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DIR 0850.30, Juvenile Interviews, Detention, and Custody

First Universal Review: 3/15/24 – 4/15/24

Refer:

- 34 USC § 11133: State plans
- 28 CFR 31.303, Substantive requirements
- ORS § 133.402, Recording of custodial interviews of juveniles
- ORS § 133.403, Voluntariness of statement by juvenile during custodial interview
- ORS Chapter 163, Offenses Against Persons
- ORS § 166.250, Unlawful possession of firearms
- ORS § 419B.150-419B.175, Protective custody
- ORS § 419.C.080, Custody, when authorized
- ORS § 419C.097, Notice to parents, victims
- ORS § 419C.130, Youth or youth offender may not be detained where adults are detained
- ORS § 419C.133, Detention of youth under 12 years of age
- Or Laws 2021, ch 335, § 1
- Directive 0640.30, Child Abuse Investigations
- Directive 0640.31, Custodial Interference
- Directive 0650.00, Search, Seizures, and Inventories
- Directive 0660.10, Property and Evidence Procedures
- Directive 0830.00, Arrest Without Warrant
- Directive 0850.20, Police Response to Mental Health Crisis
- Directive 0850.21, Peace Officer Custody (Civil)
- Directive 0850.39, Missing, Runaway, Lost or Disoriented Persons
- Directive 0860.30, Citations-in-Lieu-of-Custody
- Directive 0870.25, Temporary Detention Areas in Police Facilities
- Juvenile Secure Custody Log Form (Chief’s Office)

Definitions:

- Child witness: An unmarried person who is under 18 years of age who is not the victim of, suspect in or related to the suspect in a child welfare, criminal or delinquency investigation.
- Custodial Interview: An interview in which the person questioned is in custody and is required to be advised of the person’s constitutional rights.
- Juvenile: An unmarried person under 18 years of age.
- Juvenile Offender: A juvenile who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS § 166.250 or 28 CFR 31.303.

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- **Juvenile Status Offender:** A juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult (e.g., truancy, curfew, runaway, possession and/or consumption of tobacco products and/or alcohol), yet may be taken into protective custody for purpose of reuniting the juvenile with a parent, guardian, or other responsible person.
- **Secure Custody:** A Juvenile Offender’s status as detained in a holding room or in a locked room in a specially designated area.

Policy:

1. The Portland Police Bureau recognizes the inherent dignity of every person, including the youth in our community. The Bureau further recognizes that juvenile minds and bodies are still developing – and that fact presents ethical, practical, and legal concerns in law enforcement interactions with juveniles.
2. Bureau members potentially interact with juveniles in many ways. Members may encounter juveniles as victims, witnesses, or suspects; in medical emergencies as ill or injured persons; or as Missing Persons or Juvenile Runaways, for examples. Frequently, juveniles fall under more than one of these categories at the same time. The Bureau is dedicated to treating all juveniles with respect no matter the context, and approaching interactions with juveniles with a holistic and multidisciplinary approach.
3. This directive establishes guidelines for interview and temporary detention and custody of juveniles.

Procedure:

1. Interviews Unrelated to Child Abuse Investigations.
 - 1.1. Supportive Adult Presence.
 - 1.1.1. When safe and feasible, unless it would compromise the investigation, members interviewing a juvenile shall ask the juvenile whether they want a supportive adult present for the interview.
 - 1.1.2. The supportive adult can be a parent, employer, teacher, attorney, or any adult who is not a witness to the case and whose presence would not compromise the investigation.
 - 1.1.3. When juveniles indicate they want a supportive adult present, members shall allow the supportive adult to be present, when safe and feasible and when the supportive adult’s presence would not compromise the investigation.
 - 1.2. Notifications.

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1.2.1. Members shall notify the parents of any child witness they interview of the interview.

1.2.1.1. The notification shall include the date, time, location, and duration of the interview.

1.2.1.2. The notification shall be made as soon as practical after the interview is over.

1.3. Contacting Juveniles at Schools.

1.3.1. Members interviewing juveniles at school during school hours shall consult with the School Liaison Officer when feasible.

