

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 1.10</b>
		Issue Date: March 21, 2005
		Revision Date:
<b>CHAPTER:</b> Sheriff's Office Role and Authority		Related Policy: G.O. 1.08 (Guidelines for Arrest)
<b>SUBJECT: Alternatives to Incarceration for Juveniles</b>		Related Laws: ORS 419C.080 (Custody; When Authorized), ORS 419C.085 (Citation in Lieu of Custody), ORS 133.310 (Authority of a Peace Officer to Make Arrest Without Warrant)

**POLICY:** Deputies should use the least coercive among reasonable alternatives for juvenile offenders to include: (1) release to parents or guardian; or (2) issuance of a citation. If the incident involves serious criminal conduct, repeated criminal violations, conduct which creates a danger to the juvenile or others, or custody is mandated by law, the juvenile shall be taken into custody and lodged in the appropriate custody or care facility.

**RULE:** None

**PROCEDURE:**

I. Citation to Appear (Misdemeanor, Violations, or Felonies)

- A. A Citation to Appear may be issued in lieu of custody to a juvenile in the following situations, subject to the below listed guidelines:
  - 1. Misdemeanor crimes or violations
  - 2. Felony crimes.
  - 3. When the parents or guardian are unavailable for contact.
  - 4. When the on-duty supervisor authorizes the issuance of the citation.
- B. The Citation to Appear for juveniles may apply in the following instances.
  - 1. Where the arrest is made without a warrant, under provisions of ORS 133.310 and ORS 419C.085, except for violations of the Abuse Prevention Act.
  - 2. Where the arrest is made by a private party and the arrestee is delivered into the custody of a Peace Officer.

3. Where the Judge who receives a complaint or information authorizes it.
4. Citations received from the court on citizens of Lane County.
5. In cases where the parents cannot be found.

C. Exceptions

A Citation to Appear will not be issued under the following circumstances:

1. Assault 4 - When the victim is a Police Officer.
2. At the direction of the on-duty Sergeant.
3. When the juvenile is placed in the custody of the Juvenile Department.
4. When the juvenile is placed in the custody of parents.
5. Attempting to Elude a Police Officer - As per established procedure; Deputies shall continue to make full custodial arrests and issue Uniform Traffic Citations.
6. Driving while Under the Influence of Intoxicants - Arrests for DUII will be made as per established policy and procedure with the following exceptions:
  - a. The arresting Deputy shall take the arrestee to the Correctional Facility and offer that arrestee an opportunity to take an Alcohol Breath Test.
  - b. The arrestee shall then be informed that they will be released if they supply the Deputy with the name and telephone number of their parents or legal guardian. Should the arrestee refuse to supply the Deputy with the name and/or telephone number of this responsible adult, the arrestee shall not be released under this procedure but shall be lodged at the Juvenile Department.
  - c. Should an arrestee be intoxicated to such a degree as to be unable to make a rational decision as to acceptance of assistance by utilizing alternatives to incarceration, that person shall be issued a Uniform Traffic Citation charging DUII and subsequently taken to the Juvenile Department and lodged.
  - d. After being provided the information required of the arrestee, the Deputy should telephone the parent or guardian and ask them to come to the Correctional Facility to take custody of the arrestee in a reasonable period of time. The Deputy shall wait for the parents or guardian to respond to the Corrections Facility. The intoxicated subject shall then be released.

- e. The Deputy shall document the name, address, date of birth, and telephone number of the parents or guardian the arrestee was released to. The Deputy shall also document the time the telephone call was made and the time the parents or guardian arrived at the Correctional Facility.
- f. If no parent or guardian can be contacted, the arrestee will be lodged at the Juvenile Department.
- g. Should there compelling evidence to indicate that the identity of the arrestee is in doubt or that the arrestee will not appear in court, the arresting Officer may lodge the arrestee at the Juvenile Department for DUII after conferring with on-duty Sergeant.

D. Criteria

The Deputy shall determine if the arrestee meets the following criteria for release on a Citation to Appear, prior to issuing the citation:

1. The ability of arrested persons to care for themselves.
2. Satisfaction of the arrestee's identity. Does the arrestee have adequate identification to establish identity?
3. The necessity for prevention of continuing criminal conduct by the arrestee. Is further criminal conduct likely to result if the arrestee is released on a citation?
4. The necessity for prevention of injury to other persons or property by the arrested person.
5. The character of the arrested person, as evidenced by a police record of criminal activity.
6. The location of the arrested person's residence; must be an Oregon resident.
7. Inability to contact parents, inappropriate for transport to the Juvenile Department, and the on-duty Sergeant authorizes the release.

E. Felonies

1. Citations may be issued for all felonies, with the approval of the on-duty Sergeant.
2. It shall be the responsibility of the Deputy to thoroughly document in the Custody Report why a Citation to Appear in court was or was not issued.

F. Misdemeanors

1. Citations may be issued for all Misdemeanors, with the approval of the on-duty Sergeant.
2. It shall be the responsibility of the Deputy to thoroughly document in the Custody Report why a Citation to Appear in court was or was not issued.

G. Violations

1. Full custodial arrests of juveniles involved in criminal violations of law are authorized, such as Possession of Less than One Ounce of Marijuana.
2. Citations to Appear may be issued for all criminal violations, if authorized by the on-duty Sergeant, and the parents are unavailable to take custody of the juvenile, and lodging at the Juvenile Department is not authorized.

H. Miranda Rights, Search and Seizure

The fact that a citation will or may be issued has no effect on an individual's Constitutional Rights as specified in Miranda. Therefore, Miranda warnings should be given in appropriate situations.

The right of a Police Officer to conduct a search of the arrested person incident to arrest is not affected by the citation procedure. The citation is not issued in lieu of arrest, but in lieu of continued custody.

I. Completion of Citation and Report

1. The Citation to Appear
  - a. Prior to issuing a Citation to Appear to a juvenile, the Deputy will attempt to contact the parents. If the Deputy is unable to contact the parents, or the guardian, the Deputy will confer with the on-duty Sergeant for authorization to issue the Citation to Appear.
  - b. In addition to carefully checking the citation to ensure its being completely and correctly filled out the Deputy should explain to the arrested person just what is taking place, and that the Juvenile Department will be contacting them with regard to the next step in the procedure.
  - c. If more than one offense is involved, the Deputy can list up to three incidents on a single citation without having to issue a citation for each offense.
  - d. Arrested juveniles will not be given a court date on the citation. A notation will be made in the date of appearance box "to be set".

- e. The case number will be placed in the upper left corner box of the citation.
- f. It is required that the Deputy issuing the citation make an attempt, within a reasonable length of time, after the citation is issued to contact the parents of the violating juvenile to advise them of the actions taken by this Sheriff's Office.

2. Citizen's Arrest

- a. The Deputy shall verify that the citizen will sign a complaint, and/or testify, if asked to by the Juvenile Department and shall document that in the Custody Report.
- b. A Custody Report will be completed in addition to the Citation to Appear. The Custody Report shall indicate that the person was "cited and released," due to the fact that the parents were not available for contact, and the Sergeant on-duty (by name) authorized the issuance of the citation.
- c. It shall be the responsibility of the Deputy to thoroughly document in the Custody Report why a Citation to Appear in court was issued and why the parents could not be contacted for release of custody. Also a notation will be made as to when the parents will be contacted and informed of the arrest.