



CITY OF PORTLAND, OREGON



Bureau of Police

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Executive Summary Directive 0850.30, Juvenile Interviews, Detention, and Custody

Introduction

The Portland Police Bureau began reviewing Directive 0850.30, Juvenile Interviews, Detention, and Custody, (formerly, Temporary Detention and Custody of Juveniles) in early 2022. The Bureau posted the directive for First Universal Review in January 2022 to seek public comments on the directive. The Bureau posted a revised draft of the directive for Second Universal Review in July 2022 to seek public comments on proposed changes.

The Bureau significantly revised the directive, making several important changes. Oregon legislation from 2021 prompted some of these changes. Senate Bill 386 introduced a requirement for law enforcement agencies to establish policies discussing how the agency handles parental notifications for police interviews of child witnesses. Senate Bill 418 created a rule that a juvenile's statement during a custodial interrogation is presumed involuntary if the officer intentionally used information known to be false to elicit the statement. The revised directive ensures compliance with this relevant 2021 legislation. The revised directive also aims to recognize the different, and sometimes multiple, contexts in which police contact juveniles, and offers a holistic and multidisciplinary approach to those interactions.

Public Comments

The Bureau received few comments during First Universal Review and no comments during Second Universal Review. All comments are included later within this document.

The Bureau received several comments regarding handcuffing, and asking to clarify Bureau practices for handcuffing juveniles, in particular, criteria for handcuffing juveniles under age 12. The Bureau attempted to clarify expectation in final revised directive, Procedure 3.1.3. and 3.1.4.

The Bureau received one comment suggesting more frequent tracking of Juvenile Secure Custody Logs, and the Bureau adopted that suggestion, requiring copies of logs to be forwarded to the Assistant Chief of Operations on a monthly basis.

The Bureau received a few comments regarding searching juveniles and the gender of the searching officer. The Bureau adopted a recommendation to ask juveniles their preference regarding the gender of the member who searches or supervises them, going slightly beyond the requirements of Directive 0650.00, Searches, Seizures, and Inventories.

The Bureau received a comment suggesting the former definition of “substantial threat to safety” was not sufficiently clear. The Bureau removed that definition, and instead offers guidance in the body of the policy using language derived from state law on protective or delinquency custody.

The Bureau received a comment seeking guidance for members on screening for child abuse. For information related to child abuse screening, see Directive 0640.30, Child Abuse Investigations.

The Bureau’s Revised Policy

The Bureau made several changes to Directive 0850.30, Juvenile Interviews, Detention, and Custody, to comply with new state law, offer juveniles more protections, and reflect the Bureau’s desire for a holistic and multi-disciplinary approach to police interactions with juveniles.

In addition to making changes in response to state law and the public comments discussed above, the Bureau made a few other significant updates to the directive. One, the Bureau removed language that overstated procedural distinctions for juveniles under age 12, and attempted to explain the statutory significance regarding delinquency custody of juveniles under age 12 in Procedure 3.1.3.1. Two, the Bureau introduced a procedure requiring members to allow juveniles to have a supportive adult present during police interviews, as outlined in Procedure 1.1. Finally, the Bureau introduced the following requirements for juveniles in temporary custody: notify the juvenile’s parents, guardian, or other person responsible as soon as practical after taking the juvenile into custody; provide the juvenile a snack upon request; and provide the juvenile an opportunity to make at least two phone calls within an hour of being taken into temporary custody.

The Bureau welcomes further comments on this directive during its next review.

This directive goes into effect on December 29, 2022. Published on December 8, 2022.

DIR 0850.30, Juvenile Interviews, Detention, and Custody

Refer:

- 34 USC § 11133: State plans
- 28 CFR 31.303, Substantive requirements
- Indian Child Welfare Act of 1978
- 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.
- Indian Child: A child is an "Indian child" under the Indian Child Welfare Act if they are an unmarried person under the age of 18 **and**:
 - the child is a member of a federally recognized tribe, **or**
 - the child is eligible for membership in a federally recognized tribe and is the biological child of a member of a federally recognized tribe.

