

District Court, Weld County, State of Colorado Court Address: 901 9 th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632 2038	DATE FILED: September 26, 2023 4:26 PM
ADMINISTRATIVE ORDER NO. 2023-09	▲ COURT USE ONLY ▲
	Case Number: 2023 CV 01 Division 1
ORDER REGARDING THE COLORADO YOUTH DETENTION CONTINUUM (CYDC) OPERATION IN THE 19TH JUDICIAL DISTRICT	

**Juvenile Screening and Detention Guidelines &
 Juvenile Pre-Trial Services
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The following authorizes the Colorado Youth Detention Continuum (CYDC) to operate in the 19th Judicial District. This order covers screening, pre-trial services case management, the legal employer and governance for CYDC.

Rule 3.7 of the Colorado Rules of Juvenile Procedure (CJRP) 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.

Each decision will hold paramount public safety and consider the best interests of the juvenile, the victim, and the community pursuant to C.R.S. §19-2.5-101, as well as the general assembly’s intent to “limit the use of detention to only those children who pose a substantial risk of serious harm to others or that are a flight risk from prosecution” by passing the Juvenile Justice Reform Act, in which it adopted section §19-2.5-304 and amended sections §19-2.5-303, §19-2.5-305, and §19-2.5-1404.

Colorado Revised Statute §19-2.5-305(7) states “Any law enforcement officer, employee of the division of youth services, or another person acting under the direction of the court who in good faith transports any juvenile, releases any juvenile from custody pursuant to a written policy of a court, releases any juvenile pursuant to any written criteria established pursuant to this title 19, or

detains any juvenile pursuant to court order or written policy or criteria established pursuant to this title 19 is immune from civil or criminal liability that might otherwise result by reason of such act. For purposes of any proceedings, civil or criminal, the good faith of any such person shall be presumed.”

This Order is to be read together with all identified appendices.

NOW THEREFORE IT IS ORDERED:

AUTHORIZATION FOR 19th JUDICIAL DISTRICT JUVENILE SERVICES PLANNING COMMITTEE (JSPC)

Members shall be appointed by the Chief Judge of the 19th Judicial District at their discretion after consultation with the Board of County Commissioners. Pursuant to C.R.S. § 19-2.5-302, the Committee shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year, and the Committee is strongly encouraged to consider programs with restorative justice components when developing the plan. For mandatory members who represent a specific agency or office identified in C.R.S. §19-2.5-302, individuals shall be nominated by their respective agencies.

AUTHORIZATION FOR ADMINISTRATIVE OFFICE (F/K/A FISCAL AGENT)

The Nineteenth Judicial District approves the following activities by the legal entity in conjunction with their duties as the Administrative Office for the Colorado Youth Detention Continuum (CYDC) for the Nineteenth Judicial District (19JD CYDC):

1. Employment and human resource functions for; contracting for and by; budgeting, accounting, and financial management for; and other administrative, employment and management functions as the Administrative Office for the 19JD CYDC.
2. Administration of any screening tests or interviews, including but not limited to the “Juvenile Detention Screening and Assessment Guide” and/or the determined instrument for screening and assessing juveniles for detention.
3. Application of the detention screening criteria adopted by the Nineteenth Judicial District in formulating a detain-or-release option.
4. Communication of the screening results and detain-or-release options to stakeholders of the detention process including the Juvenile Court of the Nineteenth Judicial District.
5. Preparation and execution of the necessary documents to effect the detention of a juvenile (including detention on electronic home monitor); the release of a juvenile to placement; and/or any other release of a juvenile to home or otherwise with or without supervision or conditions.

The above acts shall be taken only in compliance with Colorado Revised Statutes Sections: §19-1-103(94.5), §19-2.5-301, §19-2.5-302, §19-2.5-303, §19-2.5-304, §19-2.5-1404, and Rule 3.7 of the Colorado Rules of Juvenile Procedure, or pursuant to court order.

IT IS THEREFORE ORDERED,

AUTHORIZATION FOR SCREENING TEAM

The 19th Colorado Youth Detention Continuum, (CYDC) legal entity (Administrative Office), or its designee, is hereby designated as the screening team for the 19th Judicial District. In delegating the temporary custody screening authority to the Administrative Office, or its designee, it is further directed that all screeners employed by the Administrative Office, or its designee, shall comply with the screening criteria approved by the Court.

All screeners shall electronically notify the assigned judge or magistrate of the disposition of every juvenile who is screened prior to the detention hearing, which shall be within forty-eight (48) hours, excluding weekends and holidays. The court in accordance with C.R.S. §19-2.5-305 and Rule of Juvenile Procedure 3.7(b) shall maintain control over the admission, length of stay and release of all juveniles placed in shelter or detention, except the initial admission into detention as set forth in this Administrative Order.

If the juvenile being screened by the screening team requires medical or psychological clearance prior to being transported to a detention or shelter facility, law enforcement is directed to provide this transportation to and from the medical facility providing the clearance.

SCREENING & DETENTION POLICY

Definitions:

Screening Team. “Screening team” means the person(s) designated to make recommendations to the juvenile court concerning whether a juvenile taken into temporary custody should be released or admitted to a detention or shelter facility pursuant to §19-2.5-305, C.R.S. The screening team shall be responsible for detention screening and placement and shall have the specific responsibilities contained herein. In making detention, placement or release decisions, the Screening Team shall be guided by the Children’s Code C.R.S. §19-2.5-303 and criteria development pursuant to C.R.S. §19-2.5-1404. See Appendix A and E.

Detention. “Detention” means the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment. C.R.S. §19-1-303(55).

SCREENING LEVELS:

Level 1 Secure Detention

Limitations on Level 1 Secure Detention

- Level 1 Detention **IS NOT PERMITTED** for the following:
 - Juveniles who have not committed, or have not been accused of committing, a delinquent act unless otherwise found in contempt of court;
 - Delinquent and nondelinquent juveniles who have been placed in the legal custody of a county department of human or social services pursuant to a petition in dependent or neglect and are solely awaiting out of home placement;
 - Juveniles who at admission require medical care, are intoxicated, or are under the influence of drugs, to an extent that custody of the juvenile is beyond the scope of the detention facility's medical service capacity;
 - Juveniles who are solely assessed as suicidal or exhibit behavior placing them at imminent risk of suicide; and
 - Juveniles who have not committed a delinquent act but present an imminent danger to self or others or appear to be gravely disabled as a result of a mental health condition or an intellectual and developmental disability.
 - Juveniles who have been taken into custody for an alleged violation of a fish and game ordinance or a title 42 violation (unless the title 42 violation is a felony).
 - Juveniles who have been taken into custody for new alleged violation of municipal or county ordinance.

- A Juvenile **SHALL NOT** be placed in Level 1 Detention

A juvenile may not be held solely for the reasons listed in C.R.S. §19-2.5-304(3):

- Due to a lack of supervision alternatives, service options, or more appropriate facilities.
- Due to the community's inability to provide treatment or services.
- Due to a lack of supervision in the home or community.
- In order to allow a parent, guardian, or legal custodian to avoid his or her legal responsibility.
- Due to a risk of the juvenile's self-harm.
- In order to attempt to punish, treat, or rehabilitate the juvenile.
- In order to facilitate further interrogation or investigation; or
- As a response to technical violations of probation unless the results of a detention screening instrument indicates that the juvenile poses a substantial risk of serious harm to others or if the applicable graduated responses system adopted pursuant to §19-2.5-1108 allows for such a placement.

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

- **Warrants.**

- Juveniles who are arrested pursuant to a warrant authorized by a District Court Judicial Officer where there is a no bond hold. Or if one of the following findings has been made, a juvenile shall be held in detention pending a detention hearing regardless of the outcome of the screen. A juvenile shall remain in detention if a judicial officer finds:
 - The juvenile presents a substantial risk of serious harm to others and community-based alternatives are insufficient to mitigate that risk, OR
 - The juvenile presents a risk of flight from prosecution and community-based alternatives are insufficient to mitigate that risk. (Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent, willful failures to appear at a scheduled court appearance, or requiring extradition from another state), OR
 - An arrest warrant request from the Probation Department, probation has reason to believe the juvenile would not appear, would interfere with the juvenile justice process, or poses substantial risk of serious harm to others.
- Outstanding bench warrant or court order from a 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.
- In accordance with the Interstate Commission for Juveniles, juveniles on out-of-state warrants, including runaways, shall be held pending a detention hearing.
- All other warrants will be screened per the state detention screening tool pending a detention hearing.

Law Enforcement Arrest of Juvenile Pursuant to Probable Cause.

- (See Appendix B for charges meeting the presumptive standard of substantial risk of serious harm pursuant to C.R.S. §19-2.5-305(3)(a)(V)(A-C).)
 - Alleged to have committed, conspired, or attempted to commit a crime of violence pursuant to C.R.S. §18-1.3-406.
 - Alleged to have used, possessed, and threatened the use of a deadly weapon (C.R.S. §18-1-901(3)(e)) or alleged to have caused serious bodily injury or death to another person (C.R.S. §18-1-901(1)(p)).

