

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.20
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005
CHAPTER: Patrol		Related Policy: G.O. 1.08 (Guidelines for Arrest), G.O. 1.10 (Alternatives to Incarceration for Juveniles), G.O. 11.04 (Property/Evidence)
SUBJECT: Unlawful Possession of Firearms - Juveniles		Related Laws: ORS 419C.145, ORS 166.250, ORS 419C.100, ORS 419C.088, ORS 166.250, and ORS 166.370

POLICY: The Lane County Sheriff's Office is committed to ensuring the protection of the public from the actions of juvenile offenders who are unlawfully in possession of firearms.

RULE: LCSO Police Services Division personnel shall know and understand and are expected to consistently apply the provisions of all State statutes relative to the unlawful possession of firearms by juveniles in conjunction with established Sheriff's Office policy and procedure.

PROCEDURE:

I. Applicable Statutory Provisions

- A. ORS 419C.145 states, "A youth may be held or placed in detention before adjudication on the merits if one or more of the following circumstances exist:"
 - 1. The youth is a fugitive from another jurisdiction.
 - 2. A crime involving the infliction of physical injury to another person.
 - 3. Any Felony crime.
 - 4. The youth is alleged to be in possession of a firearm in violation of ORS. 166.250.

- B. ORS 419C.100 states, "The person taking the youth into custody under ORS 419C.100 and 419C.088 (custody by private person) shall release the youth to the custody of the youth's parent, guardian or other responsible person in this state, except in the following cases:"
 - 1. Where the court has issued a warrant for the arrest of the youth.

2. Where the person taking the youth into custody has probable cause to believe that the welfare of the youth or others may be immediately endangered by the release of the youth.

II. Related Statutes

- A. ORS 166.250 - Unlawful Possession of Firearms.
- B. ORS 166.370 - Possession of Firearm or Dangerous Weapon.

III. Investigation

When engaged in the investigation of the Unlawful Possession of Firearms or Dangerous Weapons as described in the related statutes, wherein the suspect is identified as a juvenile (one who is under 18 years of age), it shall be the policy of the Lane County Sheriff's Office that:

- A. As a result of the development of the appropriate level of probable cause, the suspect will be taken into custody and lodged at the DYS-Serbu facility.
- B. All evidence shall be lawfully seized and lodged pursuant to existing policy and procedure, including seizure of involved weapons.
- C. Upon delivery of the juvenile suspect to the DYS authorities, the Deputy shall ensure the DYS authorities are fully informed of the circumstances contributing to the custodial decision on the suspect. Prior to leaving the facility, the Deputy shall secure the signature of the DYS intake worker, relative to the receipt of the suspect, and of the Custody Report.
- D. An investigative report shall be forwarded to and approved by the Deputy's immediate supervisor prior to the conclusion of the Deputy's tour of duty and prior to the Deputy securing for the day.
- E. Exceptions - It is anticipated that there will be a very limited number of exceptional circumstances wherein the juvenile suspect may be released to someone other than the Department of Youth Services/Serbu custody. In any case, where an exception is under consideration by the investigating Deputy, the on duty supervisor must first authorize it. Approved exceptions will be concisely documented. Evidence collection and reporting procedures remain unchanged.

IV. Investigative Considerations

- A. While it is not the intent of this policy and procedure to cause Deputies to engage in an exhaustive diagnostic-level review of the circumstances in these situations, the following issues are worth consideration when making your on-scene investigative determinations as to the disposition of the suspect.

1. Why did the suspect have the gun in their possession?
2. Does the suspect have access to other guns?
3. Does the suspect appear to be mentally unstable at the time contact?
4. Is the suspect under the influence of drugs (prescription or otherwise) or alcohol?
5. Is the suspect under the care of a mental health practitioner?
6. Are there any prior incidents of violence or arrests for firearms violations in the suspect's past?
7. Has the suspect had a history of violent or explosive anger or aggression in the past?
8. Is there a history of being out of parental control?

Note: Department of Youth Services (Serbu) authorities are routinely engaged in background level review of juveniles and are the appropriate persons to engage anything more than a general probable cause investigation. The Department of Youth services has informed us that they will hold any juvenile offender who is brought to Serbu on a firearms or explosive related offense. They will file charges on all such offenses and hold the juvenile for a court hearing. Assessments by the intake staff will be provided to the judge that is responsible for the release or detention decision.