

JJ4 470 DETENTION
ALTERNATIVES, DETENTION & JAIL

Effective August 1, 2013

Updates Overview

- JJ4 470 has been updated to accompany the new DHS-2012, Detention/Jail Placement Exception Request
- Updates include guidance in the following areas:
 - Available alternatives to detention and when to consider an alternative placement
 - Separation of juvenile and adults when a juvenile is placed in an adult detention or jail as required by federal law
 - Maintaining placement of a youth in jail or detention that exceeds policy timeframes with the permission of the local office director

Policy

- Detention and jail are the most restrictive placements available and do not provide rehabilitative treatment for juvenile offenders
- Juvenile justice specialists (JJS) must ensure:
 - Alternatives to placement in detention or jail are considered
 - Restrictions on placement in detention or jail are followed when it is necessary to place a youth in detention or jail

Juvenile Detention Alternatives

EVALUATION

- An evaluation should be made to determine if replacement is necessary for the youth's treatment and/or their family and public safety when:
 - Out-of-home placement a youth is referred or committed to DHS
 - The youth has violated a valid court order

Juvenile Detention Alternatives

TREATMENT & PLACEMENT

- The treatment and placement continuum must be considered beginning with the least restrictive placement for the assigned risk level

- The treatment and placement continuum includes, but is not limited to:
 - Judicial warning to juvenile or parent(s) and dismissal of petition
 - Fines, restitution, community service and/or curfew restrictions
 - New assessment and/or treatment services to address current offense behaviors
 - Order for parent(s) to refrain from conduct that might be harmful to the youth and/or to participate in treatment
 - In home detention with treatment services

Juvenile Detention Alternatives

TREATMENT & PLACEMENT (CONT.)

- In home electronic monitoring with treatment services
- Foster or relative home placement with treatment services
- Non-secure residential placement with treatment services
- Secure residential placement or hospitalization with treatment services
- Secure juvenile detention facility
- Adult jail, detention or lockup

Regional Detention Support Services

- Regional Detention Support Services (RDSS) provides alternatives to *juvenile detention* or *adult jail*

- RDSS services are accessed through Child Welfare Funding and Juvenile Programs by calling 517-335-6144

Regional Detention Support Services

ELIGIBILITY & COST

- Eligibility for RDSS is determined by the county of jurisdiction and includes:
 - 61 rural counties in Michigan that do not have a secure detention facility
 - Native American Tribal jurisdictions

- County reimbursement rates:
 - Population of 75,000 or less: the costs of RDSS are 100% reimbursable
 - Population over 75,000: reimbursement rate is 50%

Home Detention

- Youths receiving this service must have a preliminary hearing or a post-disposition review hearing with a court order authorizing home detention

- The length of home detention for pre-adjudication can be a maximum of 90 days and for post-adjudication a maximum of 30 days

Transportation

TO & FROM JUVENILE DETENTION

- When a secure juvenile detention facility is not available in the county of jurisdiction, RDSS provides funds for transporters and attendants to transport a youth:
 - To placement in one of the approved, secure juvenile detention facilities in Michigan
 - To and/or from court to one of the approved, secure juvenile detention facilities
 - From one of the approved, secure juvenile detention facilities to a final placement

Electronic Monitoring (Tether)

- May be used 30 days to a maximum of 90 days
 - This period of time may be extended with a court order and approval by RDSS

Deinstitutionalization of Status Offenders

- **Status offenses** are youth offenses which are against the law for individuals under the age of 21 and include:
 - Truancy, curfew violations, incorrigibility, running away, and underage alcohol
- Juveniles who have been charged with or who have committed a status offense must not be placed in a secure juvenile detention facility, unless the youth:
 - Committed a violation of a valid court order
 - Is being held in accordance with the Interstate Compact on Juveniles

Court-Ordered Juvenile Detention

OVERVIEW

- Juvenile detention facilities are not designed for rehabilitation and therefore should be used only when necessary and for a limited time

- Assigned case workers may recommend juvenile detention for temporary placement of a youth only when no other placement can be made within the placement continuum that will keep the youth and/or the public safe

- Detention beyond 30 days:
 - If a youth is to remain in detention for more than 30 calendar days, approval must be obtained from the local office director or designee

Court-Ordered Juvenile Detention

REASONS FOR JUVENILE DETENTION

- The court may order a youth placed in juvenile detention if the court finds probable cause to believe the juvenile committed the offense, and one or more of the following are true:
 - The offense alleged is so serious that release would endanger the public safety, or

 - The juvenile is charged with an offense that would be a felony if committed by an adult and will likely commit another offense pending trial, if released, and
 - Another petition is pending against the juvenile
 - The juvenile is on probation or has a prior adjudication, but was not under jurisdiction when apprehended

Court-Ordered Juvenile Detention

REASONS FOR JUVENILE DETENTION (CONT.)

- There is a substantial likelihood that if the juvenile is released to the parent, guardian or legal custodian, with or without conditions, the juvenile will fail to appear at the next hearing

- The home conditions of the juvenile make detention necessary

- The juvenile has failed to remain in a detention facility or nonsecure facility or placement in violation of a valid court order

Jail, Adult Detention or Lockup

DELINQUENT YOUTH UNDER AGE 17

- Delinquent youth under age 17 years taken into custody or detained must not be confined in any:
 - Police station
 - Lockup
 - Jail
 - Prison

- Delinquent youth under 17 years of age taken into custody must not be transported with or be permitted to associate with adult inmates

Jail, Adult Detention or Lockup

EXCEPTIONS

- A court may order that a delinquent youth age 15 years or older be placed in jail or another detention facility for adults, separated from adults by both sight and sound

- The court must determine that the youth is a menace to other delinquent youth or may not otherwise be safely detained

Violations

- Case managers who have information that a juvenile is placed in secure detention for a status offense or in a jail, adult detention, or lockup in violation of the previous requirements must report the suspected violation to Child Welfare and Juvenile Programs via email at juvenile-justice-policy@michigan.gov and include as much of the following information as possible:
 - Name of juvenile
 - Date of birth
 - Name of secure detention facility, jail, adult detention, or lockup facility
 - Length of stay
 - Status or criminal offense type
 - Date of status or criminal offense

Length of Time

JAIL, ADULT DETENTION OR LOCKUP

- Beyond 5 working days:
 - Jail may not be used for any delinquent youth beyond 5 working days without the approval of the local office director or designee
 - The request for approval must be completed using the DHS-2012, Detention/Jail Placement Exception Request

- Beyond 30 days:
 - Detention of a youth in jail or other detention facilities for adults must be limited to 30 days unless longer detention is needed for the service of process
 - A court may place a youth in a county jail if the case is to be tried in the same manner as an adult and the court has determined that there is probable cause to believe the delinquent youth committed the offense

Additional Information

- For more details about the information in this presentation, please reference JJ4 470, Detention Alternatives, Detention and Jail
