

## Chief Judge Directive 12-05

<b>SENATE BILL 94 ELEVENTH JUDICIAL DISTRICT POLICY Juvenile Detention Screening</b>	
Effective Date:	July 1, 2012
Revision Date:	June 14, 2012
Review Date:	July 1, 2013

# POLICY FOR SCREENING JUVENILES FOR PLACEMENT IN A SECURE DETENTION SETTING

## i. Purpose

To outline the juvenile detention screening policy for youth being considered for placement in secure detention setting by the Eleventh Judicial District (Chaffee, Custer, Fremont and Park Counties) in accordance with Colorado Revised Statute (C.R.S.) 19-2-212, 19-2-507(2) and Rule 3.7 of the Colorado Rules of Juvenile Procedure.

## ii. Goals

- ❖ To define the responsible authorities for screening pre-adjudicated and sentenced youth for placement in a Division of Youth Correction's secured detention center. Youth in the 11<sup>th</sup> Judicial District are screened into one of two possible centers: Spring Creek Youth Services Center (10 beds) or Marvin W. Foote Youth Services Center (1 bed – reserved for Park County Youth only).
- ❖ To determine which pre-adjudicated or sentenced youth would be considered for placement in the secure detention setting based on State and district screening guidelines.

## iii. Responsible Authority for Juvenile Detention Screening

The Eleventh Judicial District Court and Senate Bill 94 shall be considered the responsible authorities for overseeing juvenile detention screening.

## iv. Court-Designated Authority for Juvenile Detention Screening

Rule 3.7 of the Colorado Rules of Juvenile Procedures states that the Chief Judge in each judicial district must identify an agency or individual that will be given the authority to determine the placement of youth taken into temporary custody by the district. Under this rule, the Chief Judge or his/her assigned designee must designate juvenile screeners as Officers of the court.

The Eleventh Judicial District Court determines that the court-designated authority for screening pre-adjudicated and sentenced youth or the “screening team”, as defined in C.R.S. 19-1-103(94.5) for placement in the secure detention setting shall be the Senate Bill 94 contracted provider for screening and assessment services in the district. This provider is Mission Possible.

This authority shall be available 24 hours a day, 7 days a week and shall be considered immune from any civil or criminal liability related to screening youth, pursuant to C.R.S. 19-2-508.7. The contracted provider will be required to develop internal organization screening procedures that shall be shared with the Courts and Senate Bill 94. They will follow the mandatory State and District Screening guidelines as outlined in Section 5 below.

v. **Juvenile Detention Screening**

A. Mandatory State Guidelines

The Eleventh Judicial District will utilize the Juvenile Detention Screening and Assessment Guide (JDSAG) created by the Division of Youth Corrections and Senate Bill 94 pursuant to C.R.S. Sections 19-2-212 & 19-2-507(2) when determining which youth will be placed in the secure detention setting (see attachment B).

The Eleventh Judicial District will screen youth into detention if they have been arrested for an offense enumerated in the C.R.S. Section 19-2-508(3)(c)(III) and otherwise considered a “mandatory hold”:

- Possession of a dangerous or illegal weapon C.R.S. 18-12-102;
- Possession of a defaced firearm C.R.S. 18-12-103;
- Carrying a concealed weapon C.R.S. 18-12-105;
- Carrying a concealed weapon on school, college, or university grounds C.R.S. 18-1105.5;
- Prohibited use of a weapon C.R.S. 18-12-106;
- Illegal discharge of a firearm C.R.S. 18-12-107.5;
- Illegal possession of a handgun by a juvenile C.R.S. 18-12-108.5;
- Any felony offense against a person in which the juvenile used or possessed and threatened the use of a firearm as defined in C.R.S. 18-1-901(3)(f) and/or Title 18, Article 3;
- A Crime (or delinquent act) the underlying factual basis of which includes an act of domestic violence C.R.S. 19-6-801(1) & 18-4-800.3 (1). (Felony or misdemeanor domestic violence summons).

