



**Multnomah County
Department of Community Justice
Policy and Procedures**

<u>DIVISION:</u> Juvenile Services Division		
<u>SUBJECT:</u> Referral Processing and Decisions		
<u>APPROVAL:</u> Assessment Policy Steering Committee ¹	<u>EFFECTIVE DATE:</u> 04/27/2010	<u>REPLACES (policy # and date):</u> N/A

I. **PURPOSE:**

To establish standards and practices for processing delinquency referrals received by the Department of Community Justice, Juvenile Services Division, in order to make a consistent and objective determination as to the most appropriate referral decisions.

II. **RATIONALE:**

In keeping with Oregon statute, the Department of Community Justice intervenes in delinquency cases to protect the community and hold the youth accountable.

Research shows that juveniles who are diverted from formal adjudication re-offend at a lower rate than similar youth who have cases processed through the formal juvenile justice system. An assessment approach to determining dispositions is consistent with the Department of Community Justices' strategy of aligning resources with the highest risk and highest need youth. It represents an effective investment in behavioral change. By safely diverting identified children and youth from the formal justice system, public resources are maximized and better public safety outcomes are achieved for Department of Community Justices' highest risk youths.

Using an objective, validated assessment instrument to clearly identify risk and protective factors is consistent with evidence-based practices and accomplishes the following:

- Addresses individual issues in ways that are developmentally and culturally appropriate to eliminating or reducing the risk to re-offend
- Allows for discernment of normal adolescent behavior from serious criminal and/or substance abuse patterns,
- Matches the disposition and placement of supervision and services to the youth's risk to re-offend

¹ Assessment Policy Steering Committee Members: Tom Cleary, Sr. Deputy District, Thanh Dang, Community Justice Manager, Michelle DeShazer, Juvenile Court Counselor (JCC), Sheryl Goodman, JCC, Judy Griswold, Department of Human Services, Child Welfare Services Supervisor, Debbie Hansen, Oregon Youth Authority Agency Supervisor, Donna Henderson, Capt. of Family Services Division, Portland Police Department; Candace Johnson, JCC, Leslie Nelson, Defense Attorney, Metropolitan Public Defender, Juliette Mackins, Northwest Professional Consortium, Inc. (NPC Research), and Merri Souther-Wyatt, Multnomah County Circuit Court Judge.

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- Integrates interventions to address risk and protective factors simultaneously.

By having a clearly defined referral processing and disposition policy, Juvenile Services Division staff will be able to provide explicit justification and support for disposition decisions and recommendations. Clarity increases timeliness, accuracy, and consistency in the decision-making process.

This policy intends to reduce recidivism, repair harm to victims, help youth in developing skills necessary for success and behavioral change, ensure fair and impartial treatment, facilitate better direction of youth under supervision in the community, and be useful for program evaluation and organizational data-driven decisions.

III. **CROSS REFERENCES:**

ORS 131.005 - General definitions; ORS 166.210 – Definitions;
ORS 419C.005 Jurisdiction; ORS 419C.230 FAA

IV. **REVIEW HISTORY:**

Originating – 10/06/2009 Approved by Assessment Policy Steering Committee
for Pilot Project.

Revised – 04/27/2010 Reviewed and approved by Assessment Policy Steering
Committee for official implementation

V. **CONTACT:**

Community Justice Manager, Intake, Assessment, and Intervention Unit

VI. **PERSONS AFFECTED:**

Juvenile Records Technicians (RT), Juvenile Court Counselors (JCC), Clerical
Supervisor, Community Justice Managers (CJM).

VII. **DEFINITIONS:**

Custody Services: Multnomah County Juvenile Detention Facility, all programs
operated within the facility, and its staff.

Divertible Misdemeanor/Felony: (AKA Divertible Charges) All other
Misdemeanors and property felonies not listed in the Non-Divertible definition.

Domestic Violence: “Those matters involving physical violence or a threat of
physical violence where the youth and the complainant are spouses, former
spouses, persons related by blood or marriage, persons cohabiting with each
other or who have cohabited with each other in the past, or persons involved in
an intimate or family-type relationship with one another. This includes violence
by youth against his/her parent(s) and violence by a youth against a girlfriend or
boyfriend, even if the boyfriend and girlfriend are not living together²

Non-Divertible Misdemeanors/Felonies: (AKA Non-Divertible Charges)

Violations determined to be reviewed and handled by the DA’s Office including:

- Any Person FEL

² This definition has been adopted from the DA’s Policy manual.

