youth to clerks by mid-morning.

5. Add dependency cases to docket and e-mail final docket to all personnel.

6. Distribute hard copies of the docket to appropriate personnel.

7. Contact JCC regarding misdemeanor petitions filed by the DA's office to determine whether the JCC wishes to move forward and file.

8. Collect felony petitions from DAs office.

9. Organize returned files from JCCs.

10. Review JCC recommendation sheet and complete necessary orders prior to preliminary hearing (for judge's signature).

11. Make packets for distribution in court:

- Original and copies of petitions
- Community Detention Order, Shelter Order - as needed, based on the recommendation

12. After each court case is heard, record the disposition (hold, release, warrant, set over, etc.), serve summons and pass out orders and petitions to all parties in court (the sheriff receives a copy of the order for any youth in custody).

13. Copies of all preliminary hearing orders are all passed from the clerk to the Prelim Hearings Processor. The Preliminary Hearings Processor then distributes copies to Data Services personnel.
14. Copies of petitions and rejection memos are delivered to Data Services personnel.
15. Make copies of all preliminary hearing orders for any youth ordered to CD/EM or House Arrest and distribute these to the Community Detention Supervisor.
16. Send an e-mail alerting an assigned JCC and his/her respective team of aa hearing set within the next 48 hours.
17. Distribute social file to JCC's office or mail box.
18. Every Thursday, compile 10-day Review list and send out to all appropriate JCCs and his/her respective team, the DA's Office and the Preliminary Hearings work group.
17. send out to all appropriate JCCs and the DA's office.

**D. The Role of Community Detention Monitoring (CDM) Staff**

1. CDM staff provide written reports (sent via e-mail by 10 AM) to the Placement Coordinator and any JCC who has a youth on the Preliminary Hearing's docket.
  - Within the e-mail sent to JCCs is an updated overview of CDM / Electronic Monitoring unit availability.
2. CDM staff are available each court day to staff referrals with JCCs and the Placement Coordinator
3. A CDM representative attends all 11:30 AM Placement Planning Meetings and are provided with a Preliminary Hearing Recommendation Packet.
4. If information from the Placement Planning Meeting indicates a youth may possibly be placed on Community Detention / Electronic Monitoring, a CDM representative attends the Preliminary Hearing.

**E. "Bring-ins"**

1. The Preliminary Hearing docket will not be available for probation violation matters that can be handled ex-parte or through the State docket desk, including, but not limited to the following:
  - Attorney appointments
  - Setting probation violation or review hearings
  - Contested temporary commitment request
  - Non-emergency temporary commitment requests
2. Appropriate reasons for Preliminary Hearing "bring-ins" for youth with probation violation or law violation petitions filed:
  - To access emergency/same day temporary custody to Oregon Youth Authority (OYA) or Department Of Human Services (DHS) for placement.
  - Youth qualifies to access detention alternative services.
  - Placement Coordinator approval of youth who is in violation of conditions of release.

XXX.

**EXHIBITS:**

Exhibit A - Preliminary Hearing Recommendation Form  
 Exhibit B - Preadjudication Safety Plan - Fire and Explosives  
 Exhibit C - Preadjudication Safety Plan - SOTT  
 Exhibit D - Community Detention/Electronic Monitoring Recommendation  
 Exhibit E - Community Detention Monitoring Informal Review of Compliance  
 Exhibit F - Interpreter Services  
 Exhibit G - Pretrial Planning Resolution Process