Tribes have sole authority to determine their membership. The term "Indian Child" and this definition are used for consistency with state and federal legislation and relevant case law.

- 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.
- 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.

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
 - 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 child (ORS 419B.150), 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 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.

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.
- 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.

Effective: 12/29/2022

Next Review: 12/29/2024

850DIR 0850.30, Temporary Juvenile Interviews, Detention, and Custody of Juveniles

Refer:

- ~~4234~~ USC § ~~5633,11133~~: State plans
- 28 CFR 31.303, Substantive requirements
- Indian Child Welfare Act of 1978
- 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.~~17175~~, 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 ~~640.13, Drug Lab Procedures~~0640.30, Child Abuse Investigations
- Directive ~~6400~~640.31, Custodial Interference
- Directive ~~640.70, Fingerprinting~~0650.00, Search, Seizures, and Photographing Juveniles Inventories
- Directive ~~8300~~660.10, Property and Evidence Procedures
- Directive 0830.00, Arrest Without Warrant
- Directive ~~8500~~850.20, Police Response to Mental Health Crises~~Response~~Crisis
- Directive ~~8500~~850.21, Peace Officer Custody (Civil)
- Directive 0850.39, Missing, Runaway, Lost or Disoriented Persons
- Directive ~~8600~~860.30, Citations-in-Lieu-of-Custody
- Directive ~~8700~~870.25, Temporary Holding RoomsDetention Areas in Police Facilities
- Juvenile Secure Custody Log Form (Chief's Office)
 - ~~Intergovernmental Agreement between the Home Forward and the City of Portland~~

Definitions:

- ~~Juvenile Non-Offender/Protective Custody: An abused, neglected, or dependent juvenile who may be temporarily detained for his or her own safety or welfare. This includes a juvenile taken into protective custody when conditions or surroundings reasonably appear to jeopardize the juvenile's welfare or when it reasonably appears the juvenile has run away from home in accordance with ORS § 419B.150.~~
- Juvenile Offender twelve (12) years of age and over: A juvenile twelve (12) years of age and overChild 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.
- Indian Child: A child is an "Indian child" under the Indian Child Welfare Act if they are an unmarried person under the age of 18 and:
 - the child is a member of a federally recognized tribe, or
 - the child is eligible for membership in a federally recognized tribe and is the biological child of a member of a federally recognized tribe.

Tribes have sole authority to determine their membership. The term "Indian Child" and this definition are used for consistency with state and federal legislation and relevant case law.

- 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.
- ~~Juvenile Offender under twelve (12) years of age: A juvenile under twelve (12) years of age who is alleged to have committed a serious violent offense requires consultation with the Juvenile Detention Hall (JDH) prior to taking the juvenile into custody.~~
- 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.
- ~~Substantial threat to safety: A substantial threat to safety means an articulable opportunity for directed aggression in order for temporary detention to be permissible. For example, a juvenile with flailing limbs or breaking property may not pose a substantial threat, while a juvenile with flailing limbs, access to weapons, and the intent to harm self, others, animals, or members may pose a substantial threat.~~
- 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. ~~In this Directive, the Portland Police Bureau distinguishes between temporary detention and Juvenile Detention Hall (JDH) custody of juveniles under twelve (12) years of age and juveniles twelve (12) years of age and over.~~

1. ~~The Portland Police Bureau recognizes the inherent dignity of every person, including the youth in our community, whose needs differ from those of adults. The Bureau understands that giving members the authority to temporarily detain juveniles or place juveniles into custody and take them to Juvenile Detention Hall (JDH) to protect the public welfare creates an obligation to guide members as they balance important social and individual interests. 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. ~~The Portland Police Bureau recognizes that duty may require members to temporarily detain or place juveniles into custody.~~
2. The Bureau also recognizes that 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.

- 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

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.

1.1.1.1.2.2.1.4. If there is reason to know that the juvenile is an Indian child (ORS 419B.150), the juvenile may have lasting impact on the individuals involved and may impact the community at large. be taken into protective custody without a court order only when it is necessary to prevent imminent physical damage or harm to the juvenile.

