

**DETENTION AND ALTERNATIVES TO DETENTION**

**POLICY:**

It is the policy of Ada County Juvenile Court Services that no juveniles, including those charged with a violation of probation, are recommended for placement in Detention unless alternatives have been considered. ACJCS offers a variety of methods to intervene prior to placing a juvenile in Detention. Detention is an option when the juvenile poses a risk to the community or when there is little likelihood of a successful community adjustment.

Following is a continuum of alternatives to Detention for preadjudicated and adjudicated youth:

**PREADJUDICATED YOUTH**

---

Det. Release Order	In-Home Detention Order	Electronic Monitoring	Transitional Care	SAS	Detention
--------------------	-------------------------	-----------------------	-------------------	-----	-----------

**ADJUDICATED YOUTH**

---

Probation	Community Service Hours	Weekend Detention	Electronic Monitoring	Detention
	Restitution		In-Home Det.	Disc. Det.
	Counseling/Groups/Programs		WILD	
	Fees			
	Substance Abuse Services			

**CONDITIONAL DETENTIONAL RELEASE ORDER:**

(See Appendix Form 33)

**CRITERIA FOR CLIENT ELIGIBILITY:**

Preadjudicated juveniles who meet the Detention criteria or who are already in Detention, can be released on a Conditional Release Order to parent(s)/guardian:

Detention criteria:

The juvenile is charged with a crime that would be a felony if committed by an adult and one or more of the following circumstances are present:

- The crime is a crime of violence.
- The crime could reasonably have resulted in serious bodily injury or death to others.
- The crime demonstrates that the child has exhibited such a wanton and reckless disregard of the property rights of others that release of the child would more likely than not constitute a substantial risk to the community.

- The child is documented to have been adjudicated/Informal Adjustment of two or more delinquencies within the previous twelve months.
- The child has been adjudicated on one or more felonies and is presently on a felony probation/Informal Adjustment.

The juvenile is charged with a crime that would be a misdemeanor if committed by an adult and one or more of the following is present:

- The crime involved physical injury to another person or was a battery in a domestic situation.
- The crime demonstrates that the child has exhibited such a wanton and reckless disregard of the property rights of others that release of the child would more likely than not constitute a substantial risk to the community.
- The crime is an assault or battery of a sexual nature.
- The crime is a battery occurring within a 1000-foot distance from school property.
- The crime is a violation of Idaho Code 18.915 assault or battery upon certain personnel (a Judge, Prosecuting Attorney, Public Defender, Marshall, Sheriff, Police Officer, Correctional Officer, employee of the Department of Corrections).

Is charged with any felony possession of a controlled substance.

Is covered by any of the following circumstances:

- Is documented to be a fugitive or runaway from another jurisdiction.
- Is documented to be an escapee or absent without leave from a correctional institution operated by the State of Idaho or by any county in Idaho.
- Is the subject of a written order signed by a judge directing that the child be taken into custody and placed in detention.
- Has violated the law while under the conditions of a Detention Release, In-Home Detention, Electronic Monitoring, or DRC Order.
- Committed a felony crime in Ada County and has been placed under the jurisdiction of another county for a felony and documentation is provided by the arresting law enforcement agency.

**ADMISSION INTO THE PROGRAM:**

- The Magistrate, at a Detention Hearing or Detention Review Hearing, orders the juvenile to be placed on a Conditional Detention Release Order (see Appendix – Form 33). Signatures will be obtained by the juvenile, parent(s)/guardian and Magistrate. Options of release are: ROR (Release on Own Recognizance); Detention Release Order; In-Home Detention; Electronic Monitoring; Work in Lieu of Detention (WILD). Prior to the juvenile and parent(s)/guardian leaving the courtroom, they will receive a copy of the order.

### **SUPERVISION:**

- If the juvenile is on probation, the Probation Officer shall meet with the juvenile as often as the classification system warrants along with contacts made by the Community Supervision Officers. If the juvenile is not on probation, the Probation Officer will work in conjunction with the Community Supervision Officers who will provide direct monitoring of the Conditional Detention Release Order.

### **CONSEQUENCES:**

- Juveniles can be detained for any new misdemeanor or felony offenses filed after the signing of the Conditional Detention Release Order. The Police Officer shall call Detention to obtain clearance for Detention based on the new charge.

If the juvenile violates a term of the Order that does not constitute a new offense, the Probation Officer or the Community Supervision Officer has the discretion to work with the juvenile/parents to resolve the issue short of returning the juvenile to Detention. If the issue cannot be resolved, the Probation Officer or Community Supervision Officer can submit an affidavit to the Prosecuting Attorney requesting a Detention Order. The affidavit needs to state the date the Conditional Detention Release Order was signed, the violation(s) the juvenile has committed, and the recommendation for a return to Detention.