# EXHIBIT E: PRE-ADJUDICATION SAFETY PLAN

## MULTNOMAH COUNTY OREGON – JUVENILE SERVICES DIVISION

### Pre-Adjudication Safety Plan - SOTT

NAME: \_\_\_\_\_ JJIS #: \_\_\_\_\_

- 1) No contact with any alleged victim.
- 2) No contact with the family of any alleged victim, unless approved by your Juvenile Court Counselor (JCC).
- 3) No sexual behavior including touching the intimate parts of another person's body (chest, upper thighs, buttocks, and groin area). You may not show intimate parts of your body to others.
- 4) No baby-sitting, including your brothers and sisters, other family members, friends' children, etc.
- 5) No unsupervised contact with \_\_\_\_\_
- 6) Follow the directions of your parents or legal guardians such as your DHS or OYA worker.
- 7) Do not leave your home or any placement without permission. No running away.
- 8) No possession, viewing of or listening to any materials for purposes of sexual arousal, including pornography. No use of any electronic device to create, receive, send or store sexually arousing material.
- 9) Any adult that supervises you must be at least 21 years of age, know the specific charges related to the sexual offending, and agree to follow this Safety Plan. This adult must meet with and be approved by your JCC before they can supervise you.
- 10) SCHOOL/AFTER SCHOOL PLAN (transportation, before and after school supervision, a plan for riding the bus, etc): \_\_\_\_\_
- 11) SLEEPING and DRESSING PLAN \_\_\_\_\_
- 12) INTERNET, CABLE & ELECTRONIC DEVICES PLAN (type of, access to, supervision, etc.) \_\_\_\_\_
- 13) You will contact your JCC within \_\_\_\_ hours if you get a new address or phone number.
- 14) OTHER \_\_\_\_\_

I UNDERSTAND AND AGREE TO FOLLOW THE RULES OF THIS SAFETY PLAN. IF I DON'T FOLLOW THIS PLAN, I UNDERSTAND THAT I MAY BE REQUIRED TO APPEAR BEFORE A JUDGE/REFEREE. I HAVE ALSO RECEIVED A COPY OF "BOUNDARIES AND SUPERVISION GUIDELINES" AND A COPY OF "DEFINITIONS".

\_\_\_\_\_  
Juvenile

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Juvenile Court Counselor

\_\_\_\_\_  
Date signed

Definitions

**"DNA COLLECTION AND SEX OFFENDER REGISTRATION"** If you are put on probation for most sexual offenses you will have to give a DNA sample at the Juvenile Department. This is done by swabbing your cheek. It does not hurt and it is only done once while you're on probation. Sex Offender Registration is required in many cases. The 1<sup>st</sup> time this is done by your JCC or OYA worker. After that you must re-register yourself with the police or sheriff every year within 10 days of

your birthday. You must also re-register yourself within 10 days every time you move. Your JCC will give you more information about sex offender registration in Oregon.

**"ELECTRONIC DEVICES"** Computers, cell phones, telephones, TVs, radios, tapes, cd-dvds, video games, PDAs, BlackBerries and any other device that receives, sends and/or stores information. No electronic device can be used in any way to create, view, listen to, send/receive or save sexually arousing material.

**"NO BABY-SITTING"** This means caring for a child/children. It does not matter if you are not being paid. It does not matter if you are a friend or family member of the child/children. YOU SHALL NOT TAKE CARE OF, BATHE, CHANGE CLOTHING, CHANGE DIAPERS OR BABY-SIT FOR ANY CHILD AT ANY TIME EVEN IF A RESPONSIBLE ADULT IS SUPERVISING.

**"NO CONTACT WITH ALLEGED VICTIM/VICTIM'S FAMILY"** There shall be no contact in person, through messages, notes or letters or by electronic devices with anyone who has said you have sexually touched them or that you know you have sexually touched. You cannot attend the same school with anyone you have sexually touched. Not counting Court, you must leave an area (park, store, club etc) if you see that the alleged victim or victim's family is there. You are not to have other people contact or bother the victim(s) or victim's family.

**"NO UNSUPERVISED CONTACT"** You shall have no unsupervised contact with any age group or any persons named by the Juvenile Court Counselor (JCC) in a Safety Plan or by the Court in an order. A responsible adult who is at least 21 years old, knows about your offense and the rules you must follow **and who has been approved by your JCC**, must be able to see and hear you at all times when children are in the area. This includes all homes, yards and all public areas (theaters, restaurants, bathrooms, pools, parks, locker rooms, stores, etc.). YOU MAY NOT WATCH OR HELP A YOUNGER CHILD BATHE, DRESS OR USE THE BATHROOM, EVEN IF A RESPONSIBLE ADULT IS PRESENT.

