

**F I L E D**  
A.M. 4:30 P.M.

MAR 02 1992

NED J KERR, CLERK  
**J. BUCKLEY**  
DEPUTY CLERK

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF ADAMS, CANYON,  
GEM, OWYHEE, PAYETTE AND WASHINGTON

IN THE MATTER OF STANDARDS FOR ) Administrative  
THE DETENTION OF JUVENILES PRIOR ) Order  
TO A DETENTION HEARING ) 92-1

IT IS HEREBY ORDERED that the following standards shall govern the decision of Intake Officials throughout the Third Judicial District as to whether a child should be placed in secure detention prior to being brought before the court pursuant to Section 16-1811(2), Idaho Code, and Rule 17(b), Idaho Juvenile Rules:

1. Mandatory Release

The Intake Official shall release the child unless the child:

- a. Is charged with a crime which would be a felony if committed by an adult and one or more of the following circumstances is present:
  - (1) The crime is a crime of violence; or
  - (2) The crime could reasonably have resulted in serious bodily injury or death to others; or
  - (3) The crime demonstrates that the child has exhibited such a willful disregard for the property rights of others that release of the child would, more likely than not, constitute a substantial risk to the community.
  - (4) The child is a chronic offender and that the release of the child could, more likely than not, constitute a substantial risk to the community.
  - (5) Is documented to have had judicial sanctions taken against the child for the child's failing to appear for a court hearing within the previous twelve (12) months.
  - (6) Is documented to have left, without permission, a court ordered out-of-home placement.

- (7) Is documented to have been adjudicated on two or more delinquencies within the past twelve (12) months.
  - (8) Is documented to currently be on probation for a crime which would be a felony if committed by an adult.
- b. Is charged with a crime which would be a misdemeanor if committed by an adult and one or more of the following circumstances is present:
- (1) The crime involved physical injury to another person; or
  - (2) The crime demonstrates that the child has exhibited such a willful disregard for the property rights of others that release of the child would, more likely than not, constitute a substantial risk to the community; or
  - (3) The crime is an assault or battery of a sexual nature; or
  - (4) The child is a chronic offender and that the release of the child could, more likely than not, constitute a substantial risk to the community.
  - (5) Is documented to have had judicial sanctions taken against the child for the child's failing to appear for a court hearing within the previous twelve (12) months.
  - (6) Is documented to have left, without permission, a court ordered out-of-home placement.
- c. Is documented to be a fugitive from another jurisdiction; or
- d. Is documented to be an escapee or absent without leave from a juvenile institution operated by the State of Idaho or any county in Idaho; or
- e. Is the subject of a written order signed by a judge directing that the child be taken into custody and placed in detention, or be taken into custody pending transfer to another agency; or
- f. Has violated the conditions of a home detention order or a conditional release from detention.

Dated this 26<sup>th</sup> day of February, 1992.

15/  
Jim R. Doolittle  
Administrative District Judge  
Third Judicial District