

SEVENTEENTH JUDICIAL DISTRICT

ADAMS COUNTY

ADMINISTRATIVE ORDER OF THE CHIEF JUDGE

2015-05

Use of Restraints on Juveniles in Court.

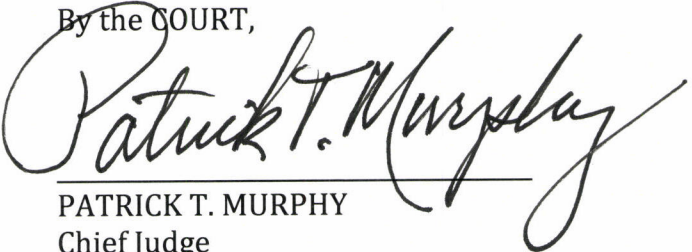
There shall be a rebuttable presumption that youth who are in custody for court proceedings are not escape risks; nor a threat to themselves or others; nor are otherwise incapable of exhibiting appropriate and respectful behavior while in open court.

- I. It is the policy of the Seventeenth Judicial District that juveniles shall not be restrained in court. Juveniles shall not be brought before the court wearing any physical restraint devices unless ordered by the court during or prior to the hearing. Instruments of restraints such as handcuffs, leg cuffs, shackles, chains, belts, irons or straightjackets, and all other devices which restrain an individual's freedom of movement shall not be used on a juvenile during a court proceeding and shall be removed prior to the juvenile's entry into the courtroom.
- II. While law enforcement has discretion to determine the level of security appropriate during transport to and from a detention facility, restraints shall be removed prior to entering the courtroom unless determined otherwise by the Court.
- III. The rebuttable presumption against the use of restraints on the juvenile may be overcome if one or more of the following factors are found to exist:
 - A. Juvenile is currently housed in isolation for dangerous behaviors to self or others; or
 - B. Juvenile has made recent and credible threats of serious bodily harm to self or others; or
 - C. There is credible information that there is an imminent plan or risk of escape; or
 - D. Juvenile demonstrates assaultive, erratic or combative behaviors; or
 - E. There are multiple co-defendants in the courtroom at the same time; or
 - F. Juvenile makes threats towards law enforcement or court staff.

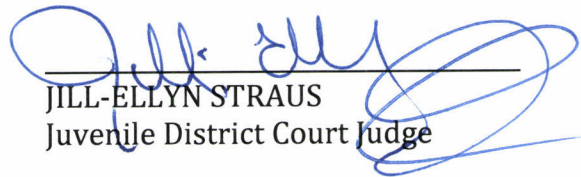
- IV. Law enforcement shall advise the Court if they have reason to believe that a juvenile who does not meet the above exclusionary factors contained within this Order poses a risk to themselves or others, and the Court shall then determine if the juvenile is to be restrained during a court appearance.
- V. In making its determination whether the rebuttable presumption against the use of restraints has been overcome, the court may give consideration to the nature of the charged or contemplated offense or offenses.
- VI. Should the court order restraints be used, the least restrictive form of restraint to effectively address the security concern shall be used.
- VII. A finding of restraint of a juvenile is limited to that court appearance only.
- VIII. The Court at all times retains the authority and discretion to determine, on its own motion, or upon the motion of a party that a specific juvenile shall be restrained during a court appearance.

EFFECTIVE this 6th day of August, 2015.

By the COURT,



PATRICK T. MURPHY
Chief Judge
Seventeenth Judicial District



JILL-ELLYN STRAUS
Juvenile District Court Judge



JOHN POPOVICH
Juvenile District Court Judge