- Alleged to have committed possessing a dangerous or illegal weapon, as described in section §18-12-102; possession of a defaced firearm, as described in section §18-12-103; unlawfully carrying a concealed weapon as described in section §18-12-105; unlawfully carrying a concealed weapon on school, college, or university grounds, as described in section §18-12-105.5; prohibited use of weapons, as described in section §18-12-106; illegal discharge of a firearm, as described in section §18-12-107.5; or illegal possession of a handgun by a juvenile, as described in section §18-12-108.5.
- Escaped from a secure Department of Human Services facility.

Overrides/Exceptions to Level 1 Detention Policies in sections

Limitations on Level 1 Detention and Mandatory Level 1 Secure Detention

- Override into Level 1 detention (without screening into Level 1). Juveniles who do not score into Level 1, via the Juvenile Detention Screening and Assessment Guide (JDSAG) or criteria above, may receive an override into detention, based on the following criteria:
 - Substantial risk of flight from prosecution and community-based alternatives to detention are insufficient to reasonably mitigate that risk. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat failures to appear at a scheduled court appearance.
 - Currently being supervised on CYDC pre-trial supervision, diversion or probation; and the supervising officers feel the juvenile is a flight risk or presents a substantial risk of serious harm to others.
 - Victim resides within the same residence and no appropriate kinship care is available.
 - Prior criminal history.

Override OUT of Level 1 detention (after scoring into Level 1). Juveniles who do score into Level 1 secure detention, via JDSAG or criteria above, may receive an override out of Level 1 secure detention, based on the following criteria:

- Juvenile is between the ages of 10-12 years old. A juvenile who is ten years of age and older but less than thirteen years of age may not be detained unless the juvenile has been arrested for a felony or a weapons charge. C.R.S. §19-2.5-304(2) (see also Appendix B);
- The 19th CYDC has reached detention bed capacity and it has been determined that the juvenile being screened poses less risk to community compared to the juvenile who would be released through Emergency Release process. Juveniles who may be released per the detention screening instrument and this order shall be issued a Juvenile Appearance Bond in court for the first detention hearing date and time following arrest.
 - Juvenile who is screened into detention primarily based on history and has significant protective factors.

- The arresting officer believes detention inappropriate for the juvenile.
- Identified as a high-risk victim and they have appropriate supervision.
- The juvenile's CYDC, probation, or diversion officer believes detention is inappropriate for the juvenile.

JUVENILES CHARGED WITH ACTS OF DOMESTIC VIOLENCE

When a juvenile is charged or accused of a delinquent act that constitutes an act of domestic violence, they shall be detained only if the detention screening instrument indicates secure detention or if the charges require detention pursuant to Appendix B.

- Juveniles who may be released per the detention screening instrument and this order shall be issued a Juvenile Appearance Bond in court for the first detention hearing date and time following arrest.

LAW ENFORCEMENT AGENCIES MAY USE A PROMISE TO APPEAR (PTA) TO INITIATE CERTAIN DELINQUENCY PROCEEDINGS AFTER AGREEMENT WITH THE OFFICE OF THE DISTRICT ATTORNEY FOR THE NINETEENTH JUDICIAL DISTRICT.

In accordance with C.R.S. §19-2.5-303(5), a law enforcement officer may serve a written Promise to Appear for juvenile proceedings based on any delinquent act that would constitute a misdemeanor or petty offense upon the juvenile and the juvenile's parent, guardian or legal custodian as an alternative to taking a juvenile into temporary custody. The Promise to Appear will be in a form approved by the Office of District Attorney for the 19th Judicial District. This notice and promise to appear shall be signed by the juvenile and the juvenile's parent, guardian, or legal custodian, and the appearance date shall be three Wednesdays out from when the promise to appear is served upon the juvenile and the juvenile's parent, guardian, or legal custodian. The form approved by the Office of District Attorney for the 19th Judicial District must contain the current phone number, address, and website for the regional Office of the State Public Defender in Greeley, Colorado, contain a statement advising the parent, guardian, or legal custodian to apply for court-appointed counsel at least five days before the juvenile's appearance date, and contain the following language:

You have the right to the assistance of a lawyer. A lawyer can be appointed if the juvenile and the juvenile's parent, guardian, or legal custodian lack adequate resources to retain a lawyer, or if the juvenile's parent, guardian or legal custodian refuses to retain a lawyer for the juvenile. To determine if the juvenile is eligible for a court-appointed lawyer, or to apply for a court-appointed lawyer, the juvenile's parent, guardian, or legal custodian is advised to contact the Office of the State Public Defender.

PLACEMENT BASED ON SCREENING. Based upon the screening assessment and subject to the provisions above, the screening team shall have the authority prior to a detention hearing, to place/refer a juvenile based on the screening results below:

If the Juvenile is screened to:

Level 1. Secure Detention. (“Detention” is defined in §19-1-103(55))

- The screening team shall contact staff at Prairie Vista Youth Services Center or Platte Valley Youth Services Center, or any CDHS facility as necessary, to authorize placement of the Juvenile in secure detention.
 - A screening packet will be provided to the Youth Services Center, as attached Appendix C

Level 2. Staff Secure. (“Staff Secure” is not defined in §19-1-103)

- If available, the screening team may place the Juvenile in a staff secure facility.
- If a staff secure facility is not available, the screening team shall assess pursuant to protocol.

Level 3. Shelter (or Department of Social or Human Services) (“Shelter” is defined in §19-1-103(126))

- If available, the screening team may place a Juvenile in a shelter facility.
- If a shelter facility is unavailable, the screening team shall assess pursuant to protocol.

Level 4. Home Detention. (“Home Detention” is not defined in §19-1-103)

- Home detention sets the expectation to allow the Juvenile to only leave their home for Court Appearances, Medical Appointments or Meetings with Professionals. They must always be in the presence of a parent/guardian or responsible adult.
- The screening team may release the Juvenile to a parent/guardian or responsible adult, under the condition of home detention with a Juvenile Appearance Bond, at a specific time within 48 hours, excluding weekends and holidays. Specific times will be the same designation as detention hearing dates and times).
- If the Juvenile fails to appear in response to the Juvenile Appearance Bond, the court shall issue a bench warrant for the arrest of the juvenile.

Level 5. Release to Parent/Guardian/Responsible Adult.

- Juvenile may be released pending the filing of a petition by the District Attorney.
- No detention hearing is scheduled for Level 5 releases.

If detention is not appropriate, the following guidelines shall govern the release of a juvenile to a parent or other responsible adult:

- If a juvenile's parent or parents are available, the juvenile shall be released to such parent or parents.
- If a juvenile's parent or parents are available but refuse to take the juvenile, the juvenile shall be released to the Department of Human or Social Services. The Department may thereafter, without further order of the court, release the juvenile to a parent, relative or other responsible adult.
- If a juvenile's parent is not available, the child may be released to another responsible adult, or if none is available, to the Department of Human or Social Services. The Department may thereafter, without further order of the court release the juvenile to a parent, relative, or other responsible adult.
- A Law enforcement agency shall issue a PR Bond to the Juvenile to appear at the next available detention hearing (Monday, Wednesday or Friday at 10:30 a.m.). The appearance shall be in person. Conditions of the PR Bond will be as follows: 24 hour accountability to parents, follow household rules, lockdown at home. Juvenile Appearance Bond.

As used in this Order, a responsible adult means a person who, at the officer's discretion:

- Is at least 21 years of age.
- Is not under the influence of alcohol or drugs.
- Has no outstanding warrants
- Is mentally competent to accept responsibility for the juvenile; and
- Is able and willing to accept financial responsibility and to provide suitable shelter for the juvenile.

This order specifically adopts the Emergency Release Procedure outlined and attached as Appendix D.

AFTER A JUVENILE IS INITIALLY DETAINED, A COURT MAY ONLY FURTHER DETAIN A JUVENILE IF:

A juvenile poses a substantial risk of serious harm to others, or is a substantial risk of flight from prosecution, and community-based alternatives are insufficient to mitigate the risk of serious harm to others or flight from prosecution.

In certain cases involving weapons and certain enumerated felony crimes of violence, the Colorado General Assembly has declared a rebuttable presumption exists that the juvenile is a substantial risk of serious harm to others and therefore the juvenile is to be detained unless the court finds the presumption has been rebutted. C.R.S. §19-2.5-305(3)(a)(V)(A-C).

At the conclusion of a detention hearing, a hearing to revoke or modify bond security or conditions, or a hearing where the juvenile is appearing on summons having not posted bond, the court, when

presented with sufficient information to determine the juvenile poses a substantial risk of serious harm to others or a substantial risk of flight from prosecution, may take the following actions (among others):

- Detain the juvenile in accordance with C.R.S. §19-2.5-304, 305.
- Release the juvenile on an unsecured personal recognizance bond with appropriate conditions that are in the juvenile's best interest and such conditions may include participating in a pre-adjudication services program; or
- Release a juvenile without bond or in lieu of bond and order the juvenile to participate in a pre-adjudication services program.