~~3. It is the intention of the Bureau to accomplish its mission as effectively as possible while detaining juveniles only for as long as reasonably necessary for safe processing, transfer, and release.~~

~~4. Because the Bureau places high value on providing a positive influence towards youth, the Bureau is dedicated to providing training and resources that help. Additionally, members effectively engage juveniles.~~

Procedure:

~~1. Temporary Detention—Juveniles under twelve (12) years of age:~~

~~1.1. Juveniles under twelve (12) years of age may be temporarily detained when the can take a juvenile presents a substantial threat to safety. Substantial threat to safety must involve an articulable opportunity for directed aggression in order for temporary detention to be permissible. If a member temporarily detains a juvenile under twelve (12) years of age, the member must notify their on duty supervisor and document such details within reports.~~

~~2. Custody to Juvenile Detention Hall (JDH)—Juveniles under twelve (12) years of age:~~

~~1.1.2.2.2.2. No youth under twelve (12) years of age shall be placed into protective custody and taken to the Juvenile Detention Hall (JDH) except for serious, violent crimes. If a member believes a juvenile under twelve (12) years of age should be taken into custody the member must confer with their on duty supervisor; the member and the supervisor together will confer with the on duty supervisor at the Juvenile Detention Hall (JDH) to confirm authorization and plan next steps before taking action. Juvenile Detention Hall (JDH) staff may consult with a judge about the particular circumstances involved so as to plan next steps with the Bureau. 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.

~~1.1.3.2.3.1.~~ 2.3.1. Members can take a juvenile into custody for transport to the Juvenile Detention Hall (JDH) — Juveniles twelve (12) years of age and over:
);

~~2.1.~~ A member may place a juvenile twelve (12) years of age and over into custody and take them to the Juvenile Detention Hall (JDH) in the following circumstances, per ORS § 419.C.080:

~~1.1.3.1.2.3.1.1.~~ 2.3.1.1. When, if the youthjuvenile were an adult, the youththey could be arrested without a warrant for an offense against a person; or

~~1.1.3.2.2.3.1.2.~~ 2.3.1.2. When a warrant or court order directing the juvenile be taken into custody exists.

2.3.2. Measure 11—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 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.

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.

~~1.2.4.1. When members have a Juvenile Offender age fifteen (15), sixteen (16), and seventeen (17) years of age; 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.~~

~~2.2. Probable Cause Custody:~~

~~2.2.1. Members Responsibilities:~~

~~2.2.1.1. Transport juveniles to Detectives for processing.~~

~~2.2.1.2. As per adult arrests, a weekend probable cause affidavit may be required.~~

~~1.3.4.2. The Detectives Procedures- Division shall be responsible for:~~

~~2.2.1.3. The juvenile will be brought to Detectives for interview and/or processing.~~

~~1.3.1.4.2.1. Detectives will be responsible to coordinate Coordinating the completion of reports, and fingerprinting and photographing with the Forensic Evidence Division (FED), in accordance with Directive 6400640.70, Fingerprinting and Photographing of Juveniles. Additionally, Detectives shall confer with the Juvenile Detention Hall (JDH) regarding timing of necessary reporting Offenders.~~

~~3. Juveniles Secure Custody:~~

~~3.1. A juvenile cannot be held in police detention for more than five (5) hours. ORS § 419C.130. If a juvenile is in detention for four (4) hours, an on duty supervisor must be notified.~~

~~3.2. Juveniles under twelve (12) years of age shall not be handcuffed unless they present a heightened risk to safety, meaning they are combative or threatening.~~

~~3.3. Juveniles twelve (12) years of age and over may be handcuffed as adults.~~

~~3.4. A juvenile shall not be handcuffed to a fixed rail or object.~~

~~3.5. Juveniles under twelve (12) years of age and juvenile status offenders shall not be placed in a locked room unless a risk to juvenile or member safety can be documented. 42 USC § 5633.~~

~~3.6. Juveniles shall be temporarily detained only in quarters with sight and sound separation; meaning members will locate or arrange a juvenile within Bureau facilities so as to prevent physical, visual, or auditory contact between the juvenile and adults.~~

~~3.7. A notation shall be made in the police report listing the duration of detention and if the juvenile was handcuffed.~~

