

BEFORE THE BOARD OF STEVENS COUNTY COMMISSIONERS

IN THE MATTER OF JUVENILE
DETENTION

Resolution No. 70-2018

ADOPTING JUVENILE DETENTION
INTAKE CRITERIA

WHEREAS, RCW 13.40.038 regarding county juvenile detention facilities states that counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted, whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Board of Stevens County Commissioners that pursuant to RCW 13.40.038 and with the concurrence of Superior Court Stevens County Juvenile Detention Intake Criteria **attached hereto as Exhibit 1** is adopted, effective immediately upon passage of this resolution.

Passed by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 16th day of October, 2018.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON


Chairman Wes McCart


Commissioner Don Dashiell


Commissioner Steve Parker

ATTEST:


Polly Coleman
Clerk of the Board

Stevens County Juvenile Detention Intake Criteria

- I. **Juveniles under the age of 8 years cannot be found guilty of offenses under RCW 9A.04.050 and will not be detained.**

- II. **Alleged New Offenses:**
Juveniles presented on the following charges will be detained for judicial review:
 1. Offenses listed on Addendum 1.
 2. Any offense involving possession of a Firearm.
 3. Any assault on a school staff person, administrator, or teacher.

- III. **Juvenile Domestic Violence:**
 1. Any person under the age of eighteen (18) years presented for assaulting a family or household member as defined in RCW 10.99.020 (see Addendum 2) shall be detained for judicial review.
 2. Youth age twelve (12) years or older who are presented on a domestic violence charge as defined in RCW 10.99.020 (see Addendum 2) shall be detained for judicial review.

- IV. **Warrants:**
All juveniles with an active warrant will be detained for judicial review.

- V. **Other Criteria:**
Juveniles who meet the following criteria will be detained for judicial review or transport:
 1. Juveniles presented for court from the Juvenile Rehabilitation Administration (JRA), in transit, parole hold/revocation.
 2. Court holds from other jurisdictions.

- VI. **Detain Override:**
Under the following circumstances a youth who does not meet any criteria in Sections I through V may be detained for judicial review:
 1. The juvenile is likely to interfere with the administration of justice.
 - a. The juvenile has demonstrated a serious intent to intimidate witnesses or others involved with pending matter.
 - b. There is reason to believe that the juvenile is likely to destroy evidence and the opportunity exists to do so.

2. Danger to Self:
 - a. When there is reason to believe that a juvenile is a danger to self for mental health and/or substance abuse reasons, and does not fit other detention criteria, a mental health professional or recognized expert in the appropriate area is to be called immediately for an evaluation. The juvenile will be released to other resources as soon as possible, or when the condition is no longer present.

3. Fear of Harm:
 - a. Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the youth may be detained pending further order of the court.

4. The juvenile will likely fail to appear for further proceedings.
 - a. There is a clear intent on the part of the juvenile not to appear in court based on a statement to that effect or actions.

5. Special Circumstances:
 - a. The youth's behavior demonstrates imminent threat to other persons(s) and/or the youth is involved in a volatile and escalating situation that is likely to result in physical harm to other person(s) or significant damage to property.

ADDENDUM 1: DETAINABLE OFFENSES

Juveniles presented on the following charges will be detained for judicial review.