- A crime of violence if a juvenile used, or possessed and threatened the use of a deadly weapon C.R.S. 18-6-901(3)(d) during the commission of the crime of the immediate flight there from C.R.S. 18-1.3-201 OR caused serious bodily injury or death C.R.S. 18-1-901(3)(p) to any other person except another participant. Includes “attempts and conspiracies” as well as the crimes listed below.

- Any crime against an at-risk adult or juvenile C.R.S. 18-6-5-103;
- First or Second Degree Murder C.R.S. 18-3-102 & 18-3-103;
- First or Second Degree Assault C.R.S. 18-3-202 & 18-3-203;
- Kidnapping C.R.S. 18-3-301 & 18-3-302;
- Sexual Assault C.R.S. 18-3-302;
- Aggravated Robbery C.R.S. 18-4-302;
- First Degree Arson C.R.S. 18-4-102;
- First Degree Burglary C.R.S. 18-4-202;
- Escape C.R.S. 18-8-208;
- Criminal Extortion C.R.S. 18-3-207;

xi Additional crimes of violence.

- Any sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim and in both cases the victim is under 15 years of age C.R.S. 18-3-411, 18-1-901(3)(c);

#### B. District Guidelines

- A. The Eleventh Judicial District **shall** also screen a youth into secure detention in the following circumstances;
  - A. If an active probation youth has accrued new felony charges.
  - B. A crime (or delinquent act) the underlying factual basis of which includes an act of domestic violence C.R.S. 18-6-801(1) & 18-6-800.3(1). (Felony or misdemeanor domestic violence summon)
  - C. If a youth has a verbal or written district court order.
  - D. If a youth has an active warrant as described below:
  - E. District Warrants\* (00JV0001 and 00JD0001)
  - F. “No personal Recognizance (PR) Bond” Municipal Warrants
  - G. Out of State Warrants
  - H. If a youth has a DYC warrant or has escaped from the Division on Youth Corrections.
  - I. If a youth has been charged by direct filing pursuant to C.R.S. 19-2-517\*

\*Until a Judge or Magistrate agrees that a juvenile should be charged as an adult, there should be no proceedings in an adult felony and no arrests that result in incarceration in the

county Jail. After there has been a judicial determination that a juvenile has been charged as an adult, the juvenile shall be transported to the county jail.

- B. The Eleventh Judicial District **may** also screen a youth into secure detention in the following circumstances:
- If a pre-adjudicated youth has violated conditions of bond, release, and/or house arrest, SB94 case managers must adhere to the organization's internal procedures related to detaining pre-adjudicated youth and must also obtain a valid verbal or written court order.
  - If a sentenced youth has violated conditions of probation, 11<sup>th</sup> Judicial District Probation Officers must adhere to the organization's internal organizational procedures related to detaining sentenced youth and must also obtain valid verbal or written court order.
  - The Eleventh Judicial District **may not** screen a youth into secure detention in the following circumstances:
    - A. If a youth has been charged with a status offense and/or an offense that, if he/she were an adult they would not be placed into jail
    - B. If a youth from Southern Peaks has been charged with no more than third degree assault.
    - C. If a youth is brought in by parents due to lack of parental control
    - D. If a youth is held solely as a temporary corrective or punitive measure
    - E. If a youth is being held because of alleged school truancy
  - C. According to the JDSAG, the screening authority may override the designated screening tool or local policy based on professional judgment and the above listed conditions as a part of the overall screening process. An override can be either to a more or less setting.

**Safety Risk** – The youth's overall risk to themselves or the community as a whole.

**Current Offense(s)** – The nature of the alleged offense committed by the youth.

**Supervision** – The availability of a parent or legal guardian to supervise the youth upon his/her return to the community. (The screener may advise law enforcement to call the County Department of Human Services/Social Services if a responsible parent or adult is not available to supervise the youth).

