

**OKLAHOMA COUNTY JUVENILE BUREAU
POLICY AND PROCEDURE MANUAL**

**CHAPTER SEVEN - COURT SERVICES - INTAKE AND DIVERSION
SERVICES**

**POLICY 7.2-1: PRE-ADJUDICATION DETENTION SCREENING FOR
INTAKE REFERRALS**

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I. POLICY:

The Oklahoma County Juvenile Bureau (OCJB) governs the conditions under which a pre-adjudicated youth may be admitted to the Oklahoma County Juvenile Detention Center (OCJDC) to ensure that the decisions are in compliance with statute and provide for the least restrictive alternative consistent with the safety and security of the public and the youth. The use of detention is limited to cases involving protection of the public, prevention of self-injury, transfers to other jurisdictions and the need to ensure the presence of the youth at subsequent Court hearings **(2-7099)**.

II. DEFINITIONS:

- A. **Bench Warrant (BW):** A document issued by the judge ordering the arrest and detainment of a youth when the youth fails to appear for a scheduled court hearing.
- B. **BW:** An acronym for Bench Warrant. See "Bench Warrant."
- C. **Child In Need of Supervision (CINS, CHINS, INS):** A youth who has repeatedly disobeyed reasonable and lawful commands or directive of his/her parent/legal guardian/custodian; is willing and voluntarily absent from his/her home without the consent of his/her parent/legal guardian/custodian for a substantial length of time or without intent to return; is willfully and voluntarily absent from school as authorized by 70 O.S. § 10-106; or has been served with an ex parte or final protective order pursuant to the Protection for Domestic Abuse Act as authorized by 22 O.S. § 60.
- D. **CHINS:** An acronym for Child In Need of Supervision. See "Child In Need of Supervision."
- E. **CINS:** An acronym for Child In Need of Supervision. See "Child In Need of Supervision."
- F. **Delinquent:** A youth who has violated any federal or state law, municipal ordinance, or lawful order made by the court, as authorized by 10A O.S. § 2-1-103 13.

- G. **Deprived Child:** A youth who is for any reason destitute, homeless, and/or abandoned. The youth may have a parent/legal guardian/custodian who for good cause desires to be relieved of custody, whose parental rights to another child have been involuntarily terminated by the court, whose parent/legal guardian/custodian has subjected another child to abuse or neglect, and/or has allowed another child to be subjected to abuse or neglect. He/she may also have been abused or neglected by his/her parent/legal guardian/custodian, denying him/her proper parental care or guardianship. This includes, but is not limited to, parental failure to provide special care and treatment for a youth's physical or mental conditions and the absence of a youth from school due to improper parental guardianship, as authorized by 70 O.S. § 10-106.
- H. **Director of the OCJB:** The Director of the OCJB is the Chief Administrative Officer **(2-7003)**. The Director's authority, responsibilities and functions are authorized by 10A O.S. § 2-4-102, 10A O.S. § 2-4-103, and 10A O.S. § 2-4-104. The Director is appointed and supervised by the Presiding Judge of the Juvenile Division, and subject to the general administrative authority of the Board of County Commissioners. The Director is delegated the authority by the Presiding Judge of the Juvenile Division to appoint and supervise the Chief of Court Services. The Director coordinates all fiduciary matters with the Board of County Commissioners **(2-7023) (2-7024) (2-7025)**.
- I. **IDSU:** An acronym for Intake and Diversion Services Unit. See "Intake and Diversion Services Unit."
- J. **INS:** An acronym for Child In Need of Supervision. See "Child In Need of Supervision."
- K. **Inpatient Mental Health and Substance Abuse Treatment of Minors Act:** Assures adequate treatment of minors needing mental health treatment or treatment for drug and alcohol abuse as authorized by 43A O.S. § 5-501.
- L. **Intake and Diversion Services Unit (IDSU):** A division of the Court Services department that is responsible for the initial screening of youth and the supervision of non-adjudicated youth.
- M. **Intake/Probation Officer:** Intake and Probation Officers (IO and PO) are entry level *trainee* positions who provide direct services to youth assigned to the OCJB for diversion or probation supervision. IO and PO positions report directly to either an Intake Supervisor or a Probation Supervisor.
- N. **Intake/Probation Officer II:** Intake and Probation Officer II's (IO II and PO II) report directly to an Intake Supervisor or a Probation Supervisor. IO and Probation Officer II's do not formally supervise other Intake and Probation Officers, but provide guidance

and training as tenured officers. These positions may supervise a specialized caseload, serve as a courtroom liaison, and stand in during a supervisor's absence. IO and PO II positions are competitive promotions.