~~3.8. A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.~~

~~4. Juveniles Custody Log:~~

~~4.1. Any time a juvenile is held in custody at a Bureau facility, the custody shall be promptly and properly documented in the Juvenile Custody Log.~~

~~4.2. All Bureau locations that have secure holding facilities shall maintain a Juvenile Secure Custody Log form for each holding room.~~

~~4.3. All members who place a juvenile in a secure holding facility/room are required to legibly complete all categories on the room's Juvenile Secure Custody Log.~~

~~4.4. Juvenile Custody Logs must be completed at any security holding facility to which the juvenile is taken (e.g. juvenile held at North Precinct, before being taken to Forensic Evidence Division.)~~

~~4.5. All original Juvenile Security Logs completed will be maintained at the secure holding facility they originated at for five (5) years from the date of the last entry on the log.~~

~~4.6. Copies of completed Juvenile Security Logs will be forwarded to the Office of the Chief of Police, Operations Branch Chief, by the 15th of January, and 15th of July, each year for the prior six (6) months reporting.~~

~~5. Misdemeanor/Status Offenders:~~

~~5.1. Misdemeanor/status offenses include: MIP, curfew, truancy, City ordinance violations, non-person to person misdemeanors, and circumstances or situations that may endanger the juvenile's welfare or the welfare of others.~~

~~5.2. Juvenile status offenders should generally be released by citation or with warning rather than taken into temporary custody. Members may take custody of a juvenile status offender in order to facilitate reunification. Juveniles ages twelve (12) to seventeen (17) will be released to a parent, guardian, or other responsible person if possible. If such a person is not available, juveniles will be taken to the Juvenile Reception Center (Janus) or other approved placement.~~

~~5.3. In all cases a report will be completed prior to leaving duty. Facts related to attempts to locate and release juveniles to a parent, guardian, or other responsible person will be documented in the report. When a juvenile is transported to the Juvenile Reception Center (Janus), a copy of the completed report will be left with staff.~~

~~6. Remanded Offenders:~~

~~6.1. Remanded offenders are juveniles who have been permanently remanded to the adult court. Even though a juvenile has been on adult probation and remanded by adult court,~~

~~juveniles are not to be transported to adult facilities. Instead, members will transport juveniles to the Juvenile Detention Hall (JDH).~~

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.

~~1.4.6.1.~~ Protective Custody: ~~ORS § 419B.150-419B.175~~ Placement.

~~6.2. Protective Custody: Members may take a juvenile into protective custody when the juvenile is found to be a victim of abuse, neglect, found in the company of arrested persons, and/or in need of care for non-criminal/non-status related offenses, such as runaway and missing juveniles.~~

~~6.1.1. Protective Custody Placement: Excluding runaway situations, protective custody placements are arranged through the The Oregon Department of Human Services (DHS) Child Abuse 24-hour Hotline. Reports of this nature will not (1-855-503-7233) arranges all protective custody placements, excluding Juvenile Runaways.~~

~~1.4.1-6.1.2.~~ Police reports documenting protective custody placement shall not contain the location, address, or phone number of the placement.

~~6.1.3. Placement~~Members shall not inform any person, including a child's parent, of the location, address, or phone number of the placement.

6.2. Juvenile Runaway Placement.

~~6.2.1. Juveniles: When a juvenile is taken into protective custody as a runaway, members will release the juvenile without unnecessary delay to the custody of the juvenile's parent or guardian, or to the Juvenile Reception Center (Janus), or other approved placement. Members may release the juvenile to the Juvenile Reception Center (Janus) or other approved placement if shall be released to a parent, guardian, or a Bureau-approved shelter care facility.~~

~~1.4.2.6.2.2.~~ If it reasonably appears that the child would Juvenile Runaway will not ~~willingly~~ remain at home if released to ~~the juvenile's parent or guardian~~ 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. Illness, Injury or Intoxication:~~

~~7.1. Any juvenile showing visible signs of illness, injury, or intoxication must be medically screened at an approved medical facility before admission will be allowed at the Juvenile Detention Hall (JDH) and/or Juvenile Reception Center (Janus).~~