Unless the District Attorney consents, a juvenile may not be released in lieu of bond if that juvenile has been accused of having committed a delinquent act that constitutes a felony or class one misdemeanor and,

- The juvenile has been found guilty of a delinquent act constituting a felony or class one misdemeanor within one year prior to the juvenile detention.
- The juvenile is currently at liberty on another bond of any type; or
- The juvenile has a delinquency petition pending in any district or juvenile court for which probable cause has been established.

AUTHORIZATION FOR PRE-TRIAL RELEASE SERVICES, PURSUANT TO C.R.S. §19-2.5-606

When a juvenile is ordered or directed to comply with the CYDC pre-trial services program, the Court authorizes that CYDC may use established supervision methods. The supervision methods defined in statute include releasing the juvenile without formal supervision and/or any one or more of the following:

- (a) periodic telephone communications with the juvenile.
- (b) periodic office visits by the juvenile to the pre-adjudication service agency.
- (c) periodic visits to the juvenile's home.
- (d) under specific conditions, periodic drug testing of the juvenile or mental health or substance use treatment for the juvenile which treatment may include residential treatment.
- (e) periodic visits to the juvenile's school.
- (f) domestic violence or child abuse counseling for the juvenile, if applicable.
- (g) electronic or global position monitoring of the juvenile or lockdown.
- (h) work release for the juvenile, if school attendance is not applicable or appropriate under the circumstances; or
- (i) juvenile day reporting and day treatment programs.

(j) SOMB established supervision methods for juveniles accused of sex offenses, See SOMB Standards Introduction and Standard 11.000 Informed Supervision Protocol. The SOMB Juvenile Informed Supervision Protocol, the attendant appendices, and concepts included within the protocol, including school supervision plans and limits on internet or phone use, are established supervision methods for juveniles accused of sexual offenses.

When the juvenile court orders a juvenile to participate in the CYDC Pre-Trial Services case management program the CYDC program will continue to screen and assess the juvenile to determine the appropriate level of supervision or restrictions. The 19th CYDC Pre-Trial Services Program shall provide a written explanation of its policies, procedures, and expectations to all juveniles ordered to CYDC.

Because CYDC pre-trial case managers are not part of the CYDC screening team, the case managers do not have access to those documents. See §19-1-304(a) (limiting inspection of juvenile court records to an enumerated list of individuals and entities; CYDC pre-trial staff are not on the list). Section §19-1-304(b) authorizes the juvenile court to permit inspection of juvenile delinquency court records by “any other person having a legitimate interest in the proceedings.” See §19-1-304. Documents filed with the court for detention hearings (affidavit for warrantless arrest, JDSAG, and hearing assessment &/or referral form) contain information regarding the type of crime alleged; indicators of repeat alleged delinquent behavior; indicators of risk of harm to the juvenile or to the community; information on the availability and viability of family or community resources, including parents, relatives, and peers; information on the juvenile’s educational status and history; information on the juvenile’s mental health status and history; information on the juvenile’s substance use history; information on the juvenile’s involvement with other people and agencies such as Guardians ad Litem, probation officers, or the Department of Human Services; information on the parents’ wishes; information on the juvenile’s strengths and weaknesses and his or her current wishes; and contact information such as names, addresses, and telephone numbers. Such information is also helpful in developing, designing, and implementing an initial pre-trial supervision plan when a juvenile is placed on pre-trial supervision. By ordering pre-trial supervision, the court expects that a CYDC pre-trial case manager engage in this assessment, development, design, and implementation. Accordingly, the CYDC pre-trial services case manager has a legitimate interest in the proceedings. Access to and inspection of certain detention hearing documents will assist the CYDC pre-trial case managers in discharging their responsibilities and meeting the court’s expectations. The court, through this administrative order, provides its consent to the CYDC pre-trial case managers to have access to the detention hearing documents, including any mandatory orders of protection, in order to assist them in performing their job duties. Further, the Court provides its consent to the CYDC Screening Team to have access to the CYDC Pre-Trial release Case Manager’s Court Reports & Warrant Requests.

Consistent with any ongoing screening or assessment, and subject to any limitations set forth below, CYDC may utilize best practice guidelines for supervision, to include any of the following:

- Any of the methods authorized under C.R.S. §19-2.5-606(4). Unless specifically limited by the court as a condition of bond, the use of the methods authorized in C.R.S. §19-2.5-606(4) shall be at the discretion of CYDC.
- Electronic or global position monitoring of the juvenile, broken down by Level System.

Although this Administrative Order authorizes the use of certain established supervision methods for juveniles, the juvenile court retains the authority to amend, expand, restrict, enhance, vacate, define or clarify any bond or release order and/or conditions for any juvenile at any time. The juvenile court may do so on its own motion or on the motion or request of any party, subject to the Colorado’s Victim’s Rights Amendment, statutes, court rules, and other legal authority.

AUTHORIZATION FOR RELEASE OF ELECTRONIC OR GLOBAL POSITION MONITORING DATA

Pursuant to C.R.S. §19-2.5-606(4), electronic or global position monitoring of a juvenile is available as a supervision method as a condition of pre-adjudication release. The use of electronic or global position monitoring is intended to reduce pre-adjudication detentions without sacrificing the protection of the community from juveniles who may be at risk to the public. There is no expectation of privacy in the data generated through electronic or global position monitoring. *People v. Campbell*, 425 P.3d 1163 (Colo. App. 2018). The Court may grant supervision authority to a pretrial release program/CYDC, overseen by the Administrative Office and Juvenile Services Planning Committee. Electronic or global position monitoring may be ordered by the Court or implemented at a supervising agency’s discretion as a term and condition of release. In the event that law enforcement and/or a District Attorney’s Office requests any electronic or global position monitoring data, the Court **ORDERS** the data be immediately produced upon request.

Any bond authorized by the court for a juvenile will be substantially similar to the example attached to this Administrative Order as Appendix G. The bond form may be amended, modified, or adjusted at any time to suit the unique needs of a juvenile without the necessity to amend this Administrative Order.

AUTHORIZATION FOR TRANSPORT

The Sheriff, or its designee, is directed to transport the juvenile following screening to a detention or shelter facility. The Sheriff, or its designee, is also directed to transport the juvenile from the

detention or shelter facility to the juvenile's detention hearing at the appointed time. The Court further directs the Sheriff, or its designee, to transport any juvenile to or from a detention or shelter facility for any Court-approved purpose. *See C.R.S. §19-2.5-1121, §19-2.5-1103, §19-2.5-1127, §30-10-514, §30-10-515.*

Based on the adoption of this Administrative Order, the Court rescinds and vacates the following Administrative Orders: 05-03 as amended; 10-06, 14-05; 15-09, 16-02 and 16-03. The subject matter of each of these orders is contained within this order.

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APPENDICES:

A = JDSAG

B= Presumptive Standard §19-2.5-305

C= Screening Packet

D= Emergency Screening and Bed Management, Emergency Screening and Release Procedures

E= Criteria for Placement in Juvenile Detention (reviewed/approved 10/24/22)

F= *Reserved*

G= Bond Form

Dated: September 27, 2023

BY THE COURT:

Julie C. Hoskins
Chief Judge, 19th Judicial District

APPENDIX A

COLORADO CYDC "SB94"

JUVENILE DETENTION SCREENING AND ASSESSMENT GUIDE

Last Name:			Sex:	Charge 1:	Fel.	Misd.	Degree	
First Name:			DOB	Age	Charge 2:	Fel.	Misd.	Degree
Phone			Phone		Charge 3:	Fel.	Misd.	Degree
Ethnicity ("X")	Hispanic	Afr-Amer	Nat-Amer	Asian-Amer	White	Other:	Address City Zip Code	
Screening Date/Time			Guardian		Email			

Any youth age 10-12 SHALL NOT BE DETAINED unless the youth has been charged or adjudicated for a felony and is being detained for that felony, or any of the following misdemeanor weapons charges pursuant to section 18-12-102, 18-12-105, 18-12-106 or 18-12-108.5.