ARSON 1 (or ATTEMPT)	MURDER 1 (or ATTEMPT)
ARSON 2	MURDER 2 (or ATTEMPT)
ASSAULT 1 (or ATTEMPT)	NEGLIGENT HOMICIDE
ASSAULT 2	POSS STOLEN VEHICLE
ASSAULT 3	PROM PROSTITUTION 1 (or ATTEMPT)
BOMB THREATS	PROM PROSTITUTION 2 (or ATTEMPT)
BURGLARY 1 (or ATTEMPT)	RAPE 1 (or ATTEMPT)
BURGLARY 2	RAPE 2 (or ATTEMPT)
BURGLARY – RES	RAPE 3 (or ATTEMPT)
CHILD MOLEST 1 (or ATTEMPT)	RAPE OF CHILD 1 (or ATTEMPT)
CHILD MOLEST 2 (or ATTEMPT)	RAPE OF CHILD 2 (or ATTEMPT)
COMN W/ MNR IMORL PUR	ROBBERY 1 (or ATTEMPT)
CONSPIRACY – A FELONY	ROBBERY 1 – CONSPIRACY
CRUELTY ANIMALS 1	ROBBERT 2
DUI (second or subsequent offense)	SEXUAL EXPLOIT MINOR
DRIVE BY SHOOTING (or ATTEMPT)	THEFT OF A MOTOR VEHICLE 1 (or ATTEMPT)
ELUD PURS POLICE VEH	TMV 1
ESCAPE 1 (or ATTEMPT)	UNLAWFUL IMPRISON
ESCAPE 2 (or ATTEMPT)	VEHICULAR ASSAULT
ESCAPE 3 (or ATTEMPT)	VEHICULAR HOMICIDE
EXPLOSIVE DEV (or ATTEMPT)	VIOLATE PROT ORDER
EXPLOSIVE DEV POS (or ATTEMPT)	VIOLATE ANTI-HARASS ORDER
EXPLOSIVE UNLAWFUL POSS (or ATTEMPT)	VIOLATE PROT ORDER – FELONY
EXPLOSIVE – ENDANGER PROP	VUCSA/METH DELIVERY
FAILURE TO REGISTER AS SEX OFFENDER	VUCSA/NARC DEL – CONSPIRACY
FIREARM – DELIVER	VUCSA/NARC W/INTENT
FIREARM-POSS STOLEN	VUCSA/NARCOTIC DELIVERY (or ATTEMPT)
FIREARM-POSS-ATTEMPT	VUFA 1 – ATTEMPT
FIREARM-THEFT (or ATTEMPT)	VUFA 1 – FIREARM-PRIOR
HARASSMENT – FELONY	VUFA 2 – ATTEMPT
HOMICIDE BY CONTROLLED SUBSTANCE	VUFA 2 – FIREARM
INCENDIARY DEVICE – ATTEMPT	WEAPON AT SCHOOL
INCENDIARY DEVICE – POSS	WEAPON - DISPLAY
INCEST 1	
INCEST 2	
INDECENT LIBERTIES (or ATTEMPT)	
INTIMIDATE WITNESS	
KIDNAP 1 (or ATTEMPT)	
KIDNAP 2 (or ATTEMPT)	
MANSLAUGHTER 1 – RECKLESS (or ATTEMPT)	
MANSLAUGHTER 2 – NEGLIGENT (or ATTEMPT)	
MOTOR VEHICLE – THEFT	

ADDENDUM 2: DOMESTIC VIOLENCE

RCW 10.31.100 Arrest without warrant (excerpt).

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

RCW 10.99.020 Definitions (excerpt).

(3) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(5) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- | | |
|--|--|
| (a) Assault in the first degree
(RCW 9A.36.011); | (m) Malicious mischief in the second degree
(RCW 9A.48.080); |
| (b) Assault in the second degree
(RCW 9A.36.021); | (n) Malicious mischief in the third degree
(RCW 9A.48.090); |
| (c) Assault in the third degree
(RCW 9A.36.031); | (o) Kidnapping in the first degree (RCW 9A.40.020); |
| (d) Assault in the fourth degree
(RCW 9A.36.041); | (p) Kidnapping in the second degree
(RCW 9A.40.030); |
| (e) Drive-by shooting (RCW 9A.36.045); | (q) Unlawful imprisonment (RCW 9A.40.040); |
| (f) Reckless endangerment
(RCW 9A.36.050); | (r) Violation of the provisions of a restraining order,
no-contact order, or protection order
...(RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220,
26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.0
70, 26.50.130, 26.52.070, or 74.34.145); |
| (g) Coercion (RCW 9A.36.070); | (s) Rape in the first degree (RCW 9A.44.040); |
| (h) Burglary in the first degree
(RCW 9A.52.020); | (t) Rape in the second degree (RCW 9A.44.050); |
| (i) Burglary in the second degree
(RCW 9A.52.030); | (u) Residential burglary (RCW 9A.52.025); |
| (j) Criminal trespass in the first degree
(RCW 9A.52.070); | (v) Stalking (RCW 9A.46.110); and |
| (k) Criminal trespass in the second degree
(RCW 9A.52.080); | (w) Interference with the reporting of domestic
violence (RCW 9A.36.150). |
| (l) Malicious mischief in the first degree
(RCW 9A.48.070); | |