### **TERMINATION OF THE CONDITIONAL DETENTION RELEASE ORDER:**

Termination of the Conditional Detention Release Order can occur in one of two ways:

- The juvenile has violated the conditions of the Conditional Detention Release Order. Once the juvenile is detained, the Detention Officer shall pull the Conditional Detention Release Order and return it to the Probation Officer for placement in the file.
- The juvenile has attended a Sentencing Hearing or all petitions have been dismissed.

The Conditional Detention Release Order becomes inactive once a juvenile has been sentenced or all pending charges have been dismissed. In either of these situations, the Probation Officer shall fill out a "Detention Information" form reporting the date the juvenile's Conditional Detention Release Order expired. This form shall be given to the Detention Manager. A Detention Officer will then remove the copy of the Order from Detention and return it to the Probation Officer for placement in the file.

### **IN-HOME DETENTION:**

- In-Home Detention requires that the juvenile remain at home at all times except for pre-approved and scheduled absences. "Responsible adult supervision" will be determined on a case-by-case basis taking into consideration the severity of the charge or allegation,

family circumstances, past history (if any) with the Court, and other factors. In-Home Detention will always aim for 24-hour adult supervision, however, exceptions will be made. Exceptions include school, employment, or other pre-authorized activities, and in those cases the juvenile must provide verification of attendance as requested. If it is determined that there will be a period of time when the juvenile will not have adult supervision, or 24-hour supervision is not requested, the Community Supervision Officer or designee may arrange for a tracker or monitoring phone calls during the time. **EXCEPTIONS TO ADULT SUPERVISION MUST BE REQUESTED AND PRE-APPROVED.** The Community Supervision Officer will monitor juveniles closely to ensure compliance with conditions.

### **CRITERIA FOR CLIENT ELIGIBILITY:**

- Preadjudicated youth, ages 17 and under, who meet the Detention criteria or who are currently in Detention can be placed on In-Home Detention. In-Home Detention can also be used as a sentencing alternative.
- The juvenile and parent(s) are supportive of the program and agree to follow the rules and conditions set forth. The parent(s) must be willing to provide responsible adult supervision as requested in Court. The extend of supervision will be determined in Court, but generally entails ensuring that the client's whereabouts are known and being monitored at all times; ensuring compliance with the Court Orders to include arranging for youth to attend all Court appointments and obligations. The Community Supervision Program will assist parents/guardians with their supervision responsibilities, by performing visits to the clients in the field, in the office, or by monitoring the client by phone or by voice identification. Additionally, the Community Supervision Program will facilitate curfew calls and monitor movement calls as necessary. **EXPECTATIONS WILL BE MADE CLEAR IN THE ORIENTATION MEETING.**
- Juvenile should score a minimum of ten (10) on the RAI.
- At the Judge's discretion, juveniles who successfully complete In-Home Detention may be given credit for Detention time at the rate of 2 to 1 (credit for 1 day in Detention for every 2 days on In-Home Detention). No credit shall be given if they do not complete the program.

### **ADMISSION INTO THE PROGRAM:**

- It is determined that the juvenile has phone service and the parent/guardian can provide responsible adult supervision as established by the Court.
- The Placement Coordinator or Probation Officer submits an In-Home Detention Referral form to the Community Supervision Officer.
- The juvenile and family must have a residential phone line to ensure compliance and for movement calls when their departure from the home is necessary.
- The juvenile is ordered into the program by the Magistrate. The Court Order is given to the Community Supervision Officer who will monitor the case. The Community Supervision Officer will forward a copy of the order to Probation and Detention, as well as provide a copy of the order to the juvenile after the initial interview.

- During the orientation of rules and conditions following Court, the Community Supervision Officer will establish who will supervise the juvenile, discuss the conditions of In-Home Detention, determine appropriate reasons to leave the home i.e., school, work, counseling, etc. If the juvenile is being released from Detention, he/she will be dressed out and released after the Community Supervision Officer completes the orientation and collects the necessary signatures on the In-Home Contract. If the parent cannot arrange for an adequate supervision plan, or the youth refuses to accept the terms, the youth will remain in Detention until a plan can be developed to meet the Court's expectations.
- The juvenile's name will be added to the Community Supervision Program Roster (located on JVCommon) under the assigned supervision Community Supervision Officer.
- The Community Supervision Officer will meet with the juvenile on a regular basis to monitor compliance of the In-Home Order.

