

SIXTH JUDICIAL DISTRICT
(La Plata, San Juan, and Archuleta Counties)
Juvenile Detention Screening Protocol

Administrative Order No. 2023-2

**ORDER AMENDING JUVENILE INTAKE PROTOCOL AND VACATING
ADMINISTRATIVE ORDER 2022-18**

WHEREAS, it is necessary to have a uniform screening process to determine the appropriateness of juveniles for detention placement and that such screening process requires adherence to state guidelines, the Court adopts this updated protocol.

This order supersedes Administrative Order 2022-18, which was ordered on August 1, 2022, which is hereby rescinded on February 1, 2023.

This document reflects changes being made to the 6th Judicial District Juvenile Detention Screening Protocol ("Protocol") beginning February 1, 2023; and shall be considered official policy regarding the circumstances in which youth are screened for detention, and the process for determining if youth should be held in detention or released.

I. Purpose

The purpose of this Protocol is to outline the juvenile detention screening procedures for youth in the Sixth Judicial District. This Protocol shall address 1) the circumstances under which youth shall and shall not be screened for detention; and 2) the process for screening juveniles to determine whether they should be held in detention or released.

II. Intake Screening

The Chief Judge of the Sixth Judicial District has appointed the Colorado Youth Detention Continuum/SB94 office for the Sixth Judicial District ("CYDC") as the Screening Team responsible for detention screenings, detention bed management, release recommendations, community supervision and case management. At this time, CYDC has a contract with the Jefferson County Juvenile Assessment Center ("JCJAC"), ("Screening Center") to perform juvenile intake screenings using the Colorado Juvenile Detention Screening and Assessment Guide ("JDSAG") and this Protocol 24 hours per day/7 days a week by telephone.

Law Enforcement Agencies ("LEA") within La Plata, Archuleta and San Juan Counties shall:

- Immediately contact the juvenile's parent/legal guardian to notify them that the

juvenile is in custody and direct them to the appropriate law enforcement agency to participate in the intake screening.

- If a parent or legal guardian cannot be reached, the Screening Center shall still conduct the intake screening with the juvenile. The Screening Center and law enforcement shall continue to try and make contact with the parent/legal guardian. If they cannot be located, or they are unable to participate in the detention screen within one hour, the detention screen will be finalized without parental participation. If parent/legal guardian cannot be reached after the screen is completed, refer to section II.C.
- Call JCJAC at 720-497-7770 and inform them that a juvenile is in custody, is being charged with one of the offenses listed below and is in need of a detention screening.
- LEA shall then provide:
 - Youth Name
 - DOB
 - Purpose of Screen (New arrest/charges, warrant)
- Fax to 720-497-7791 or scan to email address provided by screener:
 - Copy of warrant and/or affidavit
 - Officer's name and contact information
 - Parent/guardian contact information
- JCJAC will conduct a detention screening over the phone.
- JCJAC will notify LEA of the results of the detention screen.

For purposes of making a determination on whether a juvenile must be screened by the Screening Center, law enforcement shall use the highest possible charge for which the officer has probable cause to arrest the juvenile.

A. Offenses for which screenings are mandatory are:

- **Class 1 misdemeanor or higher-level offense;**
- **Any Domestic Violence or Sex Assault offense;**
- **Probation Authorization/Hold; or**
- **District Court Warrant from any jurisdiction**

B. Screening intakes shall not be conducted for the following offenses:

- **Class 2 or Class 3 misdemeanors; (see section ## regarding issuance of Promise to Appear by Law Enforcement)**
- **Runaways;**
- **Status or Petty offenses;**
- **Truancy cases; or**
- **Municipal or County Court Warrants.**
- **Youth ages 10-12 may not be screened for detention or held on a warrant unless they are originally charged or adjudicated with a felony or a**

weapons charge pursuant to C.R.S. §§ 18-12-102, 18-12-105, 18-12-106 or 18-12-108.5.

- C. If parent/legal guardian cannot be reached after detention screen: If the juvenile screens to secure detention, CYDC will then continue to try to contact the parents/legal guardian upon receiving contact information. If the juvenile screens to home detention/release and neither the parent/legal guardian nor a responsible adult can be reached, law enforcement will notify the appropriate County Department of Human Services to initiate a transfer of custody of the juvenile to the County Department of Human Services.

