

# Oregon Juvenile Detention Facility Guidelines

6th Edition

2025



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## **Sixth Edition of Juvenile Detention Guidelines was created by Youth Development Oregon**

With generous collaboration and assistance from the following partners:

- Youth Development Oregon (YDO)
  - Juvenile Justice Sub-Committee
- Oregon Juvenile Department Director's Association (OJDDA)
  - Oregon Juvenile Detention Managers
- Oregon Department of Education (ODE)
- Oregon Judicial Department (OJD)
  - Youth Advisory Committee
- Oregon Youth Authority (OYA)
  - Native American Advocacy Committee
- Oregon System of Care Advisory Council (SOSAC)
- Disability Rights of Oregon (DRO)
- Basic Rights of Oregon (BRO)
- Office of the Governor
  - Office of Legislative Policy and Research
- Youth, Rights and Justice (YRJ)
- Oregon Juvenile Justice Policy (JJPC)
- Oregon Department of Corrections (DOC)

## Introduction

Within the Oregon juvenile justice system, juvenile detention facility is a locally resourced entity that provides secure placement for youth pursuant to Oregon Revised Statutes.

There are eleven juvenile detention facilities in Oregon, operated locally, and three outside of Oregon accessed by adjacent Oregon counties. The Northern Oregon Correctional Facility (NORCOR) is the only juvenile detention facility in Oregon created through a Chapter 190 Intergovernmental Agreement. The operation of each juvenile detention facility is the responsibility of the county juvenile department and the governing entity, except that the 190 intergovernmental entity is governed by a Juvenile Detention Oversight Committee representing the member counties (Gilliam, Hood River, Sherman and Wasco).

The following is a list of the juvenile detention centers in Oregon and their currently funded operating capacity. Several of the facilities have the capacity to expand and constrict based on needs and funding.

<b>County</b>	<b>Building Capacity</b>	<b>Operational Capacity</b>	<b>Location</b>
Deschutes County	28 beds	16 beds	Bend
Douglas County	32 beds	16 beds	Roseburg
Jackson County	40 beds	16 beds	Medford
Josephine County	14 beds	11 beds	Grants Pass
Klamath County	16 beds	14 beds	Klamath Falls
Lane County	42 beds	42 beds	Eugene
Linn – Benton	20 beds	20 beds	Albany
Marion County	56 beds	52 beds	Salem
Multnomah County	64 beds	35 beds	Portland
NORCOR	32 beds	16 beds	The Dalles
Yamhill County	24 beds	24 beds	McMinnville
<b>Total</b>	<b>290 beds</b>	<b>262 beds</b>	

# Foreword

## Purpose

These guidelines pertain to the general operation of juvenile detention facilities in the State of Oregon. They are binding if identified as statutory, federally mandated, or established by administrative rule or other regulation. The guidelines are required by Oregon Revised Statute (ORS) 169.090 (2) which states that the Youth Development Council and the Oregon Department of Corrections are to develop and, when appropriate, revise the guidelines.

Each section of these guidelines includes both the mandatory statutes and regulations and is followed with a section outlining best practices with juvenile justice. These guidelines are designed to provide juvenile detention facilities with the framework to measure the operations and facilities with others in Oregon and nationally. These recommendations support and if implemented assist juvenile detention facilities in meeting and exceeding the mandatory statutes and regulations.

These guidelines do not constitute a comprehensive source of all youth rights or facility's obligations to these rights under state and federal law, administrative regulations, and the U.S. Constitution. The "best practices" may be grounded in legal rights that are not explicitly addressed by the Oregon statutes referenced in the document.

For the purpose of these guidelines, a juvenile detention facility is a facility for the secure custody of youth accused or convicted acts which would constitute crimes if committed by adults, or for youth held pursuant to judicial orders or commitments under the provisions of Oregon law (ORS 419A.004, ORS419A.010, ORS419A.050 to ORS419A.063 and ORS420.855). "Youth serving systems should commit to core principles to ensure an evidence-based and trauma informed response." (Disability Rights Oregon Report, 2017, Recommendation #4).

In some instances, statute requires written policy. It will be stated explicitly in the guidelines below when that is the case. The intention of these guidelines, however, extends the expectation of a written policy for all of the guidelines without directing what that policy must be, except when legally mandated.

**When developing written policy and procedures, a juvenile detention facility should do so in a manner that respects and values diverse life experiences and ensures that all youth are valued and heard, taking into consideration all people's gender identity, race, ethnicity, national origin, age, sexual orientation, religious beliefs, family status, education, and/or disability to establish an inclusive environment, and equitable treatment of all.**

## Background

The guidelines were first adopted in 1982 and revised in 1984 (2<sup>nd</sup> Edition), 2001 (3<sup>rd</sup> Edition), 2012 (4<sup>th</sup> Edition), and 2020 (5<sup>th</sup> Edition). The Youth Development Division initiated the current update to the guidelines. They reviewed the guidelines and solicited feedback from key

stakeholders (Oregon Department of Corrections, Oregon Juvenile Department Directors' Association, Office of the Governor, Oregon Department of Education, Oregon Youth Authority, and others) including advocacy organizations to modify and formalize the revisions. The revised guidelines were reviewed and approved by the Director of the Oregon Department of Corrections, Director of the Youth Development Division, and the Youth Development Council.

### **Effective Date**

The 6<sup>th</sup> Edition became effective January 1, 2026.

### **Format of Revised Guidelines**

These guidelines incorporate Oregon Revised Statutes (ORS), and other federal and state regulations and requirements and best practices from the American Correctional Association – Juvenile Detention Facilities, National Partnership for Juvenile Services, National Detention Association, Juvenile Detention Alternatives Initiative – Conditions of Confinement Self-Assessment. ORS references are in bold and link to each respective reference. Best practices may be more restrictive or aspirational than the Federal or State statutes and are guides for juvenile detention facilities based on the current juvenile corrections publications and expertise. To accommodate changes in statute and administrative rules, statutory provisions are either paraphrased or referenced. Questions about specific language should be answered by referring to the most recent statute, administrative rule or regulation. These guidelines should be used with comprehensive written policies that ORS 169.760 requires for each juvenile detention facility. This format is intended to provide a uniform framework for organization of local policies. For questions, please contact [jcp@ode.oregon.gov](mailto:jcp@ode.oregon.gov)



# SECTION 1: GENERAL ADMINISTRATION

## 1.1 Purpose and Mission

The purposes of the Oregon juvenile justice system beginning with apprehension are to protect the public, to reduce juvenile delinquency, and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on principles of personal responsibility, accountability and reformation within a context of public safety and restitution to victims and to the community. As required by ORS 419C.001, the system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior, and the system shall be open and accountable to the people of Oregon and their elected representatives.

Juvenile detention facilities provide secure placement for public safety, ensure court appearance, and reintegration services for youth accused of acts which if committed by adults as defined in ORS 419C.145(2). Youth can also be held pursuant to judicial order or commitment, and which are established under the provisions of Oregon law. (ORS 419A.004, ORS419A.010, ORS419.050 to AORS419A.063 and ORS420.855) Youth charged with offenses that would not be crimes if committed by adults shall not be held in a detention facility, unless permitted by state law.

“Juvenile detention facility” means a facility as described in ORS 419A.050 – Authority to acquire, equip and maintain detention and shelter facilities and 419A.052 – Specifications of facilities.

In addition to maintaining public safety, juvenile detention facilities are used for skill development, K-12 education, rehabilitation, addressing treatment needs and facilitating the successful reintegration of youth into the community. County detention facilities should commit to core principles to ensure best practices and services. Juvenile detention facilities should integrate culturally sensitive, gender-responsive, trauma-informed and developmentally appropriate approaches into policy, programming and practices. All detention facilities should be committed to implementing best practices that teach life skills and incentivize pro-social behavior in an effort to develop the tools needed for youth to re-enter and thrive in the community.

### **Authority to acquire, equip and maintain detention facilities (ORS 419A.050)**

Each county has the statutory authority to acquire, equip and maintain detention facilities. The Oregon Department of Education has the statutory responsibility to provide the K-12 educational services. Statute clearly states the specifications of facilities, examination process of facilities, capacity limits and standards for release.

The juvenile court of each county shall designate the place or places in which youths are to be placed in detention when taken into temporary custody. If the county is adjacent to another state, the court may designate a place or places in the adjoining state where youth, wards, or youth offenders, pursuant to an agreement between such place or places and the juvenile department of the county, may be placed in detention or shelter care when taken into custody.

“County” as referenced in these guidelines and ORS is the entity operating under the guidelines and authority granted by ORS Chapter 203.

Inspection of juvenile detention facilities and enforcement of the juvenile detention standards contained in ORS 419A.059 or otherwise established by statute, must be conducted in the same manner as provided in ORS 169.070 and 169.080.

These guidelines do not apply to law enforcement facilities in which youth may be temporarily detained pursuant to ORS 419C.080 – Custody when authorized.

## **1.2 Mandatory Juvenile Detention Statutes**

### **1.2.A Purpose**

**ORS 419C.001** Purposes of juvenile justice system in delinquency cases; audits

**ORS 419C.005** Jurisdiction

### **1.2.B Detention**

**ORS 419C.125** Detention in place where adults are detained of certain persons alleged to be within court’s jurisdiction

**ORS 419C.130** Youth or youth offender may not be detained where adults are detained; exceptions

**ORS 419C.133** Detention of youth under 12 years of age; judicial review required

**ORS 419C.136** Temporary hold to develop release plan; duration

**ORS 419C.139** Speedy hearing on detention cases

**ORS 419C.145** Pre-adjudication detention; grounds

**ORS 419C.150** Time limitations on detention; exceptions

**ORS 419C.153** Detention review or release hearing

**ORS 419C.156** Detention of runaway from another state

**ORS 419C.159** Escape; punishment

**ORS 419C.453** Detention when authorized

### **1.2.C Detention and Shelter Facilities**

**ORS 169.076** Standards for local correctional facilities

**ORS 169.077** Standards for lockup facilities

**ORS 169.078** Standards for temporary hold facilities

### **1.2.D Enforcement of Standards for Local Correctional and Juvenile Detention Facilities**

**ORS 169.080** Effect of failure to comply with standards; enforcement by Attorney General; private action

**ORS 169.085** Submission of construction or renovation plans to Department of Corrections; recommendations by department

### **1.2.E Treatment of Youth being Admitted**

**ORS 169.105** Unconscious person not to be admitted to custody in facility

**ORS 169.140** Furnishing prisoners' food and clothing

### **1.2.F Juvenile detention facilities**

**ORS 169.730** DEFINITIONS FOR ORS 169.740 TO 169.760

**ORS 169.740** Standards for juvenile detention facilities

**ORS 169.750** Restrictions on operation of juvenile detention facilities

**ORS 169.760** Juvenile detention facilities to establish written policy

**ORS 169.770** Release of detained juvenile when detention facility violates standards

**ORS 169.800** Detention of juveniles before conviction and execution of sentencing

**ORS 169.810** Assumption of duties by regional correctional facility constitutes assumption by

public employer; rights of transferred employees.

### **1.2.G County Juvenile Department**

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

**ORS 419A.018** Juvenile department is county agency

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

### **1.2.H Detention and Shelter Facilities**

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

**ORS 419A.052** Specifications of facilities

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

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

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

**ORS 419A.061** Inspection of detention facilities

**ORS 419A.063** Requirements for detention facilities

### **1.2.I Records**

**ORS 419A.255** Maintenance; disclosure; providing transcript; exceptions to confidentiality

**ORS 419A.257** Reports and materials privileged; permissible disclosures; use of materials in evidence

**ORS 419A.261** Application for Expunction of records relating to contact, violations and certain misdemeanors

**ORS 419A.271** Appointment of Counsel

**Juvenile Justice and Delinquency Prevention Act of 2018 (JJDP) Section 223(a)(11)(A), (11)(B) -(11)** shall, in accordance with rules issued by the Administrator, provide that – (A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding – (i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law; (ii) juveniles who are charged with or who have committed a violation of a valid court order; and (iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State; shall not be placed in secure detention facilities or secure correctional facilities; and (B) juveniles -- (i) who are not charged with any offense; and (ii) who are – (I)

aliens; or (II) alleged to be dependent, neglected, or abused; shall not be placed in secure detention facilities or secure correctional facilities.

### **Juvenile Justice Reform Act of 2018**

The law takes effect on October 1, 2019. The guidelines will be updated in accordance with the regulations and guidance by the Office of Juvenile Justice and Delinquency Prevention.

### **1.3 Administration**

**ORS 419A. 010(2)** The director shall be the administrator of the juvenile department or departments for the county or counties and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority.

**ORS 419A. 012** The director of a juvenile department or one of the counselors shall: Make or cause to be made an investigation of every youth, ward, youth or adjudicated youth brought before the court and report fully thereon to the court; Be present in court to represent the interests of the youth, ward, youth or adjudicated youth when the case is heard; Furnish such information and assistance as the court requires; and take charge of any youth, ward, youth or adjudicated youth before and after the hearing as may be directed by the court.

**ORS 419C.550** Juvenile detention facilities shall have written policy, procedure and practice to provide for the safety, health and well-being of detained youth. This shall include, but not be limited to food, clothing, shelter and incidental necessities; care, education and discipline; medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment; authorization of surgery or other extraordinary care.

### **1.4 Inspections/Reviews**

**ORS 132.440, ORS 162.135** Grand Jury - Juvenile detention facilities shall have written policy providing free access at all reasonable times to the facility, and, without charge, to all public records in the county pertaining inquiries into the condition and management of the facility that are required once each year.

**ORS 169.040(1)** County Court or Board of County Commissioners - Juvenile detention facilities shall have written policy in keeping with the statutory requirement for inspection of the facility at least once in each regular term. The county court or board of county commissioners of each county is the inspector of the local facilities in the county. The court or board shall visit facilities at least once in each regular term. When the court or board visits a local facility, it shall examine fully into the facility, including, but not limited to, the cleanliness of the facility and the health and discipline of the detained youth.

**ORS 169.040(2)** County Health Officer - Juvenile detention facilities shall have written policy in keeping with the requirement that the facility be inspected by the county health officer on a

semiannual basis. If the county health officer determines that the facility is in an insanitary condition or unfit for habitation for health reasons, the officer may notify the appropriate local governmental agency in writing of the required health and sanitation conditions or practices necessary to ensure the health and sanitation of the facility. If the local governmental agency does not comply with the required health and sanitation conditions or practices within an appropriate length of time, the county health officer may recommend the suspension of the operation of the facility to the county board of health. If after a hearing the county board of health finds that the facility is in an insanitary or unhealthful condition, it may suspend the operation of the facility until such time as the local correctional facility complies with the recommended health and sanitation conditions and practices.

**ORS 169.085** Department of Corrections - Juvenile detention facilities shall have written policy in keeping with the statutory requirement that construction or renovation plans be submitted for review and advisory recommendations to assist local governmental agencies to provide a safe and secure facility. The recommendations of the Department of Corrections shall be advisory and not binding upon the local governmental agency with the exception of those standards established in ORS 169.076 to 169.078, 169.740, 419A.059 and 419B.180.

**ORS 169.070** Department of Corrections - Juvenile detention facilities shall have written policy in keeping with the statutory role to conduct inspections of the facilities to ensure compliance with the standards established in ORS 169.076 to 169.078, 169.740, 419A.059, and 419B.180.

**169.076** standards for local correctional facilities (11) Keep the facilities safe and secure in accordance with the state of Oregon structural specialty code an fire and life safety code.

**OAR 423-155-0010(1)** Youth Development Oregon – (1) To perform its duties as required by the JJDDPA in ORS [417.850 \(Additional duties of council\)](#) (12), the YDD may collect Data and inspect any Facility, as defined in rule, in which juveniles are detained.

## **Federal Guidelines**

**National School Lunch and Breakfast Programs USDA 7 CFR, 210. 13(b)** Juvenile detention facilities participating in the National School Lunch and/or Breakfast Program shall comply with all review and inspection requirements. If participating in the National School Lunch and/or Breakfast Program, facilities must ensure that serving areas and preparation site are inspected twice annually.

## **Peer Inspections**

Every juvenile detention facility will undergo a peer review inspection once in 36 months using the Juvenile Detention Facilities Assessment tool. The Assessment tool will be developed by the YDO in conjunction with OJDDA with input from others and will be reviewed and updated as

needed. Peer reviewers will use the Checklist to score each facility.

Peer reviews will include policy review, site visit and input from local stakeholders including judicial, law enforcement, education, youth and families, service providers, and volunteers. Once in 36 months, peer reviews will be submitted to the YDC – Juvenile Justice Committee who will review and compile data for a report to be published on detention trends.



## SECTION 2: INTAKE, ADMISSION AND RELEASE

Intake and Admission decisions will be based on, but not limited to, the least restrictive means needed to ensure community safety, protection of the victim/community, youth's likelihood to appear for court, and youth's behavior.

### 2.1 Intake Decisions

Each county shall designate a detention facility or juvenile department staff that is available 24-hours-a-day with responsibility for the intake decision process that is delegated the specific power to make decisions regarding intake. When making decisions the following principles will be used in making determinations.

**Objectivity.** Detention decisions should be based on racially bias free, neutral, and objective factors such as outlined in ORS 419C.145. Objective criteria anchor detention decisions in ascertainable facts such as the nature and severity of the offense, the number of prior referrals, or the minor's history of absconding.

**Uniformity.** Local criteria should be uniform in the sense that they are applied equally to all juveniles referred for a detention decision. To achieve the desired level of uniformity, the criteria must be in a written (or electronic) format and must be incorporated into a screening process that is standardized for all referrals.

**Risk based.** The criteria should be risk-based, meaning that they should measure specific detention-related risks posed by the juvenile. These risks are: the risk of reoffending before adjudication and the risk of failing to appear at a court hearing.

**ORS 169.076** Juvenile detention facilities shall have a comprehensive written policy with respect to legal confinement authority, denial of admission, admission and release medical procedures.

**ORS 419A.010(2)** The director shall be the administrator of the juvenile department or departments for the county or counties, including any juvenile detention facilities maintained by the county or by the counties jointly, and the supervisor of the staff of the juvenile department or departments and detention facilities, subject to the direction of the appointing authority.

**ORS 419C.133, ORS 419C.156, ORS 419C.453** Notwithstanding subsection (2) of this section, if the county has entered into a written agreement with any other unit or units of local government to coordinate juvenile detention facilities for the detention of youth, wards, youths or youth offenders pursuant to a judicial commitment or order, a juvenile director oversight committee may assume the duties and powers described in subsection (2).

Juvenile detention facilities shall have written policy, procedure, and practice in compliance with Oregon statutory criteria for admission.

**ORS 419C.133** Detention of youth under 12 years of age requires judicial review.

**ORS 419C.145** Pre-adjudication detention grounds. A youth may be held or placed in detention before adjudication on the merits if one or more of the following circumstances exists:

- (a) The youth is a fugitive from another jurisdiction;
- (b) The youth is alleged to be within the jurisdiction of the court under ORS 419C.005, by having committed or attempted to commit an offense which, if committed by an adult, would be chargeable as:
  - A crime involving infliction of physical injury to another person;
  - A misdemeanor under ORS 166.023; or
  - Any felony crime;
- (c) The youth has willfully failed to appear at one or more juvenile court proceedings by having disobeyed a proper summons, citation or subpoena;
- (d) The youth is currently on probation imposed as a consequence of the youth previously having been found to be within the jurisdiction of the court under ORS 419C.005, and there is probable cause to believe the youth has violated one or more of the conditions of that probation;
- (e) The youth is subject to conditions of release pending or following adjudication of a petition alleging that the youth is within the jurisdiction of the court pursuant to ORS 419C.005 and there is probable cause to believe the youth has violated a condition of release;
- (f) The youth is alleged to be in possession of a firearm in violation of ORS 166.250; or
- (g) The youth is required to be held or placed in detention for the reasonable protection of the victim.

The court may not release a youth when:

- There is probable cause to believe the youth committed an offense that, if committed by an adult, would constitute a violent felony; and
- There is clear and convincing evidence that the youth poses a danger of serious physical injury to or sexual victimization of the victim or members of the public while the youth is on release.

In addition to the pre-adjudicative detention criteria, Oregon law permits detention under specific circumstances:

- Temporary hold to develop release plan (ORS 419C.136).
- Detention of runaway from another state (ORS 419C.156).
- Possession of a firearm or destructive device (ORS 419C.103).
- Interstate Compact for Juveniles (ICJ) case that has been determined by the Oregon ICJ Office to qualify as an ICJ matter (ORS 417.030).

**ORS 137.705** Juvenile detention facilities shall have written policy and procedures in keeping

with Oregon statute providing for the detention of persons 18 years of age or older under ORS 419C.125.

**ORS 419C.125** Juvenile detention facilities shall have written policy and procedures in keeping with Oregon statute providing for the detention of persons under the age of 18 based on an order from a court where youth have been waived to criminal or municipal court, as referenced in ORS 419C.130(2).

**ORS 419C.130(2)** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with Oregon statute permitting admission to detention for a period not to exceed eight days for:

- a) A youth offender (in addition to time already spent in the facility);
- b) A youth 12 years of age or older, alleged to be within the jurisdiction of the juvenile court by reason of having committed an act which would be a crime if committed by an adult, who escapes from a juvenile detention facility (ORS 419C.159);
- c) A youth offender 12 years of age or older, when the youth offender has been found to be within the jurisdiction of the juvenile court by reason of having escaped from a detention facility (ORS 419C.456).

**ORS 419C.456** Juvenile detention facilities shall have policy and practice in keeping with the statutory requirement that an unconscious person may not be admitted. No person who is unconscious shall be admitted to a juvenile detention facility, but shall instead be taken immediately to the nearest appropriate medical facility for medical diagnosis, care and treatment.

**ORS 419C.030** As soon as practicable after a youth or adjudicated youth is taken into custody under this chapter, the juvenile department shall ensure that the youth is screened to determine whether the youth is a victim of sex trafficking. If the screening indicates that the youth is or has been a victim of sex trafficking, the screener shall immediately report the suspected sex trafficking as required under ORS 419B.010 and the department shall ensure that the youth receives appropriate resources, including access to a special advocate, as determined by the Department of Justice, in consultation with the Department of Human Services and the Oregon Youth Authority.

**ORS 169.105** Juvenile detention facilities shall ensure notification of parents or guardians and victims in accord with Oregon law: As soon as practicable after the youth is taken into custody under ORS 419C.080 and 419C.088, the person taking the youth into custody shall notify the youth's parent, guardian or other person responsible for the youth. The notice shall inform the parent, guardian or other person of the action taken and the time and place of the hearing. If the victim requests, the district attorney or juvenile department shall notify the victim of the time and place of the hearing.

## Best Practices

1. The facility's intake procedures include a process for determining if a youth is limited English proficient (LEP) or are deaf or hard of hearing.
2. The facility has appropriate and reliable interpretation services available to conduct intake in a timely manner for limited English proficient youth and youth who are deaf or hard of hearing. The facility does not charge for interpretation services.
3. Staff provide intake information in a manner the youth can understand paying particular attention to language and literacy needs of youth. Staff provide this information in the primary language used by the youth.
4. During intake, youth should be asked to self-report gender identity and their chosen name or name they use in daily life. Youth who are transgender should be referred to using their chosen pronoun during intake and throughout their stay, and their gender should be recorded in alignment with their self-attested gender. Any youth who reports a chosen name should be referred to by that name during intake and throughout their stay, even if the youth's name has not been legally changed. If staff use a youth's chosen name in communication outside of the facility, they only do so at the youth's request.
5. As much as possible, youth's gender should be recorded as identified by the youth. The Juvenile Justice Information system should have an alert feature stating the chosen name.
6. During the intake process, youth receive information, in a developmentally and culturally appropriate manner, the facility's policy prohibiting sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
7. When a youth is taken out of Oregon and is identified as living out of state, the Oregon Interstate Compact for Juveniles (ICJ) office should be contacted to determine whether ICJ applies to the youth's situation. The Oregon ICJ staff can determine whether the youth has any outstanding warrants, pending cases is on supervision in another state, and who is the youth's legal guardian(s). Only the Oregon ICJ office can determine whether a youth's situation qualifies as an ICJ matter.
8. During the intake process, youth will be given the opportunity to sign a release of information for education and medical records.
9. Admission criteria limit detention eligibility to youth likely to commit serious offenses pending resolution of their cases, youth likely to fail to appear in court and youth held pursuant to a specific court order for detention.
10. A risk assessment is done to inform the least restrictive placement for each youth.

## 2.2 Admissions

Processes at time of admission will be to support age, gender and culturally appropriate social

and intellectual development of youth.

It is essential that youths and their families, at the time of admission, understand what is happening at all stages of the admission process, including the purposes, procedures and possible results. This ensures the youths and their families have the opportunity to understand youths rights in the intake process. Information is provided in the youth and family's own language if they do not understand English.

### **Best Practices**

1. Admission criteria limit detention eligibility to youth likely to commit serious offenses pending resolution of their cases, youth likely to fail to appear in court and youth held pursuant to a specific court order for detention.
2. A risk assessment is done to inform the least restrictive placement for each youth.
3. The facility does not detain youth with status offences. Out of state runaways are excluded from this prohibition.
4. Staff will again review with youth their rights to make sure they have a clear understanding. The review will involve taking the youths developmental ability and language of choice into consideration.
5. The facility conducts screenings to assist in providing a safe facility. Screenings will include behavioral health, suicide risk, JCP and other validated tools.
6. The facility considers youth individual safety needs related to gender identity, age, physique and identified disability, sexual orientation and youth's preference and concerns in determining appropriate housing.
7. The facility will comply with the Federal Guidelines for Medicaid health screenings.

### **2.3 Notice of Detention Hearing**

Detention facilities will ensure communication with the Juvenile Court Counselor to coordinate the detention hearing within 36 hours of placement in a detention facility as outlined in the Oregon Revised Statute time limitations in ORS 419C. 139 Speedy Hearing on Detention Cases. As above, out of state runaways are covered by Interstate Compact on Juveniles (ICJ), and these youth will have a different hearing process (cf. ORS 317.030).

Facilities will also provide notice as outlined in 419C.142 Notice of Detention Hearing.

**ORS 419C.139** No youth shall be held in detention or shelter care more than 36 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court made pursuant to a hearing under ORS 419C.109 (Initial disposition of youth taken into custody) (3), 419C.145 (Pre-adjudication detention), 419C.150 (Time limitations on detention), 419C.153 (Detention review or release hearing), 419C.156 (Detention of runaway from another state) and 419C.159

(Escape). [1993 c.33 §171; 1995 c.422 §73f; 1999 c.577 §7]

**ORS 419C.142** (1) Whenever a hearing concerning the detention of a youth under this chapter is held, notice of the hearing shall be given to:

- (a) The youth;
- (b) If any can be found, to a parent or guardian of the youth or to any other person responsible for the youth; and
- (c) If the victim requests notice, the victim.

(2) The notice shall state the time, place and purpose of the hearing. If a parent, guardian or other person cannot be found and personally notified prior to the hearing, a written notice of the hearing shall be left at the residence, if known, of a parent, guardian or other person. [1993 c.33 §172; 2007 c.609 §14]

## **2.4 Personal Property**

**ORS 169.076(2)(f)(h)** Juvenile detention facilities shall have a comprehensive written policy on personal property accountability which complies with ORS 133.455 and on the release process to include authority, identification and return of personal property.

### **Best Practices**

1. Facility staff will provide an inventory sheet of all personal items a youth enters detention with. Facilities will have a written policy regarding contraband encountered during the intake process and how it will be disposed of.
2. The Facility will provide a secure storage area for youth's personal belongings and launder their clothing.
3. The Facility will provide separate storage for each youth's personal items.
4. All personal non-contraband and non-perishable items will be returned to a youth upon release or family member upon youth's request.
5. Youth will sign the property sheet indicating they received all their personal items upon their release.

## **2.5 Orientation**

Youth receive written orientation materials and/or translations in their preferred language. A staff member or other person proficient in the youth's preferred language will assist the youth in understanding the material.

Completion of orientation is documented by a statement signed and dated by the youth.

### **Best Practices**

1. At the time of admission or shortly thereafter, youth receive both written and verbal or video orientation to the institutional rights, rules and procedures including;
  - a. Identification of key staff and roles.

- b. Rules on contraband and facility search policies.
  - c. The facility's system of positive behavior interventions and supports, including a review of behavior expectations, incentives that youth will receive for complying with facility rules and consequences that may result when youth violate the rules of the facility.
  - d. The existence of the grievance procedure, the steps that must be taken to use it, the youth's right to be free of retaliation for reporting a grievance and the name of the person or position designated to resolve grievances.
  - e. Access to routine and emergency health and behavioral health care.
  - f. Housing assignments
  - g. Opportunities for personal hygiene, such as showers.
  - h. Rules on visiting, correspondence and telephone use.
  - i. Access to education, religious services, programs and recreation.
  - j. Policies on use of physical force, restraints and room lock.
  - k. Emergency procedures.
  - l. The right to be free from physical, verbal, or sexual abuse and harassment by other youth and staff.
  - m. How to report problems at the facility such as abuse, feeling unsafe and theft.
  - n. Nondiscrimination policies and what they mean for youth and staff behavior at the facility.
  - o. The availability of services and programs in a language other than English.
  - p. The process for requesting different housing, education, programming and work assignments.
  - q. Demonstration of appropriate pat-down and clothing searches.
2. Staff make alternative arrangements to provide orientation to youth who are deaf, hard of hearing, blind or who have low vision.
  3. Staff make alternative arrangements to provide orientation to youth with disabilities.
  4. The facility makes key information about safety and youth rights available and visible to youth through posters, handbooks or other written formats. Staff make materials available for youth with limited English proficiency in all languages appropriate to their identified needs. Staff allow youth to retain copies of youth handbooks and other orientation materials in their rooms.
  5. The facility will have a language plan to address how to allocate resources necessary to address the language needs of limited English proficient youth and parents or caregivers.
  6. In addition to information given at intake staff will provide and document comprehensive age-appropriate information to youth either in person or through video regarding their rights to be free from sexual abuse and sexual harassment, the right to be free from retaliation for reporting such incidents and agency policies and procedures

for responding to such incidents. Information provided to youth will be in a format which is easily understood including limited English proficient, deaf, visually impaired or otherwise disabled as well as youth with limited reading skills.

