



OREGON YOUTH AUTHORITY



Policy Statement

Part III – Youth Services (Community)

Subject:

Placement/Return of Youth on Interstate Compact for Juveniles

Section – Policy Number:

C: Case Planning & Review – 4.0

Supersedes:

- III-C-4.0 (11/18)
- III-C-4.0 (07/17)
- III-C-4.0 (05/12)
- III-C-4.0 (03/07)
- II-G-1.0 (03/06)

Effective Date:

02/01/2021

Date of Last

Review/Revision:

None

Related Standards and References:

- [ORS 417.010](#) through ORS 417.080 (Interstate Compact for Juveniles)
- [OAR 416-115](#) (Interstate Compact)
- [Interstate Commission for Juveniles \(ICJ\) Rules](#)
- [Interstate Commission for Juveniles](#)
- [OYA policy](#): III-D-2.1 Youth Transports and Escorts within the Community
- JJIS policy: [Interstate Compact on Juveniles - ICJ](#)
- [OYA form](#): YA 2228 (Travel Expense Sheet)
- Interstate Commission for Juveniles ([ICJ forms](#))

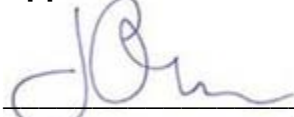
Related Procedures:

- [COM III-C-4.0](#) Interstate Compact for Juveniles

Policy Owner:

Community Services Assistant Director

Approved:


 Joseph O'Leary, Director

I. PURPOSE:

This policy provides guidelines for OYA staff when conducting the authorized transfer of supervision and care, and the return of juveniles from one state to another as governed by the Interstate Compact for Juveniles (ICJ or Compact).

II. POLICY DEFINITIONS:

Abscorder: A juvenile on probation or parole who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Accused delinquent: A person charged with an offense, if committed by an adult would be a criminal offense.

Demanding state: The state seeking the return of a juvenile with or without delinquency charges.

Deputy compact administrator (DCA): An Oregon Youth Authority employee who serves as the general coordinator of activities, rules and policies developed to carry out the terms and provisions of the ICJ.

Escapee: A juvenile who has made an unauthorized flight from in-custody status or a facility to which the juvenile has been committed by a lawful authority.

Escort: The staff responsible for supervising and accompanying the youth during an ICJ transport.

Holding state: The state where the juvenile is located.

Home state: The state where the legal guardian or custodial agency is located.

Interstate Compact for Juveniles (ICJ or Compact): The agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

Juvenile: Any person defined as a juvenile in any member state or by the rules of the Interstate Commission.

ICJ commissioner: The assistant director of Community Services is appointed by the OYA director to serve as the general coordinator of activities, rules and policies developed to carry out the terms and provisions of the ICJ for Oregon. The ICJ commissioner or designee is the voting representative for the state of Oregon with the Interstate Commission for Juveniles.

Oregon ICJ Office: Oregon Youth Authority employees assigned to ICJ, including the deputy compact administrator and an ICJ support staff, who carry out activities and duties in compliance with OYA policy, Oregon Administrative Rules (OAR), and ICJ laws, rules, and procedures.

Receiving state: A state to which a youth is sent for supervision under provisions of the Compact.

Referral packet: The initial documentation, including ICJ forms, necessary to request ICJ services.

Sending state: A state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the Compact.

Youth: A person in the legal and physical custody of OYA, either in an OYA facility or placed in the community under supervision.

III. POLICY:

As a member of the Compact, the State of Oregon through the Oregon Youth Authority cooperates with other member states to promote, develop, and facilitate a uniform standard that provides for the welfare and protection of juveniles,

victims, and the public.

This policy provides general standards for staff applying ICJ to youth subject to the terms of the Compact. Specifically, this policy provides a course of action when requesting supervision services from another state, providing supervision to a youth from another state, the return of absconders and escapees, and special circumstances that pertain to executing the Compact.

IV. GENERAL STANDARDS:

A. Interstate Compact for Juveniles in Oregon

1. ICJ applies to all juveniles subject to some form of supervision designated by the juvenile's home state, and are in one of the following categories:
 - a) A juvenile charged with an offense that if committed by an adult would or would not be a criminal offense;
 - b) A juvenile adjudicated on an offense that would or would not be a criminal offense if committed by an adult; or
 - c) A juvenile subject to the jurisdiction of their home state and under some form of supervision but has not been charged or adjudicated as a status offender or delinquent.
2. The DCA must provide interpretation of the Compact and coordinate all referrals or requests to:
 - a) Permit out-of-state supervision of a youth when eligible for parole or probation;
 - b) Monitor ICJ compliance on transfer of supervision cases;
 - c) Coordinate the return of absconders, escapees, accused delinquent, and runaways to their home state;
 - d) Return juveniles to their home state when the ICJ placement has failed; and
 - e) Manage travel permits for juveniles from Oregon or sending states.
3. All communication between states on Compact cases, whether verbal or written, must be between the respective ICJ offices.
 - a) OYA staff must have prior approval from the Oregon ICJ Office to communicate with out of state Compact jurisdictions for a specific purpose.
 - b) Staff must follow the rules and policies of the receiving state

regarding release of confidential information. Any questions concerning the release of confidential information may be directed to the ICJ Commissioner or DCA.