1.3.2. Members who interview or take custody of juveniles at school during school hours shall notify the school principal or their representative beforehand, when safe and feasible.

1.3.2.1. Members shall immediately notify their supervisor if such action is taken without notifying the principal.

1.3.3. When safe and feasible, members shall notify both the school principal and the juvenile’s parent or guardian before leaving school with a juvenile taken into custody.

1.4. Custodial Interviews of Juveniles.

1.4.1. Members shall electronically record all custodial interviews of juveniles.

1.4.1.1. Members shall advise the juvenile of their rights and electronically record the advisement and the juvenile’s response.

1.4.2. Members shall not intentionally use information known to the member to be false to elicit a statement during a custodial interview of a juvenile.

2. Authority for Temporary Detention and Custody.

2.1. Juvenile Protective Custody and Delinquency Custody.

2.1.1. Members can take juveniles into police custody by: (1) Protective Custody pursuant to ORS 419B.150 - 419B.175 or (2) Delinquency Custody pursuant to ORS 419C.080.

2.2. Protective Custody.

2.2.1. Members can take a juvenile into protective custody without a court order only when there is reasonable cause to believe that:

2.2.1.1. There is an imminent threat of severe harm to the juvenile;

2.2.1.2. The juvenile poses an imminent threat of severe harm to self or others; or

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2.2.1.3. There is an imminent threat that the juvenile’s parent or guardian will cause the juvenile to be beyond the reach of the juvenile court before the court can order that the juvenile be taken into protective custody.

2.2.1.4. If there is reason to know that the juvenile is an Indian juvenile, the juvenile may be taken into protective custody without a court order only when it is necessary to prevent imminent physical damage or harm to the juvenile.

2.2.2. Additionally, members can take a juvenile into protective custody when:

2.2.2.1. There is a court order directing a juvenile be taken into protective custody; or

2.2.2.2. When it reasonably appears that the juvenile is a runaway.

2.3. Delinquency Custody.

2.3.1. Members can take a juvenile into custody for transport to the Juvenile Detention Hall (JDH):

2.3.1.1. When, if the juvenile were an adult, they could be arrested without a warrant for an offense against a person; or

2.3.1.2. When a warrant or court order directing the juvenile be taken into custody exists.

2.3.2. Members shall take a juvenile into custody if the member has probable cause to believe that the juvenile, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device in violation of ORS 166.250 (Unlawful possession of firearms), 166.370 (Possession of firearm or dangerous weapon in public building or court facility), or 166.382 (Possession of destructive device prohibited).

2.3.3. Juvenile Offenders cannot be transported to adult detention facilities, regardless of their status as permanently remanded to adult court.

3. Temporary Custody.

3.1. Restrictions.

3.1.1. Members shall not detain juveniles at a police station, jail, prison, or any other place where adults are detained, except at a police station for up to five (5) hours when necessary to obtain the juvenile’s name, age, residence, and/or other identifying information.

3.1.1.1. When necessary to obtain the information listed above, juveniles shall be detained only in quarters with sight and sound separation from adult detainees; meaning, members shall locate or arrange a juvenile within

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Bureau facilities to prevent physical, visual, or auditory contact between the juvenile and adults.

3.1.2. Members shall not place Juvenile Status Offenders or non-offenders in Secure Custody.

3.1.3. Members shall not handcuff or place Juvenile Offenders under age twelve (12) in Secure Custody unless they pose an imminent threat of severe harm to themselves or others.

3.1.3.1. Members should be aware that Juveniles under age twelve (12) cannot be placed in detention except pursuant to judicial review and written findings describing why it is in the best interests of the juvenile to be placed in detention.

3.1.4. Juveniles shall not be handcuffed to a fixed object unless they pose an imminent threat of severe harm to themselves or others.

