

JUVENILE COURT
POLICY/PROCEDURE

**GUIDELINES FOR
RECEPTION CENTER INTAKE**

INTRODUCTION

The guidelines established in this policy are established for the purpose of guiding decisions made by staff of the Juvenile Reception Center pursuant to §48.067(1)-(5) for juveniles referred for alleged delinquent activity.

GUIDELINES

In addition to the statutory language of §938.205, 938.207, and 938.208 which provide the basic criteria relative to making initial physical custody decisions, the following guidelines shall be applied to those decisions:

Juveniles referred for the following offenses, but not limited to the following, offenses **shall** be determined presumed by the intake worker to pose a substantial risk of physical harm to another and **shall** be placed in Secure Custody pending a review by the Court:

- a. 1st degree intentional homicide (§940.01) or 1st degree reckless homicide (§940.02)
- b. Felony Murder (§940.03)
- c. 2nd Degree intentional homicide (§940.05)
- d. Armed Burglary (§943.10(2)(a))
- e. Possession with intent to deliver of crack cocaine, heroine, or cocaine.
- f. Possession/Use of a **dangerous weapon** as defined in §939.22(10):

"Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in §941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

- g. Battery which causes substantial or great bodily harm or a substantial risk of great bodily harm to a person age 62 years or older or a person who is disabled (§940.19(2)-(6)).
- h. Mayhem (§940.21)
- i. 1st Degree Sexual Assault (§940.225(1))
- j. Kidnapping (§940.31)
- k. Discharging firearm from automobile or in parking lot if aimed toward another person, any building, or other vehicle. (§941.20(3))

- l. Arson to building (§943.02(1)) if the arson is to the dwelling or property of another or to any other building of another in which there was a substantial risk of harm to another.
- m. Carjacking while possessing a dangerous weapon and causing great bodily harm or causing death (§943.23(1g)(1m), & (1r)).
- n. Armed robbery by use/threat of a dangerous weapon (§943.32(2))
- o. Harassment as a 2nd or subsequent harassment offense with threat of death/great bodily harm or with threat of death/great bodily harm based on information obtained electronically (§947.013(1t),(1v), or (1x)).

Note: There may be other delinquent offenses in which a juvenile poses a substantial risk of physical harm to another or otherwise may meet the criteria for placement in secure custody under §938.208. Those juveniles may be referred for intake at the discretion of law enforcement and held/not held in secure custody at the discretion of Juvenile Reception Center Counselors.

EXCEPTIONS

Exceptions to the presumption that juveniles referred for the above offenses will be held in secure custody may be made only upon approval by the Reception Center Supervisor or Juvenile Court Administrator and then only when the circumstances presented lead to the conclusion that it is detrimental to the best interests of the juvenile and that not holding the juvenile in secure custody does not endanger the public safety.