**"PARTICIPATE IN, MAKE SATISFACTORY PROGRESS AND SUCCESSFULLY COMPLETE SEX OFFENDER TREATMENT/ EDUCATION AS DIRECTED BY THE TREATMENT PROVIDER AND YOUR JCC"** Your JCC or OYA worker will work with a therapist or "treatment provider" to decide what type of treatment or counseling you need. You must keep all your appointments for your individual, group and/or family counseling. If you are ill or have an emergency and cannot keep your appointment you must notify your therapist and your JCC or OYA worker. You must also reschedule your counseling appointment with your therapist right away. You must complete and turn in the assignments your therapist, JCC and OYA or DHS worker gives you. You must answer questions honestly. Your work and your behavior should show that you are learning and practicing how to be safe.

**"PHOTOGRAPH AND FINGERPRINTING"** If the police arrested you, they may have taken your picture and a copy of your fingerprints. If the Court places you on probation, your JCC will make sure you are photographed and fingerprinted at the Juvenile Department. You must keep this appointment.

**"POLYGRAPH EXAMINATIONS"** Sometimes these are called lie detector tests. Polygraphs are used to help us know how your counseling or treatment is going and to decide which services you need. You may have several polygraphs while working with the Juvenile Department.

# EXHIBIT F: INTERPRETER SERVICES

## Multnomah County Interpreter Services

- A case specific JCC or an assigned alternate will call the State Clerk's Office to arrange for State Certified Interpreters in the language or dialect of the youth and parents/legal guardians for preliminary hearings.
- Defense Attorney's are responsible for any subsequent interpreter services for the youth at judicial hearings/proceedings. JCC's will call for State Certified Interpreters if needed for parents/legal guardians for any subsequent judicial hearings/proceedings.
- State Interpreters are not provided for parents/legal guardians before the preliminary hearing, appointments, interviews or treatment meetings
- The defense attorney/State Clerk's Office will arrange interpreter services for a youth if he/she is brought in on a Measure 11 allegation. If the youth is currently being pre-adjudicated on a delinquency petition or on formal probation, a State Certified Interpreter can not be provided to the parents/legal guardians. If a Measure 11 charge is reduced and sent back to the Juvenile Department, the JCC will follow the above interpreter services protocol.

\* You will need the following information when requesting an interpreter for any of the service providers:

- Language/Dialect
- Case name and Court ID number (not JJIS)
- Date, time and type of hearing/appointment
- Location/court room of the hearing
- Address where appointment will be
- Length of time the interpreter will be needed

State Interpreter Office: (503) 988-3515

Certified Language International: (503) 525-9601 ID: MULDET

Language Line Services: (800) 752-6096 ID: 542051

IRCO: (503) 234-0068 - No ID required

- The ID reference identifies Multnomah County's contract with the provider.



# EXHIBIT G: Community Detention and Electronic Monitoring Post-Adjudication Referral Form

## Community Detention and Electronic Monitoring Post-Adjudication Referral Form

Date:	DOB:	Age	JJIS #
Youth:	JCC	Hearing Date:	
Date of Last JCP:	JCP Score:	Risk Level:	Medium High
On Probation For:	Pending Charges:		

Which Program are you Recommending?	Community Detention	House Arrest	Electronic Monitoring
---	------------------------	-----------------	--------------------------

Goals to Accomplish while on Community Detention, Electronic Monitoring, or House Arrest:

- 1.
- 2.
- 3.
- 4.

Recommended Length of Stay (Maximum LOS 30 days):

CJM Signature of Approval:

Is this referral a CJM Override? No Yes/CD Yes/EM

Reasons for Override:

- \*
- \*
- \*

Community Detention Signature of Approval:

If this referral is denied provide reasons below:

Reasons:

- 1.
- 2.
- 3.

# EXHIBIT H: PRETRIAL PLACEMENT PLANNING RESOLUTION PROCESS

When a JCC is not in complete agreement with the Placement Coordinator's (PC) Pretrial Placement Recommendation/Process, the expectation is to reach consensus through a case review.