Once the screening has been concluded, the Screening Center will complete all appropriate paperwork and shall scan the paperwork as soon as possible to CYDC, the local Public Defender's Office, the District Attorney's Office, the Juvenile Judge's clerk, law enforcement, and Grand Mesa Youth Services Center ("GMYSC"), (if the youth is being detained). A copy of all signed paperwork should also be provided by law enforcement to the parent/legal guardian of the juvenile.

D. Judicial Approval/Overrides

The La Plata Juvenile Judge shall be contacted by the JCJAC for all overrides/approvals. If for any reason the JCJAC cannot reach the Juvenile Judge within one hour, the on-call Judge shall be contacted in the following circumstances:

- **Any request by the Screening Center for an override on the results of the JDSAG and/or this Protocol;**
- **Release of the juvenile to an adult other than the parent/legal guardian.**

If the Juvenile Judge or the on-call Judge requests more information they can be given contact information for the Law Enforcement Officer on the case or CYDC Coordinator.

The Sixth Judicial District does not currently have staff secure (Level 2 on the JDSAG) or residential/shelter (Level 3 on the JDSAG) as options for placement. If placement is not available at the level indicated by the JDSAG, the Screening Center shall determine the next most appropriate level for placement and shall contact the Juvenile Judge for a judicial override/approval if necessary.

III. Secure Detention

If the juvenile screens to secure detention, the youth will be held in the custody of the arresting law enforcement agency for up to three hours and until they can be transported by the local Sheriff's Department to GMYSC along with a copy of their paperwork for admission.

- If the case is an Archuleta County case, Law Enforcement will contact Archuleta Dispatch at (970) 731-2160 to arrange transport.
- If the case is a La Plata County Case, the arresting agency will contact the La Plata County Sheriff's Department and request to speak to the Supervisor at (970) 382-7053 to arrange transport.
- If the case is a San Juan County case, the arresting agency will contact Dispatch at 970.387.5531 to arrange transport.

The arresting agency shall be responsible for obtaining a medical clearance. The arresting agency shall maintain custody of the juvenile for up to a three-hour period from the time the juvenile screens into detention. For La Plata County cases the arresting agency may maintain custody of the juvenile either at their own offices or at the temporary juvenile holding facility at the La Plata County Sheriff's Office.

The Sheriff's Department shall assume custody of the juvenile within three hours after the Sheriff's Office is notified that the juvenile has screened into detention. The Juvenile Court shall use its best efforts to schedule a detention hearing within 24 hours of the juvenile being detained, excluding weekends and court holidays. Under no circumstances shall the juvenile be held in the temporary juvenile holding facility for a period exceeding 48 hours, excluding weekends and court holidays.

IV. Home Detention/Release

If the juvenile screens to home detention (Level 4 on the JDSAG) or release (Level 5 on the JDSAG), Law Enforcement shall complete a Promise to Appear ("PTA") and provide a copy to the youth and parent/guardian before the victim information is filled out. The PTA is considered a Court Order and as such the juvenile and parent/legal guardian shall be subject to contempt sanctions if any violations occur. Law Enforcement shall notify the juvenile and parent/legal guardian of potential penalties for violating these orders.

Law Enforcement shall then send a copy of the PTA to the JCJAC before also sending a copy to the District Attorney's Office along with an affidavit or incident report.

The District Attorney's Office will forward the PTA and affidavit or incident report to CYDC and the Juvenile Court Clerk by the next business day to open a case.

The JCJAC shall immediately send the JDSAG, PTA, and affidavit/incident report to all required parties listed in section II. JCJAC will also provide the parent/guardian with the 6th JD CYDC Case Manager's contact information (CYDC phone – 970-946.8418)

V. Promise to Appear Issued by Law Enforcement

Law enforcement is permitted to issue a Promise to Appear ("PTA") to the juvenile and his/her parents or legal guardians for the following offenses:

- **Class 2 or 3 misdemeanors; or**

- **Petty offenses (Except citations for Minor in Possession or Driving under the Influence charges shall be filed in accordance with County Court procedures).**

When a PTA is issued by law enforcement, an intake screening will not be conducted. Law Enforcement shall complete a PTA and provide a copy to the youth and parent/guardian before the victim information is filled out. The PTA is considered a Court Order and as such the juvenile and parent/legal guardian shall be subject to contempt sanctions if any violations occur. Law Enforcement shall notify the juvenile and parent/legal guardian of potential penalties for violating these orders. Law enforcement shall scan a copy of the PTA and affidavit or incident report to the District Attorney's Office.

