

## 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 guidelines and communication protocols for case transfers and courtesy supervision between counties; outline expectations for utilization of detention; and establish protocols regarding jurisdiction and supervision of youth in residential treatment facilities.

1. **Notification:** Telephone the receiving county to notify them that the case may be transferred and follow all communication protocols set forth in this Compact. *Make courtesy contact a common practice.*
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 dispositional recommendations.

### **B. Transfer protocol post-adjudication**

1. A county may request courtesy supervision instead of transfer. (Refer to II. Courtesy Supervision)

### **D. Contacts**

2. Youth on suspended commitment or with deferred sentences should not be transferred, but may 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.

1. Each 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.

### **E. Orders of Transfer:**

1. It is recommended that the receiving county verify that youth is residing in the county (i.e. verify youth's phone number, address, and guardianship)
2. The receiving county will assume jurisdiction for the case when the signed order is received.
3. The sending county 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. The 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 receiving county will attempt to make contact with the family/youth within 10 working days after the transfer is completed.
5. The sending county will provide all information related to victim notification including notification to victim and contact information regarding the receiving county.
6. The sending county will update all victim information in JJIS.

## **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. Notify receiving county at first knowledge of relocation.
2. Negotiate length of courtesy supervision. (Maximum of six month unless some extenuating circumstances)
3. Provide social and legal history not contained in JJIS 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. Communication is always encouraged.
6. The receiving county will attempt to make contact with family/youth within 10 days after courtesy supervision is established.

## **III. RESIDENTIAL TREATMENT FACILITY POLICY:**

A youth who commits a law violation while in residential treatment is the responsibility of the county of jurisdiction. (Reference to I. A. 2. for victim considerations)

If the resident county decides not to proceed on a pending criminal matter, the county where the incident took place may proceed in the best interest of youth and public safety.

### **Oregon Juvenile Departments Mutual Aid Compact Page 2 of 5 (Revised 12/17/2014)**

#### **IV.**

**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 county in which jurisdiction or wardship of the child or youth has been established. (ORS 419A.004)

#### **V.**

### **DETENTION**

#### **A. Courtesy Holds**

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.

### **Oregon Juvenile Departments Mutual Aid Compact (Revised 05/17/2017)**

**RESIDENCY AND JURISDICTIONAL ISSUES Definitions:**

**Transient:** 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.

**Transient youth who is/are returned to parent(s):** If a youth returns to parents, a county may request or perform courtesy supervision.

**Dual jurisdiction:** The resident county will establish which agency is assuming primary responsibility for case management and communicate this to any residential treatment facility.

1. Each county should hold youth in custody on warrants or probation violations from other counties at the county's request for 24 hours or until the following workday, without charge to the county of residence. Extended stays may be considered for public safety. (Please reference Detention of 18-year olds, pg. 4)

2. If capacity 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 directing the youth to appear in the Court of the resident county or the county where the youth is currently residing after approval with the resident county.

3. If the resident county decides not to proceed on the pending criminal matter, the county where the incident took place may proceed in the best interest of the youth and public safety.

**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 work 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 or release decisions.

**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 workday, without charge to the county of residence.

**Oregon Juvenile Departments Mutual Aid Compact (Revised 12/17/2014)**

**Page 3 of 5**

3. If space is a problem, the facility shall contact the resident county to determine a release plan.

**E. Detention of 18-year olds:**

1. All counties will attempt to hold 18-year-old youth accountable based upon local practices for secure custody.

**F. Detention Hearings:**

1. The resident county has the primary responsibility for arranging court hearings.

2. The resident county may conduct a telephonic/video hearing but must meet the 36-hour rule as outlined in ORS 419C.139.

3. The resident county should communicate with county where youth is detained, within 24 hours of youth's admission to detention excluding weekends and holidays to discuss further action.

**Oregon Juvenile Departments Mutual Aid Compact (Revised 05/17/2017)**

**G. 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 contact 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.

**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 primary consideration.
2. Upon unresolved disagreement between counties, Directors from each of the counties involved will try to resolve the issue.

**Oregon Juvenile Departments Mutual Aid Compact Page 4 of 5 (Revised 12/17/2014)**

Those listed below agree to the Mutual Aid Compact Agreement and agree to educate their Department employees and follow established protocols

**SIGNED BY & VOTED ON: May 17, 2017**

- |   |   |
|---|---|
| Staci Erickson, Director, Baker County Juvenile                 | Matt Wetherell, Director, Benton County Juvenile                    |
| Christina McMahan, Director, Clackamas County Juvenile          | Jay Trost, Director, Curry County Juvenile                          |
| Greg Engebretson, Director, Clatsop County Juvenile             | Janet Evans, Director, Columbia County Juvenile                     |
| Bryan Baird, Director, Coos County Juvenile                     | Debra Patterson, Director, Crook County Juvenile                    |
| Dan Golden, Director, Klamath County Juvenile                   | Jake Greer, Director, Lake County Juvenile                          |
| Nathaline Frener, Director, Lane County Dept. of Youth Services | Suzanne Gonzales, Director, Lincoln County Juvenile                 |
| Torri Lynn, Director, Linn County Juvenile                      | Susan Gregory, Director, Malheur County Juvenile                    |
| Faye Fagel, Director, Marion County Juvenile                    | Ken Hales, Director, Deschutes County Juvenile                      |
| Deena Corso, Multnomah County Juvenile Services Division, DCJ   | Aric Fromdahl, Director, Douglas County Juvenile                    |
| Jodi Merritt, Director, Polk County Juvenile                    | Amber DeGrange, Director, Sherman County Juvenile                   |
| Dan Krein, Director, Tillamook County Juvenile                  | Dale Primmer, Director, Umatilla County Juvenile                    |
| Ben Morgan, Director, Union County Juvenile                     | Vicki Winters, Director, Gilliam County Juvenile                    |
| Todd McKinley, Director, Grant County Juvenile                  | Lori Cheek, Director, Harney County Juvenile                        |
| Jim Patterson, Director, Hood River                             | Mandy Decker, Director, Wallowa County Juvenile                     |
| Molly Rogers, Director, Wasco County Juvenile Community Justice | Joe Ferguson, Deputy Director, Jackson County Community Justice     |
| Lynne Schroeder, Director, Washington County Juvenile           | Kurt Symons, Director, Jefferson County Community Justice, Juvenile |
| Lynn Morley, Judge, Wheeler County Juvenile                     | Jessica Beach, Juvenile Probation Manager, Yamhill County Juvenile  |
| Jim Goodwin, Director, Josephine County Juvenile Justice        | Tom Meier, Director, Morrow County Juvenile                         |