3.2. Requirements.

3.2.1. As soon as practical after a juvenile is taken into custody, members shall notify the juvenile’s parents, guardian, or other person responsible for the juvenile. Notification shall include the reason the juvenile was taken into custody and the time and place of any court hearings, if applicable.

3.2.2. All juveniles held in temporary custody shall have the following made available to them:

3.2.2.1. One snack upon request, provided by the Bureau.

3.2.2.2. The opportunity to make at least two telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney.

3.3. Juvenile Secure Custody Log.

3.3.1. Juvenile Secure Custody Logs shall be available at all Bureau facilities with Holding Rooms and Specially Designated Areas.

3.3.2. Members shall promptly complete the Juvenile Secure Custody Log at each location a juvenile is held in Secure Custody.

3.3.3. RU managers shall maintain all Juvenile Secure Custody Logs at their respective Bureau facility for six years or until the age of majority, whichever is longer, or as directed by the court, and shall forward copies of all new entries to the Assistant Chief of Operations each month.

3.4. Release From Custody.

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- 3.4.1. Juveniles aged twelve (12) to seventeen (17) shall be released to a parent, guardian, or other responsible adult. If no such person is available, juveniles shall be taken to a Bureau-approved shelter care facility. .
 - 3.4.2. Juvenile Status Offenders and Misdemeanor Offenders (excluding misdemeanor offenses against persons) shall be released by citation or with a warning, unless their parent or guardian requests that police take temporary custody of the juvenile in order to facilitate reunification. Such requests shall be documented in a police report.
- 4. Measure 11 Crimes.
 - 4.1. When members have a Juvenile Offender age fifteen (15), sixteen (16), or seventeen (17) in custody for a Measure 11 Crime, they shall immediately notify the respective Detective Detail Sergeant, who will determine whether Detectives will proceed with processing.
 - 4.2. The Detectives Division shall be responsible for:
 - 4.2.1. Coordinating the completion of reports and fingerprinting and photographing with the Forensic Evidence Division (FED), in accordance with Directive 0640.70, Fingerprinting and Photographing Juvenile Offenders.
 - 4.2.2. Conferring with Juvenile Detention Hall (JDH) regarding timing of providing required reports to juvenile court.
- 5. Searches & Supervision.
 - 5.1. Members shall ask juveniles their preference regarding the gender of the member to conduct any searches and/or supervision, and accommodate their request when safe and feasible.
 - 5.2. When safe and feasible, members shall conduct searches with another member present.
 - 5.3. Members shall follow Directive 0650.00, Searches, Seizures, and Inventories.
- 6. Juvenile Placement.
 - 6.1. Protective Custody Placement.
 - 6.1.1. The Oregon Department of Human Services (DHS) Child Abuse 24-hour Hotline (1-855-503-7233) arranges all protective custody placements, excluding Juvenile Runaways.
 - 6.1.2. Police reports documenting protective custody placement shall not contain the location, address, or phone number of the placement.
 - 6.1.3. Members shall not inform any person, including a child’s parent, of the location, address, or phone number of the placement.

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6.2. Juvenile Runaway Placement.

- 6.2.1. Juveniles taken into protective custody as a runaway shall be released to a parent, guardian, or a Bureau-approved shelter care facility.
- 6.2.2. If it reasonably appears the Juvenile Runaway will not remain at home if released to their parent or guardian and will not remain at a Bureau-approved shelter care facility, members may place the Runaway Juvenile with another responsible adult, if they have notified DHS and DHS has no objection to the placement.

7. Report Disposition.

- 7.1. Members who interview, detain, or take custody of a juvenile shall complete a police report.
- 7.2. Members who bring Juvenile Offenders to the Detective Division for processing shall also provide any applicable reports.
- 7.3. For juveniles lodged at JDH or placed in protective custody (medical emergency, shelter care, or placement with friend or family other than parent or guardian), members shall complete all police reports related to the case before the end of the member’s shift and deliver the reports to JDH, when applicable.

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Next Review: 12/29/2024

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