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- Major Traffic
 - Driving Under the Influence of Intoxicants
 - Fleeing or Attempt to Elude
 - Reckless Driving
 - Failure to Perform the Duties of a Driver (Hit and Run)
 - Driving While Suspended/Revoked
- Firearms
- Tri-Met – IPT – at the advice of the Tri-Met DA
- Person MIS: menacing, resist arrest, physical injury, (no harassment)
- Any referrals that resulted in a youth being brought to Custody Services. These referrals are known as ‘Night Intake.’
- Exception referrals determined at the DA’s discretion and/or in consultation with the Community Justice Manager that the referral needs to be reviewed by the District Attorney’s Office.

FDDP: Felony Drug Diversion Program

Formal Screening Decision: A decision by the DA’s Office to reject, divert, or issue a petition on a youth.

Juvenile Crime Prevention (JCP) Assessment: JCP a is a tool used to measure a youth’s risk to reoffend and determine service needs based on the presence of risk factors and the absence of protective factors known to be linked with reoffending behavior.

Juvenile Justice Information System (JJIS): The JJIS is an electronic information system administered by the state through the Oregon Youth Authority.

Legal Sufficiency Review: The DA’s Office’s review of a misdemeanor or violation case to determine whether the case can be proven beyond a reasonable doubt if filed in court.

MOU – Memorandum of Understanding

JCC Review: The Juvenile Court Counselor’s review of the police report on divertible charges to determine sufficient basis for proceeding and case decision.

Unable to Aid and Assist: A youth may be found incompetent and thus unfit to proceed, if as a result of mental disease or defect the youth is unable to understand the nature of the proceedings, assist and cooperate with his lawyer, or participate in the defense.

VIII. POLICY:

It is the policy of the Department of Community Justice that:

Established interagency agreements will be followed as written.

Without exception, the Juvenile Services Division will comply with JJIS data entry requirements.

Without exception, Data Services Juvenile Records Technicians will process law enforcement reports according to this policy, and follow DA/JSD Case Processing Agreement (Exhibit 1). The Data Services Police Report Processing

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Guidelines (Exhibit 2) contain a list of frequently used allegations. For allegation(s) not listed in the guideline, the JRT will consult with Data Services Lead.

Juvenile Court Counselor's Review of police reports is not required for delinquency referrals that meet the 'Warn/Resource' criteria.

Juvenile Court Counselor's Review of police report will be completed on all divertible delinquency referrals received on any youth 12 years of age or older that do not meet the criteria for Warnable/Resource Letter or criteria for LSR/FSD For referrals received on youth who are under 12, See Section 2 - For Youth Under 12

Reports alleging possession of a firearm on the part of a youth or child regardless of age will be forwarded to the DA's Office for review and determination, except Unlawful Discharge of a Weapon (specifically BB gun, soft air gun, pellet gun), and Carry concealed Weapon (specifically non-gun, e.g., metal knuckles, pocket knife) unless the youth is on probation or gang affiliated. These will be reviewed by a JCC.

Any Report alleging any behavior on the part of a youth or a child who is has an open case to OYA or DHS will be forwarded to the respective agency (Also see Exhibit 3 OYA/DHS/JSD Co-Management Agreement).

For any referrals that are being recommended for adjudication but does not meet the outlined policy adjudication criteria, the assigned JCC must obtain the approval of the Community Justice Manager prior to staffing the case with the DA's Office for review and filing.

All issues or questions not addressed in this policy will be directed to the Intake, Assessment, and Intervention Unit Community Justice Manager or designee for quality assurance purposes.

SECTION 1: FOR YOUTH 12 TO 17 YEARS OLD

A – Delinquency Police Report (Law Number Known)

Section A1 (LSR/FSD): Referrals with custody/investigation/incident reports containing the listed offense, class and/or allegation(s) are non-divertible charges and will be referred to the District Attorney's Office for a Legal Sufficiency Review or a Formal Screening Decision. The DA's Office may review but will not issue or prosecute on divertible charges.

Exceptions: In extreme cases, divertible charges maybe reviewed and issued by the DA's Office with prior approval of Sr. DDA or Chief DDA. The DA's Office is committed to communicating with the assigned JCC or designated CJM before the petition is filed, however, recognizing the sensitivity of time and workflow, this may not always occur.

