

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 1.17</b>
		Issue Date: June 26, 2009
		Revision Date:
<b>CHAPTER:</b> Sheriff's Office Role and Authority		Related Policy: G.O. 1.08 (Guidelines for Arrest), G.O. 1.10 (Alternatives to Incarceration for Juveniles)
<b>SUBJECT: Secure and Non-Secure Custody of Juveniles</b>		Related Laws: ORS 419C.080 (Custody; When Authorized), ORS 419C.085 (Citation in Lieu of Custody), ORS 133.310 (Authority of a Peace Officer to Make Arrest Without Warrant), ORS 419C.130 (Youth Offender Detained Where Adults Are Detained; Exceptions)

**POLICY:** All juveniles taken into custody by the Lane County Sheriff's Office shall be treated in a manner which provides for: the safety of all concerned, respect for human dignity, the preservation of the legal rights and property of the individual, accurate documentation and administrative efficiency. This policy addresses the secure and non-secure custody of juveniles for compliance with Oregon Law and the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5633).

**DEFINITIONS:**

Secure Custody: Defined as being cuffed to a stationary object or cuffing rail, being placed in a secure holding cell or being placed in a locked room. Secure custody physically restricts the movements and activities of persons in custody.

Non-secure Custody: Defined in the following requirements:

- a. The area where the juvenile is placed in an unlocked, multi-purpose location, such as a lobby, office, or an interview room, which is not designated, set aside, or used as a secure area.
- b. The juvenile is not physically secured to a stationary object.
- c. The use of the area is limited to providing non-secure custody long enough and for the purposes of identification, processing, release, or transfer.
- d. The area(s) is/are not designated or intended to be used for residential purposes, and
- e. Continual, visual supervision is provided by an officer or facility staff.

Time-phasing: The use of a common area for both juveniles and adults but not at the same time.

Sight contact: When a juvenile has clear visual contact with an incarcerated adult in close proximity.

Sound contact: Defined as when a juvenile can have direct oral communication with an incarcerated adult.

Status offenders: Juveniles who have been accused or charged with conduct which would not be an offense if committed by an adult. Status offenses include runaway, truancy, underage possession or consumption of alcohol or tobacco and curfew violations.

Non-offenders: A juvenile who is not charged with an offense and/or an abused or neglected child.

Accused Juvenile Offender: A juvenile charged with an act, which if done by an adult, would constitute the commission of a crime.

**RULE:** Juveniles, those persons under the age of 18, require considerations due to State law and Federal regulations.

**PROCEDURE:**

I. Status and Non-Offenders

- A. Status and non-offenders shall **not** be placed in secure custody, handcuffed to a stationary object or cuffing rail, or placed into a locked room under any circumstances. Status offenders may be cuffed to themselves.
- B. Status and non-offenders shall be placed in a non-secure area; lobby, office or general-purpose room, until release arrangements can be made and the juvenile leaves the facility.
- C. The deputy taking the juvenile into custody shall comply with provisions of G.O. 1.08 and G.O. 1.10 relating to arrest, lodging and release of juveniles.
- D. Status offenders may be processed in a secured booking area, provided that there are no adults present and they are removed immediately following the booking process.
- E. Underage drinking and possession of alcohol by a minor are status offenses pursuant to JJDP Act requirements. When dealing with an intoxicated juvenile, officers should determine whether emergency medical services are warranted.

II. Accused Juvenile Offenders

- A. To ensure the safety and security of Sheriff's Office staff, facilities and of the juvenile in custody, juvenile offenders shall be appropriately secured while in custody.

- B. The deputy taking the juvenile into custody shall comply with provisions of G.O. 1.08 and G.O. 1.10 relating to arrest, lodging and release of juveniles.
- C. Accused juvenile offenders may be temporarily detained, in quarters with sight and sound separation from incarcerated adults for up to five (5) hours from the time they enter a secure custody status, **or** for five (5) hours either immediately before or after a court appearance awaiting release or transport to another facility (Reference ORS 419C.130).
- D. In cases when a juvenile offender is securely detained, pending release or transfer, all of following requirements must be satisfied:
  - 1. The secured area is sight and sound separated from incarcerated adults including trustees.
  - 2. There may be no adult prisoners in the booking area when juveniles are present. Separation may be achieved through time-phasing.
  - 3. An entry must be made on the Juvenile Secure Custody Detention Log on all juveniles held in a secure environment (page 4 and 5 of this document).
  - 4. Juveniles shall be checked every 10-15 minutes while in secure custody.
- E. The five-hour holding time limit is for processing and release and never to be used as a punitive measure. The five-hour clock will begin when the juvenile enters a secure setting, and once the clock starts it cannot be turned off until the juvenile is permanently removed from secure custody, even if the juvenile is temporarily removed from the secured area.
- F. Juveniles formally waived to or transferred to criminal court for a felony may be held as an adult.