The District Attorney's Office will forward the PTA and affidavit or incident report to CYDC and the Juvenile Court Clerk by the next business day to open a case.

VI. Juvenile Mental Health/Intoxication

A. Imminent Risk of Suicide by Juvenile

In the event the juvenile is determined at any point to be at imminent risk for suicide by law enforcement, the intake screening will cease and the juvenile shall be transported by law enforcement to Mercy Medical Center ("MMC") for a Mental Health Evaluation. If the juvenile meets the statutory criteria for a 72 hour Mental Health Hold, CYDC shall be contacted by MMC and will monitor the situation and advise all of the parties on next steps. If, however, the juvenile has received a medical clearance by MMC, law enforcement shall transport the juvenile back to the law enforcement agency and the intake screening process shall resume with the Screening Center.

B. Intoxication of Juvenile

In the event the juvenile is under the influence of drugs or alcohol, law enforcement shall contact the Detox Center at Mercy Medical Center and request a Police Hold. If Detox is at full capacity, then the juvenile will be taken directly to MMC. Detox/MMC will then monitor the youth's intoxication levels and determine when they are medically safe to release. Once the juvenile is medically released, law enforcement will transport the juvenile back to the law enforcement agency and the intake screening process shall resume with the Screening Center.

VII. Borrowing Detention Beds

The Sixth Judicial District has been allocated 2 detention beds at Grand Mesa Youth Services Center. In total there are 19 detention beds allocated to the districts in the Western Region. CYDC districts in the Western Region have agreed that if one district has all allotted beds occupied when they get another intake, such district can automatically borrow an open bed

from another district. If detention beds are full or close capacity, CYDC Coordinators will create Emergency Release Plans or coordinate with another district to continue borrowing their bed.

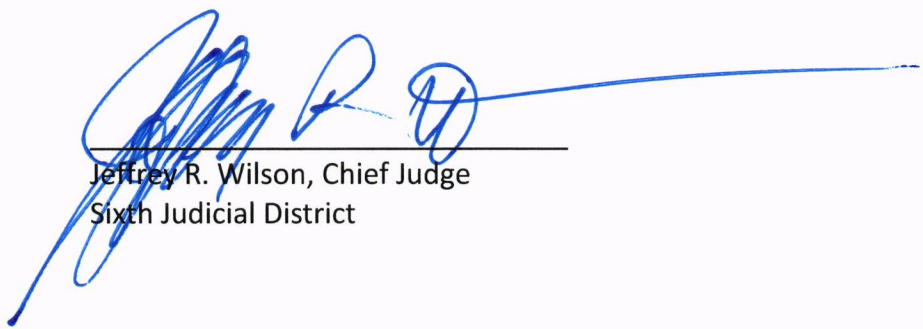
VIII. Emergency Release

CYDC will maintain an on-going list of juveniles with the lowest risk for consideration of emergency release when all the Sixth Judicial District's detention beds are full. The Juvenile Judge, GMYSC and the JCJAC will be notified by CYDC of the emergency release plan if all Sixth Judicial District's beds are full and there are no available beds to borrow. If an emergency release needs to occur, CYDC will request an Order for a Personal Recognizance Bond and set up transport. If a bed is not immediately available, law enforcement shall be required to retain the juvenile in their custody until a bed is available.

IX. Victim Notification

If there is a victim involved in the alleged offense, the GMYSC shall notify the victim as required by current Victim Notification laws and regulations. If the victim has questions regarding notification or the case, they shall be directed to contact the District Attorney's Office at 970.247.8850.

SO ORDERED this 15th day of February, 2023



Jeffrey R. Wilson, Chief Judge
Sixth Judicial District

- cc: Grand Mesa Youth Services Center
- 6th Judicial Probation
- 6th Judicial SB94 Pre-Trial Services
- All Law Enforcement Agencies, 6th Judicial District
- Judges and Magistrates, 6th Judicial District