

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 18-8	Policy # 20.11
Applicability: { } All DJJ Staff { } Administration {x} Community Services { } Secure Facilities	Related Standards & References: O.C.G.A. §§15-11-10, 15-11-500, 15-11-502, 15-11-503, 15-11-504, 15-11-505, 15-11-507, 15-11-560 3-JDF-1A-04-1, 3-JDF-1A-08, 09, 3-JDF-5A-03, 3-JDF-5A-14, 3-JDF-5A-06, 3-JDF-5A-04, 3-JDF-5A-07, 3-JDF-5A-08, 3-JDF-5A-09, 3-JDF-5A-10, 3-JDF-5A-13 Uniform Rules for Juvenile Courts in Georgia DJJ 11.1	
Chapter 20: COMMUNITY CASE MANAGEMENT	Effective Date: 4/20/18 Schedule Review Date: 4/20/19 Replaces: 8/1/17 Division of Community Services APPROVED:  _____ Avery D. Niles, Commissioner	
Subject: DETENTION DECISION		
Attachments: A – Detention Assessment Instrument B – Notice of Detention C – Notice of Right to Bail D – Application for Bond		

I. POLICY:

To ensure consistency in the detention assessment and decision making process, all detention decisions will be guided by the Detention Assessment Instrument.

II. DEFINITIONS:

Alternative Detention Program: A non-secure placement and/or program in which the youth has restrictions or conditions placed on his/her liberties and freedom by court order such as, but not limited to, placement in a non-secure detention shelter, housebound detention, short-term stay in a contract home, tracking, electronic monitoring with or without another detention alternative program.

Conditional Supervised Release: The release of a youth from custody or secure detention pending further action by the court with conditions or restrictions.

Detention: The placement of a youth in a secure facility or an alternative detention program.

Detention Assessment Instrument (DAI): A validated objective risk assessment used to make informed detention decisions using the youth's current and past offense(s) and risk behaviors to determine the youth's need for secure detention, non-secure detention, conditional supervised release or unconditional release pending further juvenile court action or administrative revocation.

Detention Decision: A determination made by the intake officer regarding a youth's need for secure detention, unconditional release, or conditional supervised release. A decision made in

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accordance with the Georgia Juvenile Court Code regarding when detention is permitted; when interim control of accused youth is permitted; the procedure on taking a youth into custody; the detention of a youth; and the release of a youth where detention is not warranted.

Juvenile Court Intake Officer: Department of Juvenile Justice probation staff designated by a court order to be on-duty or on-call for the purpose of determining whether any youth (under the juvenile court jurisdiction) taken into custody should be released or detained and, if detained, the appropriate place of detention. A superior or juvenile court judge is responsible for designating one of the above persons to be on-duty or on-call as an intake officer during each 24-hour period. (For independent courts, the Juvenile Court Intake Officer is an employee of the county.)

Unconditional Release: The release of a youth from custody or secure detention pending further action by the court without any conditions or restrictions.

III. PROCEDURES:

- A. Juvenile Court Intake Officers will use the Detention Assessment Instrument (Attachment A) to guide all detention decisions.
- B. Completion of the Detention Assessment Instrument (DAI)
 1. The DAI will be completed once per detention incident. The DAI will be entered into the Juvenile Tracking System (JTS) within 24 hours of the youth's initial detention in a RYDC. The DAI will only be completed when the Intake Officer makes the initial detention decision or the court initially detains a youth. The DAI will not be updated after the court enters an order for detention for a youth already in detention, continuation, commitment, etc. or for transfers between secure facilities.)
 2. Youth who score low or medium on the DAI should not be considered for secure detention unless there are aggravating circumstances (as specified on the DAI) or local court procedures which mandate detention.
 3. Youth scoring low or medium should be provided the least restrictive and most appropriate non-secure detention alternative or, where feasible, unconditionally released.
 4. Youth scoring 12 or higher on the DAI will require secure detention, unless there are mitigating circumstances as defined by the DAI. Judicial concurrence will be sought before releasing any youth detained on charges by the local court or its designated intake staff.
 5. Detention of any offender

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6. Any aggravating or mitigating circumstances must be thoroughly documented on the DAI.
 7. When a court order for Detention or Warrant, is issued, this document signifies that a detention decision has been made by the parties initiating and signing the document.
 8. For Orders of Apprehension and Confinement of a Juvenile (4056), the DAI will be completed at the time an Order for Apprehension and Confinement of a Juvenile is issued and the score will drive the placement of the youth following apprehension. If a youth is detained more than 24 hours after the 4056 was originally requested, another DAI must be completed at the time of detention.
 9. The Juvenile Court Intake Officer may be required to arrange or assist in arranging the logistics of a youth's detention and to notify the court or appropriate Department staff of a youth's detention. Detention may occur in a secure facility or alternative.
- C. If the youth is 13 years of age or older, the following offenses fall under the original jurisdiction of the Superior Court and law enforcement should contact the district attorney's office:
1. Aggravated child molestation;
 2. Aggravated sexual battery;
 3. Aggravated sodomy;
 4. Armed robbery with a firearm;
 5. Murder;
 6. Rape;
 7. Voluntary manslaughter;
 8. Hijacking a Motor Vehicle in the 1st Degree;
 9. Aggravated assault with a firearm against a peace or correctional officer; or
 10. Aggravated battery against a peace or correctional officer.