- O. **Intake Supervisor:** The Intake Supervisor reports directly to the Intake and Diversion Services Manager (IDSM) and is assigned supervision of lower ranking Intake Officers within the unit. No Intake Supervisor supervises more than ten (10) field staff members **(2-7127)**.
- P. **JOLTS:** An acronym for Juvenile On-Line Tracking System. See "Juvenile On-Line Tracking System."
- Q. **Judicial Review:** A review initiated by the Director of the Oklahoma County Juvenile Bureau and conducted by the court to determine if detention confinement is in the best interest of the youth ages of ten (10) and twelve (12).
- R. **Juvenile On-Line Tracking System (JOLTS):** As authorized by 10A O.S. § 2-7-905, provides the computerized information system used by the Oklahoma County Juvenile Bureau to track juvenile offenders from arrest to final closure of the case. The Office of Juvenile Affairs is the authorizing authority for access to the information contained in JOLTS. Authorized Oklahoma County Juvenile Bureau employees are provided a unique identification number that allows them access to the JOLTS system **(2-7141) (2-7074) (2-7190)**.
- S. **Minor In Need of Treatment:** A child in need of mental health or substance abuse treatment as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, as authorized by 43A O.S. § 5-501.
- T. **OCJB:** An acronym for Oklahoma County Juvenile Bureau. See "Oklahoma County Juvenile Bureau."
- U. **Oklahoma County Juvenile Bureau (OCJB):** An organization that is responsible for receiving, evaluating, and determining appropriate action pertaining to persons under the age of eighteen (18) years who are alleged to be delinquent and/or in need of supervision within Oklahoma County.
- V. **Oklahoma County Juvenile Detention Center (OCJDC):** The Oklahoma County Juvenile Detention Center (OCJDC) of the Oklahoma County Juvenile Bureau (OCJB) operates pursuant to 10A O.S. § 2-3-101, and is authorized to provide services for juveniles only, is used solely for pretrial hearing and not as a post-trial placement. Juveniles may be held post-trial awaiting placement. The OCJDC is licensed by the Office of Juvenile Affairs (OJA).

- W. **Office of Juvenile Affairs (OJA):** An agency of the state of Oklahoma, headquartered in Oklahoma City, that is responsible for planning and coordinating statewide juvenile justice and delinquency prevention services. OJA is also responsible for operating juvenile correctional facilities in the state.
- X. **OJA:** An acronym for Office of Juvenile Affairs. See "Office of Juvenile Affairs."
- Y. **Pick-Up Order:** A document issued by the judge ordering the arrest and detainment of a youth.
- Z. **Pre-Adjudication Detention Screening:** The receipt, examination, and evaluation of referrals conducted by the Intake and Diversion Services Unit for the purpose of determining whether or not the confinement of the youth involved is necessary for the prevention of self-injury, protection of the public, transfer to another jurisdiction, and/or to ensure their presence at a subsequent court hearing.
- AA. **Protection for Domestic Abuse Act:** An act providing statutory requirements and protections for the reporting and charging of domestic abuse acts as authorized by 22 O.S. § 60.
- BB. **PUO:** An acronym for Pick-Up Order. See "Pick-Up Order."
- CC. **Status Offense:** An act that would not be a violation of law if it was committed by an adult, but is considered to be a violation of the law when it is committed by a minor under the age of eighteen (18) years.
- DD. **YO:** An acronym for Youthful Offender. See "Youthful Offender."
- EE. **Youth:** A person that is over the age of ten (10) and under the age of eighteen (18). Exceptions to this rule include persons who are charged with and convicted of any offense specified in the Youthful Offender Act, persons against whom judgment and sentencing has been deferred for such offense, and/or any person who has been certified as an adult for any offense that results in a conviction.
- FF. **Youthful Offender:** A person thirteen (13) or fourteen (14) years of age who is charged with murder in the first degree and certified as a youthful offender as authorized by 10A O.S. § 2-5-205, fifteen (15), sixteen (16), or seventeen (17) years of age and charged with a crime listed in 10A O.S. § 2-5-206 A, and/or sixteen (16) or seventeen (17) years of age and charged with a crime listed in subsection B 10A O.S. § 2-5-206.

