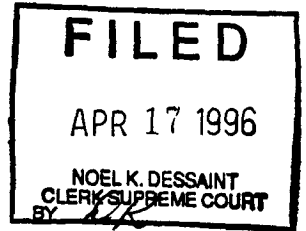


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In The Matter Of:)
)
COMMITMENT OF JUVENILE)
OFFENDERS TO THE ARIZONA)
DEPARTMENT OF JUVENILE)
CORRECTIONS)
_____)

Administrative Order
No. 96- 15

On May 6, 1993, the United States District Court for the District of Arizona approved a Consent Decree, voluntarily entered into by the State of Arizona, which placed population limitations on the number of youth who could be confined at the Arizona Department of Juvenile Corrections (ADJC).

On September 29, 1995, by Administrative Order No. 95-52, and as required by A.R.S. § 8-246, the Arizona Supreme Court adopted guidelines to assist state juvenile court judges in determining which juvenile offenders should be committed to the secure care of the ADJC. A review of the placements by juvenile court judges demonstrates that, in the great majority of cases, the guidelines have been followed or appropriately overridden, as provided.

On April 9, 1996, Federal Judge Richard M. Bilby found ADJC out of compliance with the population limitations that the Department agreed to in the Consent Decree, and enjoined the ADJC from accepting any juveniles in excess of the 542 court-approved limit.

The lack of sufficient secure bed space at ADJC, and the order entered by Judge Bilby, results in the juvenile courts' inability to transfer physical custody of committee juveniles to ADJC. This will cause backup and overcrowding conditions in local juvenile detention centers.

Now, therefore, pursuant to Article VI Section 3, of the Arizona Constitution,

IT IS ORDERED that to protect the safety of the public or a child requiring custodial protection, juvenile court judges shall continue to follow Rule 3 of Rules of Procedure for the Juvenile Court regarding local detention of juveniles, and enter orders of commitment of juvenile offenders to the ADJC's secure care whenever appropriate, as provided pursuant to A.R.S. § 8-241.

IT IS FURTHER ORDERED that all presiding judges of the superior court shall notify their respective Boards of Supervisors of the need for the Boards to provide sufficient local detention space as required by A.R.S. § 8-226, if presently there is not sufficient space to hold the detained youth.

IT IS FURTHER ORDERED that the juvenile judges are directed to contact the ADJC and request they provide a list of those juveniles that the ADJC believes do not meet the commitment guidelines and; further, that the juvenile court judges are directed to review these cases to determine the appropriateness of the commitment.

IT IS FURTHER ORDERED that the Administrative Director shall establish criteria by which decisions will be made for the transfer of juveniles to the ADJC. Each presiding juvenile court judge shall provide to the Administrative Director a list of juveniles awaiting transfer of physical custody to ADJC, in priority order, based upon the urgency of the need for secure care placement. Such lists shall be kept current on a daily basis.

IT IS FURTHER ORDERED that the Administrative Director shall advise local courts of available secure care within the ADJC, or with private secure care providers, and shall develop a process to allocate secure care placement.

IT IS FURTHER ORDERED that the juvenile courts, in cooperation with the Administrative Director, shall develop alternatives to detention which provide as much public protection as feasible, including, but not limited to, home detention or electronic surveillance programs.

Dated this 17th day of April, 1996.

Stanley G. Feldman
Chief Justice/