### **ELECTRONIC MONITORING:**

Electronic Monitoring is a tool used by ACJCS to monitor a juvenile's compliance with house arrest. The juvenile wears a non-removable, waterproof, and shock-resistant transmitting device around the ankle 24 hours a day. The transmitter emits a radio frequency signal that is detected by a receiver/dialer unit connected to the home telephone.

The electronic monitoring equipment only reports when the juvenile enters or leaves the receiver's range – **not where the juvenile has gone or how far the juvenile has traveled**. The juvenile must stay within the established range set by the supervising officer. The electronic monitoring equipment is not intended to serve as a substitute for required adult supervision.

### **CRITERIA FOR CLIENT ELIGIBILITY:**

- Preadjudicated youth who meet the Detention criteria or who are currently in Detention can be placed on Electronic Monitoring. Electronic Monitoring can also be used as a sentencing alternative. Priority is given to pre-adjudicated cases.
- Juvenile and parent(s) are supportive of the program and agree to follow the rules as outlined in Court and by the supervising Community Supervision Officer.
- **Juvenile should score a minimum of twelve (12) on the RAI.**
- The parent(s) must have an operational phone line within their home and must agree to take all special features off the phone, e.g., call waiting, caller ID, voice messaging, answering machine, etc. before the Electronic Monitoring initial hook-up can proceed. Failure to have services removed can cause technical problems with the FMD (field monitoring device) in the home, preventing the Community Supervision Officer from accurately monitoring the juvenile. Participants may install a separate phone line for the monitoring equipment at their own expense.
- At the Judge's discretion, juveniles who successfully complete Electronic Monitoring may be given credit for Detention time at the rate of 2 to 1 (credit for 1 day in

Detention for every 2 days on Electronic Monitoring). No credit shall be given if they do not successfully complete the program.

### **ADMISSION INTO THE PROGRAM:**

- The Probation Officer has assessed the juvenile's current living arrangements to ensure there is a residential phone line and that parent(s) are willing to cooperate with program conditions. Situations where the juvenile resides outside the home, but on the property, may be unacceptable for monitoring purposes i.e., garages, backyard sheds, enclosed patios, etc. Questions regarding living arrangements should be addressed with the Community Supervision Officer at the earliest possible time.
- The Probation Officer or Placement Coordinator completes the Electronic Monitoring Referral form (see Appendix – Form 34), providing it to the Community Supervision Officer who will supervise the case. The Magistrate will order the juvenile onto Electronic Monitoring. The original order remains in the Court file, but the Community Supervision Officer will provide the juvenile a copy of the order and forward a copy to both Detention staff as well as the assigned Probation Officer and gather the juveniles, parent(s) and Community Supervision Officer signature on the contract at the orientation.
- The initial Electronic Monitoring hook-up will proceed subject to availability of monitoring devices, and as soon as specific mandated conditions can be met i.e., Detention days forthwith are served, clean urinalysis, etc. Additionally, the Community Supervision Officer has confirmed all phone calling services have been removed. The Community Supervision Officer will schedule the Electronic Monitoring orientation at the earliest possible time with the parent/guardian.
- **Juveniles who are on probation and electronic monitoring shall be seen twice per week; once by the Community Supervision Officer and once by the Probation Officer (9/8/04).**

### **WORK IN LIEU OF DETENTION (WILD):**

WILD is a collaborative venture with ACJCS and the Boys & Girls Club. The WILD program is much like Community Service but is an all day program. WILD was developed to provide viable options for youth who otherwise may be placed in secure confinement. WILD works in conjunction with the Boise Parks Department, Ridge to Rivers, and the Idaho Youth Ranch. Projects include: Trash clean up, seeding, planting, tree and brush pruning, laying sod, fencing, parks and grounds maintenance, trail building, clearing and maintenance. The WILD program operates six days a week, Monday through Saturday.

### **CRITERIA FOR CLIENT ELIGIBILITY:**

Clients must be between 13-18 years of age. Further, clients must fall into one of the following categories: Be over 16 and not enrolled in school, have their GED/HSE, be expelled, suspended, or out of school until the next semester, or ordered into the program by the Judge as part of a conditional release.