## **2.6 Detention Review Hearing**

**ORS 419C.153** Any youth ordered detained under ORS 419C.145, 419C.150 and 419C.156 shall have a review hearing at least every 10 days, excluding Saturdays, Sundays and judicial holidays. At the review hearing the court shall determine whether sufficient cause exists to require continued detention of the youth.

## **2.7 Time Limitations**

**ORS 419C.139** Juvenile detention facilities shall have written policy in keeping with Oregon statutory requirements for speedy hearing on detention cases. No youth shall be held in detention or shelter care more than 36 hours, excluding Saturdays, Sundays and judicial holidays, except on order of the court made pursuant to a hearing.

**ORS 419C.150** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with statutory time limitations on detention. A youth may be held in detention under this section or ORS 419C.145, 419C.153, and 419C.156 for a maximum of 28 days except for good cause shown prior to the expiration of the 28-day period. If good cause for continued detention is shown, the period of detention may be extended for no more than an additional 28 days unless the adjudication is continued with the express consent of the youth.

## **2.8 Extended Detention**

### **ORS 419C.453**

1. Pursuant to a hearing, the juvenile court may order a youth offender placed in a detention facility for a specific period of time not to exceed eight days, in addition to time already spent in the facility, unless a program plan that is in conformance with standards established by the Youth Development Council has been filed with and approved by the council, in which case the youth offender may be held in detention for a maximum of 30 days in addition to time already spent in the facility, when:
  - a. The youth offender has been found to be within the jurisdiction of the juvenile court by reason of having committed an act that would be a crime if committed by an adult; or
  - b. The youth offender has been placed on formal probation for an act that would be a crime if committed by an adult, and has been found to have violated a condition of that probation.
2. Pursuant to a hearing, the juvenile court may order a youth offender who is at least 18 years of age placed in a jail or other place where adults are detained. The placement must be for a specific period of time and may not exceed eight days in addition to time

already spent in a juvenile detention facility or jail. The court may order placement under this subsection when:

- a. The youth offender has been found to be within the jurisdiction of the juvenile court by reason of having committed an act that would be a crime if committed by an adult; or
  - b. The youth offender has been placed on formal probation for an act that would be a crime if committed by an adult, and has been found to have violated a condition of that probation.
3. In order to detain a youth offender under subsection (2) of this section, the court shall make case-specific findings that placement in a jail or other place where adults are detained meets the specific needs of the youth offender.
  4. As used in this section, “adult” does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

## 2.9 Interstate Compact for Juveniles

**ORS 417.030** Juvenile detention facilities shall have written policy on cooperation with the interstate compact administrator in holding and/or returning juveniles charged with youth offenses from another state or is a runaway from another state in accord with the Interstate Compact on Juveniles.

## 2.10 Release

**ORS 169.076(2)(d)(h)** Juvenile detention facilities shall have a comprehensive written policy with respect to:

- Admission and release medical procedures
- Release process to include authority, identification and return of personal property

**ORS 169.760(1)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to: admission and release of juveniles to and from the facility and proper notification of the juvenile’s parent, guardian or other person responsible for the juvenile.

## Best Practices

1. The facility develops and implements written policies, procedures and actual practices to ensure that when the institutional population approaches or reaches its rated capacity, appropriate youth are released or stepped down to a non-secure settings.
  - a. Staff provide youth with heightened supervision until they have collected the information necessary to fully classify youth taking into consideration the

following information with the goal of keeping youth safe; age, gender identity, history of violent behavior, level of emotional and cognitive development, current charges and offense history, physical size and stature, status as limited English proficient and the availability of bilingual staff and other interpretation services, presence of intellectual or developmental disabilities, physical disabilities, presence of behavioral health needs or history of trauma, youth's perception of his or her vulnerability, suicide risk, prior sexual victimization or abusiveness, any gender non-conforming appearance or manner or identification as lesbian, gay, bisexual, transgender or intersex and other information that may indicate the need for heightened supervision or additional safety precautions.

- b. Staff will try to match youth with cultural and gender responsive and affirming placements.
2. The agency responsible for operating the detention facility collects data using the Juvenile Justice Information System (JJIS), reviews and ensures the accuracy of the data and reports the following data, disaggregated by race: ethnicity, gender identity and status as limited English proficient, number of youth brought to detention by agency, reasons for admission, admissions to detention, releases from detention, average daily population and average length of stay.

## SECTION 3: SECURITY AND CONTROL

Facilities use a combination of supervision, inspection, accountability and clearly defined policies and procedures to promote safe and orderly operations.

### 3.1 Safety and Security

**ORS 169.076(3)** Juvenile detention facilities shall formulate and publish plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of emergencies.

**ORS 169.076(11), ORS 169.077(7), ORS 419A.052(1)** Juvenile detention facilities shall have written policy, procedure and practice in keeping with applicable federal, state and local safety codes, including fire safety inspections and fire drill requirements. Juvenile detention facilities shall keep the facility safe and secure in accord with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

**ORS 169.076(6)** Juvenile detention facilities shall have written policy, procedure, and practice that prohibit firearms from the security area of the facility except in times of emergency as determined by the administrator of the facility.

### 3.2 Searches

Personal searches are one way juvenile justice facilities ensure the safety and security of both staff and juveniles. Personal searches are used as a means to stop the flow of contraband into a facility and to help prevent self-harm and suicide. Personal searches include all searches where physical contact or visual examination of a person occurs. For the purposes of this standard, the NPJS is applying the definition of a strip search as established in the standards for the Prison Rape Elimination Act as a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia. When examining the issue of searches, juvenile justice facilities face unique challenges and are often tasked with finding a delicate balance between preserving the dignity and personal privacy rights of the youth, while ensuring the safety of the facility and staff.

#### Best Practices

All searches conducted on justice involved juveniles should be conducted:

- a. Respecting the youth's gender identity in a professional manner and in alignment with federal and state laws,
- b. In the least intrusive manner possible, and
- c. Consistent with security needs.

In the event a comprehensive search should be performed:

- a. With individualized approvals from management based on agency policy,
- b. With one juvenile at a time,
- c. In a private location, the youth will not be on camera,
- d. Staff will remain visible on camera during the search, and
- e. With documentation covering these bulleted areas along with any found contraband.

All staff should receive training on how and in which manner to perform searches. In addition, staff in juvenile facilities must be educated about how personal searches of juveniles might affect them. Further, they should be trained in how to complete the comprehensive search and expected to limit any negative or potentially traumatic experiences occurring from searches whenever possible. Written policy and procedures should be made available to staff detailing exactly when, how, by whom and under what circumstances searches will be conducted. Prior to a search, juveniles should be informed of their rights and the conditions under which searches will be conducted. Searches should be conducted in a manner which minimizes potential negative impacts (including: humiliation, embarrassment, unwarranted physical exposure, etc.). No juvenile facility should allow cross-identified gender searches unless in an exigent circumstance. Additional training should be provided to prepare staff for any search that may fall under the Prison Rape Elimination Act (PREA).

Intake searches include pat-downs, scanners, or clothing searches. If the facility permits comprehensive searches (comprehensive searches) upon intake or visual body cavity searches, staff conduct them in accordance with applicable law. All youth will be treated in a professional and respectful manner.

1. When staff search youth who are returning from court, school, another facility, visits on the premises, or who have been otherwise continuously supervised, they do so by a pat-down, metal detector or clothing search. Staff conduct comprehensive or visual body cavity searches in such circumstances only upon reasonable suspicion that a youth is in possession of a weapon or contraband and in accordance with applicable law.
2. During the intake process staff will ask youth who have identified themselves as transgender or gender non-conforming to request the preferred gender of the staff person who conducts searches. The facility should have a process in place to document, review and approve/deny these requests.
3. Staff conducting pat-down searches and clothing searches are of the same gender identity as the individual being searched.
4. Only qualified medical professionals conduct physical body cavity searches. Staff notify parents or guardians if a youth is subjected to a physical body cavity search, it will follow the medical board protocols.
5. Staff conducting comprehensive searches, or collecting urine samples are of the same

gender identity as the youth being searched.

6. Staff document and provide written justification for all cross-gender searches.
7. Staff conduct facility and individual room searches when needed with the least amount of disruption and with respect for youth's personal property.
8. Staff search visitors by pat-down or metal detector to ensure the safety, security and sound operation of the facility.
9. Staff do not conduct searches of youth, youth rooms or visitors as harassment or for the purpose of punishment or discipline.
10. When conducting a personal search of a transgender, gender non-conforming and gender non-binary youth, the staff or health care professional will be assigned based on the youth's gender identify and safety preference. If that is not possible, a health care professional of a different gender may conduct a comprehensive search, pat down or visual (but not physical) body cavity search.
11. Transgender and gender non-conforming youth will have access to gender affirming supports, including but not limited to clothing and hygiene items otherwise permitted in the facility, respectful use of gender-affirming pronouns, providing access to gender-neutral restrooms or restrooms based on gender identity, and providing access to identification cards and name tags consistent with gender identity, if applicable.

### **3.3 Supervision of Youth**

Staff positions should provide direct personal supervision and be located within the living units of youth to allow workers to hear and respond immediately to needs. Staff interactions are based on training and experience with the youth developmental approach.

**ORS 169.076(1)** Juvenile detention facilities shall provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees, with personal inspection at least once each hour. The supervision may include the use of electronic monitoring equipment when approved by the governing body of the area in which the facility is located.

**ORS169.740(2)(a)(b)** Facilities shall provide for personal inspection of each juvenile at least once each hour unless a particular situation requires more frequent inspection. Each facility shall provide for personal or electronically monitored supervision on each floor where juveniles are detained.

#### **Best Practices**

1. Indirect supervision, including video or electronic monitoring, is not substituted for direct supervision.
2. Direct supervision of youth require 30-minute checks while youth are in their rooms.

### 3.4 Control of Contraband

**ORS 169.760(2)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility, ORS 169.076, 169.078, 169.740 and 169.750, with respect to the use of internal searches upon a detained juvenile.

**ORS 169.750(4)** Juvenile detention facilities may not cause to be made an internal examination of a detained juvenile's anus or vagina, except upon probable cause that contraband, as defined in ORS 162.135 (1), will be found upon such examination and then only by a licensed physician or a nurse.

**ORS 169.740** Juvenile detention facilities shall provide for the private and unrestricted receipt and sending of mail (unless otherwise ordered by the juvenile court following a hearing). Incoming mail may be opened in the presence of the juvenile on reasonable suspicion that the mail contains contraband as defined in ORS 162.135 (1), and incoming packages shall be opened in the presence of the juvenile and their contents may be held until the juvenile is released. The juvenile shall be informed of any confiscated contraband.

### 3.5 Use of Force

Use of force should always be the last resort after verbal de-escalation has been attempted and redirection has been attempted, unless there is an immediate risk of harm to others or self, prevention of escape or severe property damage.

**ORS 161.205** The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

**(1)(a)** A parent or legal guardian of a minor child may use reasonable physical force upon the minor child when and to the extent the person reasonably believes the physical force is necessary to maintain discipline or promote the welfare of the minor child, unless the physical force constitutes abuse as defined in [ORS 418.257 \(Definitions for ORS 418.257 to 418.259\)](#) or [419B.005 \(Definitions\)](#).

**(b)** Personnel of a public education program, as that term is defined in [ORS 339.285 \(Definitions for ORS 339.285 to 339.303\)](#), may use reasonable physical force upon a student only to the extent that the application of force is consistent with [ORS 339.285 \(Definitions for ORS 339.285 to 339.303\)](#) to [339.303 \(Rules for complaints, investigations and seclusion rooms\)](#) and is not corporal punishment as defined in [ORS 339.250 \(Duty of student to comply with rules\)](#) (9).

**(2)** Subject to [ORS 161.237 \(Use of physical force involving pressure on throat or neck by peace officer or corrections officer\)](#) and [421.107 \(Use of dog for cell extraction prohibited\)](#), an

authorized official of a jail, prison or correctional facility, including a youth correction facility as defined in [ORS 162.135 \(Definitions for ORS 162.135 to 162.205\)](#), may use physical force when and to the extent that the official reasonably believes it necessary to maintain order and discipline or as is authorized by law.

**(3)** A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under the direction of the person, may use physical force when and to the extent that the person reasonably believes it necessary to maintain order, but the person may use deadly physical force only when the person reasonably believes it necessary to prevent death or serious physical injury.

**(4)** A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonably believes it necessary to thwart the result.

**(5)** A person may use physical force upon another person in self-defense or in defending a third person, in defending property, in making an arrest or in preventing an escape, as hereafter prescribed in chapter 743, Oregon Laws 1971.

**ORS 169.760** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility, ORS 169.076, 169.078, 169.740 and 169.750, with respect to the use of physical restraints, physical force, chemical agents, internal searches and isolation of or upon a detained juvenile.

**ORS 169.750** Juvenile detention facilities may not administer physical punishment to any detainee at any time.

**ORS 169.750(1)(2)** Juvenile detention facilities may not for purposes of discipline or punishment impose any infliction of or threat of physical injury or pain. A facility may not use any physical force, other means of physical control or isolation upon a detained juvenile except as reasonably necessary and justified to prevent escape from the facility, physical injury to another person, to protect a detained juvenile from physical self-injury or to prevent destruction of property, or to effectuate the confinement of the juvenile in room lock or isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only as long as it appears that the danger exists.

The use of force or other physical means of control to be removed as soon as the youth regains self control. Staff may not employ the use of restraining devices for a purpose other than to prevent physical injury or escape, or, in any case, for a period in excess of six hours. However, the time during which a detained juvenile is being transported to another facility pursuant to court order shall not be counted within the six hours.

**ORS 169.740(2)(i)** Juvenile detention facilities shall make a written report, one copy of which shall be maintained in a general log, of each use of physical force, restraint, isolation, room lock or internal search, setting forth in detail the reason such action that was taken and the name of the staff person taking such action.

**ORS 169.740(2)(j)** Juvenile detention facilities shall notify the attorney and parent or guardian of a detained youth after the use of any physical force upon the youth as soon as reasonable after the use of force and by mailing a copy of the written report within 24 hours after the use of force.

### **Best Practices**

1. Facility staff receive regular training in conflict management, de-escalation of confrontations, crisis intervention techniques, management of assaultive behavior, minimizing trauma involved in the use of physical force and the facility's continuum of methods of control.
2. Facility staff receive regular training on situations in which use of physical force is or is not justified, permitted methods of physical force, appropriate techniques for use of physical force and guidance to staff in deciding what level of physical force to use if that becomes necessary.
3. Staff follow a graduated set of interventions that avoid the use of physical force, employ a range of interventions or actions behavior using physical force and permit only the least restrictive measure in order to prevent physical harm to youth or others.
4. Only staff specifically trained in the use of physical force are permitted to use such techniques or devices. Staff only use approved techniques.
5. Staff only use approved physical force techniques when a youth's behavior threatens imminent harm to the youth or others. Staff may use approved physical force techniques when a youth is engaging in property destruction that involves an imminent threat to the youth's safety or the safety of others.
6. Staff only use physical force by employing the least restrictive appropriate means and only for the amount of time necessary to bring the situation under control. As soon as a youth regains self-control and staff assesses the youth for safety, staff stop using physical force.
7. Staff will complete incident reports on all issues involving the use of physical force for behavioral interventions.
8. Staff ensure that all youth who are the subject of a use of physical force notify medical staff within one hour of the use of physical force of the incident involving the youth and see a qualified medical professional if injuries occurred based on the recommendation of the medical staff.

9. Facility administrators will review all incidents involving the use of physical force to explore what might have prevented the need for force and alternative ways of handling the situation. The review should include an interview with the youth, all witnesses, and review of any existing video footage.

### **3.6 Use of Restraints**

Restraints should only be used, and for as long as necessary, to prevent self-injury, injury to others, severe property damage that involves imminent threat to safety, attempted escape or for transportation purposes.

**ORS 169.760(2)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility, ORS 169.076, 169.078, 169.740 and 169.750, with respect to the use of physical restraints, force, chemical agents, internal searches and isolation of or upon a detained juvenile.

Juvenile detention facilities may not impose physical restraint for the purposes of discipline or punishment. Use of physical force or other means of physical control are prohibited except as reasonably necessary and justified to prevent escape from the facility, physical injury to another person, to protect a detained juvenile from physical self-injury or to prevent destruction of property, or to effectuate the confinement of the juvenile in room lock or isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only so long as it appears that the danger exists. A use of force or other physical means of control may not employ the use of restraining devices for a purpose other than to prevent physical injury or escape, or, in any case, for a period in excess of six hours. However, the time during which a detained juvenile is being transported to another facility pursuant to court order shall not be counted within the six hours.

**ORS 169.740(2)(i)** Juvenile detention facilities shall make a written report, one copy of which shall be maintained in a general log, of each use of restraint, setting forth in detail the reason such action was taken and the name of the staff person taking such action.

**ORS 169.740(2)(j)** Juvenile detention facilities shall notify the attorney and the parent or guardian of the detained youth after the use of any use of restraint upon the youth as soon as reasonable after the use and by mailing a copy of the written report within 24 hours after the use.

### **Best Practices**

1. Staff receive annual training in conflict management, de-escalation of confrontations, crisis intervention techniques management of assaultive behavior, minimizing trauma

involved in the use of mechanical restraints and the facility's continuum of methods of control.

2. Staff receive annual training on situations in which use of mechanical restraints is or is not justified, permitted methods of restraint and appropriate techniques for use of restraints and guidance to staff in deciding what level of restraint to use if that becomes necessary.
3. Staff only use mechanical restraints when a youth's behavior threatens imminent harm to the youth or others. Staff may use approved mechanical restraints when a youth is engaging in property destruction that involves an imminent threat to the youth's safety or safety of others.
4. Staff only use mechanical restraints by employing the least restrictive appropriate means and only for the amount of time necessary to bring the situation under control. As soon as a youth regains self-control and staff assesses youth for safety, staff stop using mechanical restraints.
5. Facilities will have written policies regarding transportation of youth in restraints and the types of restraints which are approved.
6. Staff never leave youth who are sleeping in restraints.
7. Staff never leave youth who are in restraints alone.
8. Facilities will have written policies, procedures and actual practices to prohibit;
  - a. The use of any kind of restraint device other than handcuffs or belly belts/chains and leg restraints during transportation.
  - b. Restraining youth to any fixed object including beds or walls.
  - c. Use of chemical agents, including pepper spray, tear gas and mace.
  - d. Use of chemical or medical restraints.
  - e. Hog tying youth or placing youth in restraints in other positions that could restrict breathing.
  - f. Restraining youth in a prone position and putting pressure on the youth's back, or restraining youth in a position that may restrict their airway.
  - g. Using mechanical restraints for punishment, discipline, retaliation, or treatment.
  - h. Use of belly belts/chains or leg restraints on pregnant girls.
9. Staff will complete incident reports on all issues involving the use of mechanical restraints.
10. Staff ensure that all youth who are the subject of a use of restraint incident notify a qualified medical and behavioral health professional within one hour of the use of restraint.
11. Facility administrators will review all incidents involving the use of restraints to explore what might have prevented the need for force or restraint and alternative ways of handling the situation. Review will include the length of time.

### 3.7 Room-lock

“Room-lock” means confinement of a juvenile in any sleeping room, other than an isolation room, except during regular sleeping periods. A statutory exception applies to facilities serving counties with a population less than 70,000, based on the 1980 census, “room lock” does not include confining a juvenile in a sleeping room when all detained juveniles of the same sex are similarly confined due solely to the limitations of physical facilities or staff. These guidelines, however, apply to all juvenile detention facilities.

Brief periods of timeouts are not considered room-lock and is seen as serving only a “cooling off” purpose, is short in duration with the time period 5 to 20 minutes—specified at the time of assignment. Voluntary “time-out” at the request of the youth is not considered room-lock, and the youth shall enter general population as soon as they request to re-enter. Youth on “medical down” status will not be considered on room-lock.

**ORS 169.760(2), ORS 169.730** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to the use of physical restraints, physical force, chemical agents, and internal searches of a detained juvenile.

**ORS 169.750(7)** Juvenile detention facilities may not discipline or punish any juvenile for conduct or behavior by room lock for a period in excess of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for more than one day, except after:

- a) Advising the juvenile in writing of the alleged offensive conduct or behavior;
- b) Providing the juvenile the opportunity to a hearing before a staff member who was not a witness to the alleged offensive conduct or behavior;
- c) Providing the juvenile the opportunity to produce witnesses and evidence and to cross-examine witnesses;
- d) Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile; and
- e) A finding that the alleged conduct or behavior was proven by a preponderance of the evidence and that it violated a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or constituted a crime under the laws of this state.

**ORS 169.750(3)** Juvenile detention facilities may not use room lock except for the discipline and punishment of a detained juvenile for violation of a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or for conduct that constitutes a crime under the laws of this state or that would justify physical force, control or isolation under subsection (2) of this section.

**ORS 169.750(2)(b)** Juvenile detention facilities may not use force or other physical means of

control that employ isolation for a period in excess of six hours.

**ORS 169.740(2)(i)** Juvenile detention facilities shall make a written report, one copy of which shall be maintained in a general log, of each use of physical force, restraint, isolation, room lock or internal search, setting forth in detail the reason such action was taken and the name of the staff person taking such action.

Juvenile detention facilities shall notify the attorney and the parent or guardian of the detained juvenile after the use of any physical force, restraint, isolation or internal search as soon as is reasonable after the use and by mailing a copy of the report within 24 hours after the use.

### **Best Practices**

1. Prior to using room-lock, staff use less restrictive techniques, including talking with youth to de-escalate the situation and bringing in staff, qualified behavioral health professionals (if available). Prior to using room-lock or immediately after placing a youth in room confinement, staff explain to the youth the reasons for the room confinement and the fact that they will be released upon regaining self-control.
2. Staff only use room lock as a temporary response to behavior that threatens immediate harm to the youth or others. Staff may use room lock when a youth is engaging in property destruction that threatens immediate harm to the youth or others.
3. Staff never use room lock for discipline, punishment, administrative convenience, retaliation, staffing shortages, or reasons other than a temporary response to behavior that threatens immediate harm to youth or others.
4. Staff do not place youth in room-lock for fixed periods of time. Staff return youth to programming as soon as the youth has regained self-control and is no longer engaging in behavior that threatens immediate harm to the youth or others.
5. During the time that a youth is in room-lock, staff engage in crisis intervention techniques and constant observation until the youth is stabilized.
6. Staff develop special individualized programming for youth with persistent behavior problems that threaten the safety of youth or staff or the security of the facility. Staff do not use room –lock as a substitute for special individualized programming.
7. Staff should make visual contact with the youth at least every 15 minutes, depending on his/her emotional regulation.
8. Youth on room-lock are offered education and materials
9. An incident report will be completed in JJIS and reviewed by management if room-lock is used.

### **3.8 Isolation**

Isolation should only occur when no other means can be used to accomplish the immediate safety and security of the youth and staff. The use of isolation should be for as short a time as

possible. As soon as the youth no longer poses a threat, the isolation should be ended and the youth should be reintegrated back into programming.

“Isolation” means confinement of a juvenile in any room which lacks toilet facilities, furniture, reading and recreation materials or access to light and air comparable to that in other rooms used for the detention of juveniles.

### **Best Practice**

1. Isolation is only used if youth's behavior threatens imminent harm to self, others, or serious destruction to property.
2. Staff only keep youth in isolation for the amount of time necessary for the youth to regain self-control and no longer poses a threat.
3. Staff provide direct supervision to any youth in isolation at least every 5 minutes.
4. If a youth is in isolation for long than one hour, a qualified behavioral health professional must review the youth and make recommendations for de-escalation.
5. Staff allow youth access to toilet facilities upon request.

## **3.9 Emergency Evacuation and Management**

Facilities will have written policies in place to address procedures within the facility. A written plan will also include for evacuations and shelter in place for emergency response. The plan will identify partnering agencies for transportation, shelter and other services where youth may be housed for a period of time until the immediate emergency is over and youth can return safely to the facility.

### **Best Practices**

1. The facility's plan is created through collaboration with partnering agencies and detail plans for a prioritized list of emergencies. Juvenile Department Director and Detention Manager will review and update the plan.
2. The facility plan will take into consideration:
  - a. Characteristics of the facility,
  - b. Hazard profile,
  - c. Allocating responsibilities of staff,
  - d. Communication procedures,
  - e. Shelter in Place and Evacuation,
  - f. Aftercare
  - g. Consideration for youth with disabilities
3. The facility includes the emergency preparedness and evacuation training for all staff on an annual basis.
4. The facility has a plan to continue education services if evacuated.



## SECTION 4: BEHAVIOR MANAGEMENT SYSTEM

### 4.1 Youth Rules

**ORS 169.076(12)** Juvenile detention facilities shall have and provide each detained youth with written rules for conduct and disciplinary procedures. If the juvenile cannot read or is unable to understand the written rules, the information shall be conveyed to the juvenile orally.

Implementation and delivery of a positive approach across the spectrum of service delivery options. Practices should increase the frequency of positive behaviors to meet universal needs for safety, belonging, achievement, responsibility and empathy. Juvenile justice service providers must strive to train and provide supportive resources to better enable staff in applying practices that build youth strengths and increase long term positive change rather than through punishment and short-term compliance. Strategies should focus on creating a culture that reinforces positive behavior and uses problems as opportunities for learning and growth. Individualized approaches are critical to the success of a behavior management approach and encompasses many elements of a youth's person.

Programs need to recognize the strengths of stress adapted youth in order to turn trauma into resilience. Programs must have involved leaders who can assess the milieu, provide clear direction and expectations for staff in line with best practice, and reinforce the fidelity of programmatic implementation.

A youth handbook or information that contains all facility violations, ranges of penalties and disciplinary procedures is provided to each youth and staff member and is translated into those languages spoken by significant numbers of youths. Signed acknowledgment of receipt of the rule book is maintained in each youth's file. When a literacy or language needs prevents a youth from understanding the rule book, a staff member or translator assists the youth in understanding the rules. All materials will be written in plain language and provided in a readable form. Staff will take time to ensure that youth are able to understand.

#### Best Practices

1. Facilities will have written rules available for youth in plain language to access in various forms besides the orientation manual throughout the facility. Forms in their rooms, posters on the walls of the facility, videos or other forms for youth to access during their stay at the facility.
2. The facility has a system of positive behavior interventions and supports that provides a set of systemic and individualized strategies for achieving social and learning outcomes for youth while preventing problem behavior.
3. Staff explain the behavior management system to youth upon admission, both verbally and in writing, at a level that staff reasonably expect youth to understand.

4. The system outlines expectations clearly and using specific examples of positive and negative behavior.
5. The system rewards youth for positive behavior with incentives that are meaningful enough to motivate youth.
6. Staff model positive behaviors and mentor and coach youth on demonstrating positive behaviors, focusing on building youth's sense of self-efficacy, self-concept and self-esteem.
7. Staff responses to negative behaviors are immediate, fair and proportionate to the behavior. Consequences related to negative behavior bear a relationship to the type of negative behavior demonstrated by the youth.
8. Staff use therapeutic approaches to respond to negative behaviors, not confrontational or antagonistic approaches. Staff respond to negative behavior with the goal of reducing anxiety and re-traumatization of youth.
9. Staff work with youth who demonstrate negative behaviors to understand why the problem behavior is occurring and to identify alternatives to those behaviors.
10. Staff are trained in the use of the behavior management system and implement it fairly and consistently.
11. The culture of the institution emphasizes rewarding success in lieu of focusing on punishing failure.
12. Collaborate with outside agencies for behavior supports or case management plans identified to assist a youth be successful.

## **4.2 Accountability**

**ORS 169.760(8)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to sanctions for violating rules of conduct made pursuant to ORS 169.076(12) and procedures for fact-finding and imposition of discipline or punishment.

**ORS 169.076(4)** Juvenile detention facilities shall not administer any physical punishment to any youth at any time.

**ORS 169.750(1)** Juvenile detention facilities may not impose upon a detained youth for purposes of discipline or any punishment infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, or isolation.

**ORS 169.076(12)** Juvenile detention facilities shall have and provide each detained youth with written rules for conduct and disciplinary procedures. If the juvenile cannot read or is unable to understand the written rules, the information shall be conveyed to the juvenile orally.

### **Best Practices**

1. The facility develops and implements written policies, procedures and actual practices to ensure that;

- a. Facility staff receive regular training in conflict management, de-escalation of confrontations, crisis intervention techniques, management of assaultive behavior, minimizing trauma involved in the use of physical force and mechanical restraints and the facility's continuum of methods of control.
  - b. Facility staff receive regular training on situations in which use of physical force or mechanical restraints is or is not justified, permitted methods of physical force and restraints, appropriate techniques for use of physical force and restraints and guidance to staff in deciding what level of physical force or restraints to use if that becomes necessary.
  - c. Staff follow a graduated set of interventions that avoid the use of physical force or mechanical restraints, employ a range of interventions or actions before using physical force or restraints and permit only the least restrictive measure in order to prevent physical harm to the youth or others.
  - d. Only staff specifically trained in the use of physical force and mechanical restraints are permitted to use such techniques or devices. Staff only use approved techniques or devices.
2. Written policies and procedures in the facility set forth the principles below for use of physical force and mechanical restraints;
    - a. Staff only use approved physical force techniques when a youth's behavior threatens imminent harm to the youth or others. Staff may use approved physical force techniques when a youth is engaging in property destruction that involves an imminent threat to the youth's safety or the safety of others.
    - b. Staff only use physical force or mechanical restraints by employing the least restrictive appropriate means and only for the amount of time necessary to bring the situation under control. As soon as a youth regains self-control, staff stop using physical force or mechanical restraints.
    - c. Staff never leave youth who are sleeping in restraints.
    - d. Staff never leave youth who are in restraints alone.
    - e. Staff never hogtie youth or place youth in restraints in other uncomfortable positions.
    - f. Staff never restrain youth to fixed objects, including beds or walls.
    - g. Staff never use physical force or mechanical restraints for punishment, discipline, retaliation or treatment.
  3. Facility staff document all use of physical force or restraint incidents using the incident report form developed in JJIS.
  4. Youth will see a qualified medical health professional post restraint to check for any injuries to youth, medical staff will document any observed injuries in writing and photographs.
  5. Supervisory Staff will review all incidents of physical force to determine if there

were alternative interventions, including consulting with behavioral professionals and INTELLECTUAL AND DEVELOPMENTAL DISABILITY (IDD) services.