III. PROCEDURE:

- A. Functions and Responsibilities of the Intake and Diversion Services Unit (IDSU) for Pre-Adjudication Detention Screening and Admission
1. The IDSU Intake Officers perform rotating "on-call" duty to ensure availability twenty-four (24) hours each day **(2-7090)**.
 2. The IDSU functions as a representative of the Court and has the responsibility for the screening and subsequent detention admission decisions for all pre-adjudicated secure detention requests, utilizing the criteria specialized on Attachment A, "Pre-Adjudication Detention Screening" instrument **(2-7092)**.
 3. The Intake Officer (IO) who receives a referral shall:
 - a. Interview the referring party to obtain all the necessary information to complete the "Pre-Adjudication Detention Screening" instrument, Attachment A;
 - b. Contact the Intake Supervisor if the referral is for a youth of the ages of ten (10) through twelve (12) whose detention admission criteria falls within the criteria specified in C. 1. a.-f. of this policy to obtain Director of the OCJB's approval;
 - c. Contact the OCJDC control operator and shift supervisor and convey all information obtained and recorded on the "Pre-Adjudication Detention Screening" instrument if the referral is to be admitted; and
 - d. Document the above listed information by entering into Juvenile On-Line Tracking System (JOLTS) screens:
 - i. Wrk Juv ➡ Case Info ➡ Case Notes ➡ Work with Notes ➡ Add Note the next business day.
- B. Pre-Adjudication Detention Screening Criteria - Youth Ineligible for Admission to the Oklahoma County Juvenile Detention Center (OCJDC)
1. No youth who has not completed their ninth (9th) year of age shall be placed in the OCJDC, as authorized by 10A O.S. § 2-7-504 C.
 2. No youth of the ages of ten (10), eleven (11) and twelve (12) who does not meet one or more of the criteria specified in C.1. c-f., shall be placed in the OCJDC without the Director of the OCJB's approval and/or judicial review:

- a. The Director of the OCJB may initiate a judicial review to determine if detention placement is in the best interest of the youth.
 - 3. No youth, ages ten (10) through seventeen (17) shall be placed in the OCJDC pending Court proceedings, as authorized by 10A § 2-3-101 2, 3, as:
 - a. *Only* a Deprived Child;
 - b. *Only* a Child in Need of Supervision (CINS);
 - c. *Only* a Minor in Need of Treatment; or
 - i. The youth's parent/legal guardian/custodian may be provided with the toll free number, 1-800-762-1560, for inpatient psychiatric care which is available 24 hours a day, 7 days a week.
 - d. *Only* a runaway;
 - e. *Only* being charged with state or municipal traffic and/or law ordinance violations that would not constitute a felony as an adult; and/or
 - f. *Only* alleged to have committed a criminal offense that would constitute a misdemeanor if committed by an adult and does not pose a risk to public safety or failure to appear.
 - 4. Youth defined in B. 3. a.-f., shall be referred for placement in:
 - a. Shelter care;
 - b. Foster care;
 - c. Behavioral Health Treatment Facility; and/or
 - d. Released to the custody of a parent/legal guardian/custodian.
 - 5. Youth who are taken into custody by law enforcement as a CINS as a result of *only* being a runaway may only be admitted to the OCJDC pending Court proceedings and for the youth's own safety. An order from the Court is required as authorized by 10A § 2-3-101 2, 3.
 - 6. Youth shall not be placed in OCJDC solely for the charges of state or municipal traffic and/or law ordinance violations, unless the violation(s) would constitute a felony as an adult, as authorized by 10A § 2-2-503 10E.
- C. Pre-Adjudication Detention Screening Criteria - Youth Eligible for Admission to the Oklahoma County Juvenile Detention Center (OCJDC)
 - 1. Youth who are ages ten (10) through twelve (12) with the Director of the OCJB's approval and/or a judicial review and/or thirteen (13) through seventeen (17), may be eligible for admission to the OCJDC if one or more of the following