Unable to Aid and Assist: For those cases sent to the District Attorney's Office for a Formal Screening Decision and the youth has previously been found by the court to be Unable to Aid and Assist, Data Services staff will notify the District Attorney's Office of the prior referral and outcome. The Juvenile Court Counselor will investigate the youth's current circumstances after the petition is filed. The investigation will include a review of any prior evaluation, a review of any services offered and/or received subsequent to any prior evaluation, contact with treatment providers and agency personnel, and an interview with the youth and family.

Upon completion of the investigation, the Juvenile Court Counselor will provide documentation to the DA's Office outlining the investigation, findings, and conclusions by the licensed clinician as to whether or not the youth's functioning has improved or deteriorated. The Juvenile Court Counselor will make a recommendation to the DA's Office as to whether or not the petition should be adjudicated, dismissed, or converted to a dependency petition.

Section A2 (No LSR/FSD or JCC Review): Referrals containing the listed offense, class and/or allegation(s) will be entered into JJIS per JJIS Data Entry Policy for electronic record only, and no further action will be taken . These referrals will not be sent for LSR/FSD or JCC Review.

Section A3 (Warning/Resource Letter): Referrals containing the listed offense, class and/or allegation(s) will be closed with a county counsel approved Warning/Resource Letter without a JCC Review UNLESS there is a pattern of public safety issues and continued threats, AND no other Pending LSR/FSD or JCC Review. For these exceptional cases, these referrals will be sent to the

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Intake, Assessment and Intervention Unit for a JCC Review to determine sufficient basis to open the case.

Section A4 (Tri-Met Process): Referrals containing the listed offense, class and/or allegation(s) will be closed with a county counsel approved Warning/Resource Letter without a JCC Review. Exceptions to this practice is when the DA's Office notifies the Juvenile Department to send the referral via LSR/FSD or when the Tri-Met related offenses do not meet the warning criteria as outlined.

Section A5 (MIP/LTO): Referrals containing the listed offense, class and/or allegation(s) will be closed with a county counsel approved Warning/Resource Letter without a JCC Review except those that are accompanied by a delinquency allegation, involved in another county jurisdiction, or the youth re-referred within 12 months for LTO within 1000ft of a school.

Section A6 (SOTT Process): Referrals containing the listed offense, class and/or allegation(s) (excluding SIB referrals) will be sent to the Intake, Assessment and Intervention Unit for a JCC Review for Sex Offender Treatment Team (SOTT) Process or to the DA's Office for LSR/FSD.

The assigned CJMs for SOTT and IAI will consult on a case-by-case basis to determine the best case management strategies.

Section A7 (DV Process): Referrals containing the listed offense, class and/or allegation(s) will be sent to the Intake, Assessment and Intervention Unit for JCC Review and assessment unless the referral meets the criteria for LSR/FSD or Preliminary Hearing.

Section A8 (School and Other MOU): Referrals containing the listed offense, class and/or allegation(s) will be sent to the Intake, Assessment and Intervention Unit for JCC Review unless it meets the criteria for LSR/FSD. See specific School and other MOU for details.

Section A9 (FDDP Process for Filed Petitions Only): Referrals containing the listed offense, class and/or allegation(s) will be sent to the Intake, Assessment and Intervention Unit for assignment. Note that FDDP Process only applies at the point of petition filing by the DA's Office. Also see FDDP document for policy/procedure details (Exhibit 4).

Section A10: Unless the youth is on probation or gang affiliated, referrals containing the listed offense, class and/or allegation(s) will be sent to the Intake, Assessment and Intervention Unit for JCC Review and assessment according to the assessment protocols.

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Referrals containing the following offenses may be closed with a county counsel approved Warning/Resource Letter after JCC Review if it's determined that the matter has been appropriately intervened prior to JSD receiving the referral:

- Unlawful Discharge of a Weapon (BB gun, soft air gun, pellet gun)
- Carry Concealed Weapon (non-gun, e.g., metal knuckles and pocket knife)
- 2nd and subsequent Interfere with Police

B – Law Number Not Known Police Report

Section B1 (Law Number Not Known): Referrals that do not contain a specified charge but the narrative portion of the police report indicates a law violation occurred will be sent to the DA's Office for LSR/FSD or IAI for JCC Review contingent upon the details of the report.

