

OREGON JUVENILE DEPARTMENTS
MUTUAL AID COMPACT

The Oregon Juvenile Department Director's Association has a common interest in public safety and spending county resources efficiently and fairly between counties. It is the intent of the Mutual Aid Compact to create a structure of supervision when there is a relocation of the family and/or youth and the opportunity to utilize detention services statewide, if necessary. This agreement also allows for the transferring of court jurisdiction at times when it is agreed upon by the county of jurisdiction and the new county of residence to be an appropriate change for the youth.

I. CASE TRANSFER BETWEEN COUNTIES

A. Transfer protocol prior to adjudication

1. **Notification:** Telephone the receiving county to notify them that the case may be transferred.
2. **Adjudication:** Best practice is to adjudicate in the county where the crime occurred, to support victims' opportunity to fully exercise their rights. Otherwise, adjudicate in the county of residence.
3. **Disposition:** Consult with the receiving county about where to conduct the disposition, and the conditions of probation.

B. Transfer protocol post-adjudication

1. A county may request courtesy supervision instead of transfer.
2. Youth on suspended commitment should not be transferred, but could be considered for courtesy supervision.

C. Restitution orders/collection

1. Negotiate monitoring and receipt of restitution payments with person(s) in each county who have authority to make decisions regarding transfers. Handling of restitution varies from county to county, so restitution payments and handling must be thoroughly discussed between the sending and the receiving county.

D. Contacts

1. Each county juvenile department should designate a contact person or persons, and a backup to make decisions regarding transfer. The default contact person would be the juvenile department director. OJDDA will develop and distribute a list of the person and/or position to contact in each county regarding transfers.

E. Orders of Transfer:

1. It is recommended that the receiving county verify that youth is actually residing in the county (i.e. verify youth's phone number, address, and guardianship)
2. Receiving county will assume jurisdiction for the case when the signed order is received.

3. Sending county juvenile department will provide a copy of the department's social file, probation conditions, and copies of the legal file with the order of transfer. The sending county will update all JJIS case information and enter the order into JJIS. Sending county will mail a cover letter outlining any unmet probation conditions, number of community service hours remaining, a current youth photo, outstanding restitution with information on payment location and schedule, assessments and any social history and case planning information which is not contained within JJIS including which parents or guardians have legal custody of the youth.
4. The sending juvenile department will provide all information related to victim notification.

II. COURTESY SUPERVISION

Courtesy Supervision instead of Transfer should be considered when:

1. The youth will be living with an adult who is not the legal guardian.
2. The youth will be living with a parent who has had limited prior contact with the youth.
3. The case is close to termination
4. The situation is unstable or uncertain
5. There is a history of mobility
6. The youth has a significant criminal history.
7. Youth has an assessment which recommends a residential level of care.

Courtesy Supervision Protocol:

1. Call receiving county when move occurs.
2. Negotiate length of courtesy supervision. (Maximum of six month unless some extenuating circumstances)
3. Provide social and legal history not contained in JJIS in one unit or package prior to youth's arrival in the receiving county if possible.
4. Include a letter with synopsis of case, including legal issues and the anticipated length of supervision.
5. Courtesy supervision on Formal Accountability Agreements is optional, and can be arranged between the sending and receiving counties.
6. Sending county will maintain regular contact with receiving county at least monthly.

III. RESIDENTIAL TREATMENT FACILITY POLICY:

A youth who commits a law violation while in residential treatment is the responsibility of the home county.

If the case will be adjudicated, jurisdiction may be sought in the county in which the offense occurred when physical distance is a barrier and an adjudicative hearing is necessary, and then transferred to the youth's home county prior to disposition. Best practice is to adjudicate in the county where the crime occurred, to support victims' opportunity to fully exercise their rights. Otherwise, adjudicate in the county of residence.

The court which adjudicates the case may also complete disposition, but the two counties should consult each other prior to any adjudication.

IV. RESIDENCY AND JURISDICTIONAL ISSUES

Definitions:

Resides or residence, when used in reference to the residence of a child or youth, means the place where the child or youth is actually living or the jurisdiction in which jurisdiction or wardship of the child or youth has been established. (ORS 419A.004)

Transient (from ORS 419C.056 (2)): If a youth has no ascertainable residence in any county in this state, the court of the county wherein the proceeding is initiated may adjudicate any petition under ORS 419C.005(1).

Transient Youth who return to parent(s): If a youth returns to parents, a county may request or perform courtesy supervision.

OYA Youth Placed Out of County of Residence: Each county should develop an agreement or practice with OYA to provide notification when OYA places a youth in their custody from out-of-county.