**Transportation** – The availability of transportation to assist in transferring the youth to a secure detention facility.

**Placement Option 1** – The availability of an out-of-home placement for youth that are in custody of the Department of Human Services/Social Services.

**Placement Option 2** – The availability of the Gateway Residential Shelter Bed as an alternative to detention providing safety of the youth and community if considered and/or resolved.

- A. As a part of the initial screening process, this authority will determine whether a youth appears to be intoxicated, may be under the influence of a controlled substance, or is in need of medical attention (preferably before a youth has been transported by law enforcement to the detention facility the Gateway Residential Shelter Placement). If any of these conditions exist, they will not screen a youth into the secure detention setting or Gateway Residential Shelter Placement without a signed medical clearance from a physician, physician's assistant or nurse practitioner. It will be the responsibility of the law enforcement officer of the referring agency to obtain this medical clearance.
- B. All youth who have a victim and/or a Victim Rights Notification (VRN or Pumpkin Sheet) document will be required to have that documentation on file at the detention center. It is not the responsibility of the screening authority to provide this notification, however, they have been asked to facilitate the detention center's need by reminding the arresting officers to take this document with them to the detention center.
- C. Prior to any Detention Center Admission, all youth must have a new JDSAG screen completed within a 24-hour period.
- D. This authority will not screen youth who are required to serve weekend sentences if the district's juvenile detention population is in excess of 8 on Friday afternoons prior to the weekend. This will be especially true if the detention facility's population is within 90% of capacity. (It is noted that a screener may make a decision to screen a weekend sentenced youth in if the detention facility's population is unusually low and a bed is expected to be available to be borrowed from another Judicial District without need for emergency release back to that District).
- E. This authority will re-screen youth if 24-hours have expired since the time a youth initially screens into secure detention, but never arrives at the detention facility for admission within the required 24-hours.
- F. This authority will provide an additional screen and/or documentation (Re-entry Statement) to the detention facility for any youth who has been released from detention for a State Hospital psychiatric evaluation for more than 24-hours, as well as for any youth who was removed from the facility by another district for the local court proceedings and return a youth to the original detention center for continued local proceedings.

vi. **Juvenile Screening Training Plan**

The SB94 Contracted provider for screening and assessment services shall implement **two** trainings\* as outlined below. The SB94 Coordinator will ensure this training occurs:

Initial Orientation – The agency will conduct an initial orientation for all new staff members directly involved with screening youth. This orientation will consist of educating new staff of the district's current screening policy and reviewing the district and internal organizational procedures relating to the implementation of this policy.

Ongoing Training – The agency will conduct ongoing training for all staff

directly involved with screening youth and local law enforcement agencies. This training will consist of re-educating staff and law enforcement on the district's current juvenile screening policy and reviewing the district and internal organizational procedures related to the implementation of this policy.

\*This agency is encouraged to incorporate both training requirements into their current training processes or practices.

On an annual basis, the SB94 Coordinator for the Eleventh Judicial District will track and report the contracted agency's compliance with the district's Juvenile Services Planning Committee. This agency is encouraged to contact the SB94 District Coordinator for training support related to this policy.


**vii. Policy Review and Revisions**

The Juvenile Services Planning committee and the SB94 Coordinator for the Eleventh Judicial District will be responsible for ensuring that the policy is reviewed annually in accordance with the SB94 policy review process.

Reviews and revisions to the policy will be approved by the Courts. The SB94 Coordinator for the Eleventh Judicial District will make recommended revisions to the Juvenile Services Planning Committee. Changes approved by this committee will be submitted to the Eleventh Judicial District Chief Judge or his/her assigned designee for final approval.

This signed policy will be considered a court order and must be complied with by all relevant parties as such. Once this policy is signed and becomes a court order, it overrides any past policies or court orders related to juvenile detention screening.

Court Order Issued By:

  
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/S/ Charles Barton  
Chief Judge  
Eleventh Judicial District

Date: 6-27-2012

