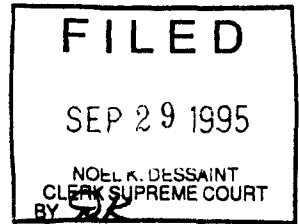


SUPREME COURT OF THE STATE OF ARIZONA



IN THE MATTER OF ADOPTION)
OF GUIDELINES FOR)
COMMITMENT TO ARIZONA)
DEPARTMENT OF JUVENILE)
CORRECTIONS)

Administrative Order
No. 95 - 52

WHEREAS, A.R.S. 8-246(c) requires the development of guidelines to be used by the juvenile court judges in determining those juveniles that should be committed to the Department of Juvenile Corrections, and

WHEREAS, these guidelines have been developed and are now approved by the Committee on Juvenile Courts,

IT IS ORDERED that the attached guidelines are adopted for use by all juvenile courts.

DATED this 29th day of September, 1995.

STANLEY G. FELDMAN
Chief Justice



GUIDELINES FOR COMMITMENT TO ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS

General Policy

The primary purpose of these guidelines is to provide standards that the court must consider, in addition to any other factor(s) which may be relevant, when committing youth to the care and custody of the Arizona Department of Juvenile Corrections (ADJC). These guidelines are offense-based and also take into account the juvenile's history of delinquency. Commitment to ADJC should be reserved for those juveniles who the court believes need treatment in secure care for the protection of the public. The guidelines are not applicable for juveniles who are transferred as adults for prosecution and sentencing.

The commitment order of the court should clearly identify the offense for which the juvenile is committed and the category of offender as defined in the guidelines. In the event a juvenile is committed who does not fall into one or more of the specified categories, the commitment order shall clearly identify all the departure factors considered by the court that justify commitment to ADJC.

GUIDELINES FOR COMMITMENT TO ADJC

GUIDELINE 1 Serious Offender

A serious offender is defined as one who is adjudicated for a "serious" offense as set forth in A.R.S. 13-604:

- 1st Degree Murder
- 2nd Degree Murder
- Manslaughter
- Aggravated Assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument
- Sexual Assault
- Any dangerous crime against children*
- Arson of an Occupied Structure
- Armed Robbery
- Burglary in the 1st Degree
- Kidnapping
- Sexual Conduct with a Minor under fifteen years of age

* **"NOTE"** A "dangerous crime against children" is defined as any of the following committed against a minor under fifteen years of age:

- 2nd Degree Murder
- Molestation of a Child
- Sexual Conduct with a Minor
- Commercial Sexual Exploitation of a Minor
- Sexual Exploitation of a Minor
- Child Abuse as defined in A.R.S. 13-3623 (B) (1)
- Kidnapping
- Sexual Abuse
- Taking a Child for the Purpose of Prostitution as defined in A.R.S. 13-3206
- Child Prostitution as defined in A.R.S. 13-3212
- Involving or Using Minors in Drug Offenses
- Continuous Sexual Abuse of a Child

GUIDELINE II Violent Offender

A violent offender is one who is adjudicated for intentionally inflicting physical injury on a victim or who discharges, uses or exhibits in a threatening manner any deadly weapon in the commission of an offense or who, based upon present or past behavior, in the opinion of expert(s), exhibits a propensity toward violence and requires secure care.

GUIDELINE III Repetitive Offender

A repetitive offender is one who is adjudicated on prior and separate occasions for at least two felony offenses within a two year period, or adjudicated on at least five prior and separate occasions for misdemeanor offenses within a two year period or who is adjudicated for any offense committed while on parole from ADJC.

GUIDELINE IV Serious Drug Offender

A serious drug offender is a person who is adjudicated for an offense involving the sale of a narcotic or dangerous drug.

GUIDELINE V Probation Violators

Any person who has been placed on probation for a serious, violent, repetitive, or a serious drug offense who subsequently violates a condition of probation.

GUIDELINES FOR JUVENILES WHO SHOULD NOT BE CONSIDERED FOR COMMITMENT TO ADJC

GUIDELINE VI Nuisance Offenders

Juveniles who commit only incorrigible offenses, non-repetitive misdemeanor offenders, and juveniles committing only technical probation violations while on probation for something other than a violent, serious, repetitive or serious drug offense should not be considered for commitment. A nuisance offender also includes the juvenile who refuses to follow anyone's rules or structure, yet does not commit offenses that would make him or her eligible for commitment under the criteria set forth in Guidelines I - IV.

GUIDELINE VII Mentally Ill/Emotionally Handicapped Offenders

The mentally ill/emotionally handicapped offender is a juvenile who has a clearly identified mental illness or emotional disorder and who is mainly considered to be a danger to himself or herself, and does not meet any of the criteria for commitment as set forth in Guidelines I - IV.