- To make a referral into the program, the referral source must use the WILD Program Referral form and route it to the JDAI Supervisor.
- All information requested on the form must be included and submitted in a legible manner.
- Once the referral is received it must be entered into the database by the JDAI Supervisor or his/her designee within five (5) working days.
- Any changes, which occur in relation to a juvenile's WILD status, which may affect the juvenile's required number of community service hours/days or discontinuation in the program, must be reported by the referral source to the WILD program within five (5) working days. These changes may include, but are not limited to: Re-offending, alternative placement, juvenile being placed in Detention or juvenile leaving the state.
- Cases being requested for placement into the program under the age of 13 shall be staffed with the JDAI Supervisor and Probation staff. With the final decision for admittance being that of the JDAI Supervisor.

### **ADMISSION INTO THE PROGRAM:**

Selection of a juvenile to the WILD program is done by the JDAI Supervisor or his/her designee and is based on the following:

- Designation on referral form by Probation Officer or referral source and determined by the RAI score. Those ordered to Detention on Traffic Court Decrees are excellent candidates for this program.
- Age of Juvenile: All juveniles will be placed on WILD work crews. Therefore, juveniles under 13 and juveniles 18 and over will not be allowed to participate in the program unless extenuating circumstances dictate otherwise and is approved by the JDAI Supervisor.
- Supervision Level: Juveniles will be eligible to participate in the program regardless of supervision level. Staff ratios will be adjusted accordingly.
- Juveniles in WILD on Temporary Releases: If a juvenile is in the ACJCS Detention facility and is being considered for the WILD program, the Probation Officer shall e-mail the Placement Coordinator of such and request a ten (10) day Review for the juvenile. The Placement Coordinator will discuss the matter at the Placement Planning Team Meeting and if so decided, a hearing will be scheduled to facilitate the juvenile's placement into the WILD program.
- Juveniles having crimes of a sexual nature or requiring 24-hour adult supervision shall be staffed prior to acceptance into the program with the JDAI Supervisor.
- The referral form with the youth's designated days and duration of participation will be entered into a database and scheduled for an orientation. The duration of those pre-adjudicated will be left in the Judge's discretion. The duration in the program for those post-adjudicated will need to be consistent with the ACJCS Sanctioning Grid (Not yet adopted as of 1/24/03). Those seeking durations beyond what is recommended on the Sanctioning Grid will need to staff the case with the Detention Assistant Manager.

- **Juveniles who successfully complete the WILD program may be given credit for Detention time at the rate of 1 for 1 (10/19/04).** No credit will be given if the juvenile is unsuccessful in the program. This will be in the discretion of the Court.
- Information regarding Orientation, Rules, Discipline Procedures and Dismissals from the WILD program can be reviewed on JVCommon.

### **TRANSITIONAL CARE PROGRAM:**

This program is a short-term foster care placement, approximately two weeks in duration, for a juvenile and his parent(s) to have a “cooling off” period. A juvenile would be placed in Transitional Care due to conflicts within the home, a Child Protection Investigation being ordered, or for various other reasons. The Transitional Care Program is another alternative to Detention.

### **CRITERIA FOR CLIENT ELIGIBILITY:**

- The Probation Officer has explored every placement option and there is none, e.g., relatives, friends of the family, other agencies such as H&W, Hays Shelter Home, etc.
- The juvenile does not have a history of fire setting, cruelty to animals, or serious aggressive behaviors towards others.
- The juvenile’s parent(s) have the capacity, desire, and willingness to work towards the resolution of family problems. They are willing to provide transportation, if needed, as well as attend counseling or other court-related appointments.
- The juvenile is pending a Child Protection Investigation or is pending a placement outside of his/her custodial home.
- The juvenile will be able to return home or another placement within two weeks.
- The juvenile is Court Ordered into the program.
- The juvenile is Court Ordered into Transitional Care and an affidavit is filed prior to the hearing stating that, 1) placement outside the home is in the best interest of the juvenile and why, and 2) that reasonable efforts have been made to return this juvenile to the home and the efforts were unsuccessful. These efforts must be listed and may include things such as, the juvenile is at risk of physical abuse and these allegations need to be investigated, the parents are fearful of having this juvenile return home at this time, the parents substance abuse may influence this juvenile to relapse or discontinue in recovery, the parents are unable to control this juvenile, or the parents are unable to provide adequate supervision. This affidavit may be completed and filed by an Officer of the Court with first hand knowledge of the reasonable efforts made and whether or not this is in the juvenile’s best interest.

It is critical that this affidavit be filed in order for the Judge to list, on judicial record, the elements necessary to qualify the juvenile for government-funded services based on the juvenile meeting Federal criteria for foster care placement. Failure to do so may disqualify the juvenile from access to future funds for independent living, school and health care.

### **ADMISSION INTO THE PROGRAM:**

There are two methods to access the Transitional Care Program through Probation Officer referral and from a Court Order at any hearing.