MANDATORY HOLD FACTORS and WARRANTS

1 Current crime of violence or weapons charge(CRS 18-1.3-406) _____

2 Division of Youth Services warrant or escape. _____

3 District Court warrant or order. _____

IF NONE

FOR SECURE DETENTION ADMISSIONS

Drug/Alcohol Use _____

Medications _____

Injury/Allerg _____

MANDATORY HOLDS

1 Y N _____

2 Y N _____

3 Y N _____

INDICATORS OF SERIOUS REPEAT DELINQUENCY

4. Prior felony adjudications. _____

5. Pending felony charge(s) (excluding present charges). _____

6. Currently under bond or release conditions. _____

7. Past FTAs violations of court conditions or bonds. _____

8. Crimes against persons, arson, or weapons history. _____

IF NONE

9. Age 14 or younger at first arrest. _____

10. Associates/identifies with delinquents/gang members _____

SERIOUS DELINQUENCY

4 Y N _____

5 Y N _____

6 Y N _____

7 Y N _____

8 Y N _____

9 Y N _____

10 Y N _____

RISK OF SELF HARM

11. Suicidal or risk of self harm. _____

12. Risk of victimization, prostitution history. _____

13. History of running from placements. _____

14. Severe substance abuse. _____

If "yes" _____

IF NONE

RISK OF SELF HARM

11 Y N _____

12 Y N _____

13 Y N _____

14 Y N _____

PUBLIC SAFETY RISK

15. Prior history of violence. _____

16. Arson or sex offense charges/history. _____

17. History of weapons use. _____

18. Threatens victims or witnesses. _____

IF NONE

PUBLIC SAFETY RISK

15 Y N _____

16 Y N _____

17 Y N _____

18 Y N _____

FAMILY OR COMMUNITY RESOURCES

19. Youth has been victimized by family. _____

20. Family has been victimized by youth. _____

21. Youth is in custody of Social Services. _____

22. History of repeated runaways. _____

If "yes" _____

IF NONE

No 23. Lacks stable school or work situation. _____

FAMILY RESOURCES

19 Y N _____

20 Y N _____

21 Y N _____

22 Y N _____

23 Y N _____

24. Family or responsible adult can supervise.

CAN SUPERVISE

25 felony charge. _____

IF NOT

LEVEL 1
SECURE
DETENTION

LEVEL 2
Staff Secure

LEVEL 3
Residential
Shelter

LEVEL 4
Home
Detention

LEVEL 5
Release

RESPONSIBLE ADULT

24 Y N _____

FELONY CHARG =

25 Y N _____

REQUIRED DATA ENTRY												
Level by Screening Tree (Check one)	1	2	3	4	5	Reason for actual Placement	1	2	3	4	5	Placement
Level by Local Policy or	1	2	3	4	5	Detention Hearing	1	2	3	4	5	No

APPENDIX A

Judgement						Recommendation					Hearing
Reason For Override						Level Ordered By Court				Override Code	
Actual Placement Level	1	2	3	4	5	Court Findiing				Finding Code	
LOCAL USE											
Screener's Name					Court Date		On School Ground				
County		Weld		Agency			Screening Notes:				
Officer & Badge											
Case Number											

Screening Supplement

For Local use

Juvenile: _____ **DOB: 1/0/1900**

1. Detention Hearing: _____

2. DHS Box (name): _____
3. Interpreter Y/N _____
4. Victim Notification: _____
5. Trails ID: _____
6. GAL: _____
7. Probation/Pre-trial: _____

8. Co-Defendant _____
9. Gang Affiliation _____
- 10 _____

Enacted Legislation Amended by 2023 Colo. Legis. Serv. Ch. 284 (H.B. 23-1027) (WEST),

West's Colorado Revised Statutes Annotated
Title 19. Children's Code (Refs & Annos)
Article 2.5. The Colorado Juvenile Justice System
Part 3. Detention

C.R.S.A. § 19-2.5-305
Formerly cited as CO ST § 19-2-508

§ 19-2.5-305. Detention and shelter--hearing--time limits--findings--review--
guardian ad litem appointed--confinement with adult offenders--restrictions

Effective: June 7, 2023

Currentness

(1) Unless placement is prohibited pursuant to [section 19-2.5-304](#), when a juvenile is placed in a detention facility, in a temporary holding facility, or in a temporary shelter facility designated by the court, the screening team shall promptly notify the court, the district attorney, and the local office of the state public defender. The screening team shall also notify a parent or legal guardian or, if a parent or legal guardian cannot be located within the county, the person with whom the juvenile has been residing and inform such person of the right to a prompt hearing to determine whether the juvenile is to be detained further. The court shall hold the detention hearing within forty-eight hours, excluding Saturdays, Sundays, and legal holidays. For a juvenile being held in detention on a warrant for violating a valid court order on a status offense, the court shall hold the detention hearing within twenty-four hours, excluding Saturdays, Sundays, and legal holidays.

(2) A juvenile who is detained for committing a delinquent act must be represented at the detention hearing by counsel. If the juvenile has not retained his or her own counsel, the court shall appoint the office of the state public defender or, in the case of a conflict, the office of alternate defense counsel to represent the juvenile. This appointment continues if the court appoints the office of the state public defender or the office of alternate defense counsel pursuant to [section 19-2.5-605\(2\)\(a\)](#) unless:

(a) The juvenile retains his or her own counsel; or

(b) The juvenile makes a knowing, intelligent, and voluntary waiver of the right to counsel, as described in [section 19-2.5-605\(2\)\(c\)](#).

(2.5) The court shall, at the juvenile's detention hearing, appoint a guardian ad litem for a juvenile detained pursuant to this article 2.5. An appointment made pursuant to this subsection (2.5) terminates upon the release of the juvenile from detention unless the court also finds a basis for the appointment pursuant to [section 19-1-111\(2\)\(a\)](#).

(3)(a)(I) A juvenile taken into custody pursuant to this article 2.5 and placed in a detention or temporary shelter facility or a temporary holding facility is entitled to a hearing within forty-eight hours after such placement, excluding Saturdays, Sundays, and legal holidays, to determine if the juvenile should be detained. The time of the detention hearing must allow defense counsel

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sufficient time to consult with the juvenile before the detention hearing. This consultation may be performed by secure electronic means if the conditions under which the electronic consultation is held allow the consultation to be confidential. The time in which the hearing must be held may be extended for a reasonable time by order of the court upon good cause shown.

(II) The law enforcement agency that arrested the juvenile shall promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and the arrest report, if the arrest report is available, and the screening team shall promptly provide to the court and to defense counsel results from the detention risk screening prepared pursuant to the juvenile's arrest. Upon completion of the detention hearing, the defense shall return any materials received pursuant to this subsection (3)(a)(II) unless the appointment is continued at the conclusion of the hearing.

(III) The only purposes of a detention hearing are to determine if a juvenile should be detained further and to define conditions under which the juvenile may be released, if release is appropriate. A detention hearing must not be combined with a preliminary hearing or a first advisement. Due to the limited scope of a detention hearing, the representation of a juvenile by appointed counsel at a detention hearing does not, by itself, create a basis for disqualification in the event that such counsel is subsequently appointed to represent another individual whose case is related to the juvenile's case.

(IV) With respect to this section, the court may further detain the juvenile only if the court finds from the information provided at the hearing that:

(A) Probable cause exists to believe that the juvenile committed the delinquent act charged;

(B) On and after thirty-five days after the screening instrument has been developed or adopted pursuant to [section 19-2.5-1404](#), the validated detention screening instrument has been administered and the juvenile scored as detention-eligible; or there are grounds to override the result of the detention screening instrument based on the criteria developed in accordance with [section 19-2.5-1404](#); and

(C) The juvenile poses a substantial risk of serious harm to others or a substantial risk of flight from prosecution and community-based alternatives to detention are insufficient to reasonably mitigate that risk. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent willful failures to appear at a scheduled court appearance.

(V) A court shall not order further detention for a juvenile who is ten years of age and older but less than thirteen years of age unless the juvenile has been arrested or adjudicated for a felony or weapons charge pursuant to [section 18-12-102](#), [18-12-105](#), [18-12-106](#), or [18-12-108.5](#). The court shall receive any information having probative value regardless of its admissibility under the rules of evidence. In determining whether a juvenile requires detention, the court shall consider the results of the detention screening instrument. There is a rebuttable presumption that a juvenile poses a substantial risk of serious harm to others if:

(A) The juvenile is alleged to have committed a felony enumerated as a crime of violence pursuant to [section 18-1.3-406](#); or

(B) The juvenile is alleged to have used, or possessed and threatened to use, a firearm during the commission of any felony offense against a person, as such offenses are described in article 3 of title 18; or

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(C) The juvenile is alleged to have committed possessing a dangerous or illegal weapon, as described in [section 18-12-102](#); possession of a defaced firearm, as described in [section 18-12-103](#); unlawfully carrying a concealed weapon, as described in [section 18-12-105](#); unlawfully carrying a concealed weapon on school, college, or university grounds, as described in [section 18-12-105.5](#); prohibited use of weapons, as described in [section 18-12-106](#); illegal discharge of a firearm, as described in [section 18-12-107.5](#); or illegal possession of a handgun by a juvenile, as described in [section 18-12-108.5](#).

(VI) Notwithstanding subsection (3)(a)(IV) of this section, there is no presumption pursuant to subsection (3)(a)(V) of this section that a juvenile poses a substantial risk of serious harm to others if the item in the possession of the juvenile is alleged to be a BB gun, a pellet gun, or a gas gun.

(VII) Except as provided in subsection (3)(a)(IX) of this section, at the conclusion of the hearing, the court shall enter one of the following orders, while ensuring efforts are made to keep the juvenile with a parent, guardian, or legal custodian:

(A) That the juvenile be released to the custody of a parent, guardian, legal custodian, kin, or other suitable person without the posting of bond;

(B) That the juvenile be placed in a temporary shelter facility;

(C) That an unsecured personal recognizance bond be set and that the juvenile be released accordingly;

(D) That no bail be set and that the juvenile be detained without bail upon a finding that the juvenile poses a substantial risk of serious harm to others. A juvenile who is detained without bail must be tried on the charges in the petition filed pursuant to subsection (3)(a)(IX) of this section within the time limits set forth in [section 19-2.5-904](#), unless the juvenile is deemed to have waived the time limit for an adjudicatory trial pursuant to [section 19-2.5-610\(4\)](#).

