

JUVENILE COURT
POLICY/PROCEDURE

**RUNAWAYS FROM OUT OF COUNTY
INTAKE**

POLICY

A youth placed out of Dane County by the Court in residential treatment, group home, foster care, or other authorized placement may be considered a runaway from another county and held in secure custody pending return to their placement if the following criteria have been met:

1. The child has run away from the placement or fails to return after a "home visit"
2. The child has been alleged or adjudged to be delinquent
3. Probably cause exists to believe the child would run away from non-secure custody pending his or her return

Pursuant to §938.208 a child may be held in secure custody under this section for no more than 24 hours unless an extension of 24 hours is ordered by the **judge** for good cause shown. Only one extension may be ordered by the judge.

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JUVENILE DETENTION POPULATION LIMIT(S)

POLICY

The maximum limit of juveniles who are housed in the Juvenile Detention Center shall not exceed twenty-four (24), except in the event of an emergency, the number shall not exceed twenty-four (24) for longer than seventy-two hours.

The Juvenile Court Administrator is authorized to contract with and place juveniles with other counties having suitable secured juvenile facilities for placement of Dane County juveniles who are in secure custody and affected by this policy.

Juvenile Reception Center will develop and maintain procedures related to this policy, such procedures subject to the approval of the Presiding Juvenile Judge.

PROCEDURE

The seventy-two hour time period starts at the time a 25th juvenile is placed in Detention and stops at such time as the population again reaches 24 or less.

The Juvenile Court Administrator will notify the Presiding Juvenile Judge and the other Juvenile Court Judges if exceptions are necessary to this policy.

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**JUVENILE TRAFFIC SENTENCES
SERVED IN DETENTION**

POLICY

Unless otherwise ordered by the Court, juveniles committed to serve time in Detention as the result of a traffic offense may receive credit for time served and earn "good time" in the manner outlined in the Procedure below.

PROCEDURE

Similar to policies and practices of the Dane County Jail, juveniles committed to serve time in Detention as the result of a traffic offense will have their time counted in the following manner:

1. They receive credit for a full day served for any day on which they serve at least six hours. Therefore, to receive credit for the day on which they are admitted, they must check in before 6:00 p.m.
2. They will receive credit for a full day served on their date of release. All releases will take place between 6:00-9:00 a.m. depending on what release arrangements are made through JRC.
3. Juveniles may receive "good time" on a 1/4 time basis, so the juvenile may reduce their sentence by a day for each 4 days served. Serving two days may result in the earning of a "half-day" credit in which case the juvenile may be released between 6-9 p.m.. The earning of "good time" by a juvenile assumes that they are in general compliance with behavioral expectations in Detention. A recommendation that the juvenile not receive good time credit may be made by the Detention Supervisor to the Supervisor of Reception Center.

Also, similar to prior Jail practice, juveniles who have verified employment or school attendance requirements may be released for the purpose of work or school as follows:

1. Authorization for "Huber"-type privileges must be included in the order of the court before any release is permitted. In the absence of such an order and in the event of a determination by program staff that the juvenile has verified school/work

- requirements, JRC staff may request that the order be amended to provide for that release after notifying the DA of the intent to do so.
2. Initial verification and subsequent monitoring of employment or school attendance will be done by Detention staff, with information provided to JRC.
 3. In the event of a violation of the release conditions, the Detention staff member(s) and JRC Counselor on duty at the time **shall** consider suspension of the release privilege and the JRC Counselor may suspend the release privilege pending review by the JRC Supervisor or designee. Suspension of release privileges may also occur as the result of any significant behavioral problems in Detention. All violations shall be documented by an Incident Report and include a Recommended Action and referred to the JRC Supervisor for review and action. Final revocation of the privilege may be done by the Supervisor or designee. Any appeal of that decision must be directed to the Court/Judge issuing the Order for Commitment.

EXCEPTIONS/COMMENTS

Note that the calculation of time served related to traffic offenses is not the same as that used for the time served for Sanctions.