6. Incident reports of physical force or restraint will be reviewed by the facility administrator, including the amount of time that youth are restrained and whether the youth had an identified behavioral health disorder or developmental or intellectual disability.



## SECTION 5: YOUTH RIGHTS

### 5.1 Protection from Harm

Facilities maintains a safe environment free from all forms of sexual abuse and harassment. This Safe environment free from all forms of sexual abuse and harassment affects all adults and youth who work, volunteer, reside or visit the agency. Facilities will adhere to the standards in the Prison Rape Elimination Act.

#### Federal Guideline

**Prison Rape Elimination Act (PREA) Standards** Juvenile detention facilities shall have a written policy mandating a safe environment free from all forms of sexual abuse and harassment toward all forms of sexual abuse. Elements of the policy include:

1. Aggressive response, investigation and support of prosecution of sexual misconduct in facilities;
2. Continual training and education of staff and juveniles to increase awareness of safe reporting mechanisms and services available to victims;
3. Separation and monitoring of both sexually aggressive and vulnerable juvenile through assessments and room assignment;
4. Establishing means of data collection to track sexual misconduct, analyze incidents and improve operations and services.

Juvenile detention facilities shall train all employees on a resident's right to be free from sexual abuse, the right of residents and the employees to be free from retaliation for reporting sexual abuse, the dynamics of sexual abuse in confinement, and the common reactions of sexual abuse victims. The facility maintains written documentation verifying employees understanding of the training received.

Written policy outlines that facility administrators and supervisors responsible for reviewing critical incidents must examine areas in the facility where sexual abuse has occurred to assess whether there are any physical barriers that may have enabled the abuse, the adequacy of staffing levels during different shifts, and the need for monitoring technology to supplement direct care staff supervision.

Accommodations are made to convey all written information about sexual abuse policies, including how to report sexual abuse, verbally to residents who have limited reading skills or who are visually impaired, or who are limited English proficient.

**ORS 169.760** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the

facility, ORS 169.076, 169.078, 169.740 and 169.750, with respect to:

- a. The admission and release of juveniles to and from the facility and proper notification of the juvenile's parent, guardian or other person responsible for the juvenile;
- b. The use of physical restraints, physical force, chemical agents, internal searches and isolation of or upon a detained juvenile;
- c. A detained juvenile's access to medical and dental treatment, education, counseling and exercise;
- d. Access to the facility by the public and news media;
- e. Access to reading materials for detained juveniles;
- f. Dress and groom code which will allow for individual identity of detained juveniles;
- g. Access to visitation and telephone calls for a detained juvenile with family and friends;
- h. Sanctions for violating rules of inmate conduct made pursuant to ORS 169.076 and procedures for fact-finding and imposition of discipline or punishment; and
- i. Access to records and grievance procedures for complaints by the detained juvenile, the attorney of the detained juvenile, parent or guardian or other interested person as provided for in ORS 419A.255.

**ORS 419B.005 through ORS 419B.015** Juvenile detention facilities shall have written policies that comply with Oregon statute with respect to the definition of youth abuse and establish directions for reporting youth abuse and/or neglect consistent with Oregon law.

### **Best Practices**

1. The facility enables youth to shower, perform bodily functions and change clothing without non-medical staff of a different gender identity viewing their breasts, buttocks or genitalia, except in exigent circumstances.
2. Staff of the opposite gender of the youth living there announce their presence when entering housing units.
3. Transgender and intersex youth should have the ability to shower separately from other youth. Absent security concerns, transgender and intersex youth should not be required to shower separately.
4. Staff make accommodations for youth whose physical or emotional state warrants additional privacy when showering, performing bodily functions or changing clothing.
5. The facility allows youth to shower individually or employs a means of affording youth privacy during showers while also allowing staff to ensure the youth's safety.

## 5.2 Access to Courts, Counsel, and Governing Authorities

**ORS 169.076(10)** Juvenile detention facilities have written policy, procedure and practice in keeping with the statutory requirement to forward, without examination or censorship, each juvenile's outgoing written communications to the Governor, facility administrator, Attorney General, judge, juvenile department or attorney of the juvenile.

**ORS 169.740(2)(f)** Juvenile detention facilities shall provide payment of postage for the youth's mail to an attorney or to federal, state, county or municipal government officials.

**ORS 169.760(9)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to the attorney of the detained juvenile, parent or guardian or other interested person as provided for in ORS 419A.

**ORS 169.740(2)(d)** Juvenile detention facilities shall provide for unrestricted contact between detained juveniles and their attorneys unrestricted attorney access to the facility for private attorney-client consultation. Unrestricted contact between 8 a.m. and 5 p.m. for a period of not less than five hours per day is the minimum requirement.

### Best Practices

1. Mail to and from an attorney, the courts, or public officials is privileged. Staff do not open or read such mail.
2. Staff allow visits from attorneys of record, paralegals and other legal support staff such as investigators, experts, and defense team members at all reasonable times during hours that youth are awake and do not limit such visits to visitation hours. Staff allow attorneys to bring in materials that assist them in representing their clients. (e.g., laptops, legal files.)
3. Staff allow attorneys to meet with their clients as soon as possible.
4. The facility provides a private room or area that allows for confidential attorney visits.
5. Youth are able to make and complete free and confidential phone and video calls to attorneys. Staff do not limit the frequency or length of legal phone and video calls. Staff assist youth in obtaining the phone numbers of their attorneys if necessary.
6. Written policies, procedures and actual practices outline protocols for interviews of youth by law enforcement and prosecutors and the protocols incorporate youth's right to counsel.
7. The juvenile department provides records to a youth's attorney upon written consent of the youth or a court order appointing the attorney as the youth's counsel.
8. Staff allow youth to access legal assistance (e.g., pro bono lawyers, law students, paralegals) and legal research materials both pre- and post-adjudication.

9. Detention facilities will accommodate for youth to wear court-appropriate attire.

### **5.3 Access to Records and Legal Materials**

**ORS 169.076(14)** Juvenile detention facilities shall safeguard and ensure that the juvenile's access to legal materials is protected.

**ORS 169.760(9)** Juvenile detention facilities shall have established comprehensive written policies with respect to access to records and grievance procedures by detained juveniles, the attorney of the detained juvenile, parent or guardian or other interested person as provided by ORS 419A.255.

The facility will have written policies, procedures and actual practices outlining protocols for interviews of youth by law enforcement and prosecutors and the protocols incorporate the youth's right to counsel.

#### **Best Practices**

1. Mail to and from attorneys of record, the courts, or public officials is privileged. Staff do not open or read such mail. Staff may have the youth open the mail in front of them to ensure no items considered to be contraband are enclosed.
2. Staff allow legal visits from attorneys, paralegals and other legal support staff such as investigators, experts and defense team members at all reasonable times during hours that youth are awake and do not limit such visits to visitation hours. Staff allow attorneys to bring in materials that assist them in representing their clients (e.g., laptops, legal files).
3. The facility will provide a secure place for youth to store their confidential legal records.

### **5.4 Youth with Disabilities**

#### **Federal Guidelines**

**Americans with Disabilities Act [Code of Federal Regulation, Chapter 28, Section 35]** Juvenile detention facilities shall have written policy in keeping with the requirements of the Americans with Disabilities Act. The Code of Federal Regulations, Chapter 28, Section 35, sets forth the requirements for services, programs, and activities provided or made available by state and local governments.

**ORS 169.750(8)** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with the statutory requirement that they may not detain juveniles with emotional disturbances, mental retardation or physical disabilities on the same charges and circumstances for which other juveniles would have been released or provided with another alternative.

## Best Practices

1. Each facility must designate an ADA coordinator and maintain a written policy addressing disability-related accommodations.
2. Youth and families should be notified of the opportunity to request an accommodation and the process through which to do so.
3. A request for any disability- related accommodation or modification must be granted or must trigger an interactive process designed to meet the need and ensure full participation without imposing an undue burden on the facility or fundamentally altering the program. That process, and the outcome, should be documented.
4. An accommodation may be requested at any time during a youth's detention.

## 5.5 Dress, Grooming, and Personal Hygiene

**ORS 169.760(6)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to dress and groom code which will allow for individual identity of detained juveniles.

**ORS 169.076(8)** Juvenile detention facilities shall ensure that the facility be clean, and provide each detainee materials to maintain personal hygiene, clean clothing twice weekly, mattresses and blankets that are clean and fire-retardant, and require each detainee to shower twice weekly.

## Best Practices

1. Youth wear shirts and sweatshirts and pants or sweatpants that are appropriate in size.
2. Youth receive outerwear and footwear that is appropriate sized and appropriate to the activity and season.
3. The facility provides youth with clean clothing and undergarments that are appropriate in size.
4. Clothing colors should not be assigned based upon binary sex/gender (male/female), but rather provide color choices for clothing that are not tied to sex or gender identity.
5. Transgender and gender non-conforming youth should be allowed clothing, undergarments, grooming items, gender-affirming supports, and other personal items that are consistent with the youth's gender identity. See Appendix X for a recommended list of acceptable personal items.
6. The facility provides adequate and culturally appropriate hair and skin care products, services and supplies for youth. Rules about hair and skin care are gender and culturally sensitive.
7. Youth have access to adequate personal hygiene and toiletry supplies including hygiene

- supplies specific for girls if girls are detained in the facility.
8. Access to clothing, personal items, and hygiene items cannot be taken away punitively.
  9. Youth have adequate time to conduct appropriate hygiene practices.
  10. Staff provide youth with the opportunity to groom themselves before court and other important events.
  11. Staff provide youth with clean underclothing and socks daily. Staff provide youth with clean outer clothing, except footwear, not less than twice a week.
  12. Staff provide clean bed linens at least once weekly, including two sheets, a pillow and a pillowcase, a mattress and sufficient blankets to provide reasonable comfort. Staff do not remove these items as a form of discipline.

## 5.6 Freedom of Religious Expression

**ORS 169.076(13), ORS 169.740(2)(h)** Juvenile detention facilities shall not restrict the free exercise of religion unless failure to impose the restriction will cause a threat to facility order or a threat of disorderly conduct within the facility.

### Best Practices

1. The facility permits youth to gather for religious services. Staff and individuals who provide religious programming do not compel youth to participate in religious activities, nor do they pressure youth to adopt a particular faith, religion or religious practice. Staff do not confine youth who decide not to participate in religious services to their rooms during that time, but allow youth to engage in some alternative recreational activity.
2. Youth have the opportunity to meet weekly with religious leaders of their choice.
3. Youth receive special diets to accommodate sincerely held religious and cultural beliefs.
4. Facility policy permit youth to have religious books and reading materials in their rooms. The facility provides equal access to all religious texts and items, including Native American spiritual items.
5. Staff do not restrict religious practices and materials absent a compelling safety concern.
6. Youth may have access to weekly visits from a Native American cultural service provider.
7. Native American Youth may keep with them in their cells an eagle feather, bundle of sage or cedar with cloth used to keep these items.
8. Youth should have access to recognized ceremonies such as smudge, pipe and healing ceremonies and shall be conducted with Native American cultural service provider with the approval from facility administration.
9. The facility conducts outreach and relationship building to community partners/organizations including a contact list of tribal partners to contact immediately a native youth enters facility.

\*See Appendix D for a sample Native American best practice in juvenile detention facilities.

## 5.7 Grievance Procedures

**ORS 169.760(9)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to records and grievance procedures for complaints by the detained juvenile, the attorney of the detained juvenile, parent or guardian, or other interested person.

**ORS 169.750(7)** Juvenile detention facilities may not discipline or punish any juvenile for conduct or behavior by room-lock, for a period in excess of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for more than one day, except after:

- (a) Advising the juvenile in writing of the alleged offensive conduct or behavior;
- (b) Providing the juvenile the opportunity to a hearing before a staff member who was not a witness to the alleged offensive conduct or behavior;
- (c) Providing the juvenile the opportunity to produce witnesses and evidence and to cross-examine witnesses;
- (d) Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile; and
- (e) A finding that the alleged conduct or behavior was proven by a preponderance of the evidence and that it violated a rule of conduct or behavior of the facility as provided for in ORS 169.076.

The process to initiate a grievance or request a hearing to contest a disciplinary action shall be the same. The facility administrator shall review grievances each shift and determine whether hearing rights are triggered under ORS 169.750(7).

### Best Practices

1. Each facility shall maintain a written policy governing the grievance process and make it available to any individual upon request.
2. Youth shall be notified about how to file a grievance during orientation.
3. Grievance procedures should be posted in a frequently utilized common area.
4. Grievances shall be accepted in writing or orally. A youth may also request that the grievance be filed anonymously.
5. The facility must provide unencumbered access to a grievance form in common utilized areas.
6. Grievances will be triaged for urgency every shift. Grievances identified as urgent will be

responded to by the administrator or designee within 12 hours. Non-urgent grievances will receive a response within three business days.

7. The administrator should offer an in-person or phone meeting as part of the resolution process, to which the youth or family may bring an appropriate advocate.
8. Facilities will provide primary court counselors with the grievance process to review with the family.



## SECTION 6: PROGRAMS AND SERVICES

All programs and services should have a core principle of ensuring best practices and grounded in the adolescent developmental approach. Focus should be on teaching coping skills and incentivizing pro-social behavior.

### 6.1 Health Services (Counseling)

**ORS 169.740(L), ORS 169.740(2)(g)** Juvenile detention facilities shall provide for counseling of any detained youth found to be within the jurisdiction of the court, and for non-dispositional counseling of any juvenile held in excess of five judicial days.

**ORS 169.760(3)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to a detained juvenile's access to counseling.

### Federal Guidelines

Americans with Disabilities Act [Code of Federal Regulation, Chapter 28, Section 35] Juvenile detention facilities shall have written policy in keeping with the requirements of the American with Disabilities Act. The Code of Federal Regulations, Chapter 28, Section 35 sets forth the requirements for services, programs, and activities provided or made available by state and local governments.

### Best Practices

1. The facility includes a full behavioral health assessment within 72 hours of intake into the detention facility.
2. The facility has access to 24-hour on-call or emergency behavioral health services at the facility.

### 6.2 Education in Juvenile Detention

Facility advocates for quality education for youth in juvenile detention facilities. Every confined youth is entitled to free and appropriate public educational services, offered in a dedicated educational space, delivered by trained, state certified or licensed educational staff, working cooperatively with juvenile justice staff. Education should meet the requirements so that the youth will be able to graduate with an Oregon diploma. Quality education services should include assessment, remedial and grade-level instruction, special education and curriculum based on the individual needs of students. Educational information should follow the youth in preparation for the achievement of future academic and vocational objectives. Quality education should be delivered utilizing a variety of strategies, in accordance with learning theory regarding

at-risk and delinquent youth, including hands-on, experiential learning, social skill development and service learning activities. Facilities will offer reentry transition

**ORS 169.760(3)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to a detained juvenile's access to education.

**ORS 169.740(2)(g)** Juvenile detention facilities shall provide access to education for juveniles held in excess of five judicial days.

**ORS 336.585 (1)**As used in this section:

**(a)** “Juvenile Detention Education Program” means the program defined in [ORS 326.695 \(Definitions for ORS 326.700 and 326.712\)](#).

**(b)** “Resident district” means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child’s enrollment in the Juvenile Detention Education Program. If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

**(2)(a)** The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Juvenile Detention Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Juvenile Detention Education Program. For the purpose of this section, an appropriate education includes transition services from the Juvenile Detention Education Program into school settings and workforce preparation programs and any necessary ongoing support for a transition.

**(b)**An education service district that provides education as provided by this subsection and that awards high school diplomas:

- May not impose requirements for a high school diploma that are in addition to the requirements prescribed by [ORS 329.451 \(High school diploma\)](#) (2)(a) or by rule of the State Board of Education; **and**
- Must accept any credits previously earned by children in another school or educational program in this state and apply those credits toward the requirements prescribed by [ORS 329.451 \(High school diploma\)](#) (2)(a) or by rule of the State Board of Education.

**(3)** The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Juvenile Detention Education Program from the State School Fund grant allocated for that purpose under [ORS 327.026 \(State School Fund grant for programs\)](#).

**(4)** The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

**(a)** Implement an assessment system as provided by [ORS 329.485 \(Statewide assessment system\)](#).

**(b)** Administer a nationally normed assessment as provided by [ORS 329.488 \(Nationally normed assessment\)](#).

**(c)** Participate in the beginning teacher and administrator mentorship program established by [ORS 329.788 \(Definitions for ORS 329.788 to 329.820\)](#) to [329.820 \(Evaluation of programs\)](#).

**(d)** Receive funds under ORS chapter 329.

**(5)** The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

**(a)** Removing the child from the resident district's census;

**(b)** Facilitating transfers of the child's educational records; **and**

**(c)** Facilitating planning for the child's possible return to the resident district. [Formerly 339.205; 2001 c.681 §8; 2011 c.315 §1; 2013 c.1 §31; 2013 c.747 §41; 2018 c.18 §1; 2022 c.81 §8]

**ORS 419A.052(2)(I)** New or major renovated facilities must provide rooms for classes, library, arts, and crafts.

### **Best Practices**

1. Youth attend the Juvenile Detention Education Program (JDEP) at the earliest possible time preferably the next school day after admission to the facility.
2. The facility and educational partners will work together to offer a minimum of 5.5 hours of education per day and 220 days of instruction per year. The facility provides programming during breaks and school holidays.
3. The facility and educational staff will promote a safe, healthy facility-wide environment that prioritizes education, provides the conditions for learning, as well as the necessary behavioral and social support services that address the individual needs of all youth, including those with disabilities and English learners.
4. Educational staff request a youth's educational records from his or her prior school(s),

- including Individual Education Plans (IEP) and 504 plans, within 24 hours of the youth's admission or the next business day, whichever is later.
5. The facility will have a policy to outline processes for education staff, students, parents and guardians, Juvenile Court Counselors, behavioral health counselors, educational advocates, attorneys, and detention staff to voice concerns and recommendations when developing an educational program for the youth.
  6. School classes are held in dedicated classroom spaces that are conducive to teaching and learning and that accommodate the needs of youth with disabilities.
  7. The JDEP provides educational resources and materials comparable to those available to public school students, including but not limited to textbooks, art materials, writing materials, computers and other education-related technology, except where security concerns make it unsafe to use those materials at the facility.
  8. An accreditation or oversight (Oregon Department of Education) entity bi-annually reviews and evaluates the facility's school and school administrators review the findings and address any deficiencies.
  9. The facility will promote/encourage rigorous and relevant curricula aligned with state and academic and career and vocational technical education standards that utilize instructional methods, tools, materials and practices that promote college and career-readiness.
  10. The JDEP has a procedure to identify English Language Learner (ELL) youth. Educational Staff provide ELL students with an appropriate educational program that addresses their language needs and that provides meaningful access to the curriculum in accordance with state and federal law.
  11. The JDEP has procedures in place to identify and assess youth who may have a disability, but who have not been previously identified, in conformity with state and federal requirements for special education. The school program (facility) will provide IEP and 504 services by staff who are certified or credentialed by the state for the services they provide.
  12. The JDEP provides transition services that facilitate a student's movement from school to post-school activities as required by a youth's IEP or 504 plan. Post-school activities include, but are not limited to employment, postsecondary education, vocational training, continuing and adult education and independent living.
  13. Establish a written communication plan (MOU) to ensure collaboration and communication between the facility and educational staff. Both the facility and education staff will be consistent in behavioral and social support approaches to ensure a safe environment where students feel safe to learn.
  14. Develop the infrastructure needed to share, collect track and analyze student data on a set of prescribed indicators relevant to incarcerated youth and using these indicators to evaluate and improve school performance, track recidivism and other key performance

measures.

15. Both the facility and educational staff will implement effective transitional practices and services, such as every student leaves with a plan for the student to reconnect with an educational institution.
16. The county juvenile department will collaborate with the dedicated re-entry and transition staff to facilitate a seamless enrollment into the next educational school or workforce preparation program.
17. The facility should provide professional development for education staff. Promote and involve professional development activities to educational staff.
18. The JDEP program will be an active participant in the Oregon Accountability System for Education established by the Governor, the Legislature, and the State Board of Education.

### **6.3 Extended Detention Programs**

**OAR 213-050-0060(e)** Juvenile detention facilities shall insure that educational programs are available to all juveniles placed in extended detention in accordance with Oregon Department of Education standards in OAR Chapter 581. Participation by juveniles in educational programming must not be unnecessarily interrupted. Students in extended detention have the ability to earn high school credit towards the Oregon diploma.

### **6.4 Recreation and Physical Exercise**

**ORS 169.760(3)** Juvenile detention facilities shall have established comprehensive written policy for the least restrictive alternative consistent with the safety and security of the facility with respect to a detained juvenile's access to exercise.

**ORS 169.740(2)(g)** Juvenile detention facilities shall provide for physical exercise of any juvenile held in excess of five judicial days.

### **Best Practices**

1. Staff keep youth engaged through a comprehensive multi-disciplinary program. Staff post and adhere to a daily schedule or activities in each living unit that incorporates both structured and free time. Youth with physical disabilities have the opportunity to participate in recreational activities.
2. Staff, volunteers, contractors and community groups provide additional structured programming reflecting the interests and needs of various racial, ethnic, LGBTQ+ and cultural groups within the facility. The facility provides opportunities for youth to provide input into the programming at the facility.
3. The facility offers a range of culturally appropriate activities such as art, music, drama, writing, health, hygiene skills, fitness, meditation/yoga, substance abuse prevention, mentoring and voluntary religious or spiritual groups. When possible, programming is

provided by community-based organizations that offer the opportunity for continuity once the youth is released.

4. All youth should have reasonable opportunities to participate in all recreational and physical exercise.
5. No Youth will be excluded from activities absent safety or physical concerns.
6. The facility offers special recreational programming for youth who are pregnant or youth with disabilities.
7. Youth in the facility, including youth on disciplinary or restricted status receive at least one hour of large muscle exercise every weekday and at least two hours of large muscle exercise each non-school day in a communal space outside of their own room. Large muscle exercise can be accomplished through the JDEP's physical education class so long as the one-hour minimum requirement is met.
8. Staff take youth outside for exercise, weather permitting.
9. The facility has sufficient games, balls and athletic equipment to provide a variety of physical education activities.

## 6.5 Library Services

Youth in detention should have access to written materials that are age appropriate and based on a broad level of interest for youth who are in detention. Reading materials should be engaging and available in the youth's language of choice.

**ORS 169.760** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to reading materials for detained juveniles.

**ORS 419A.052(i)** In addition, facilities must provide rooms for classes, library, arts and crafts.

### Best Practices

1. The facility develops and implements written policies, procedures and actual practices to ensure that limitations on reading materials are reasonably related to the security of the facility, or the health and development of youth in the facility.
2. The facility has a library that contains reading materials that are geared to the diverse reading levels, interests, gender identity, sexual orientation, socio-economic, cultural, racial and ethnic backgrounds, experiences and primary languages of confined youth. Staff can also make appropriate reading material available for youth with disabilities.
3. Staff allow youth to keep reading materials of their choice in their rooms. This may include books available from the library or other approved materials (i.e letters, journals, etc.).

4. Staff allow access to the library more than once per week.

## **6.6 Mail, Telephone, Visitation**

Facilities should promote contact with parents/guardians and other impactful individuals in youth's lives through regular and on-going contact through the use of the mail, telephone and in person and virtual visiting. Restrictions of visitation, mail, or telephone will not be used as a punishment.

Youth shall have opportunity for parent/guardian visits. Special visits may be approved by facility under certain circumstances. Denial of visitation privileges shall be based upon security and order of the facility, and the ability of visitors and youth to follow visitation rules.

**ORS 169.076(2)(i), ORS 169.760(7)** Juvenile detention facilities shall have a comprehensive written policies with respect to rules governing correspondence, visitation and telephone calls for detained juveniles with family and friends.

**ORS 169.076(10), ORS 169.740 (2)(f)** Juvenile detention facilities shall forward, without examination or censorship, detainees' outgoing written communications to the Governor, facility administrator, Attorney General, juvenile department or the attorney of the juvenile.

In addition, juvenile detention facilities shall provide for the payment of postage for the juvenile's mail to an attorney or to federal, state, county or municipal government officials.

**ORS 169.740 (2)(e)** Juveniles detained in juvenile detention facilities shall, unless ordered by the juvenile court, provide for private and unrestricted receipt of and sending of mail. Incoming mail may be opened in the presence of the juvenile upon reasonable suspicion that the mail contains contraband as defined in ORS 162.135; incoming packages shall be opened in the presence of the juvenile and the contents may be held until the juvenile is released. The juvenile shall be informed of any confiscated contraband.

### **Best Practices - Mail**

1. Staff do not limit the number of letters a youth may send or receive, including youth on disciplinary status. Staff provide youth with a reasonable amount of paper, access to writing implements and postage for correspondence.
2. The facility develops and implements written policies, procedures and actual practices to ensure that staff, youth and families understand any limitations on persons with whom youth may correspond. The facility permits youth to correspond with incarcerated family members absent a specific and articulable security reason.
3. If staff withhold mail for any reason, staff inform the youth, log the date, time and reason for the action, place the mail in the youth's private property and advise the youth that they may file a grievance over the decision to withhold the mail.

4. Staff distribute mail within 24 hours of arrival at the facility and post outgoing mail on the next business day.
5. Staff log incoming and outgoing mail. Staff forward mail to youth who have been released or transferred to another facility.
6. Staff make accommodations for youth with disabilities who cannot communicate via mail by making arrangements for other communication methods.
7. Youth who use a name in daily life that does not match their name of legal record should be allowed to send and receive mail addressed using that name, provided that the name is documented in the facility's information system.

### **Best Practices - Phone**

1. Facilities will have written policy to outline the opportunities and conditions of the use of phones by youth for visiting purposes.
2. Facility staff will not listen in or record youth's conversations absent individualized reasonable suspicion of criminal activity or a threat to the security of the facility. The facility shall inform the youth if telephone calls are monitored or recorded.
3. Calls are free of charge to the youth and family and support persons.
4. Youth can use the telephone at times that are arranged in advance and that staffing levels allow and the recipient is available for the call.
5. The facility will maximize the availability of phone calls to the extent possible.

### **Best Practices - Visitation**

1. Facilities will have written policies clearly describe the approval procedure for visitation and staff communicate visitation policies to family members.
2. Staff permit youth to visit with parents, guardians, support persons and family members, or other persons who have been approved through the juvenile court counselor.
3. Staff treat all visitors in a professional manner and with respect.
4. Individuals under the age of 18 will be accompanied by an approved adult.
5. The facility allows visitors to provide alternative forms of photo identification so that youth are not denied visits based on the immigration status of their family members, and relatives.
6. Youth have the opportunity for visitation twice per week, preferably more. Efforts should be made to allow visitations during evening and weekend hours.
7. The facility will maximize visitation opportunities to the extent feasible.
8. The facility informs family members that they may schedule visits at other times with permission from the facility administrator or designee. Written policies clearly describe procedures for special visits.

9. The facility provides alternative ways including virtual options of visiting for family members who cannot easily travel to the facility.
10. Staff do not deprive youth on disciplinary status of visits as a punishment. The facility permits youth on disciplinary status to have visits unless such visits would pose an immediate threat to the safety and security of the facility. If staff deny youth visitation, they inform the individuals who plan to visit the youth in advance of the visitation period.
11. The facility does not deny family members visitation solely on the basis of previous incarceration or criminal record.
12. Staff supervise the visiting area but do not listen in on conversations absent reasonable suspicion that a crime, escape, or threat to safety or security is likely to occur.
13. Entrances, visitation areas and restrooms used by the public are accessible by individuals with limited mobility.
14. Absent a specific safety, security or contraband concern, the facility should allow contact visits.



## SECTION 7: PERSONNEL

Facilities advocate for the implementation and delivery of a development approach across the spectrum of service delivery options. Developmentally appropriate practices should increase the frequency of positive behaviors to meet universal needs for safety, belonging, achievement, responsibility and empathy. Juvenile justice service providers must strive to train and provide supportive resources to better enable staff in applying practices that build youth strengths and increase long term positive change rather than through punishment and short-term compliance.

Strategies should focus on creating a culture that reinforces positive behavior and uses problems as opportunities for learning and growth.

Providing adequate funding to ensure quality training, appropriate staffing levels and access to best practice resources. These are essential in creating healthy environments in which all young people can thrive.

**ORS 169.076** Juvenile detention facilities shall provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees, with personal inspection at least once each hour. The supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located.

**PREA § 115.317 Hiring and promotion decisions.**

- a. The agency shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who—
  - i. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - ii. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or

- refuse; or
- iii. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- b. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.
  - c. Before hiring new employees who may have contact with residents, the agency shall:
    - i. Perform a criminal background records check;
    - ii. Consult any youth abuse registry maintained by the State or locality in which the employee would work; and
    - iii. Consistent with Federal, State, and local law, make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
  - d. The agency shall also perform a criminal background records check, and consult applicable youth abuse registries, before enlisting the services of any contractor who may have contact with residents.
  - e. The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.
  - f. The agency shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
  - g. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
  - h. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

## 7.1 Staffing

Ensure a minimum ratio of one direct care staff to no more than eight (1:8) juveniles during waking hours, and a ratio of one direct care staff member to no more than sixteen (1:16) juveniles during sleeping hours, with a minimum of two direct care staff on duty at all times regardless of population. At least one direct care staff of the same gender as residents served shall be on duty at all times. Monitoring technology may be used as a supervisory enhancement

but shall not be a substitute for direct supervision of youth.