(E) That no bail be set and that, upon the court's finding that the juvenile poses a substantial risk of serious harm to others, the juvenile be placed in a preadjudication service program established pursuant to [section 19-2.5-606](#). This subsection (3)(a)(VII)(E) does not apply to any case in which the juvenile's alleged offense is one of the offenses described in subsection (3)(a)(V) of this section.

(VIII) A preadjudication service program created pursuant to [section 19-2.5-606](#) shall evaluate a juvenile described in subsection (8) of this section. The evaluation may result in the juvenile:

(A) Remaining in the custody of a parent, guardian, or legal custodian; or

(B) Being placed in the temporary legal custody of kin, for purposes of a kinship foster care home or noncertified kinship care placement, as defined in [section 19-1-103](#), or other suitable person under such conditions as the court may impose; or

(C) Being placed in a temporary shelter facility; or

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(D) Being referred to a local county department of human or social services for assessment for placement.

(IX) When the court orders further detention of the juvenile or placement of the juvenile in a preadjudication service program after a detention hearing, the district attorney shall file a petition alleging the juvenile to be a delinquent within seventy-two hours after the detention hearing, excluding Saturdays, Sundays, and legal holidays. The juvenile must be held or must participate in a preadjudication service program pending a hearing on the petition. Upon a showing of good cause, the court may extend such time for the filing of charges.

(X) Following the detention hearing, if the court orders that the juvenile be released and, as a condition of such release, requires the juvenile to attend school, the court shall notify the school district in which the juvenile is enrolled of such requirement.

(XI) If the court orders further detention of a juvenile pursuant to this section, the order must contain specific findings as follows:

(A) Whether placement of the juvenile out of the juvenile's home would be in the juvenile's and the community's best interests;

(B) Whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the home, whether it is reasonable that such efforts not be provided due to the existence of an emergency situation that requires the immediate removal of the juvenile from the home, or whether such efforts not be required due to the circumstances described in [section 19-1-115\(7\)](#); and

(C) Whether procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's placement in a community placement, or any determination affecting family time of the juvenile.

<Text of (3)(b)(I) effective until July 1, 2024>

(b)(I) If it appears that a juvenile being held in detention or temporary shelter may have an intellectual and developmental disability, as described in article 10.5 of title 27, the court or detention personnel shall refer the juvenile to the nearest case management agency, as defined in [section 25.5-6-1702](#), for an eligibility determination. If it appears that a juvenile being held in a detention or temporary shelter facility pursuant to this article 2.5 may have a mental health disorder, as provided in [section 27-65-106](#), the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court must be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it must be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening must not extend the time within which a detention hearing must be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening must be conducted prior to the hearing; except that the prescreening must not extend the time within which a detention hearing must be held.

<Text of (3)(b)(I) effective July 1, 2024>

(b)(I) If it appears that a juvenile being held in detention or temporary shelter may have an intellectual and developmental disability, as described in article 10.5 of title 27, the court or detention personnel shall refer the juvenile to the nearest case management agency, as defined in [section 25.5-6-1702](#), for an eligibility determination. If it appears that a juvenile being held

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in a detention or temporary shelter facility pursuant to this article 2.5 may have a mental health disorder, as provided in [section 27-65-106](#), the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court must be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it must be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening must not extend the time within which a detention hearing must be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening must be conducted prior to the hearing; except that the prescreening must not extend the time within which a detention hearing must be held.

(II) If a juvenile has been ordered detained pending an adjudication, disposition, or other court hearing, and the juvenile subsequently appears to have a mental health disorder, as described in [section 27-65-106](#), the intake personnel or other appropriate personnel shall contact the court with a recommendation for a mental health hospital placement prescreening. A mental health hospital placement prescreening must be conducted at any appropriate place accessible to the juvenile and the mental health professional within twenty-four hours after the request, excluding Saturdays, Sundays, and legal holidays.

(III) When the mental health professional finds, as a result of the prescreening, that the juvenile may have a mental health disorder, the mental health professional shall recommend to the court that the juvenile be evaluated pursuant to [section 27-65-106](#).

(IV) Nothing in this subsection (3)(b) precludes the use of procedures for an emergency mental health hold pursuant to [section 27-65-106\(1\)\(a\)](#).

(c)(I) A juvenile taken to a detention or temporary shelter facility or a temporary holding facility pursuant to [section 19-2.5-209](#) as the result of an allegedly delinquent act that constitutes any of the offenses described in subsection (3)(a)(V) of this section must not be released from such facility if a law enforcement agency has requested that a detention hearing be held to determine whether the juvenile's substantial risk of serious harm to others requires that the juvenile be detained. A juvenile must not be released from detention except after a hearing, reasonable advance notice of which has been given to the district attorney, alleging new circumstances concerning the juvenile's further detention.

(II) Following a detention hearing held in accordance with subsection (3)(c)(I) of this section, a juvenile who is to be tried as an adult for criminal proceedings pursuant to a direct filing or transfer must not be held at any adult jail or pretrial facility unless the district court finds, after a hearing held pursuant to subsection (3)(c)(IV), (3)(c)(V), or (3)(c)(VI) of this section, that an adult jail is the appropriate place of confinement for the juvenile.

(III) In determining whether an adult jail is the appropriate place of confinement for the juvenile, the district court shall consider the following factors:

(A) The juvenile's age;

(B) Whether, in order to provide physical separation from adults, the juvenile would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities;

APPENDIX B

(C) The juvenile's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the juvenile caused by placement in an adult jail, which risk may be evidenced by mental health or psychological assessments or screenings made available to the district attorney and to defense counsel;

(D) Whether detention in a juvenile facility will adequately serve the need for community protection pending the outcome of the criminal proceedings;

(E) Whether detention in a juvenile facility will negatively impact the functioning of the juvenile facility by compromising the goals of detention to maintain a safe, positive, and secure environment for all juveniles within the facility;

(F) The relative ability of the available adult and juvenile detention facilities to meet the juvenile's needs, including the juvenile's need for mental health and educational services;

(G) Whether the juvenile presents an imminent risk of serious harm to others within a juvenile facility;

(H) The juvenile's physical maturity; and

(I) Any other relevant factors.

(IV) After charges are filed directly in district court against a juvenile pursuant to [section 19-2.5-801](#) or a juvenile is transferred to district court pursuant to [section 19-2.5-802](#), the division of youth services may petition the district court to transport the juvenile to an adult jail. The district court shall hold a hearing on the place of pretrial detention for the juvenile as soon as practicable, but no later than twenty-one days after the receipt of the division's petition to transport. The district attorney, sheriff, or juvenile may file a response to the petition and participate in the hearing. The juvenile remains in a juvenile detention facility pending hearing and decision by the district court.

(V) If a juvenile is placed in the division of youth services and is being tried in district court, the division of youth services may petition the court for an immediate hearing to terminate juvenile detention placement if the juvenile's placement in a juvenile detention facility presents an imminent danger to the other juveniles or to staff at the detention facility. In making its determination, the court shall review the factors set forth in subsection (3)(c)(III) of this section.

(VI) If, after the initial hearing, the district court determines that an adult jail is the appropriate place of confinement for the juvenile, the juvenile may petition the court for a review hearing. The juvenile may petition for a review hearing within thirty days after the initial confinement decision or within thirty days after any subsequent review hearing. Upon receipt of the petition, the court may set the matter for a hearing if the juvenile has alleged facts or circumstances that, if true, would warrant reconsideration of the juvenile's placement in an adult jail based upon the factors set forth in subsection (3)(c)(III) of this section and the factors previously relied upon by the court. The court shall, upon petition of the juvenile, hold a hearing to review whether continuing to permit the juvenile to be held in an adult jail or to have sight or sound restriction serves the interest of justice. The juvenile shall not be held in any adult jail or lockup, or be permitted to have sight or sound contact with adult inmates, for more than one hundred eighty consecutive days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation.

APPENDIX B

(VII) If the court must determine that it is in the interest of justice to detain a juvenile pursuant to the factors set forth in subsection (3)(c)(III) of this section, the court shall hold a hearing at least every thirty days, or at least every forty-five days in a rural jurisdiction, to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail. The review hearings may occur by paper if the juvenile does not petition the court for a review hearing.

(VIII) The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail is one hundred eighty days, unless the court determines, in writing, that there is good cause for an extension, or the juvenile expressly waives the one-hundred-eighty-day limit. If the court holds a good cause hearing to establish the juvenile's continued detention in the adult jail, the court shall proceed with holding thirty- and forty-five-day review hearings as required by subsection (3)(c)(VII) of this section.

(4)(a) A jail shall not receive a juvenile for detention following a detention hearing pursuant to this section unless the juvenile has been ordered by the court to be held for criminal proceedings as an adult pursuant to a transfer or unless the juvenile is to be held for criminal proceedings as an adult pursuant to a direct filing. A juvenile under the age of fourteen and, except upon order of the court, a juvenile fourteen years of age or older, shall not be detained in a jail, lockup, or other place used for the confinement of adult offenders. The exception for detention in a jail applies only if the juvenile is being held for criminal proceedings as an adult pursuant to a direct filing or transfer.