V. DETENTION

A. Courtesy Holds

1. Each county should hold youth in custody on warrants or probation violations from other counties at the counties request for 24 hours or until the following week day, excluding weekends and holidays, without charge to the county of residence. Extended stays may be considered for public safety.
2. If space is a problem, the facility may use a standard summons directing the youth to appear in the court of the resident county, or a conditional release agreement after consultation with the resident county.

B. Payment: The county taking an out-of-county youth into custody on a warrant will pay for up to a 24 hour courtesy hold, or until the next week day. If the youth is not released, the two counties will consult about payment for additional detention use.

C. Transportation:

1. Call resident county before release to give county the option of picking up the youth.
2. Resident county is responsible for transportation of formal cases. In informal cases, the resident county may assist with transportation.
3. Call parents if it is necessary to release the youth.
4. When necessary and possible to provide transportation, meet receiving county half-way.

D. When an out-of-county youth on probation or parole commits a new crime:

1. Contact county of residence if youth will be placed in detention.
2. Provide 24 hour hold or until the following weekday, excluding weekends and holidays, without charge to the county of residence.
3. If space is a problem, the facility may contact the resident county, to determine a release plan.

E. Detention Hearings:

1. The resident county may conduct a telephonic/video hearing but must meet the 36 hour rule as outlined in ORS 419C.139.
2. The resident county should arrange transportation within 36 hours of admission to detention excluding weekends and holidays.

F. After hours contact:

1. Each county will maintain a current "on-call" list of staff designated to make transfer, admission or release decisions for the department. County after hours contact information will be included on the OJDDA website.

VI. COMMUNICATION PROTOCOL:

1. Make courtesy calls a common practice
2. Discuss transfer of cases before transfer
3. Provide timely notification of out-of-county placement
4. Develop protocols in each department related to all provisions of this compact
5. Communicate with other counties and other affected parties
6. Clarify who is responsible for supervision of each youth
7. Send all paper work on a youth in one unit (e.g. legal documents on a transferred case should not arrive without other case information)

VII. Dispute Resolution Process

1. All disputes regarding matters referred to in this compact will be handled at the lowest possible management level keeping the best interest of public safety, youth, family and victims as the dominant factor.
2. Upon unresolved disagreement between counties, Directors from each of the counties involved will try to resolve the issue.
3. If agreement cannot be reached either Director may request for the matter to be mediated by the OJDDA executive board at their next scheduled meeting.

SIGNED BY A YES VOTE ON September 30, 2008:

Matthew B. Shirtcliff, Director, Baker County Juvenile

Al Krug, Director, Benton County Juvenile

Ellen Crawford, Interim Director, Clackamas County Juvenile

Janet Evans, Director, Clatsop County Juvenile

Stan Mendenhall, Director, Columbia County Juvenile Director, Coos County Juvenile

Debra Patterson, Director, Crook County Juvenile

Ken Dukek, Director, Curry County Juvenile

Ken Hales, Director, Deschutes County Juvenile

Christina McMahan, Director, Douglas County Juvenile

Vicki Winters, Director, Gilliam County Juvenile

Ken Boethin, Director, Grant County Juvenile

John Copenhaver, Director, Harney County Juvenile

Donita M. Huskey-Wilson, Director, Hood River Community Justice

Shane Hagey, Director Jackson County Community Justice

Joe Ferguson, Deputy Director Jackson County Community Justice

Jeff Lichtenberg, Director, Jefferson County Community Justice, Juvenile Division

Janie Wilson, Director, Josephine County Juvenile Justice

Glenn Vest, Director, Klamath County Juvenile

Eric Shpilman, Director, Lake County Juvenile

Lisa Smith, Director, Lane County Dept. of Youth Services

Alan Peterson, Director, Lincoln County Juvenile

Torri Lynn, Director, Linn County Juvenile

Linda Cummings, Director, Malheur County Juvenile

Faye Fagel, Director, Marion County Juvenile

Tom Meier, Director, Morrow County Juvenile

David Koch, Director, Multnomah County Juvenile Services Division, DCJ

Trish Reding, Director, Polk County Juvenile

Amber DeGrange, Director Sherman County Juvenile

Dan Krein, Director, Tillamook County Juvenile

Charles Logan-Belford, Director, Umatilla County Juvenile

Jim Brougham, Director, Union County Juvenile

John Lawrence, Director, Wallowa County Juvenile

Molly Rogers, Director, Wasco County Juvenile

Joseph Christy, Director, Washington County Juvenile

Cindy Burlingame, Director, Wheeler County Juvenile

Tim Loewen, Director, Yamhill County Juvenile