The following steps may be necessary in order to reach resolution:

- The JCC with a concern will contact the Placement Coordinator to discuss alternative placement planning suggestions.
- If the JCC and PC cannot agree on a resolution, the PC and JCC will consult with the Custody Intake CJM regarding an appropriate departmental resolution.
- If a resolution is not reached, the Custody Intake Manager and the appropriate (Treatment or Counseling) CJM will review the case.
- If still unresolved, a decision will be made by the Custody Services Manager, after consulting with the appropriate Treatment or Counseling Services Manager. The placement decision will balance public safety and provide appropriate client supervision.
- This decision will be presented by the PC at the detention hearing on behalf of the Juvenile Services Division.

# EXHIBIT I: Pre-Adjudication Safety Plan (Fire & Explosives)

## MULTNOMAH COUNTY OREGON - JUVENILE SERVICES DIVISION

### Pre-Adjudication Safety Plan (Fire & Explosives)

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_ NO: \_\_\_\_\_

- ☐ No contact with any alleged victim.
- ☐ No contact with the family of any alleged victim, unless approved by JCC.
- ☐ No contact with other youth involved in offense.
- ☐ No contact with any other person who is known to set fires.
- ☐ No possession of rocket motors, incendiary devices, fireworks, lighters, matches, or accelerants.
- ☐ Twenty-four hour sight and sound supervision.
- ☐ Cooperate with all directions of placement including parent/guardians, and do not leave placement without permission.
- ☐ Any adult that supervises this youth must be at least 21 years of age and agree to follow the safety plan.

School/After School Plan (how does the youth get to and from school, who supervises youth after school:

\_\_\_\_\_

Internet Safety Plan: \_\_\_\_\_

All other: \_\_\_\_\_

*I HAVE READ THE CONDITIONS OF THIS SAFETY PLAN AND UNDERSTAND THAT VIOLATION OF THESE CONDITIONS CAN RESULT IN ANOTHER HEARING.*

\_\_\_\_\_  
Juvenile

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Juvenile Court Counselor

\_\_\_\_\_  
Date signed

\*See the back of this form for important guidelines

### Supervision Guidelines

Parents should conduct random daily searches of their child's person and possessions including their room. If you find any fire possession or charring you must notify your child's Juvenile Court Counselor.

Parents should have (2A:10BC) fire extinguishers accessible on every level in the house.

Monitor your child's Internet access to information that can assist them in modifying fireworks or manufacturing of destructive devices.

Keep all flammable liquids locked up. Such liquids include turpentine, gasoline, lighter fluids, aerosol cans, and charcoal starter fluid. No rocket motors or incendiary devices.

Matches and lighters must not be freely accessible in the home. Parents need to lock them up or keep them on their person.

Parents must have working smoke detectors in bedrooms, hallways and common living areas. Check smoke detectors monthly to make sure they are working properly.

# EXHIBIT J: Community Detention Monitoring Informal Review Compliance Review Form

<b>Community Detention Monitoring Informal Review Compliance Review Form</b>
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<b>DATE</b>					
<b>Youth</b>			<b>JJIS #</b>		
<b>Pending charges</b>					
<b>Referral Type</b>	<input type="checkbox"/> Pre- adjudicated	<input type="checkbox"/> CD	<b>RAI</b>		
	<input type="checkbox"/> Post-adjudicated	<input type="checkbox"/> EM	<b>JCP</b>		
		<input type="checkbox"/> HA			
<b>RISK LEVEL</b>	<input type="checkbox"/> Medium <input type="checkbox"/> High	<b>JCC</b>			
<b>Days on Program:</b>					
<b>Reason for Review:</b>					
<ul style="list-style-type: none"> <li>■</li> <li>■</li> <li>■</li> </ul>					
<b>Interventions to date:</b>					
<ul style="list-style-type: none"> <li>■</li> <li>■</li> <li>■</li> </ul>					
<b>Next Steps/Recommendation:</b>					
<ul style="list-style-type: none"> <li>■</li> <li>■</li> <li>■</li> </ul>					
<b>Signatures</b>					
<b>Youth:</b>					
<b>JCC:</b>					
<b>Other:</b>					

# EXHIBIT K Beyond Detention Reform Project (BDRP), 2007-08 Work Plan

## Vision

There are many new probation program innovations which Multnomah stakeholders are currently planning and implementing, [these programs](#) fit with the BDRP research [and are already contributing to the Departments commitment to the continued improvement of](#) probation practices. Just as with the changes brought about by the process of creating and implementing the RAI years ago, the process of discussion and planning between stakeholders regarding probation program changes has also resulted in system improvements early on [in the implementation process](#).

