

JUVENILE COURT
POLICY/PROCEDURE

**SHORT-TERM DETENTION
FOR VIOLATION OF ORDER**

**NOTE: DUE TO CHANGES IN THE JUVENILE CODE, THIS POLICY IS
SUSPENDED**

INTRODUCTION

Pursuant to §938.355(6d) and subject to any general written policies adopted by the court or county board, a juvenile who has been adjudged delinquent violates a conditions set forth in the court order, the juvenile's caseworker may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility or nonsecure custody for not more than 72 hours while the alleged violation is being investigated.

The use of Non-Secure custody under this statute is **not** approved.

POLICY

A. Juveniles Eligible for Secure Custody:

Juveniles for whom this action may be taken are only those placed in one of the designated intensive supervision programs of:

- Community Adolescent Programs (CAP) Supervision
- Neighborhood Intervention Program Right Track Second Chance (Report Center)
- Neighborhood Intervention Program Intensive Supervision Program (ISP)
- Division of Juvenile Corrections Corrective Sanctions Program
- Home Detention for juveniles **accepted** into but awaiting placement in one of the above programs

The designated programs shall provide Juvenile Reception Center with a current list of juveniles assigned to the program(s).

B. Definition of Caseworker:

For purposes of this policy only, "caseworker" is defined as the provider agency staff member responsible for supervising/monitoring the juvenile's compliance with program expectations. Each agency shall provide the Juvenile Reception Center with a current list of staff approved to take this action and a policy indicating the internal agency process for securing appropriate supervisory approval within the agency.

C. Conditions in which this action may be taken:

Juveniles in one of the designated programs may only be taken into custody and held in Detention for purposes of ensuring safety for the community and/or the juvenile's availability for investigation of the violation it is **necessary** to hold the juvenile in detention and one/more of the following apply:

1. In the event the juvenile is apprehended by law enforcement for alleged involvement in a **new delinquent offense**.
 - a. If referred to JRC by law enforcement, JRC will proceed normally with gathering information and making an intake/custody decision. If a decision is made to continue custody, a physical custody hearing will be scheduled per normal policy. A collateral contact will be made with the designated agency to review whether they wish to hold the juvenile in secure custody under §98.355(6d).
 - b. If the juvenile has been released by law enforcement, the caseworker may take the juvenile in custody and place them in Detention only if the conditions related to public safety or the unavailability of the juvenile are met or it is otherwise necessary to separate the juvenile from other juveniles or their current environment during the period of investigation.
2. In the event of non-delinquent behavior that is significantly disruptive to the program or poses a potential danger to the community and the requirements for ensuring public safety and/or the availability of the juvenile for purposes of investigation are met.
3. As the result of reliable information obtained by the caseworker there is sufficient concern that the juvenile may pose a risk of harm to others or running away so as to be unavailable for contact and resolution of the concerns by the agency/caseworker.

In **all** instances, the apprehension and use of secure custody should occur as immediately as possible after the violation(s)/incident(s) occur and it is determined by the caseworker that the criteria above are met.

In **all** cases, the juvenile shall have been provided with the proper **notice** of the potential of this action, either by the court or by the social worker/caseworker explaining this possibility to the juvenile and obtaining the juvenile's signature on a form acceptable to the court. A copy of either the court order or the signed acknowledgement must be provided to JRC prior to the juvenile being held in secure custody.

Operational procedures related to the processes outlined above between JRC and the related agency shall be developed by JRC, Human Services, and the agencies.

D. Taking into Custody

The operational procedures developed by JRC and the related agencies shall include a process for JRC providing assistance in seeking law enforcement apprehension of a juvenile for whom the agency may not be able to safely take the juvenile into custody or when the juvenile has run away or may run away so as to be unavailable for apprehension.

E. Definition of Investigation

For purposes of this policy/procedure, investigation refers to actions taken by the caseworker to gather information related to the alleged violation(s)/incident(s) and/or information gathered from the juvenile, parent, or other involved party as may be necessary to determine a course of action consistent with the disposition and the need to reasonably ensure public safety.

F. Process of Investigation

In all cases the caseworker is to begin their investigation upon learning of the violation(s)/incident(s) and conclude the investigation as soon as practicable, depending on the availability of information.

G. Release of the Juvenile

The juvenile shall be released from secure custody as soon as possible after the caseworker has completed the investigation. The juvenile shall be released within 72 hours of admission unless a request for a custody hearing is held at the request (made within 48 hours of decision to hold the juvenile) of the caseworker within that 72 hours and the order for secure custody is continued by the court. Release of the juvenile may be made to the caseworker, parent, other responsible adult as approved by the caseworker, or if the juvenile is age 15 or over may be released to himself/herself.

EXCEPTIONS/COMMENTS

None.