~~8. Notification of Parent or Guardian:~~

~~8.1. As soon as practicable after a juvenile is taken into custody a member shall notify the juvenile's parent, guardian or other person responsible for the juvenile. ORS § 419C.097.~~

~~8.2. In the absence of actual contact with the person responsible for the juvenile, written notification will be left at the juvenile's residence if known.~~

~~8.3. When notification attempts fail, members will document such in his or her reports.~~

~~9. Notification of Victims or Complainants:~~

~~9.1. Victims and/or complainants are not required to sign complaints against juveniles. Members need only notify victims and/or complainants that a representative of the juvenile court system will contact them regarding their case.~~

~~2.7. Report Disposition:-~~

~~7.1. The member taking~~ Members who interview, detain, or take custody of a juvenile is ~~responsible~~ shall complete a police report.

~~7.2. Members who bring Juvenile Offenders to the Detective Division for completing~~ an processing shall also provide any applicable report(s). ~~When reports.~~

~~9.2. For juveniles are presented to Detectives for final disposition, a copy of these reports must accompany the juvenile.~~

~~9.3. If juveniles are to be lodged in the Juvenile Detention Hall (JDH) at JDH or placed in protective custody (medical emergency, shelter care, or placement with friend or family or friend other than parent or guardian), members shall complete all police reports related to the case must be delivered to the Juvenile Detention Hall (JDH) prior to before the end of the member's shift.~~

2.1.7.3. ~~In those instances and deliver the reports to JDH, when a juvenile is released all reports related to the case will be forwarded to the Multnomah County Juvenile Services Division applicable.~~

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 03, 2022 1:26:01 PM
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Q1

Please provide feedback for this directive

Don't detain children. They're children...

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, January 16, 2022 1:20:29 PM
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Q1

Please provide feedback for this directive

- Because the juvenile policy affects handcuffing, consider cross-linking from the handcuffing directive to the juvenile detention directive. I currently see no mention of 0850.30 in 0870.20, increasing the risk that an officer will miss the reference.
 - Consider specifying flexible handcuffs when wrists/hands are too small for regular handcuffs. 0870.20 alludes to this ("when it is practical for the situation") but the language could be clearer, or integrated into 0850.30 directly.
 - Under 5.7, consider requiring officers to affirmatively document their justification for handcuffing juveniles under 12, specifically the evidence/justification for belief that the juvenile presents a heightened risk to safety.
 - Under 5.8, having staff member of the same sex supervise makes sense for juveniles under 12. At some point, gender becomes more of an issue. I am not an expert, but I hope the bureau will consult with ASC and transgender-identifying people for feedback. If a transgender 17 year old is identifying and presenting as a woman, but is of male sex per ID, who should supervise?
 - 6.6 - This seems like a very long time between log submissions. In a 6 month time period, the risk of tampering, destruction, operational error, or accident seems to be non-negligible. Consider switching to an electronic system or requiring log submissions more often.
 - 6 - It isn't clear from the policy what the purpose of these logs is. I assume there is a good reason, maybe spell that out?
 - 7.1 - consider spelling out MIP (Minor In Possession)
 - re: 9, 10, 11 - in general, it seems that a juvenile coming into contact with police as a result of running away, or showing up with injury or under the influence of drugs is a serious concern. Should there be a policy on screening for child abuse, addiction, or other areas where juveniles can be diverted to prevent further harm? Sending a runaway child fleeing abuse directly home without delay seems potentially dangerous.
-

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Nathan Castle**

#3

COMPLETE

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Q1

Please provide feedback for this directive

COMMENTS ON MENTAL HEALTH, CUSTODY, IMMIGRATION AND OTHER DIRECTIVES, JANUARY 2022

To Chief Lovell, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the 13 of the 15 Directives posted for review in January . The "First Universal Review" is particularly challenging, not only because of the very short (15 day) timeline, but because it is difficult to know if the Bureau intends to make any changes to the policies. Because the public is presented with the policies as they currently exist, it is extremely challenging to determine if any changes were made between the last Second Universal Review and the present time. We strongly suggest that the Bureau include both (a) a statement of intent if there is a particular reason a Directive has been chosen and (b) a link to an existing implementation memo which might include a final redline of the previous iteration and the Bureau's reflections on public comments.

