



CHIEF JUDGE ORDER 2018-07
STATE OF COLORADO
FIRST JUDICIAL DISTRICT

IN THE MATTER OF JUVENILE SCREENING AND DETENTION GUIDELINES

ORDER

WHEREAS Rule 3.7 of the Colorado Rules of Juvenile Procedure requires the Chief Judge of each judicial district to designate a person or persons as officer(s) of the Court with authority to determine whether a juvenile taken into temporary custody should be released to a parent, guardian or a responsible adult approved by the parent/guardian, or admitted to a detention or shelter facility pending notification to the Court and a detention hearing;

NOW THEREFORE IT IS ORDERED THAT:

The 1st Judicial District Juvenile Services Planning Committee (JSPC), appointed under Section 19-2-211, C.R.S. shall be responsible for detention screening guidelines, placement guidelines pursuant to Rule 3.7 and the Colorado Children's Code in its annual plan. The JSPC is authorized to enter into a contract with Jefferson County Juvenile Assessment Center to administer services as described in Section 19-2-508 (2) and (7). The person(s) or agency providing these services shall be designated as officers of the Court. As such, they are vested with the authority to screen those juveniles taken into temporary custody to determine the appropriate level of detention for the juvenile, subject to the provisions of this Order and the Colorado Children's Code. First Judicial District Senate Bill 94 employees, as officers of the Court, shall have the authority to set bail and set appropriate bond conditions for the initial period of release prior to a detention hearing.

POLICY:

A. Person(s) responsible for detention screening and placement shall be known as the screening team and shall have the following specific responsibilities:

1. Screening and assessment of all juveniles referred by law enforcement to make initial placement decisions. In making the placement decision, the screening team shall be guided by the Colorado Children's Code, Section 19-2-508, C.R.S. and the criteria developed pursuant to Section 19-2- 212, C.R.S.

a. Juveniles in the following circumstances shall be held in Level 1 secure detention and not released prior to a detention hearing:

- i. The juvenile is arrested for an offense enumerated in Section 19-2-508 (3) (a)(III) (A) and (B);
- ii. The juvenile has escaped from a secure Department of Human Services Facility;
- iii. There is an outstanding bench warrant or court order from a District Court or County Court where the County Court judge is clear on the arrest warrant that the juvenile is to be held in detention pending their next appearance in County Court;
- iv. The juvenile has been designated as a Serious Habitual Offender Direct Intervention (SHODI) youth who has a new case (excludes petty offenses, truancy, and any other status offense);
- v. The juvenile is an out-of-state runaway with an outstanding warrant for a delinquent or criminal activity;
- vi. The juvenile is taken into custody for 1st degree aggravated motor vehicle theft with eluding an officer;
- vii. The juvenile is taken into custody for 1st degree aggravated motor vehicle theft and the juvenile has a history of motor vehicle theft.

b. Juveniles in the following circumstances may be held in Level 1 secure detention and not released prior to a detention hearing, pending information that the juvenile is a danger to self or others, such that other alternatives are not appropriate:

- i. The juvenile is taken into custody for a violation of restraining/protection order;
- ii. The juvenile is taken into custody for a domestic violence enhancer;
- iii. The juvenile is taken into custody for a Unlawful Carry of a Concealed Weapon;
- iv. The juvenile is taken into custody for a Possession of a Dangerous or Illegal Weapon;
- v. The juvenile is taken into custody for an Unlawfully Carrying a Concealed Weapon on School, College or University Grounds;
- vi. The juvenile is taken into custody for a Possession of a Defaced Firearm;
- vii. The juvenile is taken into custody for a Prohibited use of a Weapon;
- viii. The juvenile is taken into custody for an Illegal Discharge of a Firearm;
- ix. The juvenile is taken into custody for an Illegal Possession of a Handgun by a Juvenile;
- x. The juvenile has committed a credible threat against a school, school faculty or staff member(s), or student(s), and investigation into the threat continues, and community safety is not yet assured.

c. Juveniles with an out-of-state runaway warrant may be held at the Jefferson County

Juvenile Assessment Center and not detained if all of the following criteria are met:

- i. The warrant is only for an out-of-state runaway, and
 - ii. The juvenile is not considered a flight risk, and
 - iii. The parent/guardians are able to pick up the juvenile within 24 hours.
 - d. Juveniles who do not score into Level 1 secure detention, via the JDSAG or the criteria listed above, may receive an override into detention, based on the following criteria:
 - i. History of failing to appear for court;
 - ii. Currently being supervised on SB94 pre-trial supervision, diversion, or probation;
 - iii. Victim resides within the same residence and no appropriate kinship care is available;
 - iv. Prior criminal history;
 - v. Level of flight risk;
 - vi. Juvenile was arrested with high-risk juveniles who are known to the juvenile justice system;
 - vii. Identified as a high-risk victim;
 - viii. Juvenile who is unable to be supervised at the JCJAC;
 - ix. Whether appropriate adult supervision is available.
 - e. Juveniles who do score into Level 1 secure detention, via the JDSAG or the criteria listed above, may receive an override out of Level 1 secure detention, based on the following information:
 - i. Juvenile is between the ages of ten (10) – twelve (12) years old;
 - ii. If the female pod at Mount View Detention Center is at capacity and the juvenile being screened is female and poses less risk to the community compared to the juvenile who would be released through the Emergency Release process;
 - iii. The 1st Judicial District SB94 has reached detention bed capacity and it has been determined that the juvenile being screened poses less risk to the community compared to the juvenile who would be released through the Emergency Release process;
 - iv. Juvenile who is screened into detention primarily based on history and has significant protective factors;
 - v. The arresting officer believes detention is inappropriate for the juvenile;
 - vi. Identified as a high-risk victim and they have appropriate supervision.
2. The Law Enforcement Agent must contact the Law Enforcement Liaison before charging and screening a youth for an offense of violation of a restraining/protection order, an offense that includes a domestic violence enhancer or an offense enumerated in Section 19-2-508 (3) (a) (III) (c) and listed in A.1.b. above. Then, all State mandated screening procedures must be followed prior to juveniles being taken into temporary custody to determine the appropriate levels of placement by the screening team. (C.R.S. 19-2-507 (2))
3. Based upon the screening assessment and subject to the provisions of paragraph 1 above, the screening team shall have the authority prior to a detention hearing, to place or refer a juvenile as follows:
 - a. If screened to level 5 (release to parent, legal guardian, or a responsible adult with parent/guardian approval) - the juvenile may be released pending the filing of a petition by the District Attorney;
 - i. If deemed necessary, the screening team can refer the juvenile and family for