## Best Practices

1. The facility hires staff to serve as positive role models for youth. Employees are qualified for their positions by education, experience, and ability to relate to young people, with minimum qualifications including 2 years of college, or a high school diploma or equivalent and 2 years' experience working with youth.
2. Written job descriptions and requirements exist for all positions in the facility.
3. The facility recruits and hires an ethnically and racially diverse staff and administrators to meet the needs of the facility.
4. The facility has policies which require employees to report/disclose any of the misconduct described in (7) above.
5. The recruitment, hiring process, and retention of employees is free of bias on the basis of protected class status.

\*See Appendix G for a sample PREA acknowledgement form.

## 7.2 Drug-Free Workplace

### Federal Guideline

1988 Drug Free Workplace Act Juvenile detention facilities shall have written policy and procedure in keeping with requirements for a drug-free workplace for all employees, including:

- prohibition of the use of illegal drugs
- prohibition of possession of any illegal drug except in performance of official duties
- procedures to ensure compliance
- opportunities available for treatment and/or counseling for drug abuse
- penalties for violation of the policy

## 7.3 Training and Staff Development

**ORS 169.750(5)(b)** Juvenile detention facilities shall train nonmedical personnel (when applicable) on administering medications, including recognition of and response to drug reactions and unanticipated side effects, from the responsible physician or nurse and the official responsible for the facility. All personnel shall be responsible for administering medications according to orders and for recording the administrations in a manner approved by the responsible physician.

New employees receive orientation training before undertaking their first assignment alone. This training includes at a minimum the following: orientation to the purpose, goals, policies,

and procedures of the institution and parent agency; working conditions and regulations; employees' rights and responsibilities; first aid, CPR and emergency procedures; an overview of the corrections field; and cultural competency, diversity training, and gender-specific training.

Requirements for certification for juvenile custodial staff by the Oregon Juvenile Department Directors' Association include:

- Education: minimum of a high school diploma or general equivalency diploma, with two years of higher education and/or relevant work experience, preferably in the field of juvenile justice or social service;
- Basic Facilities Training: successful completion of local Basic Facilities Detention/Custody training as approved by OJDDA;
- Current Employment: employed as a custodial staff by an Oregon juvenile department.

OJDDA policy for continuing training/education requirements to maintain certification: successful completion of 40 hours of continuing training/education within the 12-month period following the most recent certificate obtained.

### **Federal Guidelines**

**PREA Standards** Juvenile detention facilities shall train all employees on a resident's right to be free from sexual abuse, the right of residents and the employees to be free from retaliation for reporting sexual abuse, the dynamics of sexual abuse in confinement, and the common reactions of sexual abuse victims. The facility shall maintain written documentation verifying employees understanding of the training received.

### **Best Practices**

1. **Oregon Juvenile Department Directors' Association (OJDDA) Training for Working with Youth in Custody and Residential Settings.** OJDDA Training Committee shall provide minimum basic staff training and development as outlined in the training approved by the Oregon Juvenile Department Directors' Association (OJDDA). To maintain the certificate requires successful completion of 40 hours of continuing training and education every 24 months.
2. Facility staff will complete 80 hours of training during their first year of employment and 40 hours of training per year beyond their annual certifications for things such as First Aid/CPR, Use of Force, Medication Dispensing, operational policies, etc.
3. All facility staff working with youth will receive pre-service and annual training on recognition of behavioral and verbal cues indicating vulnerability to suicide and what to do in case of suicide attempts or suicides.
4. All facility staff who have contact with youth should also be trained in;

- a. Adolescent development for girls and boys, including sexual health and sexual development.
  - b. The importance of family engagement and consultation for youth needs, including defining family as supportive adults in the youth's life.
  - c. The physical, sexual and emotional abuse histories of youth and how to understand post-traumatic stress reactions and effectively interact with youth with those histories and trauma related reactions.
  - d. Impacts of trauma and exposure to severe violence, death, or life-threatening accidents or disasters on youth development. This includes the impact of incarceration and how to recognize and respond to youth whose behavior is affected by post-traumatic stress.
5. Facility staff, including but not limited to direct care staff, qualified medical professionals and qualified behavioral health professionals receive training on policies and practices regarding;
- a. Basic rights of incarcerated youth, legal rights and grievance procedures and the right to be free of retaliation for making a complaint.
  - b. Working with specific populations.
  - c. Facilities non-discrimination policy and working with youth in a respectful and non-discriminatory manner.
  - d. Signs of physical, intellectual or developmental disabilities, the needs of youth with such disabilities and the ways to work and communicate effectively with youth with those disabilities.
  - e. Signs of mental illness and the needs of and ways of working with youth with mental illness.
  - f. The facility's language access policies and plans, including how to access language assistance services for limited English proficient youth.
  - g. Information on the racial, ethnic backgrounds, and associated disparities of youth in custody and working with youth in a culturally responsive manner.
  - h. Gender-specific needs of youth in custody, including special considerations for boys and girls who have experienced trauma, pregnant girls and health protocols for both boys and girls.
  - i. Communicating with LGBTQI+ youth as well as how to recognize, prevent and respond to harassment of LGBTQI+ youth. See Appendix Y for recommended training competencies.
  - j. Screening and identifying for youth at risk for human trafficking and sexual exploitation.
6. Facility and educational staff should be trained in positive behavior management, evidence-based de-escalation techniques and conflict

management.

7. Response to and reporting of youth abuse, neglect and violation of staff responsibilities.
8. Medical and behavioral health needs of youth including Intellectual and Developmental Disability (IDD) supports.



## SECTION 8: RECORDS AND INFORMATION SYSTEMS

The county operating the juvenile detention facility shall provide Juvenile Justice Information System (JJIS) data requirements as established by the JJIS steering committee and required by state law. Records of admission and release shall be made in the Juvenile Justice Information System (JJIS).

### 8.1 Youth Records

Facilities follow the “one youth, one record” system in Oregon through the Juvenile Justice Information System (JJIS). Youth records on admissions and releases is entered into JJIS.

**ORS 419A.253, ORS 419A.255** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with statutory requirements on youth records and confidentiality.

**ORS 419A.257, ORS 419A.014, JJDP Act** The juvenile department of a county shall report annually to the Oregon Criminal Justice Commission the frequency with which runaway youth held under ORS 419C.156, youths, and youth offenders are held in pre-adjudicative detention and the duration of the detention.

#### Administrative Rule

**Oregon Juvenile Justice Information System (JJIS) Policy** Juvenile detention facilities shall maintain basic youth records in accord with the policies of the Oregon Juvenile Justice Information System (JJIS).

#### Best Practices

1. The facility will implement appropriate controls on staffs’ dissemination within the facility of responses to information gathered during intake and classification in order to ensure that confidential information is only disclosed on a need to know basis and is not exploited to the youth’s detriment by staff or other youth.
2. Staff do not disclose confidential information on particular youth to other detained youth.

### 8.2 Information Systems

#### Administrative Rule

**JJIS Policies** Juvenile detention facilities shall enter and maintain data on admissions to detention in the Oregon Juvenile Justice Information System (JJIS) in accord with JJIS policies.

### 8.3 Release of Information

**ORS 169.760(4)** Juvenile detention facilities shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to the facility by the public and news media.

**ORS 336.187** Without parental consent, schools can only release educational information to the county juvenile department when to serve the needs of a student prior to the student's adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.

**ORS 419A.257** Reports and other materials relating to a youth, ward, youth or youth offender's history and prognosis that are created or maintained by or on behalf of the Oregon Youth Authority or the juvenile department are privileged and, except with the consent of the youth, ward, youth or youth offender or with the authorization of the court, shall be withheld from public inspection.

1. The Oregon Youth Authority and the juvenile department may disclose and provide copies of reports and other materials relating to the youth, ward, youth or youth offender's history and prognosis, if the disclosure is reasonably necessary to perform official duties relating to the involvement of the youth, ward, youth or youth offender with the juvenile court or the juvenile department, to the following:
  - a. Each other;
  - b. The court;
  - c. Service providers in the case;
  - d. School superintendents and their designees in cases under ORS 419C.005;
  - e. Attorneys of record for the youth, ward, youth or youth offender;
  - f. Attorneys representing a party in the case;
  - g. The district attorney or assistant attorney general representing a party in the case;
  - h. The Department of Human Services;
  - i. The court appointed special advocate; and
  - j. The Psychiatric Security Review Board.
2. The Oregon Youth Authority and county juvenile departments established under ORS 419A.010 to 419A.020 may disclose and provide copies of reports and other materials relating to the youth, ward, youth or youth offender's history and prognosis to the Department of Corrections for the purpose of enabling the Department of Corrections

- to perform its official duties relating to the exercise of custody or supervision of a person committed to the legal and physical custody of the Department of Corrections.
3. The Department of Corrections shall limit the use of reports and other materials disclosed and provided to the department under this section to reports and other materials that relate to the history and prognosis of a youth or youth offender as these pertain to:
    - a. A person who was transferred to the physical custody of the authority under ORS 137.124 and is subsequently transferred to the physical custody of the Department of Corrections under ORS 137.124 or 420.011 or any other statute; or
    - b. A person committed to the legal and physical custody of the Department of Corrections while the person is under the jurisdiction of the juvenile court under ORS 419C.005, including but not limited to a person in the legal custody of the authority.
  4. A person that obtains copies of reports or other materials under this section is responsible for preserving the confidentiality of the reports or other materials. A service provider, school superintendent or superintendent's designee who obtains copies of reports or other materials under this section shall destroy the copies upon the conclusion of involvement in the case.
  5. Information appearing in reports or other materials relating to the youth, ward, youth or youth offender's history or prognosis may not be disclosed directly or indirectly to any person not described in subsection (2) of this section unless the consent of the youth, ward, youth or youth offender or the authorization of the court has been obtained, except for purposes of evaluating the youth, ward, youth or youth offender's eligibility for special education as provided in ORS chapter 343.
  6. Information appearing in reports or other materials may not be used in evidence in any proceeding to establish criminal or civil liability against the youth, ward, youth or youth offender, whether the proceeding occurs after the youth, ward, youth or youth offender has reached 18 years of age or otherwise, except for the following purposes:
    - a. In connection with a presentence investigation after guilt has been admitted or established in a criminal court.
    - b. In connection with a proceeding in another juvenile court concerning the youth, ward, youth or youth offender or an appeal from an order or judgment of the juvenile court.
  7. Information contained in reports and other materials relating to a youth, ward, youth or youth offender's history and prognosis that, in the professional judgment of the Oregon Youth Authority, juvenile department, juvenile counselor, caseworker (ODHS and Intellectual and Developmental Disability (IDD)), school superintendent or

superintendent's designee, teacher or detention worker to whom the information contained in the reports and other materials has been provided, indicates a clear and immediate danger to another person or to society, shall be disclosed to the appropriate authority and the person or entity that is in danger from the youth, ward, youth or youth offender.

### **Best Practices**

1. Staff treat youth's case records, law enforcement records and social records as confidential. Staff do not disclose such records to any outside person or agency unless required by law.
2. Staff do not disclose information about youth to the media without the consent of the youth and his or her parent or guardian unless required by law or court order.
3. The facility maintains the security of documents in its possession that contain confidential youth information, including any information stored electronically.
4. The facility develops and implements written policies, procedures and actual practices to ensure that access to confidential information is limited to those staff with a demonstrable need to know, consistent with applicable state and federal laws.
5. Written policy, procedure and actual practices ensure that facility staff inform the youth and his or her attorney upon receipt of a subpoena or court order for the youth's records prior to disclosing the records.
6. Provide educational staff daily with information on youth to enable educational staff to enter students into the educational student information system.
7. Either the county juvenile department or JDEP educational provider will attain parental consent for a release of information for the JDEP educational provider to share pertinent and relevant educational information with the county juvenile department.
8. Provide Oregon Health Authority with information on youth to ensure continued coverage for the Oregon Health Plan including intake and release dates.
9. The facility requests releases of information for appropriate community members or service providers.



## SECTION 9: HEALTH CARE

Facilities are to provide quality healthcare services for youth in custody. These services should identify and address the acute needs of each youth as well as provide appropriate preventative care during their temporary stay. Licensed professionals must provide healthcare services.

### 9.1 Access to Care

**ORS 169.076** Juvenile detention facilities shall have a comprehensive written policy with respect to:

- A detained juvenile's access to medical and dental treatment;
- Admission and release medical procedures; and
- Medication and prescriptions.

**ORS 169.760(3)** In addition, facilities shall provide for emergency medical and dental health, having written policies providing for:

- Licensed physician or nurse practitioner review of the facility's medical and dental plans.
- Security of medication and medical supplies. A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided. First aid supplies and staff first aid training.

**ORS 169.150** Juvenile detention facilities shall have written policy regarding the statutory provision permitting the county to charge persons committed to the facility a reasonable health care fee for health care services, medications and equipment if the county: provides necessary medical care regardless of the person's ability to pay; provides equal treatment to all persons regardless of ability to pay; establishes a system that notifies the person of the fees and services covered; and establishes a grievance system that allows a person to challenge the deduction of a fee from the person's account.

**ORS 169.166** An individual who receives medical services not provided by the county while in custody of a juvenile detention facility is liable to the provider for charges, and to the local facility for the medical services not provided by the county. A person providing medical services not provided by the county to a detainee shall make reasonable efforts to collect the charges from the individual before seeking to collect them from the facility. If the provider has not been paid within 45 days of the date of billing, the provider may bill the facility who shall pay the account in accordance with 169.140 and 169.150. A bill submitted to the facility must be accompanied by evidence documenting that the provider has billed the individual or the individual's insurer or health care service contractor. If the provider receives payment from the individual or the insurer or health care contractor after receiving payment from the facility, the provider shall repay the amount to the facility less the difference between payment received from the individual, insurer, or health contractor and the billing amount.

## Best Practices

1. Intake staff or a qualified medical professional conducts a medical screening designed to detect any urgent health needs and to identify ongoing health concerns that require immediate attention. Qualified medical professionals conduct the screening in a confidential setting during admission.
2. Staff or qualified medical professionals promptly refer youth to needed services.
3. Youth on prescription medications have their medications continued without interruption unless a qualified medical professional determines that continuing the medication is clinically inappropriate after consultations with the youth's treating physician and the parent and youth about the reasons that they believes that the medication may be inappropriate.
4. All youth receive a full health assessment no longer than 14 days after admission. Supports for youth including Intellectual and Developmental Disability (IDD) considerations will be offered for the assessment.
5. A registered nurse, nurse practitioner, physician's assistant, or physician performs the comprehensive health assessment, with appropriate signatures as required by law.
6. The facility has a policy and protocol for two people present during full health assessments aligned with the Oregon Medical Board.
7. The facility has sufficient service hours of qualified medical professionals to meet the needs of youth in the facility, including scheduled on-site services. The facility has designated areas and policies for separating youth from the general population for medical reasons.
8. Facility staff allow parents or guardians to visit youth who are hospitalized absent specific security reasons.
9. Youth receive comprehensive, evidence-based, medically accurate and confidential family planning services (including services pertaining to abortion, consistent with state law, including referrals to community providers.
10. Pregnant youth receive prompt prenatal care, including physical examinations, nutrition guidance, youth birth and parenting education counseling and provision for follow up care.
11. Transgender and gender non-conforming youth are provided with appropriate healthcare services from a provider familiar with working with transgender and gender non-conforming populations.
12. Transgender and gender non-conforming youth who are receiving medical care related to gender transition upon admission shall have access to continued care while in the facility. Youth who request treatment for gender transition should receive access to appropriate treatment.

## 9.2 Behavioral Health Services

Facilities should ensure access to 24-hour crisis behavioral health services.

**ORS 169.740** Juvenile detention facilities shall provide for non-dispositional counseling of any juvenile held in excess of five judicial days.

### Best Practice

Qualified behavioral health professionals provide services for significant behavioral health needs discovered during the screening and assessment of youth and for youth with significant behavioral health needs that arise after admission. Services meet or exceed the community level of care and are tailored to be appropriate for the length of time the youth is expected to stay in the facility.

1. Youth identified as needing ongoing behavioral health services are provided access to qualified behavioral health professionals in accordance with a service plan.
2. Youth have 24-hour access to emergency behavioral health services and transportation to those services through on-site staff, by contract, or by way of other immediately available services.
3. The facility has sufficient service hours of qualified behavioral health professionals to meet the needs of youth in the facility in a timely fashion.
4. Qualified behavioral health professionals work with direct care staff and other non-clinical staff in the facility, providing guidance, insight and direction on managing the needs and understanding the behavior of youth with disabilities, post-traumatic stress, or behavioral health needs, on a need-to-know basis consistent with the requirement of patient-provider confidentiality.
5. Youth screened to be at risk of suicide receive prompt evaluation and frequent follow-up by a qualified behavioral health professional including a determination of whether hospitalization is necessary.
6. Staff document the monitoring of youth on suicide precautions in a suicide precaution log or some other centralized record.
7. Staff place actively suicidal youth on constant observation or contact behavioral health crisis services. Youth who are not actively suicidal but express suicidal ideation are placed on close observation.
8. Behavioral health professionals provide clear, current information about the status of youth on suicide precautions to staff supervising youth.
9. Restrictions related to suicide watch are determined by behavioral health staff, or staff trained on behavioral health protocols, on a case by case basis, leaving open the possibility that youth may have access to regular clothing, bedding, reading, writing or drawing materials, if determined to be safe by behavioral health staff.

10. Only qualified behavioral health professionals or staff trained on behavioral health protocols, release a youth from suicide precautions or lowers a youth's level of precautions. Youth are returned to normal activity as soon as it is possible and safe to do so.
11. Youth released from suicide precautions have an individualized plan of care developed by a qualified behavioral health professional or staff trained on behavioral health protocols, that is followed by all staff who come into contact with the youth.
12. Staff notify parents or guardians and attorneys of record any time a youth is placed on constant observation as a suicide precaution within 24 hours of the youth being placed on constant observation.
13. Staff encourage youth on suicide precautions to visit with family members and other supportive individuals. Staff do not deprive youth on suicide precautions of visitation opportunities.
14. Rescue tools or seatbelt cutters will be available on each living unit. Staff can quickly access the rescue tool and are trained in its use.
15. QMHPS receive training in intellectual/developmental disabilities and co-occurring IDD.
16. Facilities should have a written suicide prevention policy in place that addresses; Staff training, safe housing (avoiding isolation) unobstructed view of youth (varying by type of facility), policies addressing type of observation, and reporting and follow-up/post-vention documentation.

### **9.3 Pharmaceuticals**

**ORS 169.076(5)** Juvenile detention facilities shall have comprehensive written policy with respect to medication and prescriptions and the security of medication and medical supplies.

**ORS 169.750(5)(b)** Juvenile detention facilities may not administer to any detained juvenile medication, except upon the informed consent of the juvenile or in the case of an imminent threat to the life of the juvenile or where the juvenile has a contagious or communicable disease that poses an imminent threat to the health of other persons in the facility. However, prescription medication may not be administered except upon a written prescription or written order by a licensed physician or licensed dentist and administered by a licensed physician, licensed dentist or other medical personnel authorized by the State of Oregon under ORS chapter 677, 678 or 679 to administer medication. Facility staff not otherwise authorized by law to administer medications may administer non-injectable medications in accordance with rules adopted by the Oregon State Board of Nursing pursuant to ORS 678.150(8).

**ORS169.750(5)(b)** Juvenile detention facilities shall ensure that nonmedical personnel receive training for administering medications, including recognition of and response to drug reactions and unanticipated side effects, from the responsible physician or nurse and the official

responsible for the facility. All personnel shall be responsible for administering the dosage medications according to orders and for recording the administrations of the dosage in a manner and on a form approved by the responsible physician.

Medication may not be administered unless a registered nurse or physician is either physically on the premises or readily available by telephone and within 30 minutes travel time of the patient;

Juvenile detention facilities may not administer to any detained juvenile any medication or medical procedure for purposes of experimentation.

### **Best Practices**

1. Qualified medical or behavioral health professionals regularly monitor and document observations of youth on psychotropic or other regular medications.
2. Only such personnel as are authorized by state law and who have been properly trained administer medications to youth.
3. Staff administer medications under circumstances that protect the youth's medical confidentiality.
4. Youth have immediate access to necessary medications such as asthma inhalers and epinephrine auto injectors, if medically ordered.
5. The medical authority complies with state and federal regulations regarding procuring, prescribing, dispensing, administering and disposing of pharmaceuticals. The facility develops and implements written policies, procedures and actual practices to cover;
  - a. Development and regular updating of a list of drugs intended to be kept in stock on site for immediate use when needed.
  - b. Procurement, dispensing, distribution, account, administration and disposal of pharmaceuticals.
  - c. Maintenance of records needed to ensure control of and accountability for medications.
  - d. Secure storage of and accountability for DEA-controlled substances, needles, syringes and other abuseable items.
  - e. Methods for notifying the responsible practitioner of impending expiration of drug orders to facilitate review and continuity of medication.
  - f. Requirement of an order by an authorized professional for administration of medication.
  - g. Clear statement that drugs are not administered in the facility as a means of disciplinary control.

- h. Maintenance of all medications under control of appropriate staff member except for self-medication programs approved by the responsible physician.
- i. Elimination of outdated, discontinued, or recalled medications from drug storage and medication areas.
- j. Continuity of medication when youth enter and leave the facility.
- k. Psychiatrists/physician/psychiatric nurse practitioner evaluate youth who are prescribed psychotropic medications shortly after admission, after any change in psychotropic medications and at least every 30 days. Psychiatrists advise other service providers within the facility, as appropriate.
- l. Staff store medications in proper environmental conditions with attention to safety and security. Staff store medications requiring refrigeration in a refrigerator dedicated solely to medication.
- m. Qualified medical professionals maintain an adequate supply of easily accessible emergency medications (e.g., auto epinephrine injectors). Staff have easy access to information about what to do in case of overdoses or toxicological emergencies (e.g., the phone number for poison control).

#### **9.4 Medical and Dental Services**

**ORS 169.076(5)** Juvenile detention facilities shall provide for emergency medical and dental health, having written policies providing for:

- A licensed physician or nurse practitioner review of the facility's medical and dental plans.
- A medical and dental record system to include request for medical and dental attention, treatment prescribed, prescriptions, special diets and other services provided.

#### **Best Practices**

1. Youth receive a dental screening by a trained oral health practitioner and a referral to a licensed dentist if needed within 30 days of admission unless the facility obtains information that the youth received a dental examination within the previous six months.
2. There is a responsible health authority accountable for health and behavioral health services pursuant to a contract or job description. If the health authority is not led by a physician, the health authority ensures that licensed medical professional make all clinical medical decisions.
3. The health authority develops, approves, reviews and revises at least annually, the written policies, procedures and actual practices regarding medical and behavioral health care to ensure compliance with federal and state law and generally accepted professional practices as well as to resolve any barriers at the facility that may impede

access to care.

4. Written job descriptions define the duties and responsibilities of personnel providing health and behavioral health services in the facility.
5. Qualified medical and qualified behavioral health professionals are professionally licensed or certified as required by state law to perform the functions required in their respective positions.
6. The health authority and facility administrator approve a written plan for medical and behavioral health emergencies and review the plan at least annually.
7. All qualified medical and qualified behavioral health professionals who provide services at the detention facility receive continuing education of at least 12 hours annually in courses relevant to their positions (and as required by state law) and those with patient contact are current with CPR training.

## 9.5 Informed Consent

**ORS 169.750** Juvenile detention facility may not administer to any detained juvenile medication, except upon the informed consent of the juvenile or in the case of an imminent threat to the life of the juvenile or where the juvenile has a contagious or communicable disease that poses an imminent threat to the health of other persons in the facility.

Prescription medication may not be administered except upon a written prescription or written order by a licensed physician or licensed dentist and administered by a licensed physician, licensed dentist or other medical personnel authorized by the State of Oregon under ORS chapter 677, 678 or 679 to administer medication.

### Best Practice

1. Clinical staff discuss with youth the meaning of “informed consent” so they understand the agreement to undergo a treatment, examination, or procedure. They are aware of the consequences and risks; alternatives; and the prognosis if they are not undertaken.

## 9.6 First Aid

**ORS 169.076(5)** Juvenile detention facilities shall have a comprehensive written policy with respect to first aid supplies and staff first aid training.

### Best Practices

1. First aid kits are immediately available and fully stocked with non-expired items.
2. The facility has an automated external defibrillator (AED) on site and staff trained to use it.
3. The facility has a plan for handling exposure to high-risk bodily fluids.
4. Staff properly store and secure potentially hazardous or flammable items.
5. The facility has an adequate supply of Naloxone to respond to potential opioid overdoses.

## 9.7 Infectious Disease

**ORS 135.139, ORS 433.045, ORS 433.065, ORS 433.080, ORS 433.009** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with statutes relating to HIV and infectious diseases.

**ORS 169.076 (g)** Juvenile detention facilities shall have a comprehensive written policy with respect to vermin and communicable disease control.

### Best Practice

1. The facility employs Universal Safety Precautions to prevent the transmission of blood borne pathogens and pathogens from other bodily fluids.

## 9.8 Health Records

### Federal Guideline

**Health Insurance Portability and Accountability Act (HIPAA)** Juvenile detention facilities shall maintain the health records of detainees in accord with federal privacy and security rules as described in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

### Best Practice

1. All health-related records are confidential and will not be released by facility staff unless the youth has signed a release of information and agrees to share the information with non- medical providers.



## SECTION 10: FOOD SERVICES

Meals are nutritionally balanced, well-planned, and prepared and served in a manner that meets established govern behavioral health and safety codes.

The facility's system of dietary allowance is reviewed at least annually by a dietician or the health division to ensure compliance with nationally recommended food allowances.

### 10.1 Meals, Nutrition, and Special Diets

**ORS 169.076(7)(b)** Juvenile detention facilities shall insure that detainees are fed daily at least three meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other purposes; and will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietitian or the Oregon Health Authority.

**ORS 169.076(7)(c)** Juvenile detention facilities shall insure that confined detainees will be provided special diets as prescribed by the designated facility physician or nurse practitioner.

### 10.2 Food Health and Safety

**ORS 169.076(7)(d)** Juvenile detention facilities shall insure that confined detainees shall have food procured, stored, prepared, distributed and served under sanitary conditions, as defined by the authority under ORS 624.041.

**ORS 624.041** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with rules established by the Oregon Health Authority with respect to food services.

The rules shall provide for, but need not be restricted to, the following:

- 1) A water supply adequate in quantity and safe for human consumption.
- 2) Disposal of sewage, refuse and other wastes in a manner that will not create a nuisance or a health hazard.
- 3) The cleanliness and accessibility of toilets and hand washing facilities.
- 4) The cleanliness of the premises.
- 5) The refrigeration of perishable foods.
- 6) The storage of food for protection against dust, dirt and contamination.
- 7) Equipment of proper construction and cleanliness of such equipment.
- 8) The control of insects and rodents.
- 9) The cleanliness and grooming of food workers.
- 10) Exclusion of unauthorized persons from food preparation and storage areas.
- 11) Review of proposed plans for the construction or remodeling of facilities subject to licensing under this chapter.

## Best Practices

1. Youth in the facility receive a wholesome, appetizing and nutritionally adequate diet determined by a nutritionist.
2. Youth have the opportunity to provide input into the menu and, where possible, food reflects the cultural backgrounds of youth.
3. If staff eat meals with youth, youth and staff receive the same meals. If staff bring in food to eat from outside of the facility, staff do not eat the food in front of youth.
4. The facility provides meals for youth with special dietary requirements (e.g., youth with allergies, pregnant girls, youth with dental problems and youth with religious beliefs that require adherence to religious dietary laws or special timing of meals).
5. Youth eat meals in a cafeteria or common area.
6. Youth have a reasonable time, no fewer than 20 minutes, for each meal.
7. Youth may talk during meals absent immediate and temporary safety or security reasons.
8. Staff do not withhold food for discipline. The facility does not serve deliberately unappetizing meals to youth.
9. Youth receive healthy snacks between meals, not as part of a behavior management program.
10. If facilities have a food handlers program, youth are able to participate in meal preparation and serving.
11. Facilities provide guidelines for how communities and families may contribute to youth meals.



## SECTION 11: PHYSICAL PLANT

### 11.1 Building and Fire Codes

**ORS 419A.052 (1), ORS 169.076(11), ORS 169.077(7)** Juvenile detention facilities shall have written policy, procedure, and practice that conforms to applicable federal, state and/or local building codes and keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

Juvenile detention facilities shall conform to applicable federal, state and local safety codes. Suitable detention facilities must be of Class I construction and comply with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. Facilities safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

#### Best Practice

1. The facility has an emergency preparedness plan that includes, but is not limited to, fire and fire prevention, severe weather, natural disasters, disturbances or riots, national security emergencies and medical emergencies.

### 11.2 Rated Capacity

**ORS 169.042** Juvenile detention facilities shall have written policy in keeping with the statutory provision that the county court or board of commissioners of a county may institute an examination of the county's local juvenile detention facility for the purpose of obtaining a recommendation regarding the maximum number of detainees that should be held in the facility. This recommendation shall be based on consideration of the following:

- 1) The advice of the district attorney, county counsel and sheriff concerning prevailing constitutional standards relating to conditions of incarceration;
- 2) The design capacity of the facility;
- 3) The physical condition of the facility; and
- 4) The programs provided for detainees of the facility.

**ORS 419A.055 (2)** Juvenile detention facilities shall have written policy, procedure and practice consistent with the statutory requirement that the county court of any county may institute an examination of the county's detention facility and establish its capacity in accord with constitutional standards.

- (3) A county court may adopt standards for releasing youths and youth offenders when the capacity of the detention facility is exceeded;
- (4) If a county court issues an order establishing the capacity of the detention facility and that capacity is exceeded, the county court, through the juvenile department director of that county, may release a sufficient number of youths or youth offenders to reduce the

- population of the detention facility to the established capacity;
- (6) The county court, through the juvenile department director, shall immediately notify the judge of the juvenile court of the county of the release.