The wide variety of topics in this set of Directives is offset for us by the fact that we've made comments on all of them, except for 850.30 on Juveniles, previously. We've tried to indicate where the Bureau has made its (rare) changes reflective of our input. Otherwise, many of these comments are repeats of ones we made between January 2015 and January 2021.

Portland Copwatch (PCW) has chosen again not to comment on 660.32 Informant Processing because of the distasteful nature of such government-sponsored subterfuge, and 630.50 on Medical Aid, to which no changes have been made despite its previous posting in 2016.

We continue to ask that the Bureau add numbers or letters to the Definitions, Policy and Procedure sections to make them easier to reference. Our comments below refer to the Procedure section unless otherwise noted.

DIRECTIVE 870.20 TEMPORARY DETENTION AND CUSTODY OF JUVENILES (first review)

--Use Clearer Language: In the definition of Substantial Threat to Safety and Section 1.1, the Directive says that officers can act when there is "an articulable opportunity for directed aggression." This should be phrased better to indicate that it means if the officer can articulate that the juvenile is either actively or imminently attacking another person... if that's the intent.

--It's Always a Choice: As noted in many other sets of comments, the Bureau should not make it seem as if officers "have to" engage in certain actions. Policy Section 3 says that "duty may require members to temporarily detain or place juveniles into custody."

--Clarify Guardian Notification: Although requirements to notify the parent or guardian of a juvenile in custody are addressed in Section 11, it would be useful to refer to the concept in the Policy section or in subsections in which the police are to question young people (such as 4.1.2.1). Juveniles may not be adults but they still have rights, usually including having an adult present if they are interrogated.

--->Be Aware of Possible Complications: In cases where a juvenile has run away from home, there may be problems of abuse, neglect or rejection of a person's sexuality/gender identity at play. The Bureau should have a way to navigate upholding rights and not endangering those they have arrested.

--Good Plan: Section 5.2 on not handcuffing people under the age of 12 (unless they present a risk to safety) is appreciated. In 2014, the Citizen Review Committee heard from a mother of a nine year old who was cuffed and taken into custody while in a bathing suit, completely unnecessarily.

--Update Gender Reference: Section 5.8 asks that "a staff member of the same sex" supervise youth who change clothes or use the

bathroom; perhaps asking the young person their preference of the gender identity of the officer would be better.

--->Also the term "his or her reports" is used in Section 11.3 and should be updated, perhaps to "their."

CONCLUSION

We recognize that the Directives development process has evolved since it began, particularly with the addition of redline versions and public comments posted in the Second Universal Review. There is still more to be gained by adding the information suggested in our introduction and holding public meetings to exchange ideas about suggested changes. Several advisory bodies including the Citizen Review Committee, Portland Committee on Community Engaged Policing and Training Advisory Council all have a stake in various Directives, but the first two only meet once a month and the latter only meets every two months, so they can't easily meet the Bureau's deadlines for input.

Many of these policies could help reduce harm against vulnerable parts of our population. However, the incidents of use of deadly force against people in mental health crisis continues unabated, with at least three of eight people shot by the PPB in crisis in 2021. Notably, the last time the Bureau was involved in this many deadly force incidents was 2005. Yet after nine years of oversight by the US Department of Justice, it seems the ideas of de-escalation and other tactics outlined in these policies are thrown out the window because an officer or officers default to pulling firearms, pile on an agitated person, or using so-called "less lethal" weapons. The number one priority should always be respecting the dignity and humanity of the civilian and making sure everyone gets to go home safe at night-- whether or not a suspected mental health issue is at play.

We appreciate being invited to provide input into the Bureau's policies. Our goal at Portland Copwatch is that so long as there is a Police Bureau, its should be free of corruption, brutality and racism. We hope that our suggestions will help lead to such a culture.

--dan handelman (and other members of)

--Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch

#1

COMPLETE

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Q1

Please provide feedback for this directive

test

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)