- services.
- b. If screened to level 4 (home detention program) - the screening team may release the juvenile to a parent or legal guardian or a responsible adult with parent/guardian approval, with the condition that they agree to a home detention contract and sign a promise to appear in court at a specific time within 48 hours (excluding weekends and court holidays); if the juvenile fails to appear in response to this promise to appear, the court shall issue a bench warrant for the arrest of the juvenile;
 - i. If deemed necessary, the screening team can refer the juvenile and family for services.
 - c. If screened to level 3 (shelter) - the screening team may place the juvenile in a shelter under contract with the 1st Judicial District if available. If not available, the screening team will assess pursuant to protocol;
 - i. When unsure, contact Supervisor and/or the Law Enforcement Liaison
 - d. If screened to level 2 (staff secure shelter) - the screening team may place the juvenile in a staff secure facility under contract with the 1st Judicial District if available. If not available, the screening team will assess pursuant to protocol;
 - i. When unsure, contact Supervisor and/or the Law Enforcement Liaison
 - e. If screened to level 1 (secure detention) - the screening team shall contact the staff at Mount View Detention Center to authorize placement of the juvenile.
4. If placement is not available at the level indicated by the assessment, the screening team shall determine the next appropriate level.
 5. If circumstances change or a further assessment requires a change in the level of detention, prior to a detention hearing, the screening team has the authority to make the necessary changes in placement. The juvenile's parent or guardian shall be notified of any change in placement.
 6. At the detention hearing, the screening team's recommendation will be presented to the Court regarding the appropriate level of detention.
 7. If the court orders detention services at levels 2, 3, or 4 and subsequent to this order circumstances change, the juvenile is not complying with the court orders, or a further assessment indicates that a different level of placement or supervision is appropriate, SB94 Pre-Trial shall request a forthwith hearing, notify all parties of that hearing and ensure that the juvenile is present for the hearing.
 8. In accordance with 13-10-113(4) and 19-2-508(2)(b), a Municipal Court has the authority to order a child thirteen years of age and older but less than eighteen years of age to secure detention for failure to comply with a lawful order of the court. Any confinement of a child for contempt of municipal court shall not exceed forty-eight hours. It is in general the policy of the 1st JD to attempt to locate and identify alternative community and family resources to avoid placement in a detention facility.
 9. In accordance with HB 17-1207 and 19-2-508(2)(b), a juvenile who is ten years of age and older but less than thirteen years of age may not be placed or sentenced to secure detention unless the juvenile has been arrested or adjudication for a felony or a misdemeanor weapons charge.
 - a. Includes failure to comply (FTC) and failure to appear (FTA) warrants.
 10. The use of secure detention for juveniles with county court cases is limited to the following circumstances:

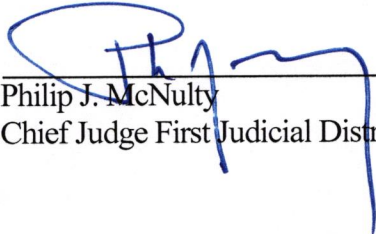
- a. Where the County Court judge is clear on the arrest warrant that the juvenile is to be held in detention pending their next appearance in County Court; or
 - b. Where the County Court judge sentences a juvenile to secure detention. Best practices show that detaining juveniles for periods of time in excess of 45 days leads to increased recidivism. This should be considered by the County Court judge when imposing secure detention for juveniles with county court offenses.
11. When a youth has a warrant and has been deemed inappropriate for secure detention, pursuant to provisions A.1.e. or B of this order, then the Jefferson County Juvenile Assessment Center will modify the bond or warrant to a personal recognizance bond co-signed by the parent, guardian, or legal custodian.
 12. When a youth with a Domestic Violence enhancer is deemed inappropriate for secure detention, the Jefferson County Juvenile Assessment Center will issue a summons with the condition of no contact with the victim.

B. Persons responsible for detention screening, placement, and transportation services shall not order secure detention when:

1. A warrant containing the clause, "to be assessed by the screening team" has been issued.
2. The child has been taken into the temporary custody of the Division of Youth and Families.
3. The juvenile has been taken into custody for a new alleged violation of a municipal or county ordinance.
4. The juvenile requires medical clearance for medical attention that is beyond the scope of the detention facility's level of medical services or:
 - a. Any youth who is intoxicated, with a documented blood alcohol level above 0.05.
5. The only offense alleged is based on truancy.
6. The juvenile has been taken into custody for an alleged violation of a fish and game violation or a CRS Title 42 violation unless the Title 42 violation is a felony.
7. The child is solely awaiting placement by the Department of Human Services.
8. The sole purpose is punitive.
9. "Probable Cause" Warrants without a JD case number.

Each decision will take into consideration community safety and the best interest of the juvenile.

Done at Golden, Colorado this ^{14th} day of September, 2018.


Philip J. McNulty
Chief Judge First Judicial District