



COUNTY OF PUEBLO, STATE OF COLORADO, TENTH JUDICIAL DISTRICT

CHIEF JUDGE ADMINISTRATIVE ORDER

23-10

**PROCEDURES FOR OBTAINING A COURT ORDER FOR RESTRICTIVE HOUSING
IN JAILS PURSUANT TO C.R.S. § 17-26-301, ET SEQ.**

- I. **Authority.** Pursuant to the authority granted to chief judges of the judicial districts of the State of Colorado by Chief Justice Directive 95-01, the undersigned enters the following Chief Judge Administrative Order 23-10.
- II. **Background.** The legislative declaration contained within C.R.S. § 17-26-301 provides that “due to the substantial negative impacts of placing juveniles and adults with specific health conditions in restrictive housing, the state must take immediate steps to end and prohibit the use of restrictive housing of juveniles and adults with specific health conditions in Colorado jails.” C.R.S. § 17-26-301(2). Thus, C.R.S. § 17-26-301, et seq., outlines procedures to be followed regarding placement of certain individuals in restrictive housing in a local jail. A local jail is defined as “a jail or an adult detention center of a county or city and county with a capacity of more than four hundred beds.” C.R.S. § 17-26-302(2).¹ When an individual meets certain conditions set out in C.R.S. § 17-26-303, “the local jail shall not hold the individual in restrictive housing for more than fifteen days in a thirty-day time period without a written court order.” C.R.S. § 17-26-303(2)(i)(I) (emphasis added). The statute further provides:

If a local jail wants to hold an individual placed in restrictive housing pursuant to subsection (2)(a) of this section for more than fifteen days in a thirty-day period, the local jail must obtain a written court order. A court shall grant the court order if the court finds by clear and convincing evidence that:

- (A) The individual poses an imminent danger to himself or herself or others;
 - (B) No alternative less-restrictive placement is available;
 - (C) The jail has exhausted all other placement alternatives;
- and
- (D) No other options exist, including release from custody.

C.R.S. § 17-26-303(2)(i)(II).

¹ C.R.S. § 17-26-302 defines several terms. Those definitions shall apply to this Order.

While the statute describes the findings that must be made in a court order to place an individual in restrictive housing, the statute is silent as to the administrative aspects of case management for a restrictive housing order. Thus, it necessary to establish a consistent procedure for the Tenth Judicial District, given that the Pueblo County Detention Facility, operated by the Pueblo County Sheriff's Office, meets the definition of "local jail" per C.R.S. § 17-26-302(2), and the court may be called upon to issue a court order with respect to restrictive housing.

III. Procedure. When the Pueblo County Detention Facility desires to hold an individual in restrictive housing for more than fifteen days in a thirty-day time period, it must obtain a court order per C.R.S. § 17-26-303(2)(i)(I)-(II), through the following procedure:

- A. The County Attorney will initiate a new action by filing a Petition for Extension of Restrictive Housing ("Petition") and a sworn affidavit ("Affidavit") with the District Court. The Petition should be filed as a public court document and should not include any medical and/or mental health information regarding the individual. The Affidavit should be filed in suppressed status and can contain medical and/or mental health information regarding the individual.²
- B. The filing County Attorney must include a certificate of service indicating that the individual and, if represented, the individual's counsel have been served with the Petition and the Affidavit.
- C. When the Clerk's Office receives the Petition, a new civil (CV) case for the action will be opened, in which the County Attorney will be entered as a party to the proceeding.
- D. After the court enters its order on the Petition, the court will set a twenty-one-day review.
- E. If there are no further filings after twenty-one days, then the case will be closed.
- F. If the local jail determines that it needs to keep the individual in restrictive housing for longer than that previously ordered by the court, then it must file a Motion and an Affidavit within the existing CV case.

SO ORDERED, this 5th day of July 2023.



Gregory J. Styduhar, Chief Judge

² The undersigned anticipates that these cases will contain protected mental health information and that is it likely that these individuals will have pending or recently resolved criminal cases. Accordingly, the undersigned finds that the Affidavit should be maintained in suppressed status. See Chief Justice Directive 05-01, § 3.08 (defining suppressed court records).