

RULE 38. Complaints, Arrest Warrants and Detention Hearings

A. Complaints:

Clerks at 800 Broadway and the Youth Center have the responsibility for processing delinquency, unruly and traffic complaints filed by police officers, public or private agencies and private individuals.

B. Warrants:

Warrants for the arrest of juvenile may be issued by a judge, magistrate, chief deputy clerk, juvenile correction officer-intake clerk or any other officer of the court designated by the administrative judge. Warrants will be issued in accordance with Hamilton County Juvenile Court Youth Center Policy V4C01P02, Juvenile Rules 6 and 7 and pursuant to the laws of arrest. All court personnel responsible for processing complaints and issuing warrants shall be trained prior to assuming such responsibilities on documentation, review and determination of probable cause and compliance with the factors set forth in Juvenile Rules 6 and 7 and relevant case law pertaining to such matters. All court personnel responsible for processing complaints and issuing warrants shall receive in-service training on their responsibilities on an on-going basis.

Supervisors and a duty magistrate are available twenty-four hours a day, seven days a week for consultation and assistance in making determinations whether there are sufficient facts and circumstances to support the issuance of an arrest warrant for a juvenile.

C. Taking into Custody:

A juvenile may be taken into custody and placed in detention or shelter care by a judge, magistrates, juvenile correction officer-intake clerk or any other officer of the court designated by the administrative judge prior to a final dispositional order pursuant to Juvenile Rules 6 and 7, or as otherwise authorized by law, and after making a probable cause determination that the named juvenile committed the alleged delinquent act.

D. Time Requirements for Detention Hearings:

When a child has been admitted to detention or shelter care, a detention hearing shall be held the next business day but not later than seventy-two hours. Generally, detention hearings are conducted at the Youth Center on Mondays through Fridays for juveniles admitted to the facility over the past 24 hours. Juveniles admitted after 5:00 a.m. are generally scheduled for hearings the following day. In order to ensure compliance with time requirements, alternate or additional scheduling may be set to adjust for legal holidays.

E. Advisement of Rights:

At the commencement of the detention hearing, the Court shall inform the juvenile of the right to counsel and to appointed counsel, if indigent. The Court shall advise the juvenile of the right to remain silent with respect to any allegation of juvenile traffic offense, delinquency or unruliness. The Court shall ascertain that the juvenile has received a copy of the complaint or complaints against him/her and understands the identity and the nature of the charges that form the basis the complaint or complaints.

F. Standard for Detention:

Judicial officers receive on-going training regarding the standards for detention. A neutral and detached judicial officer, a judge or a magistrate, shall review the complaint, accompanying documentation and any other relevant evidence or information and determine whether there is probable cause to conclude that a delinquent act was committed and that the juvenile defendant who is the subject of the complaint committed the delinquent act alleged. The judicial officer shall then apply the factors set forth in Juvenile Rule 7 and determine if it is necessary to detain the juvenile pending further hearing. If the factors set forth in Juvenile Rule 7(A) do not apply or there is insufficient evidence to support a probable cause finding, the juvenile shall be released to an available parent, guardian or other custodian.

G. This rule is not intended to serve as a substitute for the probable cause determination required under Ohio Revised Code section 2152.12.

(Draft Amendment 09.17.2015)