

DISTRICT COURT, LARIMER COUNTY, COLORADO
201 LaPorte Avenue, Suite 100
Fort Collins, Colorado 80521

IN RE THE RESTRAINT OF JUVENILES IN THE
COURTROOM

Courtroom: 3A

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 and may not significantly prevent escape or the risk of physical harm to the juvenile or others. Accordingly, there have been recommendations to eliminate the indiscriminate use of physical restraints in the courtroom. Therefore, the undersigned convened a meeting of representatives of all affected offices and agencies typically involved in proceedings in court involving in custody juveniles in delinquency matters to discuss implementing a uniform policy which would address the foregoing concerns and maintain appropriate security when juveniles are in the courtroom. The court received input from that group and a consensus decision that the policy set forth in this order would accomplish that result.

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 one of the following exclusionary criteria exists:

- a. The juvenile demonstrates assaultive or combative behavior;
- b. The juvenile has made threats toward law enforcement or staff;
- c. The juvenile has made a recent, credible threat of harm to him/herself or others;
- d. There is credible information that there is an imminent plan or risk of escape;
- e. The juvenile has mental health issues and is demonstrating bizarre, erratic, or combative behavior;
- f. The juvenile is charged with disarming or attempting to disarm a law enforcement officer; or
- g. There are co-defendants in the courtroom at the same time.

3. Law enforcement or transportation staff 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. The presiding judicial officer shall be advised of their decision prior to bringing the juvenile into the courtroom. The presiding judicial officer retains the authority and discretion to override the determination of law enforcement or transportation staff.

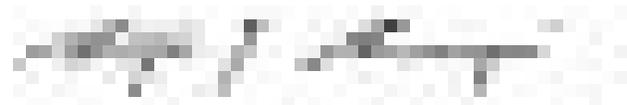
4. The within policy only applies to appearances in the courtroom, not to any other time the juvenile is being transported to and from the courtroom. Physical restraint during transport is within the discretion of transportation staff and law enforcement. As to any juvenile who is not physically restrained while in the courtroom, law enforcement and transportation staff are authorized to remove 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.

5. 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 him/herself 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.

6. The presiding judicial officer shall at all times retain the authority and discretion on his/her own motion as to whether a juvenile shall be physically restrained during a court appearance. What information the judicial officer may seek to use in making that decision and who the judicial officer allows to be heard on that question is within the sound discretion of the judicial officer.

Dated this 16th day of March, 2015.

BY THE COURT:



Stephen J. Schapanski
Chief Judge, 8th Judicial District