### 11.3 Location

**JJDPa Section 223(a)12** Juvenile detention facilities must ensure the separation of youth from adult inmates by sight and sound.

\*See Appendix B for detailed information.

**ORS 169.740(2)(c)** Juvenile detention facilities shall provide for separation of detained juveniles from the sight and sound of detained adults. Juveniles may not be placed in facilities that are designated for isolation of adult prisoners in order to meet this standard.

**JJDPa Section 1.303(e)(3)** A juvenile detention facility collocated with an adult facility in the same building or part of a related complex of buildings located on the same grounds must comply with the core requirements of the JJDPa in the same way that juvenile detention facilities are required to comply. Four criteria must be met to ensure compliance of a detention facility collocated with an adult lockup:

- The facility must ensure separation between juveniles and adults so that there can be no sustained sight and sound contact – separation can be achieved architecturally or through time-phasing use of non-residential areas;
- The facility must have separate juvenile and adult program areas;
- The facility must separate staff for juvenile and adult populations; and
- The facility must meet the statutory standards established for review by the Department of Corrections.

\*See Appendix B for detailed information on the JJDPa.

**ORS 419A.063** Juvenile detention facilities shall have written policy, procedure, and practice in keeping with the following statutory requirements:

- 1) The juvenile court may not place a youth offender in a detention facility under ORS 419C.453 unless the facility houses youth in a room or ward screened from the sight and sound of adults, and is staffed by juvenile department employees; and
- 2) In no case may the court order that a youth offender under 14 years of age be placed in any detention facility in which adults are detained or imprisoned.

### 11.4 Sleeping Rooms and Dayrooms

**ORS 419A.052** (1) Juvenile detention facilities must be of Class I construction and comply with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. New or major renovated facilities must also provide that any single sleeping rooms located therein are at least

70 square feet and that any dormitories located therein are at least 50 square feet per detainee and house no more than five detainees each;

In juvenile detention facilities, each sleeping room has at minimum the following facilities and conditions:

- a) Sanitary drinking water in living units and dayrooms;
- b) Toilets and washbasins accessible to detainees in all housing and activity areas;
- c) At least one shower for every 10 detainees;
- d) A heating system and all equipment required to ensure healthful and comfortable living and working conditions, and that maintains a temperature no lower than 64 degrees;
- e) Lighting at 20 foot-candles density; and
- f) Verbal or mechanical communications from sleeping rooms to staff.

(2) New or major renovated facilities must conform to the requirements above and must also provide:

- a) At least one toilet and washbasin for every five detainees;
- b) Corridors of at least six feet in width;
- c) Heating units capable of maintaining 68 to 85 degrees temperature;
- d) Tamper-proof lighting with capability of 20 foot-candles;
- e) Air circulation of 10 cubic feet of fresh air per minute per detainee;
- f) Sleeping room water valves accessible for staff control;
- g) Rooms provided for classes, library, arts and crafts; and
- h) Indoor and outdoor recreation and exercise areas.

**ORS 419A.052(2)(d)** In juvenile detention facilities, dayrooms provide a minimum of thirty square feet of dayroom space per detainee.

### **Best Practices**

1. The lights in a youth's rooms are turned out at night (or adequately darkened for sleep), unless the youth requests otherwise, or for the individual security, health, or behavioral health reasons.
2. Dayroom and common areas used for recreation are adequately lit for activities conducted in the area.
3. Individual rooms have adequate lighting, sufficient for reading.
4. Youth are allowed an additional blanket if they report feeling cold.
5. Absent a documented safety concern, youth may possess the following items in their rooms: writing and drawing utensils, and paper, more than one book, photos of loved ones, personal hygiene items, a stress ball, other safe and appropriate items approved by the facility.

## 11.5 Housing for Youth with Physical Disabilities

**Americans with Disabilities Act [Code of Federal Regulation, Chapter 28, Section 35]** Juvenile detention facilities shall have written policy, procedure, and practice complying with the requirements of the American with Disabilities Act. The Code of Federal Regulations, Chapter 28, Section 35 sets forth requirements for services, programs, and activities provided or made available by state and local governments.

### Best Practices

1. Youth with physical disabilities are able to participate in activities in the common areas.
2. Accommodations are made for families with disabilities to visit.

## 11.6 Classrooms and Activity Space

**ORS 419A.052** New or major renovated facilities shall provide space for classes, library, arts, crafts, indoor and outdoor exercise areas. In addition, facilities must provide thirty square feet of dayroom space per detainee.

**ORS 169.740** Juvenile detention facilities shall provide for non-dispositional counseling and physical exercise of any juvenile held in excess of five judicial days and cause access to the juvenile held in excess of five judicial days for education pursuant to ORS 336.585.

## 11.7 Environment - Positive Facility Atmosphere

### Best Practices

1. All persons in the facility are treated with respect.
2. The facility develops and implements written policies, procedures and actual practices to prohibit use of slurs, name-calling and other disrespectful behavior by youth and staff. Implementation includes enforcement of these policies by administrators.
3. Staff demonstrate a consistent level of tolerance of normal adolescent behavior in their day-to-day work with youth.
4. The décor and programming acknowledge and value the diverse population and interests of youth in the facility.
5. Staff recognize and celebrate important holidays, birthdays and other dates of significance to youth.
6. Staff encourage, enable and expect youth to keep themselves, their rooms and communal areas clean. In order to achieve this, staff give youth opportunity to perform the kinds of housekeeping tasks they might be expected to do at home, but are not substitutes for professional janitorial staff.



## SECTION 12: DATA AND EVALUATION

The Juvenile Justice Information System (JJIS) is a shared information system governed through a partnership with all 36 Oregon Counties and the Oregon Youth Authority (OYA). Oregon counties utilize JJIS to provide statewide case coordination. JJIS prepares annual reports for which local county juvenile departments, juvenile detention facilities, and the Oregon Youth Authority use to inform the practices. Each juvenile detention facility will comply with the mandated data points.

### **Best Practices**

1. The facility enters all mandatory data points into the JJIS information system.
2. The facility, Director or designee, will review data for facility trends, including any major incidents to determine if there are any policy changes or updates that need to be incorporated. The review of data will occur at least annually.
3. The facility completes and reviews all annual inspections, evaluations, and audits.
4. The facility participates in the peer reviews as defined in the Oregon Juvenile Detention Guidelines.

\*See Appendix H for Peer Review Assessment Tool.

# APPENDIX A

## Definitions

**“All services”** means the care and rehabilitation services provided to youth in the custody of a juvenile detention facility. It includes communication with the families or legal guardians of the youth.

**“Building codes”** are the federal, state, or local regulations that dictate the construction of a facility.

**“Collocated Detention Facility”** means a juvenile detention facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance and engineering.

**“Comprehensive search”** is an inspection that requires an individual to remove or arrange some or all clothing so as to permit a visual examination of the person’s entire body.

**“Committing authority”** is the juvenile court judge of the county where the youth was adjudicated.

**“Contraband”** is an item brought into a correctional facility which threatens the safety and security of that facility and poses a risk to both staff and youth. Examples include; Weapons, ammunition, drugs, cell phones, any item not allowed by the facility to be kept by a youth while in custody and other items which pose a risk to both staff and/or youth. [ORS 162.135]

**“Counselor”** means any probation counselor or officer as defined in Oregon statute. [ORS 419A.012]

**“Cultural competency”** means the acceptance that culture influences attitudes and behaviors. It involves the development of policies, structures, and practices that ensure equitable services for all participants.

**“Culture”** means integrated patterns of behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and norms of racial, ethnic, religious, or social groups.

**“Dayroom”** is a room which is adjacent to a cell/detention room or cell/detention room cluster, and which is used as a dining, exercise or other activity room for detained youth.

**“Design capacity”** means the original architectural design capacity.

**“Developmental approach to juvenile justice”** means embracing policies and practices at every decision point that are informed by an understanding of adolescent development and the effects of juvenile justice interventions.

**“Director”** means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

**“Dormitory”** is a living unit designed to house no fewer than three and no more than 48 detainees. Dormitories include sleeping and dayroom areas.

**“Extended detention”** is a period of detention exceeding eight days, but not more than 30 days [ORS 419C.453].

**“Evidence-based practices”** as established by SB 267 for programs receiving state funding. Detention services under other funding are encouraged to implement best practices.

**“Facility administrator”** means any official, regardless of local title (e.g., juvenile department director, administrator, superintendent) who has the ultimate responsibility for the direction and policies of the facility.

**“Facility supervisor”** means the person who is responsible for the day-to-day operations of the facility.

**“Family”** A family member is an individual who is related to another by blood, marriage, adoption, or a legal guardianship. This can include biological parents, children, spouses, siblings, grandparents, grandchildren, and various in-laws, step-family members, and foster family members. The definition can also be broader, encompassing individuals who share a household or have a similar relationship to those listed above.

**“Fire code”** is the Federal, state, or local regulations governing fire safety.

**“Four point restraint” or “four point position”** means the use of devices that restrict physical activity by securing both arms and legs.

**“Gender identity”** means an individual’s gender-related identity, appearance, expression or

behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.

**“Gender-specific services”** means a model for services that comprehensively addresses the needs of a gender group and fosters positive gender identity development. The model intentionally allows gender to affect and guide services to be responsive to the unique developmental issues and needs of the females and males receiving services.

**“Gender non-conforming”** means a person whose gender identity cannot be categorized as solely male or female. This is not a synonym for transgender. The definition may also describe a person who identifies as gender non-binary or genderqueer.

**“Governing authority”** in public/governmental agencies, means the administrative department or division to which the agency reports; the policy-setting body. In private agencies, this shall be an administrative headquarters, central unit, or the board of directors or trustees.

**“Governing body”** at the county level is the Board of County Commissioners, and at the state level it is the Legislature.

**“Interstate Compact for Juveniles (ICJ)”** the agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all states, and each has enacted legislation in substantially the same language. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

**“Inspection”** is an on-site assessment of existing conditions made to determine the facility’s compliance with O.R.S. Chapter 169, other O.R.S. statutes, and rules applicable to the facility’s classification.

**“Intersex”** means people who are intersex or have intersex conditions are born with external genitalia, internal reproductive organs, chromosome patterns, or endocrine systems that do not fit typical definitions of male or female.

**“Isolation”** means any time a youth is physically and/or socially isolated for punishment or for administrative purposes. (This intentionally excludes protective and medical isolation.) Holding a juvenile in any room which lacks toilet facilities, furniture, reading and recreation materials or access to light and air comparable to that in other rooms used for the detention of juveniles [ORS 169.730].

**“Juvenile court”** means the juvenile court having jurisdiction of juvenile matters in the several

counties of this state.

**“Juvenile detention facility”** means a facility for the secure custody of delinquent youth accused of acts which if committed by adults would constitute crimes, or for youth held pursuant to judicial order or commitment, and which are established under the provisions of Oregon law. [ORS 419.A.004, ORS 419A.010, ORS 419A.050 to 419A.063, and ORS 420.855]

**“Language appropriate”** means written and oral communication provided in the primary language used by a youth and his or her family.

**“Living Unit”** is a group or cluster of single and/or multiple occupancy cells or detention rooms within a facility that houses youth offenders and is immediately adjacent and directly accessible to a day or activity room.

**“Major renovation”** is the restructure, or adding to any portion of a building which is designed and used for the confinement of youth that equals or exceeds 50 percent of the total value of that area, or equals or exceeds 50 percent of the total square feet of space (Source: Corrections Division).

**“New construction”** is any facility to be built or the addition to an existing facility which purpose is for the confinement of adults or youth (Source: Corrections Division).

**“Non-Offender”** is a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, or behavioral health issues, but not a delinquent act.

**“Pat Down Search”** is an inspection by running the hands over the clothed body of an individual by a trained staff member to determine whether they possess contraband.

**“Professional services”** are services necessary to meet the identified needs of youths. Such services shall include individual and family counseling, family planning and parent education, and programs for youths with drug and alcohol addiction problems.

**“Qualified Mental Health Professional (QMHP)”** is a professional with specialized training and experience in providing mental health services to individuals with mental health diagnoses.

**“Rated capacity”** means the original architectural capacity plus or minus capacity changes resulting from building additions, reductions, or revisions.

**“Restraints”** mean devices used to restrict physical activity. Handcuffs, leg irons, restraint chairs and straight jackets are typically classified as restraints.

**“Resident district”** means the school district in which the parents or legal guardian, if any, of the youth resided in at the time of placement. If the youth has no parents or legal guardian, or none can be located, the resident district shall be the school district in which the youth is physically located. (ORS 336.585)

**“Room-lock”** means confinement of a juvenile in any sleeping room, other than an isolation room, except during regular sleeping periods; except that, in the case of facilities serving counties with a population of less than 70,000 based on the 1980 census, “room lock” does not include confining a juvenile in a sleeping room when all detained juveniles of the same sex are similarly confined due solely to the limitations of physical facilities or staff. [ORS169.740]

**“Shelter care”** means a home or other facility suitable for the safekeeping of a youth who is taken into temporary custody pending investigation and disposition where the circumstances are such that the youth does not need to be kept in secure custody.

**“Short-term detention facility”** means a facility established under ORS 419A.050 (3) for holding youths pending further placement. A short-term detention facility may house up to five youths or youths in transit for a period not to exceed four continuous days pending further placement, and are subject to the same standards and specifications found in ORS 169.740 and 419A.052.

**“Sight and Sound Contact”** means any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders.

**“Status Offender”** is a juvenile who has been charged with, or adjudicated for, conduct that would not be criminal if committed by an adult. Examples include: running away, underage possession of alcohol or tobacco, curfew violation, and truancy.

**“Supervising authority”** is the agency or department in the original county where the youth was adjudicated, or the department to which the case has been transferred.

**“Training”** is an organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on-site, at an academy or training center, at an institution of higher learning, through contract services, at professional meetings, or through supervised on-the-job learning. Meetings of professional associates are considered training when there is clear evidence of the above.

**“Transgender”** means any person whose gender identity or gender expression is different

from the cultural expectations based on assigned sex.

**“Unit”** is a group or cluster of single and/or multiple occupancy cells or detention rooms within the detention facility that houses youth and is immediately adjacent and directly accessible to a day or activity room.

**“Voluntary time-out”** is a brief period of time in a youth’s room or other space at the request of the youth.

**“Youth care center” or “center”** means a facility established and operated by a public or private agency or a combination thereof, primarily to provide care and rehabilitation services for youths committed to the custody of the youth care center by the juvenile court or placed by the youth authority. “Youth care center” or “center” does not include detention facilities established under ORS 419A.050 to 419A.057 except that when a county operates a combined facility to provide both care and rehabilitation services under ORS 420.855 to 420.885, and detention facilities, the combined facility shall be considered a “youth care center” to the extent that it is used to provide the care and rehabilitation services for youth not in detention.

**“Youth offender”** means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

**“Youth”** means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

## APPENDIX B

### JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT SUMMARY

Detention facilities shall be administered in compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act of 2002, implementing regulations into policies.

#### **Federal Rules and Regulations**

Deinstitutionalization of Status Offenders (DSO), Sight and Sound Separation is the core protection requirement that applies to juvenile detention centers. The Jail Removal requirement is not applicable as juvenile offenders may be held in or sentenced to juvenile detention facilities for longer than six hours.

#### **Section 223(a)(11)**

##### **Deinstitutionalization of Status Offenders (DSO)**

For the purpose of monitoring for compliance with section 223(a)(11)(A) of the Act, a secure detention or correctional facility is any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or used for the lawful custody of accused or convicted adult criminal offenders. Accused status offenders or non-offenders in lawful custody can be held in a secure juvenile detention facility for up to twenty-four hours, exclusive of weekends and holidays, prior to an initial court appearance and for an additional twenty-four hours, exclusive of weekends and holidays, following an initial court appearance.

##### **Youth Handgun Safety Act Possession Exemption**

The Youth Handgun Safety Act (18 U.S.C. 922(x)) prohibits possession of a handgun by a minor under the age of 18. There are exceptions to this Act such as using a handgun in a gun safety course or hunting under the supervision of an adult. Because the Youth Handgun Safety Act applies only to juveniles and handgun possession, it fits the definition of a status offense since, in most cases, it would not be a crime if committed by an adult. However, the Violent Crime Control and Law Enforcement Act of 1994, Subtitle B, Youth Handgun Safety, amended the JJDP Act to provide that juveniles who violate U.S.C. Title 18, Section 922(x), or a similar state law can be placed in secure detention or correctional facilities without violating the DSO requirement. Youth held in juvenile detention or correctional facilities solely for possession of a handgun are exempt from violation; however, the JJDP compliance monitor must capture that information yearly for OJJDP.

##### **Out of State Runaways (ICJ) Exemption**

Oregon utilizes the ICJ Exception ORS 417.030. As a participating state, Oregon has statutes which direct placement under ICJ ORS 419C.156. When youth are identified as residing outside of Oregon, it is important to communicate immediately with the Oregon ICJ office so the Oregon ICJ staff can determine whether a youth's situation qualifies as an ICJ matter. Out-of-state runaways may be held securely until their safe return to the home state. The agency has written policy, procedure and documentation regarding detention admissions as it relates to out-of-state runaways, including notification of a home state for safe return. Out-of-state runaways held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements and may be held until they can be safely returned to the home state. Other out-of-state runaways securely held beyond 24 hours solely for the purpose of being returned to proper custody in another state in response to a want, warrant, or request from a jurisdiction in the other state or pursuant to a court order must be reported as violations of the DSO requirement. Juveniles held pursuant to the ICJ enacted by the state are excluded from the DSO requirements in total. The JJDPa compliance monitor must verify that out of state runaways being held in juvenile detention centers are being held pursuant to the Interstate Compact on Youth. Written notification of compliance is available through the Oregon ICJ office.

## APPENDIX C

### VALID COURT ORDER – STATUTORY EXCEPTION

[Applies to adjudicated status offenders only]

In 1980, Congress enacted a provision intended to address concerns that the DSO core requirement deprived juvenile court judges of a significant option in handling chronic status offenders who were not willing to comply with court orders. This provision was meant to be applied sparingly to the small number of status offenders that continually flout the will of the court and have exhausted all non-secure civil sanctions available. The provision provides that adjudicated status offenders found to have violated a Valid Court Order (VCO) may be sentenced to juvenile detention as a civil penalty for contempt of court. Oregon does not utilize the VCO Exception. Prior to the 2018 reauthorization, Oregon had one county which utilized this exception periodically. Upon the effective date of passing, this county notified Oregon's DSA of its plan to cease using this exception for placing status offenders accused or adjudicated of having violated a VCO.

- Adjudicated status or non-offenders cannot be held in juvenile detention centers unless all of the conditions of the Valid Court Order are met.

For the purpose of determining whether a VCO exists and a juvenile has been found in violation of that order, all of the following conditions must be present prior to secure incarceration:

- A. The receiving facility must first be approved to utilize the Valid Court Order (VCO) process by the Youth Development Council.
- B. The juvenile must be brought before a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile. Prior to issuance of the order, the juvenile must have received the full due process rights guaranteed by the Constitution of the United States.
- C. The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.
- D. The juvenile must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to the juvenile's attorney and/or legal guardian in writing and be reflected in the court record and proceedings.
- E. All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. For protective purposes or to assure appearance at the violation hearing, a juvenile accused of violating a valid court order may be held in secure detention no longer than 72 hours, exclusive of non-judicial days.

However, there must be a judicial determination based on a hearing during the initial 24- hour grace period, permitted for a noncriminal juvenile offender under OJJDP monitoring policy, that there is probable cause to believe the juvenile violated the court order. A juvenile alleged or found in a violation hearing to have violated a valid court order may be held only in a secure juvenile detention and not in an adult jail or lockup.

- F. Prior to and during the violation hearing, the following due process rights must be provided:
- The right to have the charges against the juvenile in writing served upon the juvenile in a reasonable time before the hearing;
  - The right to a hearing before the court;
  - The right to an explanation of the nature and consequences of the proceeding;
  - The right to legal counsel, and the right to have such counsel appointed by the court if indigent;
  - The right to confront witnesses;
  - The right to present witnesses;
  - The right to have a transcript of the proceedings; and
  - The right of appeal to an appropriate court.
- G. In entering any order that directs or authorizes the placement of a status offender in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile and, in the case of a violation hearing, the judge must obtain and review a written report that: reviews the behavior of the juvenile and the circumstances under which the juvenile was brought before the court and made subject to such order; determines the reasons for the juvenile's behavior; and determines whether all dispositions other than secure confinement have been exhausted or are clearly inappropriate. This report must be prepared and submitted by an appropriate public agency (other than a court or law enforcement agency).
- H. A non-offender such as a dependent and neglected youth cannot be placed in a secure detention facility for violating a valid court order.

The presence of all of the above elements must be verified by the Compliance Monitor before the event qualifies as a Valid Court Order exception. If all are not present, the detention constitutes a violation.

## APPENDIX D

### PROCEDURE REGARDING NATIVE AMERICAN CEREMONIAL ITEMS AND CEREMONIES WITHIN A COUNTY JUVENILE FACILITY

The County Juvenile Department will provide youth the opportunity to freely exercise their religion. The County Juvenile Department will provide reasonable accommodations to ceremonial providers and participants to hold ceremonial activities as long as, such exercise and accommodation pose no threat to the youth, security of the facility, or other youth in the residence.

#### Best Practices

1. Youth may keep with them in their rooms ceremonial items such as an eagle or other ceremonial feather, a small bundle of sage or cedar and the cloth to store these items in. These items are to remain in their rooms except for using during approved visit from Native American Cultural Service Provider.
2. An approved Native American Cultural Service Provider may schedule a ceremony once a week for a maximum of one hour. These ceremonies may include, but are not limited to pipe and smudge ceremonies. This ceremony should be held Monday through Friday, excluding weekends and legal holidays. Visits from Native American Cultural Service Provider may be scheduled upon 24 hour notice and approval of the facility supervisor.
3. At no time may any burning of materials be allowed inside the facility. This is due to state and local fire regulations and laws governing the operation of detention facilities and public buildings. Any burning of materials for ceremonial purpose may be conducted outside in the recreation area upon approval of facility supervisor.
4. All participants shall be subject to the facilities rules regarding visitation and search of any materials brought into the facility. Staff shall be considerate of the sensitivity of the ceremonial materials being searched. Each youth will be searched along with personal items concluding each visit.
5. Each participant shall sign the visiting form stating they understand and will comply with the visiting rules.
6. The facility supervisor or designee shall review each youth request in seeking religious and cultural services.
7. Any misuse of ceremonial items or disruptive behavior during a ceremonial visit as defined by the facility supervisor or designee, will result in corrective actions and review of incident.

# APPENDIX E

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU) is between the State of Oregon acting by and through its Department of Education (“Agency”) and --- County, acting by and through its Juvenile Department (“COUNTY-JD”), each a “Party” and, together, the “Parties”. The Oregon Department of Education enters into Grant Agreements with School Districts (“SD”) or Education Service Districts (“ESD”) to provide the educational services within the county juvenile detention facility. The SDs or ESDs will be referenced as (“Educational Grantee.”)

### SECTION 1: BACKGROUND AND PURPOSE

ORS 336.585 provides that Agency is responsible for providing educational services to detained youth through the Juvenile Detention Education Program (“JDEP”).

COUNTY-JD operates a juvenile detention facility housing youth who are in the JDEP.

Per ORS 326.712, Agency contracts with School Districts (“SD”) and Education Service Districts (“ESD”) to provide teachers, counselors, and other personnel for the JDEP.

The purpose of this MOU is to outline the Parties' roles and responsibilities with regard to the education of youth in custody at the --- County Juvenile Detention Facility, and to provide a framework for ongoing communication and cooperation between the Parties.

### SECTION 2: EFFECTIVE DATE AND DURATION

This MOU is effective on \_\_\_\_\_ (“Effective Date”), and terminates on \_\_\_\_\_, unless terminated earlier in accordance with Section 16.

### SECTION 3: AUTHORIZED REPRESENTATIVES

**3.1** Agency’s Authorized Representative is:

School District or Educational Service District

**3.2** COUNTY-JD’s Authorized Representative is:

NAME

-- County Juvenile Department

Address

City, State, Zip Code

PHONE (Office)

EMAIL

**3.3** A Party may designate a new Authorized Representative by written notice to the other Party.

#### **SECTION 4: ROLES AND RESPONSIBILITIES OF THE PARTIES**

The Parties' roles and responsibilities are described in Exhibit A (Roles and Responsibilities).

#### **SECTION 5: FUNDING**

This MOU does not include any exchange of funds between the Parties.

#### **SECTION 6: TERMINATION**

**5.1** This MOU may be terminated at any time by mutual written consent of the Parties.

**5.2** Agency may terminate this MOU as follows:

**5.2.1** Upon 30 days advance written notice to COUNTY-JD;

**5.2.2** Immediately upon written notice to COUNTY-JD, if Agency fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in Agency's reasonable administrative discretion, to perform its obligations under this MOU;

**5.2.3** Immediately upon written notice to COUNTY-JD, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that Agency's performance under this MOU is prohibited or Agency is prohibited from paying for such performance from the planned funding source; or

**5.2.4** As otherwise expressly provided in this MOU.

**5.3** COUNTY-JD may terminate this MOU as follows:

**5.3.1** Upon 30 days advance written notice to Agency;

**5.3.2** Immediately upon written notice to Agency, if COUNTY-JD fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in COUNTY-JD's reasonable administrative discretion, to perform its obligations under this MOU;

**5.3.3** Immediately upon written notice to Agency, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that COUNTY-JD's performance under this MOU is prohibited or COUNTY-JD is prohibited from paying for such performance from the planned funding source; or

**5.3.4** As otherwise expressly provided in this MOU.

## **SECTION 7: NONAPPROPRIATION**

Agency's obligation to pay any amounts and otherwise perform its duties under this MOU is conditioned upon Agency receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow Agency, in the exercise of its reasonable administrative discretion, to meet its obligations under this MOU. Nothing in this MOU may be construed as permitting any violation of Article XI, section 7 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of Agency.

## **SECTION 8: AMENDMENTS**

The terms of this MOU may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties.

## **SECTION 9: NOTICE**

Except as otherwise expressly provided in this MOU, any notices to be given relating to this MOU must be given in writing by facsimile, email, personal delivery, or postage prepaid mail, to a Party's Authorized Representative at the physical address, fax number or email address set forth in this MOU, or to such other addresses as either Party may indicate pursuant to this Section 9. Any notice so addressed and mailed becomes effective five days after mailing. Any notice given by personal delivery becomes effective when actually delivered. Any notice given by email becomes effective upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system. Any notice given by facsimile becomes effective upon electronic confirmation of successful transmission to the designated fax number.

## **SECTION 10: INDEPENDENT CONTRACTORS**

The Parties agree and acknowledge that their relationship is that of independent contracting parties and that COUNTY-JD is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265 or otherwise.

## **SECTION 11: ASSIGNMENT AND SUCCESSORS IN INTEREST**

Neither Party may assign or transfer its interest in this MOU without the prior written consent of the other Party and any attempt by either Party to assign or transfer its interest in this MOU

without such consent will be void and of no force or effect. No such consent relieves either Party of its responsibility to fulfill the roles and responsibilities described in this MOU.

**SECTION 12: CONTRACTS**

Agency will contract with (the “Educational Grantee”) or another entity to provide teachers, counselors, and other personnel for the JDEP pursuant to ORS 326.712. Agency is solely responsible for the selection of the Educational Grantee but will invite COUNTY-JD to have a representative serve on the evaluation committee that selects the Educational Grantee. Agency shall require Educational Grantee to comply with all provisions of this MOU and applicable laws.

**SECTION 13: SPECIAL REQUIREMENTS**

The Parties shall comply with the special requirements set forth in Exhibit B, attached hereto and incorporated herein by this reference.

**SECTION 14: MOU DOCUMENTS**

This MOU consists of the following documents, which are listed in descending order of precedence: this MOU less all exhibits, attached Exhibit A (Roles and Responsibilities) and Exhibit B (Special Requirements).

**SECTION 15: SIGNATURES**

IN WITNESS WHEREOF, the Parties have executed this MOU as of the dates set forth below.

STATE OF OREGON, acting by and through its Department of Education

---

Authorized Signature Date

---

Printed Name, Title

COUNTY, acting by and through its Juvenile Department

---

Authorized Signature Date

---

Printed Name, Title

## EXHIBIT A

### ROLES AND RESPONSIBILITIES

#### Part 1 – Definitions

**Education Service District (“ESD”)** means a district created under ORS 334.010 that provides regional education services to component school districts. Agency contracts with ESDs to provide education to youth housed in juvenile detention facilities.

**Juvenile Detention Education Program (“JDEP”)** means the provision of educational services to youths lodged overnight who receive educational services on consecutive days within a detention facility.

**School District (“SD”)** means a common or union high school district (reference ORS 332.002).

**Student** means youth lodged overnight who receive educational services on consecutive days in a juvenile detention facility and youth placed in youth care centers in a detention facility (reference ORS 326.695).

#### Part 2 – Agency’s Roles and Responsibilities

Agency’s roles and responsibilities are described below. For purposes of this Exhibit A, “Agency” may mean the Agency, Oregon Department of Education. The Agency will ensure that the Educational Grantee will fulfill the components of this MOU.

1. Be responsible for the development, delivery, and funding of the JDEP within the --- County Juvenile Detention Facility.
  - a. To the extent possible, Agency and Educational Grantee will consider concerns and recommendations from Students’ parents, Juvenile Court Counselors, behavioral health counselors, educational advocates, attorneys, detention staff and COUNTY-JD when developing JDEPs and contracting for services.
  - b. The Educational Grantee will ensure all supplemental media materials conform to COUNTY-JD policies.
  - c. Agency will ensure the Educational Grantee adheres to OAR 581-015-2590 regarding the minimum number of instruction days and times.
2. Educational Grantee will ensure each Student is assessed for achievement level in math and reading within one week after arrival in the JDEP, and record scores in the Agency-provided student information system.
3. The Educational Grantee will deliver written notice to COUNTY-JD prior to providing any learning activities dealing with violence, suicide, or sexual content.

