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EIGHTH JUDICIAL DISTRICT COURT CLARK COUNTY, NEVADA

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9 IN THE MATTER OF )

Administrative Order: 16-08

IN THE MATTER OF
The Booking of Juveniles
Into the Juvenile Detention
On Charges Involving the
Use of Firearms

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WHEREAS, Rule 1.30 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada ("EDCR") charges the Chief Judge of the Eighth Judicial District Court ("Court") with various responsibilities, such as supervising the administrative business of the Court, ensuring the quality and continuity of its services, supervising its calendar, reassigning cases as convenience or necessity requires, assuring the Court's duties are timely and orderly performed, and otherwise facilitating the business of the Court;

WHEREAS, by way of an administrative order filed on March 14, 2008 in Juvenile Case Number J308963, attached hereto as "Exhibit A", the Court directed the Department of Juvenile Justice Services to cause urine samples to be drawn from all juveniles aged 14 or older at the time of booking into the Juvenile Detention Center on charges involving the use of a firearm;

WHEREAS, by way of an amended administrative order filed on April 11, 2008 in Juvenile Case Number J308963, attached hereto as "Exhibit B", the Court modified the circumstances under which urine samples were to be drawn from such juveniles; and,

WHEREAS, the need to conduct immediate drug-testing for juveniles booked into the Juvenile Detention Center no longer exists.

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IT IS HEREBY ORDERED, pursuant to EDCR Rule 1.30, that both the administrative order filed on March 14, 2008 into Juvenile Case Number J308963 and the administrative order filed on April 11, 2008 into Juvenile Case Number J308963 are hereby rescinded.

Entered this day of Mullion, 2016.

By:

DAVID BARKER

Chief Judge

Eighth Judicial District Court

# Exhibit A

#### EIGHTH JUDICIAL DISTRICT COURT FILED

FAMILY DIVISION - JUVENILE

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CLARK COUNTY, NEVADA

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In the Matter of:

The Booking of Juveniles into the Juvenile Detention Center on Charges Involving the Use of Firearms ADMINISTRATIVE ORDER

No. 7 30 89 63

### ORDER DIRECTING JUVENILE DETENTION STAFF TO DRUG TEST ALL JUVENILES BOOKED INTO THEJUVENILE DETENTION CENTER ON CHARGRES INVOLVING THE USE OF FIREARMS

Whereas, juveniles, fourteen years or older, who are charged with a delinquent act involving the use of a firearm are subject to certification proceedings pursuant to NRS. 62B.390; and

Whereas, the issue of whether a juvenile may have been under the influence of alcohol and/or controlled substances at the time he/she allegedly committed a delinquent act involving the use of a firearm is a highly relevant factor in the Court's determination as to either denying or granting a Petition to Certify the juvenile as an adult pursuant to NRS 62B.390; and

Whereas, the current practice of waiting for the Court to order hair and urine tests at initial or subsequent detention reviews and the resulting delay that occurs from the time of the Order to the date samples are collected causes valuable and highly relevant evidence to be lost; and

Whereas, over the last several years the Court has requested that such tests occur at the time juveniles are booked on such offenses and said requests having gone unfulfilled;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Department of Juvenile Justice Services shall cause a urine sample to be taken from every juvenile (14 years or older), at the time of booking, who is booked into the Juvenile Detention Center on a charge involving the use of a firearm; and

IT IS HEREBY FURTHER ORDERED that said sample shall be placed into the custody of Quest Diagnostics Incorporated, or similar qualified testing entity, for analysis to detect evidence of alcohol and/or controlled substances;

IT IS HEREBY FURTHER ORDERED that the Department of Juvenile Justice Services shall notify and request Quest Diagnostics Incorporated, or similar qualified testing entity, to cause a hair sample to be taken from the aforementioned juvenile for the purposes of analysis to detect evidence of alcohol and/or controlled substance within 48 hours or less from the time of booking.

The ORDER is hereby effective as of March 19, 2008, and shall continue until further Orders of this Court.

DATED this \_\_\_\_ day of March, 2008.

WILLIAM O. VOY District Court Judge

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## Exhibit B

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#### FAMILY DIVISION - JUVENILE

CLARK COUNTY, NEVADA PR 11 11 22 M '08

Ca Court

In the Matter of:

The Booking of Juveniles into the Juvenile Detention Center on Charges Involving the Use of Firearms ADMINISTRATIVE ORDER

No. <u>J308963</u>

#### Order Amending and Clarifying Administrative Order J308963, filed March 14, 2008.

WHEREAS, the Court's Previous Order directing the Department of Juvenile Services to obtain urine samples from juveniles 14 years and older who are booked into the Clark County Juvenile Detention Center on firearm related offenses has been interpreted by the Department in such a way as to cause unnecessary expenses to be incurred;

NOW, THEREFORE, IT IS HEREBY ORDERED that the same is HEREBY AMENDED as follows:

1) The Department of Juvenile Services shall collect a urine sample from every juvenile entering Booking with a charge that includes the use of a firearm in the commission of a crime provided the crime allegedly occurred within the previous 14 days. Booking staff and/or intake staff will attempt to obtain the sample while the juvenile is in the holding area. If the juvenile is unable to provide a sample at that time, Detention staff will obtain the sample when the juvenile is transferred to Detention. The sample, with all paperwork required by the testing entity shall be placed into the refrigerator located in the Booking evidence room. Booking staff and/or Intake staff shall then call the testing entity to request pick up of the urine sample in the ordinary course of business in such a manner as to avoid any additional fees being charged to

Exhibit B

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the County above those already set forth in the current contract between the Department of Juvenile Services and the testing entity. The results of the subsequent testing shall be sent to Intake or to the assigned Probation Officer for further dissemination to the Court, the office of the Juvenile District Attorney's Office and the assigned Defense Counsel;

- The testing results will not be used for the purposes of any additional delinquent charges being brought against the juvenile;
- 3) The Court's previous order regarding obtaining a hair sample for toxicological testing is hereby set aside. Hair testing will be ordered by the Court at the time of juvenile's initial detention review as has been the long standing prior practice of the Court.

This ORDER is hereby effective as of April 11, 2008. The Department of Juvenile Services shall create any policy and procedures that it may deem necessary and appropriate to ensure that the intent of this Court's Order is accomplished.

DATED this \_\_\_\_\_ day of April, 2008.

WILLIAM O. VOY
District Court Judge

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