

Chief Judge Directive 12-04
SENATE BILL 94
11" JUDICIAL DISTRICT
Gateway Youth and Family Services

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SENATE BILL 94 ELEVENTH JUDICIAL DISTRICT POLICY

Emergency Release Procedure

Effective Date: July 1, 2013
Revision Date: June 14, 2012
Review Date: July 1, 2013

**POLICY FOR EMERGENCY RELEASE OF A JUVENILE
FROM SECURE DETENTION**

1. Purpose

To determine the process for the emergency release of youth detained by the Eleventh Judicial District (Chaffee, Custer, Fremont and Park Counties) in the secure detention setting in accordance with Colorado Revised Statute (C.R.S.) Section 1, Article w of title 19. Sections 19-2-1201, 19-2-1902, 19-2-1203 and 19-2-12-04, which addresses the limitation on the number of juvenile beds in the State of Colorado at a total of 479.

2. Goals

- To monitor, on a weekly basis, detention admission and lengths of stay for pre-adjudicated and sentenced youth detained by the Eleventh Judicial District in Spring Creek Youth Services Center, a Division of Youth Correction's secure facility.
NOTE: There will be no emergency release orders for the districts bed at the Marvin W. Foote Youth Services Center. Youth there will not be emergency released due to transportation issues (juggling youth from one center to another). Park County youth who have been detained at the Spring Creek Youth Services Center may be considered for emergency release.
- To determine in advance, which detention youth would be considered for emergency release in the event the Eleventh Judicial District reaches and has the potential to exceed the State-imposed district detention cap of 11.
- To ensure a plan exists and that various options have been explored to avoid emergency release for detained youth.

- To submit recommendations to the Court regarding the emergency release of pre-adjudicated or sentenced youth should no other option be available.
- To obtain signed or verbal orders from a judge or magistrate so that a youth can be released as needed.

3. Procedures

1) The screening and Case Management agency in contract with the 11th Judicial District (Mission Possible) will review the statistics at the detention center. This will be done daily. When the district's bed use is determined to be close to capacity, Mission Possible staff will use the assessment information they have and consult with the SB94 Coordinator for possible release candidates.

Consideration will be given to:

- a. The number of current beds currently in use
- b. The expected soon-to-be-released youth
- c. The overall current use of the detention center
- d. The risk score of the youth in detention (CJRA score)
- e. The reason for detention and nature of charges for each youth.

2) The decisions for release will be considered by a committee including but not limited to:

- a. Mission Possible Staff
- b. The Senate Bill 94 Coordinator for the Eleventh Judicial District
- b. The District Attorney or designated Juvenile Attorney for each county in the District
- c. The assigned probation officer, if available

3) The committee will meet if the detention situation indicates a possible need for an emergency release.

- The committee can most often meet informally via phone call, e-mail etc.
- Mission Possible staff (or in emergency, The Senate Bill 94 Coordinator for the Eleventh Judicial District) will provide information to the courts and the committee regarding the status of each youth in detention who is being considered for emergency release.
- Though the above mentioned committee member's opinions will be taken into consideration, the ultimate decision will be made by the District Judge or Magistrate of the county the youth is being held by.

4) Options for release will include:

- Release to parents on EHM Tracking
- Release to Department of Human Services Custody if the parents are not available or if the youth is in legal custody of the Department
- Release to the Gateway Residential Shelter Placement if it is determined the youth can be maintained safely in this location

5) Mission Possible staff (or in emergency, the Senate Bill 94 Coordinator for the Eleventh Judicial District) will provide a written request for emergency release to the appropriate judge or magistrate for signature. The signed request will serve as a release order.

6) Mission Possible staff (or in emergency, the Senate Bill 94 Coordinator for the Eleventh Judicial District) will ensure that the signed request is faxed to the appropriate detention center.

7) Mission Possible staff will continue to monitor the detention situation at the detention center. No release will be activated until absolutely no other option is available.

Options:

- ❖ Borrow a bed from another Judicial District that also uses the Spring Creek Youth Services Center
- ❖ Ask another district to emergency release a low risk youth if the only youth in detention happen to be high risk.

8) If a release is considered pending (possible within a 24 hour period). Mission Possible staff who receives information from the detention center of the capacity issues, and would be screening new youth into the facility, necessitating the emergency release, will notify the youth's family, custodian, or location of release of the possibility of emergency release.

- 9) When a release has to be put into effect (there are no beds available in the entire facility). The detention center will notify the screening agency, who will call the youth's family, custodian, or location of release and notify them that the youth must be picked up within six hours (Southern Region Bed Borrowing Policy).
- 10) It is the responsibility of the family, custodian or individual in charge of the location of release to transport the youth.
- 11) The released youth will be placed on EHM, if that is the option immediately upon returning to his home county.
- 12) The released youth (if he/she is released on a sentence) will be readmitted to the detention center to complete his sentence as soon as the bed capacity indicates the sentence is most likely to be able to be completed.

4. Hierarchy of emergency release decisions


Youth **will** be considered for release in the following order:

- a. Youth who are serving a sentence
- b. Youth who are considered to be a low risk

Youth **will not** be considered for release:

- a. Youth who have been placed in detention and are waiting a detention hearing
- b. Youth who have a high risk score (CJRA) and no safe arrangement can be made for their release

Court Order Issued By:



/S/ Charles Barton
Chief Judge
Eleventh Judicial District

Date: 6-27-2012