

# MARION COUNTY JUVENILE DEPARTMENT

## Policy Statement

Program Unit:

**JUVENILE SERVICES - DETENTION**

Subject:

**Telephone Access**

Chapter-Section-Policy Number:

**V-H-3.0**

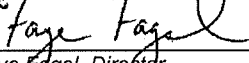
Supersedes:

16.2 (9/6/2002)

Effective Date:

08/11/2008

Approved:

  
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Faye Fagel, Director

### REFERENCE

- ORS 169.760 (7) (Juvenile detention facilities to establish written policy)
- ORS 169.750 (7) (Restrictions on operation of juvenile detention facilities)
- ORS 169.740 (2)(d) (Standards for juvenile detention facilities)

Department Policy: V-H-1.0 (Juvenile Rights)

Department Forms: Incident Report

### DEFINITIONS

**Professional Call:** A telephone meeting between the juvenile and his/her attorney, medical/mental health professionals, court or court official, state and federal agencies, such as Social Security Administration and the Oregon Division of Child Support, Legal Aide Bureau or any other agency or person that provides legal services to the juvenile, the Oregon Governor or member of the Oregon Legislature, or other professionals as authorized or approved by Marion County Probation Officers (PO), Oregon Youth Authority (OYA) Parole and Probation Officers (OYA), and Department of Human Services (DHS) Workers.

**Personal Call:** All non-professional telephone calls with people such as parents, guardians, or other adults authorized to receive telephone calls from the juvenile by Marion County Probation Officers (PO), Oregon Youth Authority (OYA) Parole and Probation Officers (OYA), Department of Human Services (DHS) Workers, and Juvenile Department Management Staff.

### POLICY

The Marion County Juvenile Department encourages telephonic contact between juveniles in its care and custody and his/her family. Juveniles shall have reasonable and equitable opportunities to make phone calls.

The Marion County Juvenile Department encourages juveniles and family members, including the juvenile's siblings and juvenile's children, to maintain relationships through regular telephonic contact, unless such visits are contraindicated by DHS or by court order.

The Marion County Juvenile Department will place no limits on professional calls made or received and will facilitate access to professional service providers in a manner to assist in legal representation and case planning activities.

Juveniles will be provided access to telephones and calls will occur at times and under conditions conducive to the safe and orderly operations of Detention. Personal calls are subject to termination and loss of privilege.

#### General Standards

##### A. Documentation:

1. Marion County Probation Officers (PO), Oregon Youth Authority (OYA) Parole and Probation Officers, and Department of Human Services (DHS) Workers are responsible to provide an approved list of all personal and professional telephone calls for each juvenile in Detention. The PO and OYA Parole and Probation Officers are responsible for entering telephone call approvals into JJIS. DHS Workers will coordinate with the assigned PO to facilitate approvals for youth under their supervision.
2. Telephone approval and data entry into JJIS for juveniles with pending Measure 11 charges will be the responsibility of the Detention Manager or Assistant Manager or the assigned Officer of the Day (OD) during holidays or weekends.
3. Telephone approvals will be entered into the Securus phone system by approved staff each business day for each new incident in which a juvenile is lodged.
4. Marion County Probation Officers (PO), Oregon Youth Authority (OYA) Parole and Probation Officers, and Department of Human Services (DHS) Workers are responsible to inform authorized users of the Securus phone system of new telephonic contacts via email to facilitate data entry.

##### B. Time Factors:

1. Juveniles will be allowed to make only one call at a time. Juveniles will be able to make additional calls after all other juveniles have had the opportunity to utilize the telephone.

2. All calls are of a limited duration. Times may be adjusted to meet the operational needs of the facility and to facilitate opportunities for all youth to make approved telephone calls,
3. Personal calls will not normally be permitted during school hours, shift change, or after bedtime.

C. Restrictions:

1. Abuse of telephone privileges may result in its temporary loss.
  - a. Juveniles on disciplinary status may be denied telephone privileges while on lowered status.
  - b. Decisions are subject to appeal to the Detention Manager or designee.
2. Denial of telephone access will not exceed one day, except after:
  - a. Advising the juvenile in writing of the alleged offensive conduct or behavior.
  - b. Providing the juvenile the opportunity to a hearing before a staff member who was not a witness to the alleged offensive, conduct or behavior.
  - c. Providing the juvenile the opportunity to produce witnesses and evidence and to cross-examine witnesses.
  - d. Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile.
  - e. Finding that the alleged conduct or behavior was proven by a preponderance of the evidence and that it violated a rule of conduct or behavior of the facility or constituted a crime under the laws of Oregon.
3. Telephone calls terminated by staff, due to problems involving the use of the telephone by juveniles, or loss of telephone privileges require documentation via an incident report.
4. Loss of collect telephone privilege as a group punishment or discipline is not allowed.
5. Individual calls may be terminated while in progress when:
  - a. The juvenile demonstrates a severe negative change in behavior.

- b. The juvenile demonstrates threatening behavior.
- c. The juvenile is promoting illegal or gang-related activity.
- d. The area wherein the call is located becomes disruptive and the call or juvenile cannot be effectively supervised.

D. Exceptions:

- 1. Specially arranged and court ordered calls shall be made on facility business phones at public expense.
- 2. Juveniles, who, due to hardship, are unable to contact their parents or guardians by use of the collect telephone, may be allowed to call direct on the facility business phone under special circumstances approved by the Detention Manager or designee

E. Incoming Professional Calls:

- 1. For any incoming professional calls to juveniles, Detention staff will attempt to identify the caller.
- 2. If staff are unable to identify the caller, staff will take the caller's name and phone number and inform the caller that the juvenile will return the call once the caller's identity and telephone number have been verified.
- 3. Professional calls may be made using the facility business phone.