(b) Whenever a juvenile is held pursuant to a direct filing or transfer in a facility where adults are held, the juvenile must be physically segregated from the adult offenders.

(c)(I) When a juvenile who is to be held for criminal proceedings as an adult pursuant to a direct filing or transfer of charges, as provided in [sections 19-2.5-801](#) and [19-2.5-802](#), respectively, is received at a jail or other facility for the detention of adult offenders, the official in charge of the jail or facility, or the official's designee, shall, as soon as practicable, contact the person designated pursuant to [section 22-32-141](#), by the school district in which the jail or facility is located to request that the school district provide educational services for the juvenile for the period during which the juvenile is held at the jail or facility. The school district shall provide the educational services in accordance with [section 22-32-141](#). The official, in cooperation with the school district, shall provide an appropriate and safe environment to the extent practicable in which the juvenile may receive educational services.

(II) Notwithstanding subsection (4)(c)(I) of this section, if either the official in charge of the jail or facility or the school district determines that an appropriate and safe environment cannot be provided for a specific juvenile, the official and the school district are exempt from the requirement to provide educational services to the juvenile until such time as an environment that is determined to be appropriate and safe by both the official and the school district can be provided. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment, the official in charge of the jail or facility shall notify the juvenile, the juvenile's parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

(III) The official in charge of the jail or facility for the detention of adult offenders, or the official's designee, in conjunction with each school district that provides educational services at the jail or facility, shall annually collect nonidentifying data concerning:

(A) The number of juveniles held at the jail or facility who are awaiting criminal proceedings as an adult pursuant to a direct filing or transfer of charges, pursuant to [sections 19-2.5-801](#) and [19-2.5-802](#), respectively, for the year;

APPENDIX B

(B) The length of stay of each of the juveniles in the jail or facility;

(C) The number of the juveniles in the jail or facility who received educational services pursuant to this subsection (4)(c);

(D) The number of days on which school districts provided educational services to the juveniles in the jail or facility and the number of hours for which school districts provided the educational services each day;

(E) The number of juveniles in the jail or facility who were exempt from receiving educational services pursuant to [section 22-32-141\(2\)\(c\)](#), [\(2\)\(e\)](#), [\(2\)\(f\)](#), and [\(2\)\(g\)](#);

(F) The number of juveniles in the jail or facility who had previously been determined pursuant to [section 22-20-108](#) to be eligible for special education services and had an individualized education program; and

(G) The number of juveniles in the jail or facility who, while receiving educational services at the jail or facility, were determined to be eligible for special education services pursuant to [section 22-20-108](#) and had subsequently received an individualized education program.

(IV) The official in charge of the jail or facility shall submit the information collected pursuant to subsection (4)(c)(III) of this section to the division of criminal justice in the department of public safety. The division of criminal justice shall make the information available to a member of the public upon request.

(d) The official in charge of a jail or other facility for the detention of adult offenders shall immediately inform the court that has jurisdiction of the juvenile's alleged offense when a juvenile who is or appears to be under eighteen years of age is received at the facility, except for a juvenile ordered by the court to be held for criminal proceedings as an adult.

(e)(I) Any juvenile arrested and detained for an alleged violation of any article of title 42, or for any alleged violation of a municipal or county ordinance, and not released on bond, must be taken before a judge with jurisdiction of such violation within forty-eight hours for the fixing of bond and conditions of bond pursuant to subsection (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup, or other place used for the confinement of adult offenders only for processing for no longer than six hours and during such time must be placed in a setting that is physically segregated by sight and sound from the adult offenders, and in no case may the juvenile be detained in such place overnight. After six hours, the juvenile may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time pursuant to this subsection (4), Saturdays, Sundays, and legal holidays are included.

(II) A sheriff or police chief who violates subsection (4)(e)(I) of this section may be subject to a civil fine of no more than one thousand dollars. The decision to fine must be based on prior violations of subsection (4)(e)(I) of this section by the sheriff or police chief and the willingness of the sheriff or police chief to address the violations in order to comply with subsection (4)(e)(I) of this section.

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(f) The official in charge of a jail, lockup, or other facility for the confinement of adult offenders that receives a juvenile for detention should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any such juvenile with known past or current affiliations or associations with any gang so as to prevent contact with other inmates at such jail, lockup, or other facility. The official should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new gang members from among the general inmate population. For purposes of this subsection (4) (f), “gang” is defined in [section 19-2.5-102](#).

(g) A person who is eighteen years of age or older who is being detained for a delinquent act or criminal charge over which the juvenile court has jurisdiction, or for which charges are pending in district court pursuant to a direct filing or transfer if the person has not already been transferred to the county jail pursuant to subsection (3)(c)(IV) of this section, must be detained in the county jail in the same manner as if such person is charged as an adult.

(h) A juvenile court shall not order a juvenile offender who is under eighteen years of age at the time of sentencing to enter a secure setting or secure section of an adult jail or lockup as a disposition for an offense or as a means of modifying the juvenile offender's behavior.

(5) A juvenile has the right to bond as limited by this section.

(6) Except for a juvenile described in [section 19-2.5-304\(2\)](#), the court may also issue temporary orders for legal custody pursuant to [section 19-1-115](#).

(7) Any law enforcement officer, employee of the division of youth services, or another person acting under the direction of the court who in good faith transports any juvenile, releases any juvenile from custody pursuant to a written policy of a court, releases any juvenile pursuant to any written criteria established pursuant to this title 19, or detains any juvenile pursuant to court order or written policy or criteria established pursuant to this title 19 is immune from civil or criminal liability that might otherwise result by reason of such act. For purposes of any proceedings, civil or criminal, the good faith of any such person is presumed.

(8)(a) A juvenile who allegedly commits a status offense or is convicted of a status offense must not be held in a secure area of a jail or lockup.

(b) A sheriff or police chief who violates subsection (8)(a) of this section may be subject to a civil fine of no more than one thousand dollars. The decision to fine must be based on prior violations of subsection (8)(a) of this section by the sheriff or police chief and the willingness of the sheriff or police chief to address the violations in order to comply with subsection (8) (b) of this section.

Credits

Relocated and amended by [Laws 2021, Ch. 136 \(S.B. 21-059\)](#), § 2, eff. Oct. 1, 2021. Amended by [Laws 2021, Ch. 83 \(H.B. 21-1187\)](#), § 8, eff. July 1, 2024; [Laws 2022, Ch. 451 \(H.B. 22-1256\)](#), § 30, eff. Aug. 10, 2022; [Laws 2022, Ch. 451 \(H.B. 22-1256\)](#), § 31, eff. July 1, 2024; [Laws 2023, \(H.B. 23-1145\)](#), § 1, eff. March 23, 2023; [Laws 2023, Ch. 284 \(H.B. 23-1027\)](#), § 10, eff. June 1, 2023; [Laws 2023, \(H.B. 23-1307\)](#), § 3, eff. June 7, 2023.

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Notes of Decisions (39)

C. R. S. A. § 19-2.5-305, CO ST § 19-2.5-305

Current through legislation effective September 1, 2023 of the First Regular Session, 74th General Assembly (2023). Some statute sections may be more current. See credits for details.

End of Document

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APPENDIX C

Screening Cover Sheet Email to be emailed for 19th JD Screens

19th JD Screen-Screened to (Platte, Prairie, DHS or House Arrest)

Name:

DOB:

Arrest:

Medical Clearance:

ETA to Detention:

Arresting Agency:

Trails ID:

Interpreter:

Bed Borrowed from/Utilizing Soft cap:

Detention Hearing:

Screeners signature

- See JDSAG and for page 2 for additional information.

APPENDIX C

BONDING INFORMATION SHEET Adult _____ Juvenile _____ Court Case No. _____

INDEX

***Sick or injured in any way? _____ If yes, explain _____
 Treating Physician _____ Location _____ Booking Number _____
 Agency Case Number _____ Related Case Number _____ Mileage (arrest warrant) _____
 Arresting Agency _____ Officer _____

Name _____ Sex _____ Race _____ DOB _____
(last) (first) (middle)
 AKA _____ AKA DOB _____ POB _____
 Ht _____ Wt _____ Hair _____ Eye _____ OLN _____ OLS _____ SS# _____
 Scars/Marks/Tattoos _____

DEFENDANT INFORMATION

Current Address _____ How Long? _____ Phone _____
 Emergency Contact: Name _____ Phone _____
 Address _____ City _____ State _____
 How long in Weld County? _____ How long in Colorado? _____ How many jobs last 5 years? _____
 Relative in area? _____ Do they own property? _____
 Do you have someone in Greeley that would be willing to co-sign a bond for you? _____ Marital Status _____
 # of Dependents _____ How many times have you failed to appear in Court before? _____
 Occupation _____ Current Employer _____
 Employer Address _____ How long employed? _____
 Subject's character/reputation (if known) _____
 Is Subject identity in question? (circle) Yes No Explain _____

Personal Property seized by arresting agency (circle) Yes No Explain _____

Subject's Action (circle) Resisted Uncooperative Armed Combative Assaulted Officer Cooperative
 Narrative _____

OFFENSE

CRS/Municipal Code	Offense Class	Charges
_____	_____	_____
_____	_____	_____
_____	_____	_____