### **Probation Officer Referral Process:**

- The Probation Officer completes the ACJCS Program Referral form and checks the box for Transitional Care and has a parent/guardian complete and sign the Agency Medical Release form. The form is then submitted to the Transitional Care Specialist.
- The Probation Officer works with Transitional Care Staff to develop an Intervention Plan. The Intervention Plan includes:
  - ~ What alternative placement options are being sought.
  - ~ Where the client will attend school.
  - ~ Who will provide transportation to school, work, doctor, Court, etc.
  - ~ What date the juvenile is expected to transition home or into an alternative placement.
- If determined appropriate and a foster care home is available, the Transitional Care Staff will coordinate placement of the juvenile between parent/guardian and foster care family. Placement can be made once the juvenile is Court Ordered to be placed in Transitional Care.
- While in Transitional Care, the juvenile will remain in the custody of his/her parent/guardian. The juvenile will be in temporary physical custody of the Transitional Care foster family.

### **Court Ordered Transitional Care**

- A juvenile may be placed in Transitional Care at the will of the Court, depending on availability and, providing the juvenile meets the above criteria for placement. Upon order of the Court, Probation staff will complete the ACJCS Program Referral and Medical Release form and submit it to the Transitional Care Specialist.
- If no Probation Officer is yet assigned to the case, Transitional Care Staff will develop the Intervention Plan with the family and transition the juvenile into Transitional Care.

### **SUPERVISION:**

The Transitional Care Staff will maintain regular contact with the juvenile and transitional family to coordinate services.

If the juvenile is on probation, the Transitional Care worker will team with the Probation Officer to monitor the juvenile's compliance with probation, provide crisis intervention, make referrals to community programs and work with the parents.

## **CONSEQUENCES:**

- Violations of home rules should be dealt with through consequences imposed by the foster care family. If the juvenile is on a Conditional Detention Release Order consequences can be imposed as have been outlined previously.

## **TERMINATION OF TRANSITIONAL CARE:**

- 
- Transitional Care placements shall not exceed two weeks unless otherwise approved by the ACJCS Director or specifically ordered by the Court.
- Juveniles may be removed from Transitional Care if the behavior in the foster care home becomes unmanageable and the juvenile is kicked out of the placement.
- Transition out of Transitional Care is to be considered as outlined in the Court Order, generally requiring a Transitional Care Hearing to lift the Court Order.

## **DOMESTIC VIOLENCE UNIT (DVU):**

### **PURPOSE:**

The ACJCS DVU is a grant-funded program designed to provide services to juvenile offenders who are victims of domestic or family violence. The DVU staff provides comprehensive assessments, case management services, short-term foster care placement, and specialized services as necessary. The DVU team, consisting of DVU staff, Probation Officers, Counselors, Foster Parents, and ancillary professionals, meet regularly to staff cases, develop Intervention Plans, and make recommendations to the Court.

## **CRITERIA FOR PLACEMENT:**

### **Juveniles in Detention**

Juvenile Offenders admitted to Detention with charges of family violence or family sexual offenses; who have also been victims of domestic violence or sexual abuse; who are assessed and found not to be a risk to the community, and who cannot return to their homes due to the risk of being victimized or re-offending, meet criteria for placement consideration. The DVU staff providing the risk assessment may initiate Difficulty of Care Foster Home Placement after staffing the case with the juvenile's Probation Officer and obtaining approval and cooperation for the placement from the juvenile's parent/guardian or Court Order. After a Foster Care Agreement Form is prepared and signed by the Probation Officer, parent/guardian, and DVU staff, a Difficulty of Care foster parent is notified and arrangements made to transport the juvenile to the foster home.

### **Juveniles in the Community**

Probation Officers with concerns regarding a juvenile's safety, risk to re-offend, or inability to comply with Probation or Intervention Plan terms due to ongoing abuse in the juvenile's home should contact the DVU Coordinator or Director of ACJCS and staff the case to determine the appropriateness of an out-of-home placement.

**ADMISSION INTO THE PROGRAM:**

The DVU Coordinator insures that proper referral, assessment, and availability of services is provided to all juveniles referred and accepted to the DVU of ACJCS. Requests for assessments and services are made through submission of an ACJCS Program Referral form to the DVU Coordinator. Juveniles meeting the criteria are accepted to the DVU and scheduled for assessment and Intervention Plan development by the DVU Team. The referring Probation Officer is notified when a youth has been accepted to the program and must attend the DVU Team staffing. Juveniles presenting no victim centered issues, and who are not at risk to victimization or offending in the home, will be referred out for offender treatment.