

**IN THE JUVENILE COURTS  
OF THE OCMULGEE CIRCUIT  
STATE OF GEORGIA**

BALDWIN — GREENE — HANCOCK — JASPER—JONES — MORGAN — PUTNAM — WILKINSON

**ORDER TO OVERRIDE DETENTION ASSESSMENT INSTRUMENT  
UPON CERTAIN OFFENSES**

The courts of the counties of the Ocmulgee Circuit **HEREBY ORDER:**

- I. Detention Assessment Instrument (DAI). The DAI shall remain in effect in the juvenile courts of this circuit for use by intake officers to determine whether to authorize detention of a youth upon filing of a complaint.
- II. Automatic Overrides of DAI. Regardless of DAI score, a youth **13 years of age and older** shall be detained upon receipt of complaints alleging the following delinquent offenses:
  1. Any offense involving a homicide or resulting in the death of another person, including assisted suicide
    - i. Examples: Involuntary Manslaughter, Homicide by Aircraft or Vessel, and Concealing death of another person
  2. A felony by a child on probation or committed to DJJ
  3. Any person who commits an offense that would be a Class A or B Designated Felony Offense if they had been over 12 years of age

**PERSONAL OFFENSES**

4. Any Felony Chapter 5 Personal Offense (§ 16-5-\_\_\_)
  - i. Examples: False Imprisonment, Battery on Certain Classified Persons, 2<sup>nd</sup> Stalking, etc. and Feticide
5. Simple Assault, Simple Battery and Battery against a female who is pregnant; (§ 16-5-20(g), 23(c), 23.1(h))
6. Battery on a School Official, demonstrating visible injury to school official; (§ 16-5-23.1; § 15-11-2 (13)(D)) (A Class B Designated Felony [D.F.]
7. Cruelty to Children First Degree (§ 16-5-70)

**SEXUAL OFFENSES**

8. Sodomy (§ 16-6-2)
9. Child Molestation (§ 16-6-4)
10. Felony Statutory Rape (§ 16-6-3 (a))
11. Solicitation of Sodomy with a victim under 12 years of age (§ 16-6-15)
12. Felony Sexual Battery (§ 16-6-22.1 (d))
13. A juvenile charged with a second Chapter 6 Sexual offense, regardless if the prior offense was adjudicated (§ 16-6-\_\_\_)

### **THEFT & PROPERTY OFFENSES**

14. Residential Burglary (§ 16-7-1 (b))
15. Criminal Damage to Property in the First Degree (§ 16-7-22)
16. Theft of an Automobile (§ 16-8-2 thru 16-8-9)
17. A juvenile charged with their second Entering Automobile, regardless if their prior offense was adjudicated or if both current and previous offense occur at the same time.  
(§ 16-8-18)

### **OFFENSES AGAINST THE PUBLIC**

18. Any offense involving a firearm (§ 16-11-132, 16-8-12 (6)(B), 16-5-60, etc.)
  - i. Examples: Possession of Pistol by Minor, Thefts involving firearms, Reckless Conduct involving a firearm, etc.
19. Felony Obstruction (§ 16-10-24 (b))
20. A juvenile charged with any threat involving the destruction of school or government property or an attack on an educational institution including Bomb Hoax (§ 16-7-85) or Destructive Device Obstruction (§ 16-7-87) (§ 16-11-37, § 16-7-85 & § 16-7-87)
21. Weapon in School Safety Zone – only if: (§ 16-11-127.1)
  - i. the weapon was a firearm or (§ 15-11-2 (13)(N)(I)) (A Class B D.F.)
  - ii. the weapon was possessed:
    1. with threats of bodily harm by the child,
    2. with an assault, or (§15-11-2 (13)(N)(III)) (A Class B D.F.)
    3. was brandished by the child
22. Aggravated cruelty to animals (§ 16-12-4 (d))

### **DRUG OFFENSES**

23. Possession with Intent to Distribute a Schedule I Controlled Substance (meth, cocaine, etc.) (§ 16-13-30 (d))
24. Possession with Intent to Distribute any controlled substance but marijuana within school property (§ 16-13-32.4)
25. Sale of Marijuana on School Property (§ 16-13-32.4)

### **TRAFFIC OFFENSES**

26. Homicide by Vehicle (§ 40-6-393)
27. Feticide by Vehicle (§ 40-6-393.1)
28. Feticide by Vessel (§ 52-7-12.3)
29. Serious Injury by Vehicle (§ 40-6-394)
30. Fleeing and Attempting to Elude (§ 40-6-395)

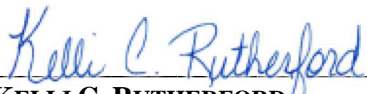
### **OFFENSES BASED ON THE JUVENILE'S LEGAL HISTORY OR LOCATION**

31. A juvenile on probation or committed to DJJ who has three separate misdemeanor adjudications previously (requires that child has three times previously been found guilty in court of misdemeanor offenses – three separate arrests insufficient)
32. All **Out of State** Runaways (15-11-2)

- III. Age. **For youth under twelve years of age**, where automatic overrides would ordinarily apply, the District Attorney's Office, a Juvenile Court Judge or a Judge authorized to make detention decisions in the Ocmulgee Circuit must be consulted for detention review. A Judge authorized to make detention decisions shall have final authority as to the detention of the juvenile.

- IV. It is **Further Ordered** that all previous circuit standing orders regarding overrides of the Detention Assessment Instrument of the Georgia Department of Georgia are hereby superseded by this order.
- V. It is **Further Ordered** that all a copy of this order shall be filed with the juvenile court clerks in each county in said judicial circuit.

So Ordered this 2nd day of March, 2021.

  
\_\_\_\_\_  
**KELLI C. RUTHERFORD**  
**JUVENILE COURTS OF THE**  
**OCMULGEE JUDICIAL CIRCUIT**