4. All transfers under the ICJ are transfers of supervision only. Jurisdiction remains with the sending state.

B. Standards for OYA staff

1. Sending a youth to another state

- a) A youth's juvenile parole/probation officer (JPPO) may initiate a request for supervision to another state by completing an ICJ referral packet as outlined in [ICJ rules](#) (Rule 4-102: Sending and Receiving Referrals and Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders).
- b) The JPPO must email a completed referral packet to the Oregon ICJ Office.
- c) Only the receiving state's ICJ office has the authority to accept or deny supervision of a juvenile by that state.
- d) The Oregon ICJ Office must notify the JPPO when the referral has been accepted or denied by the receiving state. A copy of the completed home evaluation must be forwarded to the JPPO with the receiving state's reporting requirements (ICJ Form V) attached.
- e) The JPPO must notify the Oregon ICJ Office at least five working days before a youth departs to a receiving state.

2. Receiving a youth from another state

The Oregon ICJ Office must forward requests for home evaluations from a sending state to the appropriate OYA field supervisor for assignment.

- a) OYA staff will complete home evaluations for juveniles on parole using [ICJ Form VIII](#) (Home Evaluation).
- b) The field supervisor must ensure the home evaluation is completed within 30 days of receiving the request. The completed evaluation must be emailed to the ICJ Office.
- c) If Compact supervision is approved, the field supervisor must designate a JPPO responsible for supervising the juvenile. The JPPO must be identified in the home evaluation report.

3. Supervision

- a) JPPOs must supervise Compact youth in the following manner:
- (1) The JPPO must complete an OYA Risk Needs Assessment (RNA) within 30 days of the youth's placement in Oregon. The RNA will verify the youth's risk and treatment needs.
 - (2) The sending state is financially responsible for treatment services it requires if those services cannot be paid by other means.
 - (a) The JPPO must work with the youth's family to pursue the following alternative resources:
 - (i) Funding from third party insurance (i.e. private insurance);
 - (ii) Additional resources from the youth's family; or
 - (iii) Medicaid (e.g., Oregon Health Plan).
 - (b) The JPPO must report to the Oregon ICJ office the lack of available resources. The Oregon ICJ office must contact the sending state to establish funding.
 - (3) The risk and treatment needs must drive the youth's level of supervision. The JPPO must have a minimum of monthly face-to-face contact with the youth.
 - (4) The JPPO must complete the [ICJ Form IX](#) (Quarterly Progress, Violation, or Absconder Report) at least 15 days before the quarterly progress date and e-mail to the Oregon ICJ Office. The ICJ office will ensure the reports are distributed to the sending state no later than every 90 days.
 - (a) Violations that require the sending state to make a decision about supervision status must be reported to the sending state using the ICJ Form IX (marked violation). Details of the violation must be included in the report with any supporting documents.
 - (b) Abscond from supervision must be reported to the sending state using the ICJ Form IX (marked abscond) immediately upon discovery. The circumstances of abscond and any

attempts to locate the youth must be included along with any supporting documents.

(5) Field supervisors must perform quarterly audits of all ICJ transfer cases.

(a) Staff must document the youth's criminal history and important contact information in JJIS.

(b) JJIS policy and OYA field procedure COM III-C-4.0 describe the location and type of information to be entered into JJIS.

b) The sending state has sole authority to discharge/terminate supervision.

The JPPO may submit a request to the Oregon ICJ Office for the sending state to release the youth from supervision.

4. Travel Permits

a) The JPPO must use the [ICJ Form VII](#) (Out-of-State Travel Permit and Agreement to Return) to document travel permits. The form must be signed by the youth, JPPO, and field supervisor. **Travel may not exceed 90 days.**

b) The JPPO must ensure instructions for the youth to maintain contact with the JPPO are on the ICJ Form VII if the planned travel exceeds 30 calendar days.

c) Signed travel permits must be emailed to the Oregon ICJ Office for review and authorization by the ICJ commissioner or designee.

d) Travel permits must be submitted at least **five business days** prior to the travel date to allow adequate time for the authorization by the sending and receiving states. Exceptions may be made for emergency situations only and must be thoroughly documented.

e) Approved travel permits will be returned to the JPPO and field supervisor via e-mail.

f) Travel permits may be issued under the following circumstances:

(1) Vacation/Visit Only: Travel to another state in excess of 24 consecutive hours (e.g., visit with relatives, vacation, school, work).

A safety and supervision plan must be submitted with any travel permit issued for seven days or longer.

- (2) Visit for Testing Residence: Relocation to another state prior to the submission and approval of the ICJ request for transfer of supervision. These permits will only be approved on a case-by-case basis.