SECTION 2: FOR YOUTH UNDER 12

C – Delinquency Early Intervention (Under 12 DEI):

Section C1 (Custody Report with Specified Charge) (Delinquency referrals received on children under the age of 12 will be entered in JJIS if the referral is received with a criminal charge as defined in JJIS Data Entry Policy (see Exhibit 5), and a Warning/Resource Letter will be sent. If the child was referred for assaultive behavior that resulted in injuries or fire-setting behavior that resulted in damages, the report will be forwarded to an Intake, Assessment and Intervention JCC for review and determination as to next steps.

Section C2: (Report Without a Specified Charge): If the law number is not known, the report will be forwarded to an Intake, Assessment and Intervention Unit for JCC Review and case decision.

Section C3 (Non-criminal Offense Reports): Referrals containing the listed offense, class and/or allegation(s) will be entered into JJIS per JJIS Data Entry Policy for electronic record only, and no further action will be taken (just like Section A2). These referrals will not be sent for LSR/FSD or JCC Review. Any other violations such as Offensive Littering, and J-Walking (see Section E1 allegations listing) will not be entered into JJIS and no further action will be taken.

D – Under 12 Sexually Inappropriate Behavior (Under 12 SIB)

D1 – (Custody Report with Specified Charge): If an Under 12 SIB child is taken into custody by the officer with a Custody Report (in very rare instances does this occur), follow the LSR/FSD process in Section A1 and send to the DA's Office for review. If not, follow the SOTT Process in Section A6 and send to the IAI for review.

D2 – (Reports Without a Specified Charge or Faxes received from DHS): Send these referrals to the IAI for review. The Juvenile Department will adhere to the established SIB protocols approved by the Multnomah County Multi-Disciplinary Team (Exhibit 6)

SECTION 3: OTHER AND MISCELLANEOUS REPORTS

E – Non-Delinquency Miscellaneous Reports

Section E1 (No Data Entry and No Action): Referrals containing the listed offense, class and/or allegation(s) will not be entered into JJIS and no further action will be taken.

F – Traffic Offenses

Section F1 (Multnomah County Youth, Multnomah County Traffic Jurisdiction):

For the Major Traffic Offenses identified in Section A1 (with or without a delinquency allegation), send to the DA's Office for LSR/FSD.

For Traffic Citations only, do not enter in JJIS, send it downtown traffic court, and take no further action.

For Traffic Citations or Reports with a delinquency allegation that do not meet the Section A1 LSR/FSD criteria, send to the IAI Unit for JCC Review assessment.

Section F2 (Multnomah County Youth, Other County Traffic Jurisdiction):

For the Major Traffic Offenses identified in Section A1 (with or without a delinquency allegation), send to the DA's Office for LSR/FSD.

For Traffic Citations only, do not enter in JJIS, send it downtown, and take no further action.

For Traffic Citations or Reports with a delinquency allegation that does not meet the Section A1 LSR/FSD criteria, follow the Warnable criteria in Section A3, or send to the IAI Unit for JCC Review and assessment as in Section A10.

Section F3 (Non-Multnomah County Youth, Multnomah County Traffic Jurisdiction):

For the Major Traffic Offenses identified in Section A1 (with or without a delinquency allegation), send to the DA's Office for LSR/FSD.

For Traffic Citations only, do not enter in JJIS, send it downtown traffic court, and take no further action.

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For Traffic Citations or Reports with a delinquency allegation that does not meet the Section A1 LSR/FSD criteria, enter the referral in JJIS and send to the youth's County of Residence.

G – Transfer of Jurisdiction, Courtesy Supervision, and Interstate Compact

Section G is included in the Data Services Delinquency Referral Processing Guidelines for purposes of convenient reference, and is not affected by this policy. See Mutual Aid Compact Agreement Exhibit 7, and Interstate Compact on Juveniles Exhibit 8 for details.

IX. PROCEDURES:

A. Records Technician Responsibilities – The following referral process, Data Services Review, will be used for all police reports received by Data Services staff:

a. ID Police Report

- i. Read report to check for specified allegation(s) and identified suspects.
- ii. Make a copy of the report for each youth involved in the report and process accordingly.

Note: Codefendants are identified through a Custody Report, or a notation that they are a confirmed suspect. Youth listed as 'mentioned' are not considered suspects.