- a. COUNTY-JD has the right to excuse Students from such learning activities if COUNTY-JD determines the learning activities could be detrimental to the Student or their treatment.
4. The Educational Grantee will provide educational materials and supports to any Student who has been removed from the classroom setting for any reason, including disruptive or unsafe behavior.
5. The Educational Grantee will notify COUNTY-JD as soon as possible of any cancellation of educational services due to inclement weather.
6. The Educational Grantee will allow Students' release from school to assess and treat medical and behavioral health needs, complete court-required assessments and evaluations, and to attend court proceedings to expedite the Student's potential release from detention and for the general well-being of the Student.
7. The Educational Grantee will comply with COUNTY-JD's safety and security protocols and standards and report safety concerns to COUNTY-JD.
  - a. COUNTY-JD has the right to search classrooms for contraband and unsafe items.
  - b. Educational Grantee personnel may not restrain any Student.
  - c. Educational Grantee personnel must be present in the vicinity of the classroom at all times and shall respond in the event of a serious acting out behavior that compromises the safety of the Student, other Students, or Educational Grantee staff.
  - d. Educational Grantee will ensure all educational staff participate in COUNTY-JD-provided training described in this MOU.
8. Educational Grantee will ensure background checks are performed on all education staff who will enter the detention facility or have direct contact with Students.
  - a. Background checks must include criminal history and youth abuse registry checks.
  - b. Background checks must be completed prior to facility or Student access and must be updated at least once per year.
  - c. Educational Grantee will notify COUNTY-JD of any potential or current employee who is the subject of a criminal investigation or who has a criminal history.
  - d. COUNTY-JD has the right to restrict or deny access for any individual and shall inform Agency and Educational Grantee of the basis for any restriction as soon as possible.
9. Employees of Educational Grantee are mandatory reporters of youth abuse and follow and comply with ORS 419B.010 as well as reporting suspected abuse to COUNTY-JD
  - a. Educational Grantee will also notify COUNTY-JD of suspected abuse of Students 18 years old and older who are not subject to mandatory reporting laws because of their age.

- b. Educational Grantee will document all reports and notifications made under this section.
10. Educational Grantee with COUNTY-JD’s electronic network and wireless usage rules and requirements.
- a. Educational Grantee will supervise Students’ Internet usage, when usage is needed to meet educational needs and approved by COUNTY-JD.
  - b. Educational Grantee will notify COUNTY-JD if Student usage is outside the scope approved for education.
  - c. Educational Grantee will make every effort to prevent the posting of Students’ personal information on the Internet and will notify COUNTY-JD if this inadvertently occurs.
  - d. Educational Grantee will abide by all JJIS policies and will sign and provide to COUNTY-JD, applicable confidentiality forms.
11. Educational Grantee will notify COUNTY-JD of any need for maintenance or repair.

### **Part 3 – COUNTY-JD’s Roles and Responsibilities**

COUNTY-JD’s roles and responsibilities are described below. For purposes of this Exhibit A, “Agency” may mean the Agency, the Educational Grantee, or both (as determined by Agency).

- 1. Ensure every Student has access to education.
  - a. Students must be available for school attendance no later than the next day following the Student’s arrival in detention.
  - b. COUNTY-JD will notify Educational Grantee when a new Student will be attending class.
  - c. No Student may be suspended or expelled by COUNTY-JD or Educational Grantee.
  - d. In lieu of suspension or expulsion, COUNTY-JD will work cooperatively with Educational Grantee to develop alternative educational arrangements for Students whose behavior jeopardizes safety, security or others’ learning opportunities.
  - e. In all instances, COUNTY-JD will provide supervision and security services.
- 2. Provide space within its detention facility for Educational Grantee’s administration and delivery of education services to detained youth.
- 3. Notify Agency and Educational Grantee in writing of any planned population or facility changes that would significantly increase or decrease the Student population (e.g. opening or closing a unit, construction, etc.).

4. Provide Agency and Educational Grantee with JJIS access assist with registering Students in the educational student information system so as to be eligible for state and federal funding.
5. Maintain ownership of and primary responsibility for safety, security, and maintenance of the detention facility.
  - a. COUNTY-JD will provide Educational Grantee with no-cost training about the protocols and standards for safety and security practices, including security training, orientation, and online training modules.
6. Develop and make available to Educational Grantee, written procedures surrounding facility use.
  - a. Procedures will discuss scheduling and access protocols; inventory requirements, limitations and protocols; repair and maintenance requests; etc.
  - b. Procedures must be agreeable to Educational Grantee.

#### **Part 4 – Joint Roles and Responsibilities**

The Parties will work collaboratively and jointly to improve the JDEP in the following ways:

1. Comply with all applicable laws, Oregon Administrative Rules, and Agency and COUNTY-JD's regulations, and policies.
2. Ensure safe classroom operations. This may include:
  - a. COUNTY-JD monitoring classroom activities to identify unsafe practices;
  - b. COUNTY-JD notifying Agency and Educational Grantee of safety and security concerns that may impact educational staff; and
  - c. Notification by COUNTY-JD to Agency and Educational Grantee of any need to cancel or reconfigure the delivery of educational services.
3. Establish Internet filtering guidelines and security protocols for Educational Grantee personnel and students.
4. Work collaboratively to ensure Educational Grantee's staff are current on all applicable policies and procedures.
5. Ensure students' uninterrupted access to education.
  - a. Develop an orientation process for new Students that discusses classroom rules and expectations.
  - b. Develop a long-term policy and methodology for dealing with students whose behavior jeopardizes safety, security, or others' learning opportunities. The policy will include the process for creating individualized plans that allow students to return to the classroom as soon as it is feasible.
  - c. Notify the other Party if a policy or procedure change will impact the JDEP.

- d. Resolve disputes at the local level through regular communication and meetings in a manner that does not disrupt any student's education. In the event that escalation of an issue to a higher level is needed, the Parties will follow the hierarchy shown below:

Agency involvement

- Educational Grantee Principal
- Agency's Authorized Representative

COUNTY-JD involvement

- COUNTY-JD Detention Manager
- COUNTY-JD Deputy Director
- COUNTY-JD Director

6. As allowable by the Family Educational Rights and Privacy Act ("FERPA") and ORS 336.187, share student information so as to efficiently implement student case plans and education plans and to ensure the most productive programming possible.
7. Develop a set of metrics that will evaluate outcome-based measures and performance.
8. Develop a system to collect education data for youth after release from detention.
9. Develop an education records retention plan that complies with applicable laws and rules.
10. To the extent permitted by law and applicable collective bargaining agreements, the Parties will share information about allegations and complaints received regarding COUNTY-JD, Agency or Educational Grantee staff, and will work collaboratively to resolve complaints.
11. Communicate regularly to facilitate the budget development process related to JDEP funding.

# APPENDIX F

## Prison Rape Elimination Act

### Executive Documents

#### Implementing the Prison Rape Elimination Act

Memorandum of President of the United States, May 17, 2012, 77 F.R. 30873, provided:

Memorandum for the Heads of Executive Departments and Agencies

Sexual violence, against any victim, is an assault on human dignity and an affront to American values. The Prison Rape Elimination Act of 2003 (PREA) was enacted with bipartisan support and established a "zero-tolerance standard" for rape in prisons in the United States. 42 U.S.C. 15602(1) [now 34 U.S.C. 30301(1)].

My Administration, with leadership from the Department of Justice, has worked diligently to implement the principles set out in PREA. Today, the Attorney General finalized a rule adopting national standards to prevent, detect, and respond to prison rape. This rule expresses my Administration's conclusion that PREA applies to all Federal confinement facilities, including those operated by executive departments and agencies (agencies) other than the Department of Justice, whether administered by the Federal Government or by a private organization on behalf of the Federal Government.

Each agency is responsible for, and must be accountable for, the operations of its own confinement facilities, and each agency has extensive expertise regarding its own facilities, particularly those housing unique populations. Thus, each agency is best positioned to determine how to implement the Federal laws and rules that govern its own operations, the conduct of its own employees, and the safety of persons in its custody. To advance the goals of PREA, we must ensure that all agencies that operate confinement facilities adopt high standards to prevent, detect, and respond to sexual abuse. In addition to adopting such standards, the success of PREA in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership and the development of an agency culture that prioritizes efforts to combat sexual abuse.

In order to implement PREA comprehensively across the Federal Government, I hereby direct all agencies with Federal confinement facilities that are not already subject to the Department of Justice's final rule to work with the Attorney General to propose, within 120 days of the date of this memorandum, any rules or procedures necessary to satisfy the requirements of PREA and to finalize any such rules or procedures within 240 days of their proposal.

This memorandum shall be implemented consistent with the requirements of Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments).

This memorandum is not intended to, and does not, create any right or benefit, substantive or

procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

Barack Obama.

#### §30302. Purposes

The purposes of this chapter are to—

- (1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;
- (2) make the prevention of prison rape a top priority in each prison system;
- (3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;
- (4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
- (5) standardize the definitions used for collecting data on the incidence of prison rape;
- (6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
- (7) protect the Eighth Amendment rights of Federal, State, and local prisoners;
- (8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; behavioral health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and
- (9) reduce the costs that prison rape imposes on interstate commerce.

[\(Pub. L. 108–79, §3, Sept. 4, 2003, 117 Stat. 974.\)](#)

# Appendix G

## Sample Emergency Planning

### EMERGENCY POWER AND COMMUNICATION

**POLICY** The facility is equipped with a back-up generator to maintain essential services.

**EMERGENCY POWER** Action By:

#### Maintenance

1. Will ensure that in the event of a power outage, the generator will activate automatically and provide power to the essential services of the facility.
2. Will provide monthly testing of the generator to ensure proper functioning. All repairs are made as needed.

**Facility Staff** Will contact dispatch in the event that the generator does not activate, and request that facility maintenance is contacted.

### EMERGENCY COMMUNICATIONS

#### Central Control

1. Will have access to a cell phone in the event the county phone system is out.
2. Will communicate with dispatch to inform them of the phone system outage and the number of the cell phone for admission.
3. Can use the cell phone in the event of urgent, special, or unusual incidents or emergency situations.

**AFTER HOUR PHONE OUTAGES** Action By:

#### Facility Staff

1. Can use a cell phone and call information technologies (IT) after hour emergency “on-call”. If this person cannot be reached then contact designated IT support staff for department. This information is listed in the emergency procedures notebook in control.
2. If phones continue to be down, contact County dispatch at 541-776-7206 and provide them the number of the cell phone in the facility.
3. When phones come back on line, are to place a call to dispatch and inform them that the phones are now working and the cell phone is being turned off.

### FACILITY EMERGENCY PLANS

**REFERENCE** ORS 169.076(3) OJDFG 3.9

**POLICY** In the event of fire or other life-threatening events, the safety of the youth and the staff is paramount. In all cases, it is more important to safeguard persons than property.

## **PROCEDURE**

### **Fire Alarm Activated**

All activations of the fire alarm system are to be taken seriously and youth and staff should evacuate the building.

There may be times that youth and staff may not need to evacuate the facility nor does the fire department need to respond, such as when the fire alarm system is activated by dust from youth rooms chalk walls, drilling/grinding of concrete, chemical vapors, breaking of heat laser sensors in units and gym, or by other non-smoke or heat incidents.

Only facility maintenance or a supervisor/manager may reset the fire alarm system within control or the probation area, when it has been determined to be a false alarm. Facility staff may silence the audible alarm when authorized by the fire department, facility maintenance or a supervisor.

Maintenance is to be contacted when a known error is displayed on the fire alarm panel in control/probation area to ensure that it is addressed.

### **Action By:**

#### **Central Control Staff**

1. Will view the fire alarm panel in control to determine where the active alarm is located at.
2. Will communicate with facility staff on what is occurring at the alarm location and whether to evacuate or not.

**Alarm Monitoring Company** Will automatically call central control when the fire alarm is activated to verify what emergency is.

#### **Facility Staff**

1. Will verify with alarm monitoring company what was the event that set off fire alarm.
2. Will inform that it is not an actual emergency, and that the fire department does not need to be dispatched, based upon the location and information obtained by staff (chalk dust, workers, youth damage, etc.) OR
3. Will inform that the cause is unknown / that there is an actual emergency and the fire department should be dispatched.

#### **Fire Department**

1. May be automatically dispatched based on the alarm activation or to ensure that there is not a true emergency.

2. When arriving at facility may conduct a walk through to ensure that everything is safe.

#### **Facility Staff**

1. Will provide any needed information to the fire department.
2. Will call after hours maintenance number when needed to address the alarm system and/or any emergency repairs needed.

#### **On-call Supervisor**

1. Will respond to facility to assist in emergency situations.
2. Will contact the Deputy Director and Director of the emergency.

**Management** All will respond to the facility in an emergency to provide additional staffing, supervision, movement of youth, etc. when initiated by the Deputy Director or Director.

#### **STAFF TRAINING**

Action By:

#### **Facility Trainers**

1. Will ensure that staff are familiar with emergency plans and the procedures to be followed in the event of an emergency are included in the orientation process for all new staff.
2. Will ensure that follow-up and supplemental training are conducted at least annually.

#### **SECURITY**

#### **Facility Staff**

1. Will make every effort to prevent escapes during an emergency; however, safety of the youth shall take precedence over the matter of security.
2. Will make every effort to protect all youth and staff not involved in initiating a riot or hostage situation; staff will run, hide, and fight with the goal of safety and security of youth as the highest priority.

#### **EVACUATION PROCEDURES**

**Management** Will ensure the existence of an emergency evacuation plan. The evacuation plan shall include the route of evacuation and the subsequent disposition and housing of the youth as well as provisions for the immediate release of youth from locked areas. Also included are provisions for medical care and emergency transportation for injured youth and staff. The plans provides evacuation plans for visiting areas and areas accessible to visitors that clearly indicate primary and secondary exits. There shall be a notification procedure for contacting additional law enforcement personnel for assistance.

#### **AUTHORITY AND RESPONSIBILITY DURING AN EMERGENCY**

Action By:

**Management** Will have absolute and total authority for decisions made affecting the facility, the

emergency and security of the premises.

**Highest Ranking Personnel** Will have above authority if management is not available.

### **EMERGENCY-RELATED DUTIES OF COUNTY MAINTENANCE STAFF**

**Management** Will notify maintenance department and have them placed on stand-by to perform any necessary emergency repair work.

### **EMERGENCY REVIEW**

**Management** Will review the emergency plan as specified in this document annually and revise and update if necessary.

### **SEVERE WEATHER (TORNADOS, HURRICANES, EARTHQUAKES, FLOODS)**

#### **Facility Staff**

1. Will be familiar with the alarm and warning signals used to alert the population. A battery-powered radio with weather station shall be operable at all times.
2. Youth shall not be allowed outside the facility if threatening weather conditions are present. In severe thunder and electrical storms, youth should stay away from windows and should refrain from using plumbing, telephones and electrical appliances.
3. Will place youth in rooms for their personal safety when the Program Manager or designee determines there is a threat to their personal safety.
4. When an earthquake strikes, will take the following steps and provide verbal instruction to youth where appropriate:

#### **When outdoors:**

##### Recreation Area

Move quickly to inside the building as this area offers no or very little protection during an earthquake.

##### Vehicle Sally Port

Take COVER next to the exit door and/or vehicle exit door on Laurel Street. Watch for falling glass and other debris from the building. HOLD on until the shaking stops.

##### Outside of Building

Move to a clear area away from the building, trees, and electrical wires and poles.

##### Driving

Carefully and slowly bring the vehicle to a stop at the side of the road away from traffic. Do not stop on or under bridges, under power lines or near roadway signs that may fall. Once the shaking has stopped, you can continue driving, but watch carefully for possible damage to the roadway.

#### **When indoors:**

1. DROP, COVER and HOLD, alongside or beneath something sturdy - protecting your head, neck and eyes by pressing your face against your arm, until the shaking stops. If there is

no “cover” go to an interior wall or doorway, crouch low and protect your head, neck and eyes. For example, sit on the floor against an interior wall away from windows, sky lights, doors and things that could fall.

2. Will document the earthquake drill in JJIS and the department safety officer will be notified that the drill has been completed.

### **After Severe Weather:**

Action By:

**Management** Will handle or designate the following:

1. Coordinate first aid efforts
2. Turn on radio to get emergency information from local authorities
3. Direct employees and youth to a safe area outside of building, if needed.
4. Take a head count to insure all persons are safely evacuated.
5. Allow no persons to enter the building again until cleared by authorities.
6. Assign duties to clean up damage and resume business as soon as possible.

**Maintenance** Check natural gas lines for leaks. If a leak is detected, shut down the system, and notify local gas Service Company.

### **GAS LEAK / POWER FAILURE**

#### **Facility Staff**

1. Will ensure that any odor of gas is investigated, and strong odors of gas or gas leaks shall result in the immediate evacuation of the facility and contacting maintenance, the gas company and/or fire department.
2. Will ensure no one reenters the facility until maintenance, Gas Company or fire department personnel authorizes.
3. Will notify maintenance immediately if the emergency generator does not automatically activate and provide power to the essential services. If generator does not activate then battery operated emergency lighting will come on if power fails, additional flashlights and lanterns will be available within the facility.
4. Secure all youth in their rooms, if after day light hours.

**Management** In the event that the facility is unable to provide standard health conditions (i.e., sanitary drinking water, accessibility to toilet and washbasin facilities, heating, and/or lighting) to detained youth for a period more than 24 hours an emergency evacuation plan may be put into place.

### **BOMB THREAT**

Action By:

**Facility Staff** If receiving a bomb threat over the phone will:

1. Remain calm at all times

2. Log all information thoroughly in the JJIS unit log
3. Try to keep the caller on the phone as long as possible, while another staff member calls 911, by prolonging the conversation and asking questions regarding the bomb:
  - a. Location
  - b. When it is to go off
  - c. Physical description
  - d. Projected magnitude of explosion
  - e. Ask caller his/her name and why they wants to plant the bomb. Inform caller that the building/facility is occupied and detonation of a bomb could result in the death and injury to innocent youth and adults.
  - f. Pay attention to particular background noises, such as music playing, engine noises, etc.
  - g. Listen to the voice, male, female, voice quality, accent and speech impediments.
  - h. When the caller stops talking, do not hang up. When the receiver is not hung up, the caller is kept on the phone longer, and the possibility of tracing the call is greater.
  - i. Notify all employees of the threat

**Management or Designee** Will authorize the evacuation of the facility. The remainder of the premises shall be evacuated immediately.

**Facility Staff**

1. Will not touch any lights, switches, mail, or packages.
2. Staff shall complete an incident report regarding the incident and submit to the Program Manager.

**Law Enforcement** Will search for the bomb. Areas described by the caller shall be searched first.

**EMERGENCY MEDICAL CARE**

Action By:

**Facility Staff**

Will ensure that in the event a youth or staff member requires medical care, the following steps shall be taken:

1. Determine the nature of the injury or illness with as much detail as possible
2. Notify appropriate medical personnel or emergency medical ambulance services (911), depending on the nature and extent of the illness or injury.
3. If the youth or staff member can be moved, they shall be assisted to the appropriate medical services for diagnosis/treatment.
4. If the youth or staff member cannot be moved, the emergency ambulance service will be called.
5. In a minor emergency, the Program Manager or designee shall be notified and arrangements will be made to transport the youth or staff member.
6. The Program Manager or designee shall be notified (verbally) immediately of the youth's

injury/illness and a report of the incident shall be written within twenty-four hours of the incident.

## **DEATH, HOMICIDE, SUICIDE**

**Facility Staff** Will notify management immediately if a death, homicide, suicide or attempts are made.

### **Management**

1. Will immediately notify Deputy Director and Director when above occurs.
2. Directions for further actions and investigations will be determined by policy and administrative personnel.

## **WORK STOPPAGE**

**Management** Will ensure appropriate coverage, utilizing all extra-help staff and management, due to a work stoppage by full-time staff if an effort to continue services in the facility.

## **EMERGENCY EVACUATION PLAN**

### **REFERENCE**

OJDDA Mutual Aid Compact – Alternative sites for Emergency Evacuation of Detention.  
OJDFG 3.9

### **POLICY**

The facility shall make all procedures relative to emergency situations available to all staff. Emergency procedures will be reviewed and updated at least annually. All staff will be trained in emergency procedures.

Emergency evacuation maps will be available within the central control unit of the facility to help identify each primary and secondary emergency exits.

Central control operates all security doors and will provide the most appropriate exit route for each area within the facility. In the event of life threatening situations and / or an immediate threat, central control will initiate the group release function, where all security doors will be unlocked.

### **PROCEDURE**

#### **LEAVING THE BUILDING**

Action By:

**Management or Designee** Will provide notification to staff and youth to begin the evacuation process.

**Facility Staff**

1. Will call 911.
2. Will coordinate with each other in preparation of evacuating youth in all areas of facility.
3. Will determine if the situation allows time to restrain youth and follow the process below within the secure intake area:
  - a. Each detention youth will have a minimum of one leg in restraints and attached to another youth with the same.
  - b. At the same time the restraints are being placed on detention youth a staff will do a head count of all the youth prior to exiting the facility.
  - c. Those detention youth who are a threat to community safety or who pose a security risk will be prioritized by restraining them in the center of the line or by individually restraining them and having a staff member escort them in the process.
  - d. While detention youth are being restrained by staff, the staff in charge or their designee will check the detention facility assuring that no one remains in any of the areas.
  - e. A head count of all employees will also be conducted at this time.

**Central Control** Will gather the daily unit rosters and facility security keys and take them with them during the evacuation.

**Division Personnel** For those not directly responsible for escorting groups will exit through the nearest door.

**Visitors** Will exit the building immediately through the exit they are directed to by staff.

**Facility Staff**

1. Will ensure that all youth will exit the building in an organized controlled manner away from the building. Two areas are designated as general exiting areas for youth and staff of the facility. The parking lot located along King Street and east of the building and the vehicle sally port west of the building. All detention youth shall be exited into the vehicle sally port, if this area is safe from the situation, as this is a secure area for detained youth.
2. Will notify management of the evacuation.

**Management** Will notify the deputy director and other department staff of the evacuation.

**RETURN TO BUILDING**

Action By:

**Facility Staff**

1. Will return youth to the building only after notification from management or designee.
2. Will make a physical count of the youth prior to re-entering the building.

3. Will ensure that all security doors will be re-secured after returning to the building.
4. Will complete an incident report after all the youth have been returned to their rooms and locked down.

**Management** Will determine if debriefing with staff is needed.

## **EMERGENCY EXITS**

### **Management**

1. Will ensure that all areas within the facility have exit signs posted in central control and shall have an emergency exit sign posted. A primary and secondary route will be documented on these signs.
2. Will ensure that central control has copies of all existing routes and will provide the safest route in an emergency situation.

# APPENDIX H

## PEER REVIEW ASSESMENT TOOL

### INTRODUCTION

The Juvenile Justice Committee of the Youth Development Council developed the Oregon Juvenile Detention Guidelines to provide assistance to county juvenile detention facilities across Oregon with the opportunity to use both statutory mandates and best practices as they develop policies and daily operations. The guidelines have been developed through a collaborative process with representation of professionals in juvenile justice, behavioral health, family voice, and members of the Youth Development Council.

This tool provides the framework for detention facilities to strive for as the collaborative group believes the guidelines represent a comprehensive and demanding set of conditions, ensuring Oregon is a national leader striving for higher levels of conditions of confinement.

### PROCESS

The Assessment Team should consist at a minimum of (1) one juvenile justice professional with a background in juvenile custodial management, (1) a representative from Oregon Department of Education, a teacher, or administration of a Juvenile Detention Education Program (JDEP), (1) a representative of Youth Development Oregon.

The assessment should begin with the team planning on soliciting multiple view points of the guidelines from youth, staff, supervisors, and administrators of the facility. There are times when the same policy or practice may be viewed differently by the various groups. The differing views may indicate an opportunity for training, or possibility and opportunity for clarification or updating a particular policy or practice. The goal for the team is to identify opportunities to further strengthen practice and potentially reduce problematic policies or practices within the facility.

The Assessment Team should take time to understand the experience through the eyes of a detained youth by walking through the intake process from sally port to room assignment. It is also important to experience the process through the eyes of the staff and asking them to allow the team to observe their pathway for new youth entering the facility.

#### A. Before the On-Site Visit

The Assessment Team should prepare to meet at least one or two times before the assessment to meet each other, identify individuals' relevant background and experience, review the guidelines, and divide up areas of responsibility for assessing the different topic areas.

Documentation of policies and practices provides the foundation for the team as they approach the work during the review. Reviewing the documents ahead of time enables the team to use the time in the facility to observe, talk with youth and staff, and review on-site documentation.

The following are examples of the requested documentation for the Assessment Team prior to the on-site visit.

1. Organizational charts for the facility and the agency that operates the facility.
2. Diagram, blueprint, or schematic of the physical layout of the facility,
3. Records of current staffing levels and schedules in each area of the facility,
4. Approved annual budget,

5. Current policy manual and procedures, this is a request of the comprehensive policy manual that takes into consideration of each Section of the guidelines. The policies will also include any behavioral health or medical health related policies, procedures, and practices.
6. Manuals and handbooks used in the facility, including orientation handbooks given to youth at admission,
7. Incident reports for the last six months including fights, suicide attempts, use of force and significant behavioral crises, PREA related incident reports
8. Reports of isolation, room lock, or room confinement for the past six months,
9. Review of policies related to suicide watches,
10. Inspections including Department of Corrections, Grand Jury, Public Health, Fire and Safety, and any other completed by the facility within the past year,
11. Grievances filed by youth with the past six months,
12. Reports of child abuse, (this could be the PREA incidents), or allegations reported to the Department of Human Services related to the treatment of youth over the past one year,
13. Records of active lawsuits or civil investigations involving the conditions or treatment of youth over the past year,
14. Documentation of the juvenile detention education program (JDEP) including staffing, professional qualifications, transfer of records, evaluation of youth at intake, educational curriculum, class schedules, Individualized Education Plans (IEP), Special Education services, transition and re-entry, and awarding of credits,
15. Memorandum of understanding between the contracted education district and the facility.
16. Application and approval from Youth Development Oregon if the facility has an extended detention program.
17. Records of staff training for the past year, and access to training materials,
18. Food service records, including menus and dietary guidelines, examples would include ODE reimbursement records, these would contain all the menus and dietary guidelines,
19. Visitor and telephone usage logs, and
20. Documents that have been translated for limited English speakers.
21. Does the facility have a feedback process for youth and parents – trends or results from the feedback.

## **B. On-Site Visit**

Once on-site, the Assessment Team should meet first with the administrators for introductions and review of the team schedule. The team should approach the initial tour of the facility from the perspective of the youth's experience entering first through the sally port and intake area. The team should take time to observe the intake and admissions area, medical/behavioral health examination area, living units, common areas, classrooms, vocational areas, and recreation areas (both inside and outdoors), visitation areas, sleeping rooms, isolation areas and restraint rooms.

As the team walks through the facility members should observe the **general condition of the facility, noise level, odors, interactions of youth and with staff, activity level of youth, and visual environment.**

The team should interview the following people to gather a holistic perspective of the facility including:

1. Youth
2. Unit staff and supervisors
3. Medical and behavioral health professionals

4. Teachers and school administrators
5. Food services administrator
6. Other staff or faculty
7. Family members

### **C. Interviews**

Interviews with youth and family members should take into consideration the following;

#### Youth

1. What is the youngest age of the youth currently in facility?
2. At the time of admission did the youth receive screenings and any services related to a health screening.
3. What questions were they asked at intake? Was the intake screening done in a private area?
4. Was there information about their individual situation that they wanted to share at intake, was the information listened to?
5. Search process – comprehensive search? How was that conducted?
6. Were they asked if they were high or intoxicated when they were first admitted?
7. Were they offered food and drink at intake?
8. Were they offered phone calls, a shower, and storage of personal belongings?
9. Do they feel safe in their living unit? Are they separated from older or bigger youth or youth that seem threatening to them?
10. Ask the youth about accessing phones, visitation, recreation, and vocation, at the facility to determine whether the number of youth in the facility is impeding access.
11. Can the youth explain how to file a grievance and what is the process?

#### Staff

Interviews with staff members should take into consideration the following;

1. Ask unit staff to explain how policies and procedures you have reviewed prior to the visit are implemented.
2. What training have staff received prior to starting to work on the floor with youth?
3. How do staff receive ongoing training? What training do staff receive regarding prevention, detection and reporting of sexual abuse, harassment and bullying? Do staff receive training on de-escalation?
4. Are staff ever asked to work double shifts? How do they feel about it?
5. On a scale of 1 to 10 how safe is the facility for staff? For youth?
6. How are they involved in the development of policy? Are there opportunities to recommend facility improvements?
7. Ask the staff to explain the intake process and how information from screenings are captured and used in placement within the facility.
8. How do staff implement the Behavioral Management System for youth? How do they decide about consequences to impose for a particular misbehavior?
9. What is the longest a youth has been placed in room confinement? Can they share the circumstances?
10. Do staff participate in any programming directly with youth in placement?

#### Medical Staff

Interviews with medical and mental health staff should take into consideration the following;

1. Ask medical and behavioral health professionals to explain a few of the policies and procedures you have reviewed earlier. Do their explanations match what is written in policy and procedure? If they do not match, ask them to explain the actual practice or procedure.
2. Are there sufficient medical, behavioral and dental staff available on-site, on-contract, or on-call to meet the needs of the youth in custody?
3. What are the procedures for youth requesting to be seen by a medical or behavioral health professional?
4. Did youth receive a full health assessment within fourteen days of admission to the facility? What is the average length of time from admission to full health assessment? Did a licensed practical nurse, registered nurse, nurse practitioner, physicians' assistant, or physician complete the assessment?
5. Did youth identified as having significant behavioral health needs receive appropriate services in a timely manner?
6. How are medical needs met for youth who need to access services outside of the facility?
7. Do youth receive a dental screening within thirty days of admission to the facility?
8. What are the protocols for youth with suicidal ideations? Who can initiate protocols and how are youth removed from suicide protocols?