CASE DESCR

Victim Name _____
(last) (first) (middle)
 Address _____
(number) (street/road) (city) (state) (zip)
 Description of injuries, loss, damage, etc _____
 Multiple Victims? (circle) Yes No Explain _____

ARREST INFO

Arrest Location _____ Arrest Date _____ Arrest Time _____
 Offense Location _____ Offense Date _____ Offense Time _____
 Facts indicating suspect may continue to violate laws, harass, or intimidate witness or flee jurisdiction if released:

VEH

Vehicle impounded (circle) Yes No Location of Impound _____
 Vehicle Tow Sheet Completed (circle) Yes No

JUV INFO

name person notified of custody _____	Relationship _____	Notified by _____	Date/Time Notified _____
Juvenile released to _____	Relationship _____	Signature _____	Date/Time released _____

Arresting Officer Signature _____ Bond Recommendation _____

Authorizing Deputy's Signature _____ Date _____ Time _____

Emergency Screening and Bed Management, Emergency Screening and Release Procedures

19th JD CYDC Bed Management Policy

1. **Bed Borrowing/Loaning**- Screener may borrow a bed from another JD if beds are available. Contact the JD's screening team to request the bed to borrow. Email the JD you're borrowing from, the CYDC Screening and Detention Supervisor and Lead Screener as well as the CYDC Booking Technician.
2. **Capacity/Soft-Cap**- If the detention center is at capacity, screeners can utilize the soft-cap (2 additional beds). Contact the detention center and determine bed availability and discuss the option of using the soft-cap. If soft cap is available, the 19th will go over capacity by 1 bed or 2 beds if needed. If additional beds are required due to new screens, utilize the emergency release list.
3. **Emergency Release**- When detention facilities are 2 beds away from capacity, screeners will provide a pre-notification and will contact parents/guardians of youth listed on the Emergency Release to inform them their child could be released. Screeners will review the expectation that release could occur 24/7 and the parent/guardian would need to immediately arrive at the detention center for the release. If the facility is at capacity and soft-cap has been utilized, screeners will contact parents/guardians of youth listed on the ER order and instruct them to sign a PR bond at the detention center, releasing their child. Screener will inform parents/guardian that the youth will remain under house arrest until the Detention Hearing. Referring to current Emergency Release Order, set an ER hearing same dates and times as detention hearings MWF at 10:30, Div.14. Email the screening distribution contacts and list the names of the youth that have been emergency released and the Detention Hearing information.
4. **Notification of Emergency Release**- Screener will inform the CYDC Booking Technician if the 19th has utilized the soft-cap or emergency release. The Booking Technician will include this information on the daily roster email.

APPENDIX D

Process for consideration of a youth currently being screened for Detention, to be considered for Emergency Release:

To be used when the 19th CYDC has reached detention bed capacity and it has been determined that the juvenile being screened poses less risk to community compared to the juvenile who would be released through Emergency Release process. Juveniles who may be released per the detention screening instrument and this order shall be issued a Juvenile Appearance Bond in court for the first detention hearing date and time following arrest.

The CYDC screener is authorized to make a recommendation to the on-call judge to Emergency Release a newly screened juvenile in place of releasing a currently detained youth on the Emergency Release list

Matrix for Emergency Release Eligibility:

Not Eligible for recommendation:

Crime of Violence with SBI.

Weapons charges involving guns.

Juveniles with runaway history.

Juveniles known to be in gangs.

Juveniles presenting with active homicidal/suicidal ideation.

Making verbal threats of harm.

Assault-DV

Eligible for recommendation:

First offense w/o SBI.

Juveniles ages 13-14.

Third degree assault.

Harassment/Criminal Mischief-DV

School based weapon offense for youth aged 13-14, small knife only.

Violation Protection order for alcohol or marijuana only.

Warrants that do not have underlying factors listed above (crime of violence with SBI, weapons, etc.)

**ACKNOWLEDGMENT OF MANDATORY COURT APPEARANCE
Emergency Release**

THE PEOPLE OF THE STATE OF COLORADO IN THE INTEREST OF:

DATE OF BIRTH: _____
JUVENILE

DATE OF BIRTH: _____
PARENT / GUARDIAN / CUSTODIAN

PHONE: _____
ADDRESS

YOU ARE HEREBY NOTIFIED that, as a condition of the release of this child into your custody, you will be required to appear on the date/time below:

DISTRICT COURT CASE NUMBER:	_____
RETURN DATE/TIME:	____ June 7 th at 10:30, Div.14. IN PERSON
RETURN LOCATION:	Weld County District Court Division 14 919 9th Street Greeley CO

THE JUVENILE MUST COMPLY WITH ALL CONDITIONS SET OUT BELOW. YOU ARE OBLIGATED TO REPORT ANY OF THE FOLLOWING VIOLATIONS AT THE NEXT COURT HEARING.

- JUVENILE MUST FOLLOW ALL RULES OF HOME OR PLACEMENT AND IS ORDERED NOT TO RUN AWAY
- JUVENILE MAY NOT USE OR POSSESS ALCOHOLAND/OR DRUGS
- IF APPLICABLE THE JUVENILE MUST CONTACT HIS/HER PROBATION/ PRE-TRIAL OFFICER IMMEDIATELY AFTER RELEASE
- **In addition to any standard bond conditions, the court imposes additional bond conditions to require that the juvenile comply with any temporary protection order; remain at home unless accompanied by parent or guardian; comply with any rules of home or placement, juvenile to be placed on EHM as soon as a unit is available and until further order of the Court. A juvenile on a no bond hold that is released pursuant to this order will have bond set at \$0 PR cosigned by parent or guardian with the additional conditions stated above.**

APPENDIX D

PROMISE OF PARENT/GUARDIAN/CUSTODIAN TO APPEAR IN COURT

I, THE UNDERSIGNED PARENT/GUARDIAN/CUSTODIAN, HEREBY PROMISE AS A CONDITION OF THE RELEASE OF THE NAMED JUVENILE INTO MY CUSTODY, WILL APPEAR WITH THE JUVENILE ON THE DATE AND TIME STATED ABOVE. I UNDERSTAND THAT IF I DO NOT APPEAR BEFORE THE COURT, A BENCH WARRANT MAY BE ISSUED FOR MY ARREST AND FOR THE DETENTION OF THE NAMED JUVENILE.

PARENT/GUARDIAN/CUSTODIAN SIGNATURE

DATE

JUVENILE'S SIGNATURE

DATE

STAFF SIGNATURE

DATE

**CRITERIA FOR PLACEMENT IN JUVENILE DETENTION
PURSUANT TO §19-2.5-1404, C.R.S.
Reviewed and Approved (October 24, 2022)**

PURPOSE OF CRITERIA [§19-2.5-1404(1)(a), C.R.S.]: To promote a more uniform system of determining which juveniles are appropriate for placement in the physical custody (secure detention) of the Division of Youth Services (DYS) or contracted staff secure detention so that decisions for placement are made based on a uniform set of criteria throughout the state.

These criteria should also reduce the reliance on DYS’s secure detention facilities through the use of least restrictive placement options, while maintaining community safety, best serving the child, and administering appropriate sanctions. These criteria are not intended to interfere with law enforcement’s authority to hold or discretion to release a juvenile taken into custody, or the court’s ability to place a child in detention or impose appropriate sanctions. Building on these criteria, judicial districts may develop additional local criteria that include more stringent restrictions on the use of secure detention resources.

Statutory intent is that these criteria will be utilized by the “screening team”, in carrying out the screening function outlined in §19-2.5-303(2), C.R.S., and in following Colorado Rules of Juvenile Procedure, Rule 3.7.

Transportation of youth for placement in detention, to court proceedings or another secure or staff secure detention center shall be the responsibility of local law enforcement. If a youth is placed in detention based on a warrant from another jurisdiction, law enforcement from the judicial district that initiated the warrant must pick up the youth and transport him/her to the county of jurisdiction in accordance with the timeframes established by the court at the initial detention hearing.

THESE CRITERIA COVER THE FOLLOWING CIRCUMSTANCES:

- I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION**
- II. DETENTION UPON ARREST (TAKEN INTO CUSTODY)**
 - A. Arrests for New Offenses
 - B. Arrests Based on Warrants or other Court Orders, including Probation Detainers
- III. DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION**
 - A. Sentence to Detention for Delinquent Adjudication (§19-2.5-1113, C.R.S.) May Not Exceed 45 Days.
 - B. Contempt Sanction Sentence to Detention (Civil Sanction for Contempt of Court)

I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION

- A. JUVENILES IN ANY OF THE FOLLOWING CIRCUMSTANCES SHALL NOT BE PLACED IN SECURE DETENTION:**
 - 1. Any youth age 10-12 unless the youth has been charged or adjudicated for a felony, if committed by an adult, or any of the following misdemeanor weapons charges pursuant to section 18-12-102, 18-12- 105, 18-12-106 or 18-12-108.5.
 - 2. Who have not committed, or have not been accused of committing, a delinquent act. Exceptions are 24-hour protective holds issued by a judge prior to a dependency and neglect hearing and contempt sentences as set forth in Criterion III, B, below.