- iii. Conduct a thorough search and identification of the youth using available information systems and multiple processes to confirm the youth's identity.
 1. Search JJIS for youth by name and/or DOB
 2. Search DHS system by youth and parent name.
 - If found,
 - Check JJIS using Social Security Numbers, names, and date of births of sibling(s).
 - Print DHS ICDB page if there is a DHS case and attach to the police report.
 - If not found,
 - Search alternative databases
 - JJIS by parent name and/or DOB if available.
 - PPDS by available names and address.
 - OJIN by youth and parent names.

b. ID Jurisdiction

- i. Review to determine if the referral meets the criteria for Multnomah County jurisdiction:

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1. If the youth's residence is in Multnomah County, process it according to this policy.
2. If the youth's residence is not Multnomah County but the alleged incident occurred in Multnomah County
 - All non-divertible referrals that occurred in Multnomah County by out-of-county youth will be sent to the DA's Office
 - All divertible referrals that occurred in Multnomah County by out-of-count youth will be sent to the youth's county of residence

c. Processing and Routing Determination

- i. If a custody report is received with a specified charge(s), add the referral in JJIS
- ii. Determine if the report is to be routed for DA LSR/FSD, a JCC Review, or if the charge is warnable.
 1. For LSR/FSD, complete the following JJIS data entry:
 - a. Enter allegation(s)
 - b. Enter DS Ref Worker and change to LSR/DDA Rev or FSD/DDA Rev
 - c. Complete the LSR Form or FSD Form
 - d. Send report to DA's Office
 - e. For FSD, create or pull social file from file room and file alphabetically in the FSD file cabinet. Insert a copy of the packet sent to the DA for review if not open to a JCC.
 2. For JCC Review, complete the following JJIS data entry:
 - a. Enter allegations
 - b. Enter DS Ref Worker **and** change Ref Worker to JCC Review/JD Review
 - c. Complete the Data Services Processing Form.
 - d. Send report to IAI Unit via designated box in mailroom.
 3. For Warn/Resource Eligible, complete the following JJIS data entry:
 - a. Enter allegation
 - b. Generate Warning/Resource Letter
 - c. Close the allegation/referral with the closing code "Warning".
 - d. Enter a JJIS note.
 - e. File report in social file, or shred if it is a youth under the age of 12.
 - f. Mail the Warning/Resource Letter

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Note: Do not send Warn/Resource Letter or close any referral if the youth is already assigned to a JCC or pending assignment to a JCC, or pending review by the DA's Office or IAI Unit.

Note: Questions regarding pattern of public safety issues and continued threats will be directed to the Data Services Lead who will staff with IAI Unit CJM.

- iii. Determine if the youth(s) has an assigned JCC or active with either OYA or DHS:
 1. JCC Assigned
 - If a JCC is assigned, send copy of police report and LSR/FSD form or Referral Processing form. Write 'JCC Copy' on form and put in JCC mailbox.
 - If a JCC is assigned with OYA Commitment (Probation youth), also send a copy to OYA
 - If a JCC is assigned with active DHS, also send copy to DHS.
 2. JCC not Assigned
 - If a JCC is not assigned, but youth is active with DHS, send a copy to DHS and files a copy in the closed file
 - If a JCC is not assigned, but youth is active with OYA (Parole youth), send a copy to OYA.

d. Processing after JCC Review, LSR, or FSD

i. Formal Screening Decision (FSD)

1. Filed Petition

- Date stamp with received date.
- Enter petition in JJIS decision points, if filed copy received without packet, only change referral worker not primary worker. Put petition in tray in Data Services to attach to packet when it is received.
- Added allegations: Add allegations using the date of the review for the Original Date, and the Source Code will be District Attorney.
- Check the occurred from date and victim information.
- Close any allegation not filed on using the screening date as the Closing Date and DA/Rejected as the Closing Reason.
- Stamp Entered in JJIS and initial.
- Once petition packet is received, pull file and filed petition.
- Check parents in DOC, assign worker to Pend Assign Adjudication if not found in DOC. If parents

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have active cases in DOC, attach DOC printout to top of petition.

- Pull file from FSD drawer.
- Insert tabs if needed, write transfer to (unit) on front of social file, print youth data sheet, and put in Pend Assign Adj box in mailroom.
- If currently open to a JCC, put petition in JCC mailbox.

2. Case Rejection Memos

- Date stamp with received date
- Change Ref Worker to Dept Ref Worker
- Close referral(s) as DDA No Complaint/Declined in JJIS, using the date of screening as the closing date.
- Stamp with 'Entered in JJIS' stamp and initial.
- Pull social file from FSD drawer if not open to a JCC, and write closed and date on right side of file.
- Return file to file room.
- If currently open to a JCC, put rejection memo in JCC mailbox.