criteria are met, as authorized by 10A § 2-3-101 3B, 3E as specified below:

- a. The youth has an active Pick-Up Order and/or Bench Warrant (Director of OCJB and/or judicial approval not required);
 - b. The youth is an escapee from any detention placement (Director of OCJB and/or judicial approval not required);
 - c. The youth is seriously assaultive or destructive towards self or others (requires Director of the OCJB and/or judicial approval for ages 10-12);
 - e. The youth is alleged to have committed a criminal offense that would constitute a felony if committed by an adult (requires Director of OCJB and/or judicial approval for ages 10-12);
 - f. The youth is, or has been, under the supervision of the Office of Juvenile Affairs (OJA), the OCJB, and/or any other county within the State of Oklahoma for an Informal Adjustment Without Petition (IAWP), a Defer Adjudication Delinquency Petition (DDAP), adjudicated Probation for a prior delinquent offense, and/or parole (requires Director of OCJB and/or judicial approval for ages 10-12); and/or
 - g. There is no existing, acceptable alternative placement for the youth and the Court has issued an order to detain for the best interest of the youth (requires Director of OCJB and/or judicial approval for ages 10-17).
- D. Youthful Offender – Ages 13 and 14 10A § 2-5-202 A
1. Youth of the ages of thirteen (13) and fourteen (14) who are alleged to have committed "Murder in the First Degree" are considered as adults under the *Youthful Offender Act* and shall not be admitted to the OCJDC. These youth are to be admitted to the Oklahoma County Jail, and detained separate from the adult population.
- E. Youthful Offender – Ages 15, 16, and 17 10A § 2-5-206 A
1. Youth of the ages of fifteen (15), sixteen (16) and seventeen (17) are considered as adults under the *Youthful Offender Act* and shall not be admitted to the OCJDC. These youth shall be admitted to the Oklahoma County Jail, and detained separate from the adult population, if they are alleged to have committed any of the following:
 - a. Murder in the first degree;
 - b. Murder in the second degree;

- c. Kidnapping;
 - d. Manslaughter in the first degree;
 - e. Robbery with a dangerous weapon or a firearm or attempt thereof;
 - f. Robbery in the first degree or attempt thereof;
 - g. Rape in the first degree or attempt thereof;
 - h. Rape by instrumentation or attempt thereof;
 - i. Forcible sodomy;
 - j. Lewd molestation; or
 - k. Arson in the first degree or attempt thereof.
- F. Youthful Offender – Ages 16 and 17 10A § 2-5-206B 10A §2-5-101A
- 1. In addition to the acts listed in E. 1. a.-k., youth of the ages of sixteen (16) and seventeen (17) are considered as adults under the *Youthful Offender Act* and shall not be admitted to the OCJDC. These youth shall be admitted to the Oklahoma County Jail, and detained separate from the adult population, if they are alleged to have committed any of the following:
 - a. Burglary in the first degree or attempted burglary in the first degree;
 - b. Aggravated assault and battery of a police officer;
 - c. Intimidating a witness;
 - d. Trafficking in or manufacturing illegal drugs, distributing, dispensing or possessing with intent to manufacture, distribute or dispense a controlled dangerous substance;
 - e. Assault or assault and battery with a deadly weapon;
 - f. Maiming;
 - g. Residential burglary in the second degree after two (2) or more adjudications that are separated in time for delinquency for committing burglary in the first degree or residential burglary in the second degree;
 - h. Rape in the second degree;
 - i. Use of a firearm while in commission of a felony;
 - j. Sodomy;
 - k. Shooting with Intent to Kill; or
 - l. Discharging a firearm, crossbow, or other weapon from a vehicle.
- G. Request for Admission to the Oklahoma County Juvenile Detention Center (OCJDC) Outside of these Criteria
- 1. Any request for admission to the OCJDC outside of these criteria requires the approval of the director and a judicial review.

