

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES

In Re: Serious Habitual Offender Comprehensive Action Plan

Order on Taking into Custody and Detention

ADMINISTRATIVE ORDER NUMBER 2-45.0

WHEREAS in each county of this Circuit there has been formed a Serious Habitual Offender Comprehensive Action Program (hereinafter, "SHOCAP"), and

WHEREAS in each county of this Circuit, the Court, the Department of Juvenile Justice, the State Attorney, the School District, the Sheriff and other law enforcement agencies, and other interested parties have joined together in an Interagency Agreement on SHOCAP, and the court being otherwise fully advised in the premises,

NOW THEREFORE it is ORDERED AND ADJUDGED that:

1. Any juvenile placed on Community Control or Post Commitment Community Control by this or any other court of competent jurisdiction; or any juvenile committed by this or any other court of competent jurisdiction and released on a program of Aftercare or Re-Entry; and who has been designated as SHOCAP as provided in the Hardee, Highlands or Polk County Interagency Agreements referenced above, may be taken into custody by any law enforcement officer who has probable cause to believe that the juvenile is in violation of the Court's Order of Community Control, Order of Post Commitment Community Control, or Re-Entry or Aftercare supervision by:
 - a. Commission of a new act which would be a crime if committed by an adult; or
 - b. Violation of a curfew imposed by the Court as a condition of Community Control or Post Commitment Community Control, or curfew imposed by Re-Entry or Aftercare supervision; or
 - c. Being found in the company of persons with whom the juvenile has been prohibited from associating as a condition of Community Control or Post Commitment Community Control, or condition imposed by Re-Entry or Aftercare supervision; or
 - d. Being found in any place prohibited as a condition of Community Control or Post Commitment Community Control, or condition imposed by Re-Entry or Aftercare supervision; or
 - e. Violation of any other term of a condition of Community Control or Post Commitment Community Control, or condition imposed by Re-Entry or Aftercare supervision.
2. Any law enforcement officer upon taking a juvenile into custody for the above reasons shall deliver the juvenile to the Department of Juvenile Justice at a place designated by the Department for each county.
3. Any juvenile delivered to the Department by law enforcement for the reasons given above shall be dealt with as required by law or the Order of the Court.
4. Each such juvenile shall be scored according to the Detention Risk Assessment Instrument, and if the child scores for detention, the child shall be detained.
5. In the event that the juvenile does not score for detention, the child shall be released into the actual care of his or her parent or legal custodian
6. In the event the juvenile is not detained, the Department of Juvenile Justice Case Manager and the State Attorney shall take necessary action to have any new law violation or violation of Community Control or Post Commitment Community Control brought before the court as soon as is practicable, or to have any violation of Re-Entry or Aftercare supervision brought before an administrative hearing as soon as practicable.

DONE AND ORDERED this 3rd day of April, 1997, in Chambers at Bartow, Polk County, Florida.

CHARLES A. DAVIS, JR.

Chief Judge