3. Diverted Memos

- Date stamp with received date.
- Check allegations and change in JJIS.
- Change Ref Worker to Dept Worker.
- Change Primary Worker to Pend Assign, Assessment.
- Stamp with 'Entered in JJIS' and initial.
- Pull social file from FSD drawer.

ii. **Legal Sufficiency Review (LSR)**

1. Change worker to Dept Ref Worker
2. Check allegations and make changes as needed, close any allegation(s) not found as DA/Rejected, or if all allegations are unfound, close as DDA No Complaint/Declined. Additional allegations added by the DDA: Use the date of screening for the Original Date, and the Source will be District Attorney.
3. If all allegations are unfound, put LSR in social file or in JCC's mailbox if currently open.
4. DA requests Formal Screening: Change the Referral Worker from LSR/DDA Rev to FSD/DDA Rev, add or close allegations if needed, check that all victims are entered. If not open to a JCC, create or pull social file from file room and file alphabetically in the FSD file cabinet. Insert a copy of the packet sent to the DA for review.

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5. If warning eligible: Create warning letter in JJIS. Fill in date and offense fields. Print on letterhead and make a copy for the social file. Write a JJIS note: Ref X warning letter sent on (allegation).
6. Not eligible for warning, referral to be sent to IAI Unit. Pull the social file, change the Ref Worker to Dept Worker, change the Primary worker to Pend Assign, Assessment, print a data sheet, attach a Case Assignment sheet, and forward to IAI Unit.

iii. JCC Review

1. Allegation given by JCC Review:
 - Add Referral in JJIS.
 - Change the Referral worker from DS Ref Worker to JCC Review/JD Review, and then to Dept Ref Worker.
 - Change the Primary worker as directed on JCC Review form if not open to a JCC.
 - Enter date received from JCC Review in Law Number Not Known log.
 - Pull or create a social file.
 - Print Youth Data Sheet for social file.
 - Assign to Pend Assign, Assessment as Primary Worker if directed, and put JCC Review and social file in designated box in mail room.
2. Allegation not found:
 - Change Referral Worker from JCC Review/JD Worker to Dept Ref Worker.
 - Close allegation with date of review and Juv Dept/Insufficient Evidence.
 - If all allegations on a referral not found, close as JD/No PC.
 - Stamp 'Entered in JJIS' and initial.
 - File in social file or put in JCC mailbox if currently open.
3. Send for LSR/FSD and follow process accordingly.
4. Warning letter requested:
 - Create warning letter in JJIS.
 - Fill in date and offense fields.
 - Print on letterhead and make a copy for the social file.
 - Write a JJIS note: Ref X warning letter sent on (allegation).
5. **Under 12 DEI Referrals**
 - If the police report specifies the allegation(s), send the Warn/Resource Letter according to the criteria outlined for a warning letter.

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- If the child does not have a JJIS record, create an electronic file only. Enter a JJIS note (no social file will be created).
- If the child does have a JJIS record and social file, then file in closed file.
- If the police report does not specify the allegation(s), attach the Referral Processing Form with the question if a referral should be entered), and forward to the IAI Unit.
- If the child was referred for assaultive behavior that resulted in injuries or fire-setting behavior that resulted in damages, follow the LSR/FSD process per this policy.
- If it is determined that the case needs to be opened,
 - The IAI Unit will note instructions on the Referral Processing Form.
 - Data Services will enter the referral in JJIS if not already entered, and forward the social file to the assigned JCC.
- If the case does not need to be opened, the IAI Unit will note that on the report for Data Services to file and close.

Note: Multiple codefendants of varying ages and charges will be tracked together and sent for JCC REVIEW or LSR/FSD.