#### Teachers and Education Administrators

Interviews with educational staff should take into consideration the following;

1. Is there timely communication of information about youth's education background upon entry in to the educational classroom?
2. Are youth entering the classroom within the next school day following admission?
3. Does the education program have a 220 day school calendar?
4. How are substitutes trained and retained for the facility?
5. Is there a process for determining partial credits and are partial credits accepted by the returning school districts?
6. What are the post-detention educational placements available to youth?
7. How are youth identified for Special Education Services and accommodations? Are services provided within the facility?
8. Are youth interviewed to determine their level of English language proficiency? Are there ESL supports available to youth in the educational setting?
9. How are incidences of misbehavior handled? How many youth are suspended or expelled from the classroom within the past six months?
10. What transition services are provided through the education program, services provided by the facility?

#### Food Services and Administrators

Interviews with food service personnel should take into consideration the following;

1. Are food services prepared on-site or are food service staff employees or contracted services?
2. Are there adequate space, equipment, and serving tools to provide youth with appropriate meals, (food arrives cold, or not hot enough, no special diets).
3. Are there alternative food choices for youth with special diets or religious meals?
4. Does the facility participate in the National School Lunch program? If yes, review the documentation or most recent report.

5. What is the schedule for meals served to youth in the facility? How many hot meals are provided each day?
6. Are meals, snacks provided to youth upon admission to the facility?

#### Facility Administrators

Interviews with facility administration should take into consideration the following;

1. What is the organizational chart and supervisory chain of command?
2. How does the facility develop strategic planning, organizational policies and protocols and implement the Mission and Vision of the facility?
3. How often is the institutional population of the facility reviewed? What happens when the population is approaching or over its rated capacity?
4. How are staff, youth, families, and community partners involved in the work of the facility?
5. Does the facility have protocols determining eligibility for admission into the facility? Do those policies cover medical, behavioral health, and reasons for denying admission?
6. What is the staffing patterns and schedule for coverage? Review a weekly schedule.
7. How are incident reports and disciplinary records collected and stored?
8. What, if any administrative review and analysis is done of incident reports and discipline records (use of force, restraints, isolation)? Injuries? Suicide Attempts? Child Abuse Reports? Citizen Complaints? Grievances?
9. What process exists for review of individual grievances, and at what point in the process does it occur? Is there a process for analyzing grievances for quality assurance, or addressing problems or issues coming to light?
10. What action, if any, has the facility taken in relation to grievances in the past year?
11. How many staff are off work on workers' compensation claims and how many claims have been filed in the past year?
12. Do staff call in sick more than would normally be expected?

#### Family

Interviews with family should take into consideration the following;

1. Did they receive information about the facility, including information about visitation from the facility?
2. Have they encountered any problems with visitation? If the family has time conflicts with the standard visitation hours, have they been offered accommodations?
3. Have they been informed of the process for making a complaint?
4. Are they able to have telephone calls or video calls with youth outside of the normal visitation hours?
5. Do they participate in Individual Educational Planning meetings for their youth while in the facility?
6. Have they been able to meet staff, (including health care, educational, and direct care)?
7. If their youth has been involved in any behavior interventions (restraints, use of force), were they notified by the facility administration within 24 hours of the incident?
8. Have they felt that their youth was safe in the facility?

OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 1 - GENERAL ADMINISTRATION</b>		
<p>The purposes of the Oregon juvenile justice system beginning with apprehension are to protect the public, to reduce juvenile delinquency, and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on principles of personal responsibility, accountability and reformation within a context of public safety and restitution to victims and to the community. As required by ORS 419C.001, the system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior, and the system shall be open and accountable to the people of Oregon and their elected representatives.</p> <p>Juvenile detention facilities provide secure placement for public safety, ensure court appearance, and reintegration services for youth accused of acts which if committed by adults as defined in ORS 419C.145(2). Youth can also be held pursuant to judicial order or commitment, and which are established under the provisions of Oregon law. (ORS 419A.004, ORS419A.010, ORS419.050 to AORS419A.063 and ORS420.855) Youth charged with offenses that would not be crimes if committed by adults shall not be held in a detention facility, unless permitted by state law.</p>		
<b>1.4 Inspections/Reviews</b>		
<p>Every juvenile detention facility will undergo a peer review inspection once in 36 months using the Juvenile Detention Facilities Checklist. The Checklist will be developed by the YDO in conjunction with OJDDA with input from others and will be reviewed and updated as needed. Peer reviewers will use the Checklist to score each facility. Peer reviews will include policy review, site visit and input from local stakeholders including judicial, law enforcement, education, youth and families, service providers, and volunteers.</p>		
a. Review of grievances submitted by youth and families; trends & the facility's responses within the past 12 months		
b. Review of daily schedule including hours in rooms		
c. Review of incident reports, use of force, restraints, isolation, room lock or internal searches		
d. Confidential interviews with youth –using the youth questionnaire		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 2 - INTAKE, ADMISSION, AND RELEASE</b>		
Intake and Admission decisions will be based on, but not limited to, the least restrictive means needed to ensure community safety, protection of the victim/community, youth's likelihood to appear for court, and youth's behavior.		
<b>2.1 Intake Decisions</b>		
a. The facility has documented intake procedures and processes to determine if a youth is English Proficient (LEP), or is deaf or hard of hearing		
b. The facility has documented policies for competent and appropriate interpretation services.		
c. The facility does not charge for interpretation services		
d. The facility has a policy for youth the self-identify their chosen gender and their chosen name for the purposes of being referred to by their chosen name while in the facility		
e. The facility's policy includes the intake process being conducted taking into consideration development and culture of each youth.		
f. The facility provides each youth with information about reporting any concerns of sexual abuse, sexual harassment, or suspicions of abuse		
g. The facility has policy to notify Interstate Compact for Juveniles of any youth who is admitted to detention by an Oregon jurisdiction that reports living in another state.		
h. The facility has a process for youth to sign releases of information for behavioral health and medical health records to ensure continuity of care for any health related medications.		
i. The facility has risk & need assessment to inform the least restrictive placement for youth.		
<b>2.2 Admissions</b>		
Processes at time of admission will be to support age, gender and culturally appropriate social and intellectual development of youth.		
It is essential that youths and their families, at the time of admission, understand what is happening at all stages of the admission process, including the purposes, procedures and possible results. This ensures the youths and their families have the opportunity to understand youths rights in the intake process. Information is provided in the youth and family's own language if they do not understand English.		
a. The facility has Admission criteria to determine eligibility for detention.		
b. The facility has a risk & need assessment to inform the least restrictive placement for youth.		
c. The facility has a policy prohibiting the admission of youth based on status offenses (Out of State Runaway Excluded)		
d. At the time of admission, youth receive oral and written information regarding their rights.		
e. Youth receive information in a manner that youth can understand.		

f. The facility has policy and practice related to screenings for:		
1. Behavioral Health		
2. Suicide ideation		
3. Risk & Needs for housing		
g. Housing and programming takes into consideration youth safety needs, age, physique, disabilities, and choice.		
h. The Facility has policies and procedures to comply with the Federal Medicaid requirements.		
<b>2.3 Notice of Detention Hearing</b>		
Detention facilities will ensure communication with the Probation Officer/Juvenile Counselor to coordinate the detention hearing within 36 hours of placement in a detention facility as outlined in the ORS time limitations in ORS 419C. 139 Speedy Hearing on Detention Cases. As above, out of state runaways are covered by Interstate Compact on Juveniles (ICJ), and these youth will have a different hearing process (cf. ORS 317.030).		
a. The facility has policy and procedures to allow youth to full participate in their court hearings.		
<b>2.4 Personal Property</b>		
a. The facility provides an inventory sheet of all personal items when a youth enters the facility.		
b. The facility provides a secure storage area for youth's personal belongings and launder their clothing if appropriate.		
c. The facility provides separate storage for each youth's personal items.		
d. The facility has a policy and procedure for returning all non-perishable and non-contraband items upon release or to a family member upon the youth's request.		
e. The facility will maintain documentation regarding the return of property for youth upon their release.		
<b>2.5 Orientation</b>		
Youth receive written orientation materials and/or translations in their preferred language. A staff member or other person proficient in the youth's preferred language will assist the youth in understanding the material. Completion of orientation is documented by a statement signed and dated by the youth.		
a. At the time of Admission (or shortly thereafter) youth receive both written and oral information about the institutional rights, rules, and procedures including		
1. Identification of key staff and roles		
2. Rules of contraband and search policies		
3. Behavior Management System including interventions and supports.		
4. The grievance procedures and access to the reporting steps.		
5. Access to routine and emergency health care including behavioral health		
6. Housing assignments		
7. Personal hygiene		
8. Visitation, mail, and electronic communication		

9. Access to education, religious services, recreation		
10. Policies relating to physical force, restraints, isolation		
11. Emergency situations (Fire, Flood, Power outage)		
12. How to report physical, sexual abuse or harassment. This needs to include situations with other youth or staff.		
13. Nondiscrimination policies		
14. Demonstration of appropriate pat-down and clothing searches.		
b. The facility has policies and protocols to provide orientation to youth who are deaf, difficulty hearing, blind or with low vision.		
c. The facility has policies and protocols to provide orientation to youth with intellectual or development disabilities (I/DD).		
d. The facility displays safety and reporting information in the common areas and are provided in both English and Spanish.		
e. The facility allows youth to have youth handbooks or rules in their living areas.		
f. The facility has policies and protocols for providing information to families in their first language.		
g. The facility provides information to youth in an age-appropriate manner, and documents understanding of the youth's rights to be free of all forms of abuse.		
<b>2.6 Detention Review Hearing</b>		
a. The facility has policy and procedures to allow youth to full participate in their court hearings.		
<b>2.10 Release</b>		
a. The facility has written policies, procedures, and practices to ensure when institutional population approaches or reaches the rated capacity, appropriate youth are released or stepped down to a non-secure setting.		
b. The facility has policies to collect the following information in the JJIS		
1. Reason for release		
2. Location of next placement		
c. The facility has written policy and practices to ensure when youth are released all personal property is returned to the youth.		
d. The facility has a policy and practices to provide 30 days of medication for youth at time of release.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 3 - SECURITY AND CONTROL</b>		
Juvenile detention facilities provide secure placement for youth to ensure public safety, ensure court appearances, and provide skills for youth as the reintegrate into the community. Facilities use a combination of supervision, inspection, accountability and clearly defined policies and procedures to promote safe and orderly operations.		
<b>3.2 Searches</b>		
a. The facility has written policies and practices to conduct searches of youth in the following manner		
1. Respecting youth's gender identity in a professional manner and in alignment with State and Federal laws.		
2. In the least intrusive manner as possible		
3. Consistent with the security policies/protocols of the facility.		
b. The facility has policy and practices defining a comprehensive search.		
1. Comprehensive searches must be documented, and management staff notified.		
2. Only medical staff may conduct cavity searches and the must be done in a private location, with youth not being visible on camera, and staff must remain on camera.		
3. All records, including any contraband, will be documented and maintained in the youth's medical record.		
c. Staff conduct facility and individual room searches when needed and with the least amount of disruption with respect to the youth's personal property.		
d. Staff do not conduct searches of youth, youth rooms or visitors as harassment or for the purpose of punishment or discipline.		
e. Staff search visitors by pat-down or electronic means (metal detector/body scanner) to ensure safety, security and sound operation of the facility.		
f. When conducting a personal search of a transgender, gender non-conforming and gender non-binary youth, the staff will be assigned based on youth's gender identity and safety preference.		
<b>3.3 Supervision of Youth</b>		
a. The facility has policies and practices for staff to provide direct supervision at the ratio of 1 staff to 8 youth during all hours when youth are awake.		
b. The facility has policies and practices for staff to provide direct supervision at the minimum ratio of 1 staff: 16 youth during hours when youth are sleeping.		
c. The facility has policies and practices of visually checking on youth at a minimum of 15 minutes intervals during all waking hours and 30 minutes during sleeping hours.		

d. Youth placed on special conditions for supervision will have additional visual checks.		
<b>3.5 Use of Force</b>		
a. The Facility has comprehensive training plans including conflict management, crisis intervention, management of assaultive behavior, and trauma informed practices.		
b. The facility maintains documentation of all incidents of use of force, including documentation of notification of youth’s attorney and parent.		
c. The facility has a policy and protocols for graduated sanctions and interventions for staff and youth to reduce the use of force.		
d. The facility has documentation of all youth placed in restraining devices, including length of time, and all efforts to reduce the use of restraints.		
e. All youth who are involved in an incident of use of force will have access to medical staff.		
f. All youth who are involved in an incident of use of force will have access to behavioral health care within 24 hours.		
g. The facility has a process of reviewing all incidents of physical intervention, use of force, or restraints.		
<b>3.6 Use of Restraints</b>		
a. The Facility has comprehensive training plan including crisis intervention, minimizing trauma created through the use of mechanical restraints.		
b. Staff only use mechanical restraints when a youth’s behavior threatens imminent harm to youth or others.		
c. Staff only use mechanical restraints to create a safe environment. Restraints will be removed or ceased as soon as the youth regains self-control.		
d. Facilities will have written policies and practices regarding youth during transportation.		
e. Staff do not leave youth in restraints while sleeping.		
f. Staff always have direct supervision of youth in restraints.		
g. Facilities will have written policies, procedures, and actual practices to govern;		
1. The use of restraints other than handcuffs, belly belts/chains, and leg restraints.		
2. Youth will not be restrained to a fixed object (including beds or walls)		
3. Use of chemical or medical restraints		
4. Youth are not placed in a position that restricts breathing and the use of hog tying is prohibited		
5. Use of mechanical restraints for punishment, discipline, retaliation, or treatment is prohibited		
6. The use of belts/chains or leg restraints on pregnant females is prohibited.		
h. Staff will complete incident reports regarding all incidents using mechanical restraints.		

i. All youth who are involved in an incident of use of force will have access to medical staff within one hour.		
j. All youth who are involved in an incident of use of force will have access to behavioral health care within one hour.		
k. The facility has a process of reviewing all incidents of physical intervention, use of force, or restraints.		
<b>3.7 Room Lock</b>		
a. The facility will have written policies, limiting any discipline using room lock for an excess of twelve (12) hours without a hearing process that includes:		
1. Advising youth in writing regarding the behavior or conduct in violation of the rule.		
2. Provide a hearing with supervisor who is not involved in the incident.		
3. Youth are allowed to call witnesses and cross examine witnesses		
4. Youth are not required to testify		
5. The finding must be preponderance of the evidence and constitute a violation of 169.750(3) or a criminal act.		
b. The facility has written policies regarding using less restrictive techniques to de-escalate the situation.		
c. The facility has written policies using room lock as a temporary response to behavior that threatens immediate harm to the youth or others.		
d. Staff do not use room lock for discipline, punishment, administrative convenience, retaliation, staffing shortages, or reasons other than a temporary response to behavior not to exceed 12 hours.		
e. During the time when youth are in room lock youth will have direct supervision not more than 5-minute intervals.		
f. Youth placed in room lock will receive an individual plan for staff interaction to reintegrate into the population.		
g. Youth in room lock will continue to receive education materials		
h. Staff will complete incident reports regarding all incidents of room lock.		

<b>3.8 Isolation</b>		
a. The Facility has a policy restricting isolation to ensuring immediate safety and only for the time necessary for a youth to de-escalate and no longer poses a threat.		
<b>3.9 Emergency Evacuation and Management</b>		
a. The Facility has a plan with detailed plans for a list of emergencies.		
b. The Facility documents annual reviews		
c. The comprehensive facility plan will include:		
1. Unique characteristics of the facility		
2. Hazard Profile		
3. Allocating responsibilities of staff		
4. Communication procedures		
5. Shelter in Place and Evacuation		
6. Aftercare		
7. Consideration for youth with disabilities		
d. The Facility documents annual training for all staff on emergency response procedures.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 4 - BEHAVIOR MANAGEMENT SYSTEM</b>		
A robust behavior management system is a comprehensive program that includes both incentives and sanctions to support youth in creating a safe facility culture. The behavior management system need to be grounded in the adolescent developmental approach. As the system supports youth to internalize and develop skills to be successful in many different settings, both in the facility and upon re-entry.		
<b>4.1 Youth Rules</b>		
a. Facilities will have written rules available for youth to access in various forms besides the orientation manual throughout the facility.		
b. The facility has a system of positive behavior interventions and support that provides a set of systemic and individualized strategies for achieving social and learning outcomes for youth while preventing problem behavior.		
c. The facility has a practice of staff explaining the behavior management system to youth upon admission, both verbally and in writing, at a level that staff reasonably expect youth to understand.		
d. The system outlines expectations clearly and uses specific examples of positive and negative behavior.		
e. Staff model positive behaviors and mentor and coach youth on demonstrating positive behaviors, focusing on building youth's sense of self-efficacy, self-concept and self-esteem.		
f. Staff responses to negative behaviors are immediate, fair and proportionate to the behavior. Consequences related to negative behavior bear a relationship to the type of negative behavior demonstrated by the youth.		
g. Staff use therapeutic approaches to respond to negative behaviors, not confrontational or antagonistic approaches. Staff respond to negative behavior with the goal of reducing anxiety and re-traumatization of youth.		
h. Staff work with youth who demonstrate negative behaviors to understand why the problem behavior is occurring and to identify alternatives to those behaviors.		
i. Staff are trained in the use of the behavior management system and implement it fairly and consistently.		
j. The culture of the institution emphasizes rewarding success in lieu of focusing on punishing failure.		
k. The facility has policy and practices to collaborate with outside agencies for behavior support or case management plans identified to assist a youth be successful.		

4.2 Accountability		
a. The facility shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to sanctions for violating rules of conduct		
b. The facility shall not administer any physical punishment to any youth at any time.		
c. The facility shall have and provide each detained youth with written rules for conduct and disciplinary procedures. If the juvenile cannot read or is unable to understand the written rules, the information shall be conveyed to the juvenile orally.		
d. The facility has policy and practice for a due process for any youth who is deprived of privilege:		
1. A written notice, which clearly states the basis for the deprivation of the opportunity for a hearing before a neutral third party		
2. The hearing must be in-person, including a review of all relevant evidence (including reports and video footage, if available)		
3. The opportunity to examine witnesses		
4. The opportunity for the youth to speak		
5. Must result in a written decision, which is provided to the youth		
e. Facility staff receive regular training in conflict management, de-escalation of confrontations, crisis intervention techniques, management of assaultive behavior, minimizing trauma involved in the use of physical force and mechanical restraints and the facility's continuum of methods of control.		
f. Facility staff receive regular training in situations in which the use of physical force or mechanical restraints is or is not justified, permitted methods of physical force and restraints, appropriate techniques for use of physical force and restraints and guidance to staff in deciding what level of physical force or restraints to use if that becomes necessary.		
g. Staff follow a graduated set of interventions that avoid the use of physical force or mechanical restraints, employ a range of interventions or actions before using physical force or restraints and permit only the least restrictive measure to prevent physical harm to the youth or others.		
h. Only staff specifically trained in the use of physical force and mechanical restraints are permitted to use such techniques or devices. Staff only use approved techniques or devices.		
i. The facility has written policies and procedures in the facility for the use of physical force and mechanical restraints.		

1. Staff only use approved physical force techniques when a youth's behavior threatens imminent harm to the youth or others.		
2. Staff may use approved physical force techniques when a youth is engaging in property destruction that involves an imminent threat to the youth's safety or the safety of others.		
3. Staff only use physical force or mechanical restraints by employing the least restrictive appropriate means and only for the amount of time necessary to bring the situation under control. As soon as a youth regains self-control, staff stop using physical force or mechanical restraints.		
4. Staff never leave youth who are sleeping in restraints.		
5. Staff never leave youth who are in restraints alone.		
6. Staff never hogtie youth or place youth in restraints in other uncomfortable positions.		
7. Staff never restrain youth to fixed objects, including beds or walls.		
8. Staff never use physical force or mechanical restraints for punishment, discipline, retaliation or treatment.		
j. Facility staff document all use of physical force or restraint incidents using the incident report form developed in JJIS.		
k. Youth will see a qualified medical health professional post restraint to check for any injuries to youth, medical staff will document any observed injuries in writing and photographs.		
l. Staff and youth involved in use of physical force or restraint incidents undergo a debriefing process with supervisory staff and qualified mental health professionals to explore what might have prevented the need for force or restraint and alternative ways of handling the situation.		
m. Incident reports of physical force or restraint will be reviewed by the facility administrator, including the amount of time that youth are restrained.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 5 - YOUTH RIGHTS</b>		
Youth entering detention facilities are often at a heightened point of a traumatic event and may be both behaviorally and physically dysregulated. All facilities should provide information to youth both during the intake process and during the time admitted to the detention facility to ensure youth are safe, their basic needs are taken care and they are free from any form of abuse, neglect, or harassment while in the facility.		
<b>5.1 Protection from Harm</b>		
a. The facility will have written policies, documentation, and procedures related to the Prison Rape Elimination Act (PREA) Standards. Policies will include		
1. Aggressive responsive, investigation and support of prosecution of sexual misconduct in the facilities.		
2. Training for staff and youth on the safe reporting mechanisms and services available to victims.		
3. Separation and monitoring of both sexually aggressive and vulnerable juvenile through assessments and room assignment;		
4. Establishing means of data collection to track sexual misconduct, analyze incidents and improve operations and services.		
b. The facility provides information to youth upon intake regarding prevention and reporting of abuse in multiple media including written, oral, and video.		
c. The facility has comprehensive written policies for training all employees regarding youth's rights to be free from sexual abuse, the right to be free from retaliation, and the dynamics of sexual abuse in confinement, and the common reactions of sexual abuse victims.		
d. The facility has policies directing the review of any incident or reported sexual abuse by the administration to determine any policies violated or barriers to safety.		
e. The facility has policies and infrastructure for youth to shower, perform bodily functions, and change clothing without gender identity viewing of breasts, buttocks, or genitalia.		
f. The facility has policy and practice of staff of the opposite gender announcing their presence when entering housing units.		
g. The facility should allow all youth to shower individually, separate from other youth.		
h. The facility has policy and practices for accommodations for youth with physical and emotional circumstances have the ability for additional privacy when showering, performing bodily functions, or changing clothes. The policy maintains safety of the youth and facility.		
<b>5.2 Access to Courts, Counsel, and Governing Authorities</b>		

a. The facility has written policy, procedure, and practice to ensure youth’s access to the attorney of the youth, without examination or censorship.		
b. The facility provides payment for all postage for youth’s mail to an attorney, or to the federal, state, county, or municipal government officials.		
c. The facility shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to the youth’s attorney		
d. The facility shall provide unrestricted contact between youth and their attorneys in a private attorney-client consultation.		
e. The facility has a minimum of 5 hours per day between 8:00am and 5:00pm available for unrestricted access to the facility for attorneys.		
f. The facility has written policies, practices of not opening youth’s mail from attorneys, courts, or public officials.		
g. The facility allows attorneys of record, paralegals, and other support staff for the attorney of record access for visitation outside of the regular visitation hours.		
h. The facility allows attorneys of records, and other support staff of the attorney to bring in materials to assist the defense team. (laptop, legal files, etc).		
i. The facility does not limit the frequency or length of time for video or phone calls for youth to contact their attorney.		
j. The facility has written policy and practices for youth when law enforcement or members of the prosecution request to interview a youth.		
i. The facility will release records to the youth’s attorney upon written consent of the youth or court order.		
j. The facility allows youth to access legal assistance (law student, legal aid, pro bono attorneys)		
k. The facility allows youth to access legal research materials for both pre and post-adjudication.		
<b>5.3 Access to Records and Legal Materials</b>		
a. The facility has written policy, procedure, and practice to ensure youth’s access to the attorney of the youth, without examination or censorship.		
b. The facility allows attorneys of record, paralegals, and other support staff for the attorney of record access for visitation outside of the regular visitation hours.		
c. The facility allows attorneys of records, and other support staff of the attorney to bring in materials to assist the defense team. (lap top, legal files, etc).		
d. The facility has a secure place for youth to store confidential legal records.		
<b>5.4 Youth with Disabilities</b>		

a. The facilities shall have policies, procedures, and practice that youth with emotional disturbances, intellectual, developmental, or physical disabilities will not be detained solely based on their disability.		
b. The facility has a designated American Disability Act (ADA) coordinator.		
c. The facility has written policies addressing disability-related accommodations.		
d. Youth and families are notified of the policy and the opportunities to request accommodation under ADA legal requirements.		
e. The facility has policies to grant requests for any disability-related accommodation or modification must be granted or must trigger an interactive process designed to meet the need and ensure full participation without imposing an undue burden on the facility or fundamentally altering the program.		
<b>5.5 Dress, Grooming, and Personal Hygiene</b>		
a. The facility has written policies and practices providing the least restrictive alternative to consider the safety and security of the facility with respect to dress and groom which will allow for individual identity of youth.		
b. The facility will provide youth materials to maintain personal hygiene, clean clothing a minimum of twice weekly, mattresses and blankets that are clean and fire-retardant.		
c. The facility offers youth access to showers daily and require youth to shower twice weekly.		
d. The facility will provide youth clothing that fits, including shirts/sweatshirt and pants/sweatpants		
e. The facility provides outerwear and footwear that are appropriately sized and appropriate to the activity and season.		
f. The facility provides youth with clean undergarments that are appropriately sized.		
g. The facility has policies and practices that prohibit clothing to that are based on sex or gender identity.		
h. Transgender and gender non-conforming youth should be allowed clothing, undergarments, grooming items, gender-affirming supports, and other personal items that are consistent with the youth's gender identity.		
i. The facility provides adequate and culturally appropriate hair and skin care products, services and supplies for youth.		
j. Youth have access to adequate personal hygiene and toiletry supplies including hygiene supplies specific for girls.		
k. The facility has policies and procedures to prohibit access to clothing, personal items, and hygiene as a punishment.		
<b>5.6 Freedom of Religious Expression</b>		

a. The facility has policies and practices that do not restrict the free exercise of religion unless failure to impose the restriction will cause a threat to facility order or a threat of disorderly conduct within the facility.		
b. The facility has a policy to permit youth to gather for religious services.		
c. The facility has a policy to ensure that religious programming does not compel youth to participate in religious activities.		
d. Youth who decide not to participate in religious services are not placed in their rooms during that time but allowed youth to engage in some alternative recreational activity.		
e. The facility allow youth the opportunity to meet weekly with religious and cultural providers of their choice.		
f. The facility has policies and protocols to ensure youth receive special diets to accommodate sincerely held religious and cultural beliefs.		
g. The facility permits youth to have religious books and reading materials in their rooms.		
h. The facility has a policy to allow youth equal access to all religious reading materials and spiritual items.		
i. The facility has policy and practices to allow religious practices and materials absent of compelling governmental interests.		
j. The facility has policies and practices allowing Native American youth to keep spiritual items such as eagle feathers or a bundle of sage/cedar with cloth.		
k. The facility has policies and practices allowing for opportunities for access to recognized ceremonies such as smudge, pipe and healing ceremonies.		
<b>5.7 Grievance Procedures</b>		
a. The facility shall have established comprehensive written policies providing for the least restrictive alternative consistent with the safety and security of the facility with respect to access to records and grievance procedures for complaints by the detained juvenile, the attorney of the detained juvenile, parent or guardian, or other interested person.		
b. Juvenile detention facilities may not discipline or punish any juvenile for conduct or behavior by room-lock, for a period in excess of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for more than one day, except after		
1. Advising the youth in writing of the alleged offensive conduct or behavior.		
2. Providing the youth with the opportunity to a hearing before a staff member who was not a witness to the alleged offensive conduct or behavior		

3. Providing the youth with the opportunity to produce witnesses and evidence and to cross-examine witnesses		
4. Providing the detained youth with the opportunity to testify, at the sole option of the juvenile		
5. A finding that the alleged conduct or behavior was proven by a preponderance of the evidence and that it violated a rule of conduct or behavior of the facility as provided for in ORS 169.076.		
c. The facility has a policy and process for the facility administration review grievances each shift to determine if the hearing rights are triggered under ORS 169.750(7).		
d. The facility has written policies governing the grievance process and it is available to any youth.		
e. Youth shall be notified about how to file a grievance during orientation		
f. The facility will have the grievance procedures posted in frequently utilized common areas.		
g. The facility allows youth to file a grievance orally and in writing.		
h. The facility allows youth to file grievances anonymously		
i. The facility has a policy and practice to triage for urgency every shift.		
1. Grievances classified as Urgent will be addressed within 12 hours.		
2. Grievances classified as non-urgent will be addressed within three business days.		
j. The facility has policy and practice to allow an in-person or phone meeting as part of the resolution process, to which the youth or family may bring an appropriate advocate.		
k. The facility will notify the primary county juvenile department or Oregon Youth Authority with the grievance process to review with the family.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 6 - PROGRAMS AND SERVICES</b>		
All programs and services should have a core principle of ensuring best practices and grounded in the adolescent developmental approach. Focus should be on teaching coping skills and incentivizing pro-social behavior.		
<b>6.1 Mental Health Services (Counseling)</b>		
a. The facility has access to 24-hour crisis behavioral health services.		
b. The facility provides non-dispositional counseling for any youth held for more than five judicial days.		
c. Youth identified needing ongoing behavioral health are provided access to Qualified Mental Health Professionals.		
d. The facility provides annual training to staff including:		
1. Understanding and meeting the needs of youth with disabilities.		
2. Youth with complex trauma experiences		
3. Youth behavioral needs		
e. Youth screened at risk of suicidal ideation receive crisis intervention, and follow-up.		
f. Youth placed on increased direct observation checks, receive the checks and the facility has documentation.		
g. The facility has levels of observation, including direct continuous observation for youth actively reporting suicidal ideation.		
h. The facility has a policy for staff and QMHP screening for suicidal protocols, including when a youth is placed on precautions and when they are released from precautions.		
i. Youth released from suicidal precautions have an individualized plan.		
j. The facility has policies and documentation of notifications to parents and attorneys of record for any youth who is placed on the highest level of suicidal protocols including constant observation.		
k. The facility has a policy ensuring youth who are on suicide precautions are not deprived of visitation.		
l. The facility has a policy to allow increased visitation for youth on suicide precautions if recommended by a Qualified Mental Health Professional.		
m. The facility has rescue tools on each living unit.		
<b>6.2 Education in Juvenile Detention</b>		
a. The facility has policies and practices to ensure the least restrictive learning environment for youth.		
b. Youth entering the juvenile detention facility will attend the education program as early as possible for safety and security, but no later than the next school day after admission into the facility.		
c. The facility provide rooms and learning spaces for classes, library, arts, and crafts.		