2. The Director of the OCJB initiates all requests for judicial review and/or approval.
 3. No admission to the OCJDC outside of these criteria will be made without a judicial review resulting in approval.
- H. All youth who are detained shall be detained in the OCJDC, with the exception of youth who are classified as youthful offenders by O.S. 10A § 2-5-205 or O.S. 10A § 2-5-206. Youthful offenders shall be detained in the Oklahoma County Jail and separated from adult offenders by sight and sound, as authorized by O.S. 10A § 2-5-204 **(2-7170)**.

Approved:

 12/17/15
Jim Overstreet, Chief of Court Services Date

Attachments:

Attachment A, "Pre-Adjudication Detention Screening"
Instrument, revised 7/15, 12/15.

OCJDC Control Operator Notified? Yes No N/A

Name: _____

OCJDC Shift Supervisor Notified? Yes No N/A

Name: _____

Time: _____ Hours

Intake Officer: _____

Probation Officer Notified? Yes No N/A

Name: _____

OJA Worker Notified? Yes No N/A

Name: _____

Time: _____ hours

Left Message? Yes No

**OKLAHOMA COUNTY JUVENILE BUREAU
Intake & Diversion Services Unit
Pre-Adjudication Detention Screening**

The use of detention is for cases involving the protection of the public, prevention of self-injury, transfer to another jurisdiction, and the need to ensure the presence of the juvenile at subsequent Court hearings (2-7099).

Youth brought to OCJDC Admissions Date: _____ @ Time: _____ Date of Pre-Adjudication Screening: _____

Call Initiated: _____ Call Completed: _____ Intake Officer's Comp Time Earned: _____

Youth's Name: _____ JOLTS #: _____ Social File (SF) #: _____

DOB: _____ Age: _____ Race: _____ Male Female

Youth's Address: _____ City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Alleged Offense(s) and Details: _____

Did Offense(s) occur in Oklahoma County? Yes No Notification to parent/legal guardian/custodian? Yes No **Ask referring law enforcement officer:**Is the youth under the influence of any drugs/alcohol, suicidal, combative, or on medication? Yes No *(If yes, remind law enforcement officer the need for medical examination and release from a local hospital prior to detention admission.)*Have you verified the youth's status with National Crime Information Center (NCIC) for any outstanding CF or JDL Warrants, Pick-Up Orders (PUO)/Bench Warrants (BW)? Yes No *(If yes, record below.)*

Police Officer: _____ Badge #: _____ Department: _____ Call Back #: _____

Offense History and any Pending Charge(s): _____

Does the youth have any outstanding CF or JDL Warrants, Pick-Up Orders (PUO)/Bench Warrants (BW)? Yes No

Date of Issuance

JDL: _____ - _____

JDL: _____ - _____

CF: _____ - _____

CF: _____ - _____

YOUTH IS INELIGIBLE FOR DETENTION ADMISSION, IF ANY OF THE FOLLOWING CRITERIA ARE MET:Is the youth under 10 years of age? Yes No Is the youth **only** a deprived child, a child in need of supervision, and/or minor in need of treatment? Yes No Is the youth **only** a runaway? Yes No Is the youth **only** being charged with state or municipal traffic and/or law ordinance violations that would not constitute a felony as an adult? Yes No Is the youth alleged to have **only** committed a criminal offense that would constitute a misdemeanor if committed by an adult **AND** youth **does not pose a risk to public safety or failure to appear**? Yes No