6. Under 12 Sexually Inappropriate Behavior Referrals:

- Review police report to see if there is an indication of inappropriate sexual behavior or Possible Child Abuse.
- Forward to DHS if the report does not indicate that a copy was sent by the law enforcement agency.
- If the child has JJIS record and is open to a JCC, forward the report to the assigned JCC.
- If the child has JJIS record and is not open to a JCC, forward to IAI Unit for JCC Review.
- If the child does not have a record, forward to IAI Unit for JCC Review.
- Handle the matter as instructed by assigned JCC or IAI Unit

B. Juvenile Court Counselor Responsibilities – The following referral process, JCC Review, will be used for all police reports reviewed designated Juvenile Court Counselor:

a. Law Number and JCC Review

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- i. Obtain cases for review from the 'Pend Assign JCC Review' In Box.
- ii. Read the law enforcement report to determine whether *there is* or *there is not* a basis to proceed for any allegation/s listed on a Custody Report or for any behavior that is alleged in the narrative portion/s of the report.
 1. Refer to the Oregon Revised Statutes to review the statutory language that attaches to the law number listed on the Custody Report or for any behavior that is alleged in the report.
 2. Refer to the Indictment Form Book to review the issuing options available for the law number/s listed on the Custody Report or for any behavior that is alleged in the report.
 3. Review the totality of the information to determine whether or not the elements articulated in the statute and/or form book exist for an allegation.

Note: The precise amount of evidence that constitutes a basis to proceed depends on the circumstances in the case. The JCC will maintain a neutral and detached view of the facts presented in the referral to make a determination.

Note: Victim and codefendant names are necessary for completion of JJIS data entry to connect victim/s and codefendant information with a referral.

- ii. Complete the JCC Review section of the Referral Processing Form
 - iii. Complete the Law Information section of the Referral Processing listing all allegations from the Custody Report or allegations derived from a review of the narrative portion of the report, and note whether or not there is basis to proceed for each allegation including specific victim(s) and/or codefendant(s).
 - iv. Route the report as appropriate
 - v. Route the report to the IAI Unit CJM for review if the basis to proceed is questionable.
- b. JJIS and Disposition Review**
- i. Review the youth's referral history in JJIS to determine the routing of the referral upon completion of the JCC Review.
 - ii. If the youth has a referral with a notation of "Automatic Transfer," check the youth's name in OJIN to determine if the youth is currently under supervision in the adult system.
 - iii. If the youth is being supervised by the Adult Services Division (ASD), contact the designated ASD Probation Officer and

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inquire as to whether or not the referral has been or will be resolved through the youth's adult probation.

Note: A referral on a youth who is being supervised in the adult system may be disposed of as a technical violation of probation rather than as a law violation in the juvenile system, and close as 'Refer to Other Agency' in JJIS.

- iii. If the youth is not being supervised by the ASD, or if the referral is to be handled by JSD, then route the report according to the Data Services Police Report Processing Guidelines and this policy.
- iv. If the youth has a referral with a commitment to OYA for state training school, contact the OYA and process the referral according to this policy.

Note: A referral on a youth who is being supervised by the OYA may be disposed of as a technical violation of parole rather than as a law violation by the JSD. The referral will remain open in JJIS for OYA's JJIS data entry.

c. Routing Determination

- i. Make a notation in the section designated 'Reviewer's Comments' on the JCC Review Form:
 - 1. If the referral qualifies for handling by an assigned JCC or OYA worker per the Case Processing Guidelines.
 - 2. If the referral is being handled by the ASD and can be closed as 'Refer to Other Agency'.
 - 3. Mark the box designated "Send to DA's Office for LSR/FSD" if an allegation requires referral to the DA's Office for review per the Case Processing Guidelines.
 - 4. Mark the box designated 'Send to Intake & Assessment Unit' if the referral qualifies for Assessment per the Case Processing Guidelines or requires Assessment for other reasons.
 - 5. If the new referral is a repeat referral and/or if the youth presents with a pattern of public safety concerns, and/or if the youth has made threats to the victim/s.
- ii. Return the packet to Data Services with instructions as to next steps, such as Divert and Close to Peer Court.
- iii. Record the outcome of the JCC Review in the designated Excel spreadsheet.
- iv. Attach referral materials on the outside of the social file.
- v. Place the social file and attachments in the Data Services 'In Box.'

Multnomah County Department of Community Justice
JSD Detention Decisions

X. **EXHIBITS:**

- Exhibit 1: JSD/DDA Case Processing Agreement
- Exhibit 2: Data Services Police Report Processing Guidelines
- Exhibit 3: OYA/DHS/JSD Co-Management Agreement
- Exhibit 4: FDDP Procedure
- Exhibit 5: JJIS Data Entry Policy
- Exhibit 6: MDT Agreement
- Exhibit 7: Mutual Aid Compact Agreement
- Exhibit 8: Interstate Compact on Juveniles
- Exhibit 9: Research References