The ICJ referral packet must be submitted to the Oregon ICJ Office within two weeks after the youth's departure to the receiving state.

5. Sex Offense Cases

- a) Juveniles with sex offense charges must not transfer to another state before the receiving state has notified the Oregon ICJ Office that supervision has been approved.
- b) Staff must notify youth with sex offense charges (including those traveling to another state on a travel permit) that they must abide by the registration laws in the receiving state. Youth who fail to register are subject to the laws of the receiving state.
- c) Staff must ensure referrals for supervision on OYA youth with sex offense charges clearly delineate treatment services and monitoring conditions.
- d) Staff must follow statutorily-mandated progress reporting requirements of the sending state that exceed the frequency of quarterly progress reports.
- e) Travel permits for youth with sex offense charges must be sent by the Oregon ICJ Office to the receiving state at least two full business days prior to the youth's departure.

6. Warrants

- a) Parole and probation staff who are notified that an OYA youth has been placed in custody outside of Oregon pursuant to a warrant or detainer must notify the Oregon ICJ Office the next business day.
- b) Upon receiving notification of an OYA youth's custody status in another state, the Oregon ICJ Office must notify the holding state the same business day to determine if the detainer will be honored.
- c) The Oregon ICJ Office must coordinate with the holding state to ensure the return of the youth within five working days of the youth's due process rights being met.

- d) Holding states are not reimbursed for costs related to the detention of youth unless the home/demanding state's ICJ office has not demonstrated a good faith effort to affect the return of the youth within five working days.

7. Return of escaped/absconded youth to Oregon

- a) When an escaped or absconded youth is apprehended in another state, the Oregon ICJ Office must contact the appropriate field supervisor.
- b) The Oregon ICJ Office is responsible for coordinating the return of the youth with the holding state including arranging travel for the youth and escorting staff.

The Oregon ICJ Office must provide a travel itinerary for the JPPO or designee executing the transport.

- c) The Oregon ICJ Office, in consultation with the field supervisor, must determine if the youth is to be escorted during the transport and the needed level of security.
- d) Commercial airline return
 - (1) Staff must follow OYA policy III-D-2.1 (Youth Transports and Escorts within the Community) section IV.F. (Secure Commercial Airline Transports).
 - (2) Staff must carry the following types of youth identification in a temporary secure transport file to assist in identifying the youth during air travel:
 - (i) Photo identification if available;
 - (ii) Notarized OYA JJIS Face Sheet with photo;
 - (iii) ICJ Form III (Consent for Voluntary Return of Out-of-state Juvenile), approved requisition forms, or equivalent adult waiver of extradition; and
 - (iv) Any other available identification documents (e.g., birth certificate, social security card, school identification).
 - (3) Transporting staff may not reschedule any flights or modify the youth's transport/travel plans without prior approval from the Oregon ICJ Office.
- e) If there are any problems or issues during the return

transport, staff are required to contact the Oregon ICJ Office immediately for assistance.

- f) If a youth absconds during a transport, the transporting staff must immediately notify:
 - (1) Airport security or local law enforcement;
 - (2) DCA or ICJ Commissioner; and
 - (3) Field supervisor.
- g) OYA is responsible for transportation costs incurred in returning the youth.
 - (1) Travel expenses (e.g., lodging and meals) are reimbursed through the Compact and will be paid according to current collective bargaining agreements and state travel policy.
 - (2) Staff must submit a YA 2228 b (Travel Expense Sheet) for expense reimbursement.
 - (3) Wages and overtime are the responsibility of OYA and must be approved by the field supervisor according to current collective bargaining agreements and state policy.

8. Custody Transfer

Holding states are responsible for transporting the youth to the nearest local airport or other means of transportation as arranged by the ICJ offices.

- a) OYA staff who are transporting youth must maintain custody and supervision of the youth from arrival to departure.
- b) The Oregon ICJ Office must ensure the following information is provided to the other state's ICJ office and Oregon's transport staff:
 - (1) A description of the youth's behavior while in custody;
 - (2) A description of any mental health issues, particularly suicidal behavior, concerning the youth while in the holding state's care;
 - (3) A description of any health concerns; and
 - (4) A description of any perceived risks to the safety of the escort or youth during the transport.

- c) OYA staff assuming custody of a youth in a holding state must show the staff member's official OYA photo identification to the holding state escort prior to assuming custody.

9. Release of Information

- a) Staff must follow OYA Policy I-E-2.3 (Request for Youth Information and Records) when releasing information requested on youth under ICJ supervision by OYA in Oregon.
- b) Staff must follow the same procedures for youth under ICJ supervision as they do for youth in the legal custody of OYA when sharing information about youth during the performance of their duties (e.g., school notification).

V. GENERAL OYA PROCEDURE REQUIRED: YES

The general procedure addresses staff roles regarding:

- A. Requests for supervision outside of Oregon;
- B. Travel permits for vacation/visit; visit testing residence permits; and
- C. Requests for supervision in Oregon.

VI. LOCAL OPERATING PROTOCOL REQUIRED: NO