



ADMINISTRATIVE ORDER
STATE OF COLORADO
EIGHTH JUDICIAL DISTRICT

PROCEDURE FOR THE USE OF RESTRAINTS ON JUVENILES

ORDER 2024-01

This Administration Order replaces the prior Administrative Order 2015-1. The 8th Judicial District recognizes a need to establish a consistent policy concerning the use of physical restraint devices on juveniles appearing in custody in the courtroom. By way of example, but not limitation, such devices include shackles, handcuffs, leg cuffs, chains, and belts. There have been several evidence-based studies finding that routine indiscriminate physical restraint of juveniles in the courtroom may be traumatic and psychologically harmful to the juvenile. Accordingly, there have been recommendations to eliminate the indiscriminate use of physical restraints in the courtroom.

IT IS THEREFORE ORDERED THAT:

1. There shall be a rebuttable presumption that juveniles who are in custody for court proceedings are not escape risks, a threat to themselves or others, or otherwise incapable of appropriately behaving while in the courtroom. Therefore, there shall be a rebuttable presumption that juveniles shall not be physically restrained in the courtroom.

2. The presumption set forth above shall be deemed rebutted if there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the juvenile and others and one of the following exclusionary criteria exists:

- a. The juvenile is being investigated for or charged with a class 1 or class 2 felony (not including a class 1 or class 2 drug felony);
- c. The juvenile is currently housed in isolation for dangerous behavior to self or others including but not limited to assaultive or combative behavior;
- d. The juvenile has made threats toward law enforcement or staff;
- e. The juvenile has made a recent, credible threat of harm to themselves or others;
- f. The juvenile is currently under investigation for or charged with escape or attempted escape from a secured facility or juvenile has a known current plan to escape from a secured facility or from court but is not charged.
- g. The juvenile has mental health issues and is demonstrating bizarre, erratic, or combative behavior; or
- h. The juvenile is charged with disarming or attempting to disarm a law enforcement officer.

3. There shall be a rebuttable presumption once a juvenile's case is heard and tried in adult court, that the juvenile shall be restrained in court. The judicial officer may deviate from this presumption after considering the following factors: the age of the juvenile, developmental state of the juvenile, the background and characteristics of the juvenile, the need for continued restraint of the juvenile, and any other factors the judicial officers deems relevant to maintain safety and prevent flight.

4. For the safety of all people in the courtroom, when the security staffing ratio of 2:1 on juveniles charged with a class 1 or class 2 felony (not including class 1 or 2 drug felonies) cannot be met, law enforcement and transportation staff shall use restraints on the juvenile in the courtroom and notify the judicial officer of such prior to the appearance. The judicial officer has the authority to override this policy to accommodate the least restrictive alternative to prevent flight or physical harm to the juvenile and others.

5. Law enforcement or transportation staff in conjunction with the presiding judicial officer shall determine whether any of the above exclusionary criteria exist from all information available to them and may physically restrain the juvenile while in the courtroom if one or more criteria exist.

6. This policy only applies to appearances in the courtroom, not to any other time the juvenile is being transported to and from the courtroom. Physical restraint during transport is within the discretion of transportation staff and law enforcement. As to any juvenile who is not physically restrained while in the courtroom, law enforcement and transportation staff are authorized to remove the juvenile and reattach any physical restraints used for transportation either immediately before or immediately after entering the courtroom, as is deemed feasible by them for security reasons.

7. If law enforcement or transportation staff determines that a juvenile who does not meet any of the above exclusionary criteria nonetheless poses a risk to themselves or others or a risk of escape, they shall advise the presiding judicial officer, who shall then determine if the juvenile shall be physically restrained during the court appearance. When practicable, the judicial officer shall obtain the input of the parties prior to determinations on the use of restraints in the courtroom.

8. The presiding judicial officer shall always retain the authority and discretion on their own motion as to whether a juvenile shall be physically restrained during a court appearance. The presiding judicial officer shall exercise their sound discretion including what information to consider when making this determination.

SO ORDERED this 24th day of January 2024.



Susan Blanco
Chief Judge, Eighth Judicial District