d. The facility allows education to occur for a minimum of 5.5 hours per day for 220 days of instruction.		
e. The facility supports the education program by prioritizing education, encourages positive behavior, and assists with social supports for youth with disabilities or are English language learners.		
f. The facility has an educational partner contracted through the Oregon Department of Education that has the following policies and practices.		
1. Requests youth’s educational records from the prior school, including Individual Education Plans (IEP) and 504 plans within 24 business hours.		
2. Identifies youth who are English Language Learners (ELL)		
3. Identifies youth with disabilities and provides Special Education Services for the IEP.		
4. Engages in an MOU identifying roles and responsibility for communication, behavioral and social supports and classroom management.		
5. Transition services for youth re-entering or transitioning to an educational setting upon release.		
6. Provide professional development for educational staff.		
7. Youth can earn high school credits toward an Oregon Diploma		
g. The facility has a dedicated classroom for youth that is conducive to a learning environment and accommodates youth the disabilities.		
h. The facility provides access for physical exercise for youth.		
i. The educational program provides an educational experience comparable to those available in public schools; textbooks, CTE, writing materials, education-related technology (within security guidelines)		
j. The Oregon Department of Education reviews the educational programming bi-annually.		
k. The facility and education provider collect data to measure key performance measures, school performance, track recidivism.		
l. The facility assists county juvenile departments in connecting with the educational transition specialists.		
<b>6.3 Extended Detention Programs</b>		
a. The facility has an approved 30-day extended detention program approved through Youth Development Oregon.		
<b>6.4 Recreation and Physical Exercise</b>		
a. The facility has written policies to provide physical recreation for youth, ensuring access to activities no later than five days.		
b. The facility provides youth on disciplinary status or restricted access a minimum of 2 hours recreation time a		

day – specifically allowing large muscle exercise in a communal space.		
c. The facility has a daily schedule posted for youth activities allowing for both structured and free time.		
d. The facility offers programming and recreation reflecting and interests of youth, including racial, ethnic, LGBTQ+, and cultural diversity.		
e. The facility has a policy and opportunity for youth to provide input into programming.		
f. The facility has policies and practices to allow all youth to participate in voluntary programming and recreational time based on choice.		
g. Youth are not excluded in activity based on gender, race, or disability.		
h. The facility has access to outdoor recreation space, and a policy ensuring regular scheduled access to outdoor space.		
i. The facility has adequate activities and equipment to allow youth a variety of activities.		
<b>6.5 Library Services</b>		
a. The facility has written policies and practices for youths to have access to reading material		
b. The facility has written policies to prohibit limitations on reading materials, except when related to security or treatment concerns.		
c. Youth are allowed to keep reading materials in their rooms.		
d. The facility has reading materials with diverse reading levels, interests, and in languages youth are able to read.		
e. Youth have multiple opportunities each week to access library services and reading materials.		
<b>6.6 Mail, Telephone, Visitation</b>		
a. The facility has policies related to correspondence, visitation, and telephone calls.		
b. The facility shall forward without examination or censorship outgoing written communication to the Governor, facility administrator, Attorney General, juvenile department or the attorney for the youth.		
c. The facility provides postage for youth’s correspondence		
d. The facility has written policy to provide unrestricted receipt or sending of mail – the exception would be an order of the court restricting mail.		
e. The facility has policies related to the opening of mail in the presence of the youth and maintaining property for the youth upon release.		
f. The facility has policies to handle any contraband from incoming mail.		
g. Staff do not limit the number of letters a youth may send or receive, including youth on disciplinary status.		
h. Staff provide youth with a reasonable amount of paper, access to writing implements and postage for mail.		

i. The facility permits youth to correspond with incarcerated family members absent a specific and articulable security reason.		
j. Staff distribute mail within 24 hours of arrival at the facility and post outgoing mail within 24 hours of receiving mail from youth.		
k. Staff log all incoming and outgoing mail. Staff forward mail to youth who have been released or transferred to another facility.		
l. Youth are allowed to send and receive mail based on their choice of name, excluding gang related monikers.		
m. Facilities will have written policies to outline the opportunities and conditions of the use of phones by youth for visiting purposes.		
n. Facility staff will not listen in or record youth's conversations absent individualized reasonable suspicion of criminal activity or a threat to the security of the facility. The facility shall inform the youth if telephone calls are monitored or recorded.		
o. The facility offers calls that are free of charge to the youth and family and support persons.		
p. The facility will maximize the availability of phone calls to the extent possible.		
q. Facilities will have written policies clearly describing the approval procedure for visitation and staff communicate visitation policies to family members.		
r. Staff permit youth to visit with parents, guardians, support persons and family members, or other persons who have been approved through the probation officer/juvenile counselor.		
s. The facility allows individuals under the age of 18 to visit if accompanied by an adult.		
t. The facility allows visitors to provide alternative forms of photo identification so that youth are not denied visits based on the immigration status of their family members, and relatives.		
u. Youth have the opportunity for visitation at least twice per week.		
v. The facility has visitation opportunities during evening hours and on weekends.		
w. The facility has written policies for special visitation		
x. The facility provides alternative ways including virtual options of visiting for family members who cannot easily travel to the facility.		
y. The facility has policies allowing youth to have contact visits, absent facility safety or security concerns.		
z. Youth are not deprived of visitation based on disciplinary status or punishment.		
aa. The facility does not prohibit visitation solely based on a family member's prior incarceration.		

bb. Youth are supervised during visits to ensure safety and security but allow for reasonable privacy.		
cc. Visiting areas can accommodate individuals with limited mobility.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 7 – PERSONNEL</b>		
<p>Facilities advocate for the implementation and delivery of a development approach across the spectrum of service delivery options. Developmentally appropriate practices should increase the frequency of positive behaviors to meet universal needs for safety, belonging, achievement, responsibility and empathy. Strategies should focus on creating a culture that reinforces positive behavior and uses problems as opportunities for learning and growth. Providing adequate funding to ensure quality training, appropriate staffing levels and access to best practice resources. These are essential in creating healthy environments in which all young people can thrive. Guidelines include the Prison Rape Elimination Act (PREA) Standards for employee training and onboarding.</p>		
<p>a. The facility shall have policies and practices to provide sufficient staff to perform all audio and visual functions involving security, control, custody and supervision of all detained youth.</p>		
<p>b. The facility shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who</p>		
<p>1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution</p>		
<p>2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse</p>		
<p>3. Has been civilly or administratively adjudicated to have engaged in the activity described as engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse</p>		
<p>c. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.</p>		
<p>d. Before hiring new employees, who may have contact with residents, the agency shall:</p>		
<p>1. Perform a criminal background records check</p>		
<p>2. Consult any youth abuse registry maintained by the State or locality in which the employee would work</p>		
<p>3. Consistent with Federal, State, and local law, make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.</p>		
<p>e. The agency shall also conduct a criminal background records check, and consult applicable youth abuse</p>		

registries, before enlisting the services of any contractor who may have contact with residents.		
f. The agency shall have policies and practice of conducting periodic criminal history checks for current employees.		
g. The agency shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.		
h. The facility has policies to disclose any law enforcement contact where they are being investigated or a suspect in a violation of law		
i. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.		
j. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work – as defined through PREA.		
<b>7.1 Staffing</b>		
a. The facility has a written policies and practices to ensure a minimum ratio of one direct care staff to no more than eight (1:8) youth during waking hours, and a ratio of one direct care staff to no more than sixteen (1:16) youth during sleeping hours, with a minimum of two direct care staff on duty at all times.		
b. The facility has policies and practices to always ensure a minimum staffing of two direct care staff.		
c. The facility has policies and practice to have staff members identifying as same gender of the youth in the facility at all times.		
d. The facility does not substitute direct care supervision with cameras and electronic surveillance.		
e. The facility hires staff to serve as positive role models for youth. Employees are qualified for their positions by education, experience, and ability to relate to young people, with minimum qualifications including 2 years of college, or a high school diploma or equivalent and 2 years' experience working with youth.		
f. The facility has written job descriptions and requirements exist for all positions in the facility.		
g. The facility recruits and hires an ethnically and racially diverse staff and administrators to meet the needs of the facility.		
<b>7.2 Drug Free Workplace</b>		

a. The facility has written policy and practice in keeping with the requirements for a drug-free workplace for all employees		
1. Prohibition of the use of illegal drugs.		
2. Prohibition of possession of any illegal drug except in performance of official duties		
3. Procedures to ensure compliance		
4. Opportunities available for treatment and/or counseling for drug use		
5. Penalties for violation of the policy		
<b>7.3 Training and Staff Development</b>		
a. The facility shall train non-medical personnel on administering medications, including recognition of and response to drug reactions and unanticipated side effects, from the responsible physician or nurse and the official responsible for the facility.		
b. The facility will have written policies for all new employees to receive orientation training before first assignment alone.		
c. The facility orientation will have the following requirements.		
1. Orientation to purpose, goals, policies, and procedures of the facility.		
2. Working conditions and regulations		
3. Employees' rights and responsibilities		
4. First Aid/CPR and emergency procedures		
5. An overview of corrections field		
6. Cultural awareness and skills, diversity training and gender-specific programming		
d. The facility has a policy to ensure that all new employees complete the Official training through the Oregon Juvenile Department Directors Association (OJDDA) custody training		
e. The facility has a policy and documentation for staff to complete 80 hours of training during the first year of employment including First Aid/CPR, Use of Force, Operational Policies, etc.		
f. The facility has a policy to comply with the continuing training guidelines through OJDDA for 40 hours of continuing education/training every 12-month period of time following the initial completion of the OJDDA Training for working with Youth in Custody and Residential Settings		
g. All facility staff working with youth will receive pre-service and annual training on recognition of behavioral and verbal cues indicating vulnerability to suicide and what to do in case of suicide attempts or suicides.		
h. All facility staff will receive on-going annual training in the following areas: adolescent brain development, the importance of family engagement, the impacts of trauma for a youth, and the impacts of incarceration for the youth.		

i. The facility shall have policies for all staff, including direct supervision, qualified medical, and qualified behavioral health staff		
1. Basic rights of incarcerated youth, legal rights, grievance procedures		
2. Working with specific populations		
3. Facilities non-discrimination polices and working with youth in alignment with respect and in a non-discriminatory manner.		
4. Signs of physical, intellectual, and developmental disabilities.		
5. Signs of behavioral health needs, and strategies to work with youth who have disruptive behaviors		
6. The facility’s language access policies and how to access language assistance for youth with limited English language proficiency		
7. Gender specific needs, including pregnant girls and health protocols for both boys and girls.		
8. Services and policies for working with LGBTQ+ youth, ensuring prevention of harassment.		
9. Screening for youth who are at risk for human trafficking.		
j. Staff will receive training, and supervision for implementation of positive behavior management.		
k. Staff will receive training on Oregon’s Mandatory Reporting for child abuse.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 8: RECORDS AND INFORMATION SYSTEMS</b>		
The county operating the juvenile detention facility shall provide Juvenile Justice Information System (JJIS) data requirements as established by the JJIS steering committee and required by State law. Records of admission and release shall be made in the Juvenile Justice Information System (JJIS).		
<b>8.1 Youth Records</b>		
a. The facility will have policy, procedure, and practice in maintaining the statutory requirements for confidentiality.		
b. The facility has a policy to report to the Oregon Criminal Justice Commission; runaways (419C.156), youth, and youth offenders are held in pre-adjudication detention and the length of stay.		
<b>8.2 Information Systems</b>		
a. The facility has written policy and practice of utilizing the statewide Juvenile Justice Information System (JJIS) for all aspects of detention practices.		
1. Admissions		
2. Incident Reports		
3. Unit Logs/Rosters		
4. Releases		
<b>8.4 Release of Information</b>		
a. The facility has written policies and practices for the least restrictive alternatives with respect to access to the facility by the public and the news media.		
b. The facility has written policies and practices relating to reports and other materials related to youth are privileged except with the consent of the youth or order of the court.		
c. The county juvenile department will have written policies and procedures for the release of information regarding the youth's history and prognosis if there is a reasonable need to perform the official duties of the juvenile department.		
d. The facility treats youth's case records (police reports, and behavioral/medical reports) as confidential.		
e. The facility has a policy and practice regarding disclosure of information to the media.		
f. The facility has written policy and practice to maintain records securely, both physical files and electronic files.		
g. The facility has written policy, procedure and actual practices ensure that facility staff inform the youth and his or her attorney upon receipt of a subpoena or court order for the youth's records prior to disclosing the records.		
h. The facility has policy and practice to working with the educational provider to ensure youth can be enrolled in the school's student system.		
i. The facility has policies and practices through a MOU with the Juvenile Detention Education Program (JDEP) in		

compliance with the Oregon Department of Education for releases of information.		
j. The facility has policy and protocols to communicate with the Oregon Health Authority for the purposes of maintaining health care coverage.		
1. Daily admissions		
2. Daily releases		
k. The facility has policies and protocols to receive and provide releases of information for community partners.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 9: HEALTH CARE</b>		
Facilities are to provide quality healthcare services for youth in custody. These services should identify and address the acute needs of each youth as well as provide appropriate preventive care during their temporary stay. Licensed professionals must provide healthcare services.		
<b>9.1 Access to Care</b>		
a. The facility has a comprehensive policy with respect to		
1. Youth's access to medical and dental treatment.		
2. Admission and release to medical procedures		
3. Medication and prescriptions		
4. Licensed physician or nurse practitioner review of the facility's medical and dental plans		
5. Security of medication and medical supplies.		
b. The facility has sufficient hours available for youth to access qualified medical professionals to meet the needs of the youth.		
c. The facility has a policy and practices for training intake staff and qualified medical professionals to conduct the medical screening on intake.		
d. The facility has a policy and practice to respond to health concerns that need immediate attention by a qualified medical professional/		
e. The facility has a policy and practice to continue youth medication without interruption until a qualified medical professional reviews and determines appropriate medications.		
f. The facility has a policy for the qualified medical professionals to consult with youth's treating physicians and the parents about any changes in medication.		
g. All youth receive a comprehensive health assessment by a qualified medical professional within 14 days after admission.		
h. The facility has a policy and practice to assist youth with I/DD considerations during the comprehensive health assessment.		
i. The facility has designated private areas for youth to receive medical care.		
j. The facility, in collaboration with placement jurisdiction, allow parents or guardians to visit hospitalized youth.		
k. The facility has a policy and practice to allow youth access to comprehensive, evidence-based, medically accurate and confidential family planning services.		
l. The facility has a policy to ensure pregnant youth having access to prenatal care; physical care, nutritional guidance, birth and parenting education.		
m. The facility provides regular health education and training in self-care skills.		
n. Transgender and gender non-conforming youth are provided with appropriate healthcare services from a		

provider familiar with working with transgender and gender non-conforming populations.		
o. Transgender and gender non-conforming youth who are receiving medical care related to gender transition upon admission shall have access to continued care while in the facility.		
p. Youth who request treatment for gender transition should receive access to education and referral to services upon release.		
<b>9.2 Behavioral Health Services</b>		
a. The facility shall provide for non-dispositional counseling of any youth held in excess of five judicial days.		
b. The facility allows youth access to ongoing behavioral health services by a qualified behavioral health professional.		
c. The facility has policy and access to 24-hour emergency access to behavioral health care for youth who are at-risk for self-harm or are in crisis.		
d. The facility has policy and practice of using a validated risk tool for the assessment of self-harm, suicidal ideation with access to crisis intervention.		
1. Youth placed on suicidal ideation protocols will be monitored at a minimum of every 15 minutes, and all supervision will be documented.		
2. Staff document all contacts with Qualified Behavioral Health Professionals.		
3. Youth may be placed on increased supervision for elevated risk for self-harm by qualified behavioral health professionals.		
4. Qualified behavioral professionals will provide clear documentation for the supervision of youth on elevated self-harm precautions.		
5. Youth can only be released from self-harm precautions by a qualified behavioral health professional.		
6. Youth on self-harm precautions are allowed to participate in educational and program settings unless there is a care plan by a Qualified Behavioral Health professional.		
e. The facility has a policy and practices of notifying parents, guardians, and attorneys any time a youth is placed on constant observation within 24 hours of the decision.		
f. The facility has a policy prohibiting limiting youth's visitation based on behavioral health precautions.		
g. The facility has training for all behavioral health professionals working with I/DD and youth with co-occurring conditions.		
<b>9.3 Pharmaceuticals</b>		
a. The facility has policies and practices with respect to medication and prescriptions.		

b. The facility has written policies and practices securing all medications and medical supplies.		
c. The facility has a policy that the facility may not administer to any youth medication, except upon implied consent of the youth or in the case of imminent threat of life.		
d. The facility has a policy for securing written prescriptions or written orders by a licensed physician or licensed dentist.		
e. The facility has policy and documentation of all non-medical staff training for administering medication, including recognition of and response to drug reactions.		
f. Staff shall be responsible for following the dosage of medication according to the orders and recording all medication administration.		
g. The facility has a policy and practice of only allowing medication to be administered when a qualified medical professional is available by telephone, and within 30 minutes of travel time.		
h. The facility has a policy and practice to not allow any detained youth any medication or medical procedure for the purpose of experimentation		
i. The facility has documentation of Qualified Medical Professionals who regularly monitor and document the administration of medication.		
j. The facility has policy and practice to allow the administration of medication in a manner to protect confidentiality from other youth.		
k. The facility has written protocols for youth who have medical needs to emergency medications (asthma inhalers, epinephrine auto injectors) if ordered by a Qualified Medical Professionals		
l. The facility's medical authority complies with state and federal regulations regarding procuring, prescribing, dispensing, administering and disposing of pharmaceuticals. The facility develops and implements written policies, procedures and actual practices to cover;		
1. Development and regular updating of a list of drugs intended to be kept in stock on site for immediate use when needed.		
2. Procurement, dispensing, distribution, account, administration and disposal of pharmaceuticals.		
3. Maintenance of records needed to ensure control of and accountability for medications.		
4. Secure storage of and accountability for DEA-controlled substances, needles, syringes and other items that may be abused.		
5. Methods for notifying the practitioner responsible of impending expiration of drug orders to facilitate review and continuity of medication.		

6. Requirement of an order by an authorized professional for administration of medication.		
7. Clear statement that drugs are not administered in the facility as a means of disciplinary control.		
8. Elimination of outdated, discontinued, or recalled medications from drug storage and medication areas.		
9. Continuity of medication when youth enter and leave the facility.		
10. Psychiatrists/physician/psychiatric nurse practitioners evaluate youth who are prescribed psychotropic medications shortly after admission, after any change in psychotropic medications and at least every 30 days. Psychiatrists advise other service providers within the facility, as appropriate.		
11. Staff store medications in proper environmental conditions with attention to safety and security. Staff store medications requiring refrigeration in a refrigerator dedicated solely to medication.		
12. Qualified medical professionals maintain an adequate supply of easily accessible emergency medications (e.g., auto epinephrine injectors). Staff have easy access to information about what to do in case of overdoses or toxicological emergencies (e.g., the phone number for poison control).		
<b>9.4 Medical and Dental Services</b>		
a. The facility has written policy for the service delivery of medical and dental health.		
b. The facility has policy and practice for youth to receive a dental screening by an oral health practitioner within 30 day of admission to the facility.		
c. The facility has a designated health care services program, either by facility employee or contracted provider, ensuring that licensed medical professionals are responsible for clinical medical decisions.		
d. The facility has policy and practice for reviewing, revising and approving all written policies, practices, and procedures related to medical care for youth. The policy review requires compliance with federal and state law and generally accepted professional practices.		
e. The facility has written job descriptions or contract scope of work for the duties and responsibilities of the personnel.		
f. The facility has approved emergency medical policies, reviewed by Qualified Medical Personnel annually.		
g. All Qualified Medical Professionals shall maintain current licensure with annual training related to medical care services in juvenile detention facilities.		
<b>9.5 Informed Consent</b>		
a. The facility has written policy and practice for Qualified Medical and Behavioral Health Professionals to explain the		

meaning of “informed consent” with youth prior the youth undergoing a treatment, examination, or procedure.		
<b>9.6 First Aid</b>		
a. The facility has a written policy to ensure all staff receive training in first aid and the use of first aid supplies.		
b. The facility has first aid kits that are immediately available and fully stocked with non-expired items.		
c. The facility has an automated external defibrillator (AED) on site and staff trained to utilize the AED.		
d. The facility has a plan for handling exposure to high-risk bodily fluids.		
e. The facility has space and staff are trained in storing and securing potentially hazardous or flammable items.		
f. The facility has an adequate supply of Naloxone to respond to potential opioid overdoses.		
<b>9.7 Infectious Disease</b>		
a. The facility shall have written policy, procedure, and practice in keeping with statutes relating to HIV and infectious diseases.		
b. The facility shall have a written policy with respect vermin and communicable disease control.		
c. The facility shall have policy and practice to use Universal Safety Precautions to prevent the transmission of blood borne pathogens and pathogens from other bodily fluids.		
<b>9.8 Health Records</b>		
a. The facility shall have a policy and practice to maintain the health records of youth in accord with federal privacy and security rules as described in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).		
b. The facility has a policy and practice to maintain confidentiality of youth records and separation from other youth’s files within the facility.		
c. The facility has a policy and practice to receive written permission from the youth to release information to share the information with non-medical providers.		

OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 10: FOOD SERVICES</b>		
The facility provides meals that are nutritionally balanced, well-planned, and prepared and served in a manner that meets the established governmental health and safety codes. The meals are provided in a manner that ensures that youth are offered meals in compliance with the nationally recognized food allowances.		
<b>10.1 Meals, Nutrition, and Special Diets</b>		
a. The facility has policies and practices to ensure youth receive three (3) meals a day, offered at regular times, and no more than fourteen (14) hours between meals.		
b. The facility has policy and practice for youth to receive special diets prescribed by the facility's health care professionals.		
c. The facility shall have written policy, procedure, and practices to ensure the following.		
1. Water supply is adequate in quantity and safe for human consumption.		
2. Disposal of sewage, refuse and other waste in a manner that will not create a nuisance or a health hazard.		
3. The cleanliness and accessibility of toilets and hand washing facilities.		
4. The cleanliness of the premises.		
5. The refrigeration of perishable foods.		
6. The storage of food for protection against dust, dirt and contamination.		
7. Equipment of proper construction and cleanliness of such equipment.		
8. The control of insects and rodents.		
9. The cleanliness and grooming of food workers.		
10. Exclusion of unauthorized people from food preparation and storage areas.		
d. The facility has a policy and practice to provide input to the menu, and where possible, allow cultural backgrounds of youth to be taken into consideration.		
e. The facility has a policy about staff meals, and mealtime where staff are not eating meals different from the meals provided to the youth.		
f. The facility has a policy and practice to allow youth to eat meals in a common area.		
g. The facility has a policy and practice to ensure youth have a minimum of 20 minutes for meal times.		
h. The facility has policy and practice to allow youth to talk during mealtimes – absent immediate safety or security considerations.		
i. The facility allows healthy snacks between meals.		
j. The facility has policy and practice to not withhold food as part of any disciplinary action.		

k. If meal preparation is on site – The facility has policy allowing youth to participate in meal preparation and serving if appropriate.		
l. The Facility has a policy addressing families and community partners to make contributions to meals at the facility.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 11 - PHYSICAL PLANT</b>		
Juvenile detention facilities shall take into consideration a safe environment that does not reflect an adult jail, or correctional facility. The facility shall be clean, meet fire and safety codes, have properly functioning temperature controls and ventilation.		
<b>11.1 Building and Fire Codes</b>		
a. The facility has policy, procedure and practice that conforms to applicable federal, state, and/or local building codes and keep the facility safe and secure in accordance with the State Codes.		
b. The facility shall have written policies regarding the following emergencies.		
1. Fire and fire prevention		
2. Severe weather		
3. Natural disasters		
4. Disturbances or riots		
5. National security emergencies		
6. Medical emergencies		
c. The facility shall have written policies designating the rated maximum number of youth to be held within the facility.		
d. The facility shall have written policies related to releasing youth when the capacity of the facility has exceeded.		
e. The facility has policy and procedures to notify the county Juvenile Department Director to inform the judge of the juvenile court of the county of the release.		
<b>11.3 Location</b>		
a. The facility shall ensure the separation of youth from any adults in custody by sight and sound.		
b. Co-located facilities, in the same building or related complex, must comply with the core requirements,		
1. Ensure separation between youth and adults so there can be no sustained sight and sound contact – separation can be achieved architecturally or through time-phasing use of non-residential areas.		
2. The facility must have separate youth and adult program areas.		
3. The facility must separate staff for youth and adult populations.		
4. The facility must meet statutory standards established for review by the Department of Corrections.		
c. The facility has a policy prohibiting a youth under the age of 14 years of age from placement in any detention facility where adults are detained.		
<b>11.4 Sleeping Rooms and Dayrooms</b>		

a. The facility must maintain records of compliance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.		
b. The facility has the minimum physical attributes and conditions.		
1. Sanitary drinking water in living units and dayroom.		
2. Toilets and washbasins accessible to youth in all housing and activity areas		
3. At least one (1) shower for every ten (10) youth		
4. A heating system and all equipment required to ensure healthful and comfortable living and working conditions and maintains a temperature no lower than 64 degrees.		
5. Lighting at 20 foot-candles density		
6. Verbal or mechanical communications from sleeping rooms to staff.		
c. New or renovated facilities must also conform to the following requirements.		
1. At least one toilet and washbasin for every five youth		
2. Corridors of at least six feet in width		
3. Heating units capable of maintaining 68 to 85 degrees temperature		
4. Tamper-proof lighting with capability of 20 foot-candles		
5. Air circulation of 10 cubic feet of fresh air per minute per youth		
6. Sleeping room water valves are accessible for staff control		
7. Rooms provided for classes, library, arts and crafts		
8. Indoor and outdoor recreation and exercise areas		
d. The facility has dayrooms to provide a minimum of thirty (30) square feet of dayroom space per youth.		
e. The facility has policy and practice to turn off lights, or darken lights at night in absence of security, health, or behavioral health reasons.		
f. The facilities dayrooms and common areas are adequately lit for activities.		
g. Youth are allowed an extra blanket if they are cold.		
h. Youth are allowed space in the living unit for appropriate pictures or artwork.		
i. Absent a documented safety concern, youth may possess items in their rooms: examples include, but may not be limited to writing utensils, paper, more than one book, photos, personal hygiene items, a stress ball, and other safe and appropriate items approved by the facility (stuffed animal, crossword puzzles, etc.).		

<b>11.5 Housing for Youth with Physical Disabilities</b>		
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a. The facility shall have written policy, procedure, and practice complying with the requirements of the American with Disabilities Act. (Chapter 28, Section 35)		
b. The facility has policies and practices to ensure youth with physical disabilities are able to participate in activities in the common areas.		
c. The facility has policies and practices to allow accommodation for family members with disabilities to visit youth.		
<b>11.7 Environment – Positive Facility Atmosphere</b>		
a. All persons in the facility are treated with respect.		
b. The facility develops and implements written policies, procedures and actual practices to prohibit the use of slurs, name-calling and other disrespectful behavior by youth and staff.		
c. Staff demonstrate a consistent level of tolerance of normal adolescent behavior in their day-to-day work with youth.		
d. The décor and programming acknowledge and value the diverse population and interests of youth in the facility.		
e. Staff recognize and celebrate important holidays, birthdays and other dates of significance to youth.		
f. Staff encourage, enable and expect youth to keep themselves, their rooms and communal areas clean. In order to achieve this, staff give youth the opportunity to perform the kinds of housekeeping tasks they might be expected to do at home, but are not substitutes for professional janitorial staff.		
g. Youth have adequate time to conduct appropriate hygiene practices.		
h. Youth are provided with the opportunity to groom themselves before court and other important events.		
i. Youth are provided with clean underclothing and socks daily. Staff provide youth with clean outer clothing, except footwear, not less than twice a week.		
j. Youth are provided with clean bed linens at least once weekly, including two sheets, a pillow and a pillowcase, a mattress and sufficient blankets to provide reasonable comfort. Staff do not remove these items as a form of discipline.		

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OREGON JUVENILE DETENTION GUIDELINES	Conforms to Guideline	Does Not Conform to Guideline
<b>SECTION 12 - DATA AND EVALUATION</b>		
Oregon's juvenile justice system believes in data driven decision making and is fortunate to have the Juvenile Justice Information System (JJIS) to be able to gather and evaluate a large amount of data for system improvement. Each detention facility will comply with collecting and entering required data points into JJIS. Each detention facility will be evaluated yearly using the Juvenile Detention Facilities Checklist along with other statutory inspections. Information will be provided to the YDC Juvenile Justice Subcommittee to compile a yearly compliance report on each facility and the trends in the State for the use of detention.		
<b>12.1 Juvenile Justice Information System (JJIS)</b>		
a. The facility shall have a designated staff member in the role of JJIS Security Coordinator.		
b. The facility has written policies and practices ensuring all staff receive annual training and sign security forms for JJIS.		
c. The facility shall collect the following data		
1. Admissions, Admission Reasons		
2. Release, Released to		
3. Average Length of Stay		
4. Incident Reports		
<b>12.2 Annual Evaluations and Inspections</b>		
a. The facility will maintain annual inspections for the following:		
1. Sanitation		
2. Food Services		
3. Safety and Emergency Procedures		
4. Building and Safety Codes		
5. Fire Service Inspection		
6. Safety and Security		
b. Grand Jury Review		
c. Board of County Commissioners – County Court		