



OREGON YOUTH AUTHORITY



Policy Statement

Part III – Youth Services (Community)

Subject:

Field Custody and Use of Detention/Jail

Section – Policy Number:

C: Case Planning and Review – 1.1

Supersedes:

III-C-1.1 (10/21)
III-C-1.1 (8/13)
III-C-1.1 (7/11)
II-C-1.4 (7/98)

Effective Date:

01/22/2024

Date of Last

Review/Revision:
None

Related Standards and References:

- [ORS 419C.080](#) Custody; when authorized
- ORS 419C.145 Preadjudication detention; grounds
- ORS 419C.453 Detention; when authorized
- [ORS 420.910](#) Arrest and detention of escaped, absent or paroled adjudicated youths
- [ORS 420.915](#) Procedure upon apprehension of escapee, absentee or parole violator rules
- [OAR 416-300](#) Parole and Revocations
- [OYA policy](#): III-A-8.0 Use of Physical Intervention and Restraints in the Community
III-D-2.1 Youth Transports and Escorts in the Community

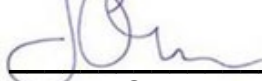
Related Procedures:

- None

Policy Owner:

Community Services Assistant
Director

Approved:


Joseph O'Leary, Director

I. PURPOSE:

The policy provides OYA field staff directives on when and how a youth on OYA community supervision may be taken into custody by OYA staff and when use of detention/jail may be appropriate.

II. POLICY DEFINITIONS:

Peace officer: Any sheriff, constable, marshal, or the deputy of any such officer, any member of the state police or any member of the police force of any city. (ORS 420.905)

III. POLICY:

OYA has identified diversity, equity and inclusion as an agency priority and initiative, with a goal to build a respectful, diverse, equitable, and inclusive environment for youth and staff that is free from harassment, discrimination and

bias. Data shows youth of color and LGBTQ+ youth are disproportionately represented in the juvenile justice system. While OYA is only one part of that system, it plays a critical role in addressing the historical and systemic inequities it perpetuates. Placing a youth in custody can be traumatizing for the youth, particularly for youth of color due to historical racial trauma, and therefore must only be done in accordance with OYA policy.

Taking a youth into custody is comparable to arresting an adult and may pose a risk to the youth and staff involved. For this reason, standardized measures must be followed to safely execute the custody process.

The superintendent/camp director of the youth correction facility from which a youth is on parole (or the superintendent's/camp director's authorized representative) may order the "arrest and detention" of the youth as described in ORS 420.910. When this occurs, a juvenile parole/probation officer or juvenile parole/probation assistant may take the youth into custody.

OYA staff may take a youth on OYA probation into custody without a peace officer's assistance if the juvenile court has authorized OYA staff to do so.

Once the authority to take a youth into custody is verified or obtained, the process for initiating custody must comply with this policy. All field staff and field supervisors whose duties include taking youth into custody are required to complete physical intervention and restraint training provided by the OYA Training Academy.

Any use of physical intervention and restraint or restraint device must follow OYA policy III-A-8.0 Use of Physical Intervention and Restraint in the Community. Any transport of a youth must comply with OYA policy III-D-2.1 Youth Transports and Escorts in the Community.

IV. GENERAL STANDARDS:

- A. Field supervisors must ensure appropriate field staff have successfully completed physical intervention and restraint training offered by the OYA Training Academy.
- B. Staff must have supervisory approval prior to taking a youth into custody.
- C. Staff must use verbal intervention skills as the primary means of encouraging a youth to cooperate with the custody process.
- D. Staff may only take a youth into custody in a controlled environment (e.g., OYA field office, treatment provider's office, school principal's office, foster home), not in a public area.
- E. The following people must be involved in the custody process:
 - 1. At least two OYA staff;

2. One OYA staff member and a contracted provider; or
 3. One OYA staff member and law enforcement.
- F. Staff **must** request law enforcement assistance if:
1. The youth has a history of assaultive behavior;
 2. It is anticipated that force may be necessary to initiate custody (e.g., youth was non-compliant in the past; youth has made verbal threats; youth is aware of pending legal action); or
 3. The youth becomes non-compliant during any time of the custody process.
- G. Only compliance techniques taught by the OYA Training Academy are authorized for use on youth. (See OYA policy III-A-8.0 Use of Physical Intervention and Restraints in the Community.)
- H. During the entire custody process, staff must continuously assess their own, the youth's, and the public's level of safety and must discontinue the custody process if safety is threatened.

V. USE OF DETENTION/JAIL

OYA supports the use of detention/jail with youth, in accordance with Oregon laws, to maintain public safety and as a behavioral intervention when all other intervention options have failed. When a youth is not exhibiting violent or aggressive behavior (e.g., poses a physical risk or has made verbal threats to harm others or self), OYA staff must attempt other behavioral intervention options (e.g., additional contact, removal of privileges, different placement) prior to using detention/jail. If behavioral intervention options are not appropriate to address the youth's situation (e.g., termination from community placement), immediate use of detention/jail may be warranted.

- A. Staff must obtain supervisor approval before placing a youth in detention/jail or recommending detention/jail to the court.

In emergent circumstances, the field officer-of-the day or chief of parole/probation operations may approve the use of detention/jail.

- B. Staff must be aware of and mitigate any potential bias they may have when recommending or using detention/jail.
- C. Staff must follow local county protocol for accessing detention/jail.

VI. LOCAL OPERATING PROTOCOL REQUIRED: NO