Any exceptions or modifications of the above must be approved by the JRC Supervisor, Juvenile Court Administrator, or the Court issuing the order.

Note that commitment to Detention may be made by a Circuit Court Judge or Commissioner for a variety of traffic-related offenses, in which case the Court will issue an Order for Commitment and/or an Arrest Warrant which directs law enforcement to either collect the fine or bring the person to the Dane County Jail ("old" language that is still on the warrant) for a specified number of days.

Commitment to Detention by a Municipal Court may be made only in very limited circumstances (See **Use of Detention by Municipal Court(s)**).

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.

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USE OF DETENTION BY MUNICIPAL COURT(S)

POLICY

The placement of juveniles in Detention by Municipal Courts may be made only in the event of non-payment of second or subsequent offense traffic citations only. Any order entered by a Municipal Court placing a juvenile in Detention must include the following information:

1. A specific finding that this is a second or subsequent offense traffic matter and that the use of Detention is for the non-payment of a fine previously entered by the court.
2. The amount of the fine plus any costs due and the specific number of days credit, at a minimum of \$25/day credit.
3. A specific finding that the court determined that the juvenile had the ability to pay the fine from his/her own funds within 12 months and failed to do so.
4. A specific finding that the original order setting the amount of fine included a disposition notifying the juvenile of the specific number of days of detention that would be imposed for failure to pay the fine plus costs.

The placement of juveniles in Detention as the result of any other municipal violation, request, or order to pay entered by the municipal court is not permitted.

JUVENILE COURT
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**TEMPORARY RELEASES FOR JUVENILES IN DETENTION
FOR MEDICAL REASONS**

POLICY

Unless otherwise authorized by the court, juveniles in Detention who need medical attention outside the facility will be transported to their appointment by deputies from the Sheriff's Department.

PROCEDURE

Upon a determination by medical personnel serving juveniles in the Detention facility and/or the Detention Supervisor or designee, an appointment will be scheduled by Detention staff as far ahead of time as possible but in a manner which does not in any way endanger the health or safety of the juvenile or others in the facility.

Detention staff will notify JRC of the appointment time and location, and JRC will prepare a Transport Order for the Sheriff's Department to transport the juvenile to the appointment. The order will be prepared as soon as possible and will include the date, time, and location of the appointment. JRC will also make verbal contact with the Sheriff's Department to inform them of the pending order. Upon preparation of the order, the order will be given to a Juvenile Court Commissioner for approval and then copies provided to the Sheriff's Department as needed.

EXCEPTIONS

There are some circumstances in which the above process is not applicable:

1. For juveniles needing emergency medical attention in which it is not timely to obtain a formal Transport Order, a request for transportation will be made verbally to the Sheriff's Department and/or the EMS system. Only in the event of a life-threatening situation may a juvenile not otherwise authorized by this policy or the Court be transported to an emergency medical facility without law enforcement supervision.
2. For juveniles who otherwise have current authorization for temporary releases from detention for the purpose of attending school, being out with parents or staff, pre-placement or other appointments with the social worker, etc., Detention staff may arrange for the medical release with an approved party. For example, if the court has already authorized TR's accompanied by parents, Detention may arrange for a parent to accompany the juvenile to a medical appointment; a juvenile granted temporary releases for attending school may be accompanied to an appointment by a parent or other party as approved by the Detention Supervisor. This exception does not apply to juveniles who have been granted TR privileges only for the purpose of pre-placement interviews or visits.

3. For juveniles for whom a community placement is imminent, the appointment may be made for a time beyond when the juvenile is expected to be in Detention. If that is not medically advisable, the request to the Commissioner will be for authorization for a parent or other non-law enforcement party to transport the juvenile (e.g. detention staff, social worker, etc.). Should the Commissioner decide that the juvenile requires law enforcement transport, he/she may so order.
4. For juveniles placed in Detention on Sanctions, the Detention Superintendent or Juvenile Court Administrator may authorize temporary releases to a parent, social worker, or other responsible party for purposes of seeking medical, mental health, or dental services.

JUVENILE COURT
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**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.