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- D. Juvenile court intake officers will authorize secure detention on youth handled through Interstate Compact as runaways from another state or those with pending warrants from another state.
- E. Restraints on the freedom of an accused youth prior to adjudication will be imposed only when there is probable cause to believe that the accused youth did the act of which he/she is accused and there is clear and convincing evidence that the youth's freedom should be restricted.
 - 1. Youth taken into custody will not be detained in a secure detention facility prior to a hearing on the petition unless:
 - a) Such youth's detention or care is required to reduce the likelihood that he or she may inflict serious bodily harm on others during the interim period;
 - b) Such youth has demonstrated pattern of theft or destruction of property such that detention is required to protect the property of others;
 - c) Such youth's detention is necessary to secure his or her presence in court to protect the jurisdiction and processes of the court; or
 - d) An order for such youth's detention has been made by the court.
 - 2. Interim control or detention will not be imposed upon an accused youth to:
 - a) Punish, treat, or rehabilitate the youth;
 - b) Allow his or her parent, guardian, or legal custodian to avoid their legal responsibilities;
 - c) Satisfy demands by a victim, the police, or the community;
 - d) Permit more convenient administrative access to the youth;
 - e) Facilitate further interrogation or investigation; or
 - f) Due to lack of a more appropriate facility.
- F. Every effort will be made by the Juvenile Court Intake Officer to conduct intakes in a face to face manner. Law enforcement and the parent/legal guardian should be included to the extent possible.
 - 1. Face to face intake is not required in the following circumstances: (If mitigating circumstances exist, then a face to face meeting should be considered and judicial concurrence pursued.)

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- a) The youth is being detained pursuant to an Order for Apprehension and Confinement of Juvenile (4056);
 - b) There is a juvenile warrant issued by the court;
 - c) The youth is charged with any single offense (class A or B Designated Felony) that scored alone is 12 or more on the Detention Assessment Instrument;
 - d) The youth is charged with an offense for which the juvenile court judge has issued a standing order to detain;
 - e) The youth is a resident of another state and is being detained under Interstate Compact rules; or
 - f) The detention decision is being made after 9:00 PM.
- G. When the intake officer determines that the youth does not require secure detention, he/she will arrange for the youth's release to his/her parents, guardian, legal custodian or other person able to provide supervision and care for his return to the court when required.
- H. When the juvenile court intake officer determines that it is appropriate to detain a youth, he/she will arrange for the youth to be transported to the Regional Youth Detention Center (RYDC) according to local practice and procedures.
 - 1. Youth who are urgently in need of medical attention will require written medical clearance from a community medical facility's physician. (See DJJ 11.1, Medical Intake Screening)
 - 2. The juvenile court intake officer will notify the RYDC of the secure detention decision. The intake officer will also advise the RYDC of information such as medication status, behavioral observations, and any known or suspected problems.
 - 3. The intake officer will notify the parent, guardian or legal custodian of the youth's charges, the reason for detention, the place of detention as well as the address and phone number of the detention facility. If known, the court hearing date and time will be provided to the parents, guardian or legal custodian at this time. Written confirmation of this information will be signed by the juvenile court intake officer and given to the parent preferably at the time of youth's detention but no later than the next working day. If the parent, guardian or legal custodian is not present or available, the written confirmation will be mailed the next working day. The Notice of Detention (Attachment B) will be used for the written confirmation.

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4. The intake officer will place a copy of the Notice of Detention (Attachment B) and any other relevant information documenting the intake officer's contacts and decision in the youth's case record.
 5. Each office will have the Notice of Right to Bail (Attachment C) posted in a prominent location easily accessible to youth and parents/guardians.
 6. The Application for Bond (Attachment D) will be used for youth who request bail.
 7. For alleged delinquent youth, the detention hearing should be held no later than two business days unless the youth was taken into custody pursuant to an arrest warrant, in which case the hearing should be held within five business days. For a Child in Need of Services (CHINS) youth, the hearing should be held within 24 hours, excluding weekend and holidays.
- I. Youth who are runaways due to abuse, neglect, or abandonment will not be placed in secure detention. The Department of Family and Children's Services and/or juvenile court will be contacted on these cases.
 - J. Case Expeditors will monitor the use of detention in accordance with DJJ 20.2, Detention Monitoring, to ensure that DAIs are completed for any youth placed in detention and that detention is utilized appropriately.

IV. LOCAL OPERATING PROCEDURES REQUIRED: YES

(Local Juvenile Court Operating Procedures will serve as Local Operating Procedures)