Probation program and policy innovations include the following:

- The Culinary Arts Program
- The new focus of the Work Services Inc. Program from employment training, to education
- The placement of JCC's in the schools
- Providing each school with a single consistent Juvenile Division contact person
- The creation and implementation of the MOU between the schools and stakeholders resulting in reduced reliance on detention
- Probation Youth Employment Training Project and stipend program
- The GOALS boat building project
- Wrap Around Oregon
- Expansion of the Community Detention Monitoring Program from 30 to 40 pre and post adjudicated youth
- The RAI validation and the implementation of the new shorter RAI

## Research outline

Project update includes:

- Attach and review with Bart the original proposal
- Identify for the group where we are in the implementation process
- Update group regarding Phase 1 and Phase 2 of the implementation plan

## Research Accomplishments

Many of the following steps will be ongoing in the project evaluation process:

- Interviews with key informants including youth and families
- Interviews with probation staff
- Random interviews with people on the street
- Analysis of key informant data
- Review of written research
- Attach and review the data from Dave's BDRP presentation from the last TA Conference (Rick will send to Charlene)
- Include Charlene's population description and numbers of youth
- Update population description by lowering the number of low risk youth and focus on the chronic offender population
- Link offender population to Thach's recidivism data described under next steps
- Include the Kim Billups data regarding the level of risk as defined by offense history (Rick will send to Charlene)

## Work plan and next steps

Holding the system accountable through the following:

- Effective probation program evaluation including treatment, shelter, education and detention
- Juvenile division sponsored mandatory "Back To School Night" for youth and families
- Probation policy regarding JCC's having school attendance standards for clients and entering JCC follow-data into JJIS
- Providing recidivism data to each JCC regarding, each of their clients and including this data in the JCC's Performance Evaluation
- Quality courts including one judge one family

- Wrap Around Oregon
- Reduce minority over-representation on probation and at the youth training school

### **We don't know what works so, we will measure the following**

Multnomah plans to link BDRP data analysis to all probation program evaluations and outcomes, then to the youth's successful program completion, then to key informant feed back regarding their experience in the program, and finally link this information to the longitudinal outcome 10 years later to determine the youths connectedness to their community. This will tell us which of the following programs are the best investment; these programs include:

- Expand the use of treatment foster care
- Less reliance on traditional group homes and therapeutic group settings
- High school completion
- Job training
- Successful completion of court ordered treatment
- Successful completion of probation
- Measure the number of cross-over youth who graduate from the dependency system into the delinquency system and onto BM-11
- Number of youth of color sent to the state training school

### **How we plan to spend the BDRP grant money**

The County decision makers will decide on one or more of the following, which will include matching funds from the county based on BDRP budget update:  
(Rick will provide copies of the BDRP budget reconciliation for this year)

- Employment Program
- After School Program
- Learning Lab
- Cultural and gender specific programming
- Flex funds for probation youth
- Staff training
- Data collection and analysis

## **EXHIBIT K NATIONAL JDAI CONFERENCE INFO**

National JDAI Conference  
Dallas, Texas  
September 26-28, 2007

Multnomah Attendee List and Workshop Participants:

- Ø Thach-MOA with schools and interrupting the school to prison pipeline.
- Ø Rob-RAI validation and strengthening risk instruments.
- Ø Rick and Jim- Training JDAI Project Managers, parts one and two.
- Ø Rick-Undocumented youth in the system and reducing numbers in detention.
- Ø Joanne- Beyond Detention Reform.
- Ø Patty-The many roles of the Expeditor and the role of the Placement Coordinator.
- Ø Tom-Case Processing Innovations.

Also attending the conference; Sulma Flores from Janus Youth Programs, representing the new Reception Center Contractor and Officer Leo Harris representing the Portland Police Bureau.