YOUTH IS INELIGIBLE FOR DETENTION ADMISSION, AND IS TO BE ADMITTED IN THE COUNTY JAIL, IF ANY OF THE FOLLOWING CRITERIA ARE MET:

Is the youth between the **ages of 13-14** and alleged to have committed Murder in the First Degree: Yes No

Is the youth between the **ages of 15-17** and alleged to have committed any of the following charges: Yes No

- Murder in the First Degree
- Murder in the Second Degree
- Kidnapping
- Manslaughter in the First Degree
- Robbery with a Dangerous Weapon or Firearm or attempt thereof
- Robbery in the First Degree or attempt thereof
- Rape in the First Degree or attempt thereof
- Rape by Instrument or attempt thereof
- Forcible Sodomy
- Lewd Molestation
- Arson in the First Degree or attempt thereof

Is the youth between the **ages of 16-17** and alleged to have committed any of the following charges: Yes No

- Burglary in the First Degree or Attempted Burglary in the First Degree
- Aggravated Assault and Battery of a Police Officer
- Intimidating a Witness
- Assault or Assault and Battery with a Deadly Weapon
- Maiming
- Rape in the Second Degree
- Use of a Firearm while in commission of a felony
- Sodomy
- Shooting with Intent to Kill
- Discharging a Firearm, Crossbow, or other weapon from a vehicle
- Trafficking in or Manufacturing Illegal Drugs, Distribution, Dispensing or Possession with Intent to Manufacture, Distribute, or Dispense a Controlled Dangerous Substance
- Residential Burglary in the Second Degree after two (2) or more adjudications that are separated in time for delinquency for committing Burglary in the First Degree or Residential Burglary in the Second Degree

YOUTH IS ELIGIBLE FOR DETENTION ADMISSION IF the youth is between the **ages of 10-17** and not allegedly charged with an act considered as a "Youthful Offender" as set forth above and if any of the following criteria are met:

The following **DO NOT REQUIRE DIRECTOR OF OCJB APPROVAL** prior to Admission for **ALL YOUTH** between the **ages of 10-17**:

- Youth has an active Pick-Up Order and/or Bench Warrant Yes No
- Youth is an escapee from a detention placement Yes No

The following **REQUIRES DIRECTOR OF OCJB'S APPROVAL/JUDICIAL REVIEW** prior to Admission for **ALL YOUTH** between the **ages of 10-17**:

There is no existing, acceptable alternative placement for the youth and the Court has issued a Court order to detain for the best interests of the child. Yes No

Youth is alleged to have only committed a criminal offense that would constitute a misdemeanor if committed by an adult **AND** may pose a risk to public safety or fail to appear. Yes No

The following **DO NOT REQUIRE DIRECTOR OF OCJB APPROVAL** prior to Admission to Detention for **YOUTH** between the **ages of 13-17** but **REQUIRE DIRECTOR OF OCJB'S APPROVAL &/or JUDICIAL REVIEW** prior to Admission to Detention for **YOUTH** between the **AGES of 10-12**:

Youth is alleged to have committed a criminal offense that would constitute a felony if committed by an adult. Yes No

Youth is or has been under the supervision of OJA, OCJB and/or any county within the State of Oklahoma for an Informal Adjustment Without Petition (IAWP), a Defer Delinquency Adjudication Proceeding (DDAP) and/or Adjudicated Probation for a prior delinquent offense. Yes No

Youth is seriously assaultive or destructive toward self or others. Yes No

Request for Director of OCJB's Approval: Yes No If yes, what reason: _____

ANY REQUEST FOR DETENTION ADMISSION WHICH FALLS OUTSIDE OF THESE CRITERIA REQUIRES JUDICIAL REVIEW AND APPROVAL, WHICH IS INITIATED BY THE DIRECTOR OF OCJB.

Decision: Detain Not Detained Releasable? Yes No If yes, to whom? _____
(If detain, Estimated Time of Arrival (ETA): _____.)

(If alleged offense is a felony, remind law enforcement officer that they are responsible for transporting youth to the Community Intervention Center (CIC) to be fingerprinted and/or photographed prior to detention admission).