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3. Who have been placed in the legal custody of a county department of social/human services pursuant to a petition in dependency and neglect and are solely waiting out of home placement.
4. Who have been placed in the legal custody of a county department of social/human services pursuant to delinquency adjudication and are solely waiting out of home placement. Exception can be made by court order if the delinquent poses a substantial risk of serious harm to others or flight risk to avoid prosecution and finds that community based alternatives to detention are insufficient to reasonably mitigate risk. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent willful failures to appear at a scheduled court appearance.
5. Who are committed to the legal custody of the Colorado Department of Human Services, Division of Youth Services, and are solely awaiting a DYS placement (§19-2.5-1512, C.R.S.).
6. Who are presented to detention solely as a temporary corrective or punitive measure including “time out” placement.
7. Who, at admission, require medical care, are intoxicated, or under the influence of drugs, to an extent that is beyond the scope of the detention facility’s medical service capacity. In these cases, medical clearance must be obtained prior to admission.
8. Who are solely assessed as suicidal or exhibit behavior placing them at imminent risk of suicide.
9. Who have not committed a delinquent act but present a danger to themselves as a result of a mental disturbance or developmental disability. They shall be referred for appropriate screening per §27-10-105, and/or §27-10-106, C.R.S. or as provided in §10.5 of Title 27 C.R.S.

Additionally, youth SHALL NOT be placed in detention solely:

- a. Due to a lack of supervision alternatives, service options, or more appropriate facilities,
- b. Due to the community’s inability to provide treatment or services,
- c. Due to a lack of supervision in the home or community,
- d. In order to allow a parent, guardian, or legal custodian, to avoid his or her legal responsibility,
- e. Due to a risk of the juvenile’s self-harm,
- f. In order to attempt to punish, treat, or rehabilitate the juvenile,
- g. Due to a request by a victim, law enforcement, or the community,
- h. In order to permit more convenient administrative access to the juvenile,
- i. In order to facilitate further interrogation of investigation, or
- j. As a response to technical violations of probation unless the results of a detention screening instrument indicate that the juvenile poses a substantial risk of serious harm to others or if the applicable graduated responses system adopted pursuant to section 19-2.5-1108 allows for such a placement.

II. CRITERION FOR DETENTION UPON ARREST (TAKEN INTO CUSTODY)

A. ARRESTS FOR NEW OFFENSES

1. If a juvenile is presented for screening for placement in detention for allegedly committing any one of the following offenses, the juvenile shall be placed in detention pending a detention hearing. §19-2.5-305(3)(a)(III), C.R.S.
 - a. A felony enumerated as a crime of violence in §18-1.3-406(2), C.R.S.
 - b. Any felony offense against a person, as described in Title 18, Article 3, C.R.S., with the use of, or possession and threatened use of, a firearm.
 - c. Possession of a dangerous or illegal weapon (§18-12-102, C.R.S.), possession of a defaced firearm (§18-12-103, C.R.S.); unlawfully carrying a concealed weapon (§18-12-105, C.R.S.), unlawfully carrying a concealed weapon on school, college, or university grounds (§18-12-105.5, C.R.S.), prohibited use of weapons (§18-12-106, C.R.S.), illegal discharge of a firearm (§18-12-107.5, C.R.S.) or illegal possession of a handgun (§18-12-108.5, C.R.S.).
 - d. A delinquent act of escape from custody or confinement in a secure Division of **Youth Services** facility or contracted staff-secure facility (§18-8-208(10) and §18-8-210.1, C.R.S.)
2. § 19-2.5-303, C.R.S.

2 (a) If the law enforcement officer does not release the juvenile to the care of such juvenile's parents, legal guardian, kin, or other responsible adult, the screening team shall administer a validated detention screening instrument developed or adopted pursuant to section 19-2.5-1404. The law enforcement officer, screening team, or juvenile court shall not remove the juvenile from the custody of the parent or legal guardian pursuant to this section unless the screening team or juvenile court:

(I) (A) Finds that a validated detention screening instrument selected or adopted pursuant to section 19-2.5-1404 has been administered and the juvenile scored as detention eligible;

(B) or there are ground to override the results of the detention screening instrument based on the criteria developed in accordance with section 19-2.5-1404; and

(II) finds that the juvenile poses a substantial risk of serious harm to others or a substantial flight risk from prosecution and finds that community-based alternatives to detention are insufficient to reasonably mitigate that risk. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent willful failures to appear at a scheduled court appearance.

B. ARRESTS BASED ON WARRANTS OR OTHER COURT ORDERS, INCLUDING PROBATION DETAINERS

1. If a juvenile is arrested on a district court delinquency warrant (JD), the juvenile shall be placed in detention pending a detention hearing, a reconsideration hearing, or, if a judicial officer has set bond, the juvenile shall be held in detention pending the posting of bond UNLESS LOCAL POLICY HAS BEEN ESTABLISHED TO ALLOW FOR OTHER LEVELS OF PLACEMENT FOR YOUTH UNDER WARRANTS.
2. If a Petition to Revoke or Modify Probation (PRMP) has been filed, a juvenile may be held in detention pending the revocation hearing which is to be held within 14 days from the date the juvenile comes into custody. If a Petition to Revoke or Modify Probation has not been filed, it must be filed within 72 hours of the detention hearing.

III. CRITERION FOR DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION

A. SENTENCE TO DETENTION FOR DELINQUENT ADJUDICATION (§19-2.5-1113, C.R.S.) MAY NOT EXCEED 45 DAYS. Sentences imposed by the Court are final subject to appropriate motions for reconsideration wherein the Court may consider and is encouraged to consider other placement options.

1. Mandatory Sentences:
 - a. For weapons offenses. In the case of a juvenile who has been adjudicated a juvenile delinquent for the commission of one of the offenses described in §19-2.5-305(3)(a)(III), C.R.S., the court shall sentence the juvenile to a minimum mandatory period of detention of not fewer than five days [§19-2.5-1113(2), C.R.S.]
 - b. Failure to register as a juvenile sex offender. §18-3-412.5(4)(a) & (b), C.R.S.
 - 1) Misdemeanor – 30-day minimum on first offense to fail to register; 45 day on second and subsequent
 - 2) Felony – 45-minimum on first; out of home for 1 year on second and subsequent

B. CONTEMPT SANCTION SENTENCE TO DETENTION (CIVIL SANCTION FOR CONTEMPT OF COURT)

1. Court orders sentencing a juvenile status offender to detention as a civil sanction for contempt of court must follow Colorado Rules of Juvenile Procedure, Rule 3.8. To verify compliance with Federal Law, copies of Forms 1 and 2 and the written report verifying that all dispositions other than secure confinement have been exhausted or are clearly inappropriate, must accompany the juvenile when referred to a detention facility.
2. Any confinement of a youth for contempt of a municipal court order shall not exceed 48 hours. (§13-10-113(4), C.R.S.)
3. Any confinement of a child for contempt of court for violating a valid court order in a truancy proceeding shall not exceed 48 hours.

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4. If a Juvenile is arrested on district court D&N warrant (JV), the Juvenile may be held in detention prior to a detention hearing, however, that detention hearing must occur within 24 hours of admission to detention, excluding weekends and legal holidays, and the Juvenile must then be released within 24 hours of the detention hearing, excluding weekends and holidays. Weekends begin at 5 p.m. on Friday and end at 8 a.m. on Monday.
5. If the Juvenile is arrested on a warrant in a truancy proceeding, the warrant must provide for the release of the juvenile from temporary custody on an unsecured personal recognizance bond that is cosigned by the juvenile's parent or legal guardian or by a representative of the local Department of Human Services if the juvenile is in the custody of the Department of Human Services. The warrant may also direct that the juvenile only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

JUVENILE DETENTION PLACEMENT GUIDELINES FOR COMPLYING WITH DETENTION BED ALLOCATIONS PURSUANT TO § 19-2.5-1405(d), C.R.S.

PURPOSE OF THE PLACEMENT GUIDELINES: To serve as a guide for each judicial district in developing a plan to manage the limit on the number of juvenile detention beds assigned to the judicial district in accordance with §19-2.5-1405(1)(a) and (b). Continuous intake management and monitoring of detention bed use based on the *Criteria for Placement in Juvenile Detention (Revised 10/07)*, developed pursuant to §19- 2.5-1404, C.R.S., can help decrease the need to implement Emergency Release Procedures.

The *Mandatory Emergency Release Guidelines for Managing State Funded Detention Beds (10/07)* also address the ongoing need to manage bed use and should be used with these Guidelines and the *Criteria for Placement in Juvenile Detention (Revised 8/03)* in developing the local management plan.

OVERARCHING GUIDELINES IN MANAGING BED USE:

Mandatory administration of the *Juvenile Detention Screening and Assessment Guide (JDSAG)* and *Colorado Juvenile Risk Assessment (CJRA) Pre-screen* to maintain current data for detention bed use management, all juveniles presented for detention placement must have:

- The *Juvenile Detention Screening and Assessment Guide (JDSAG)* administered and the data entered in the Colorado Trails database.
- The Colorado Juvenile Risk Assessment (CJRA) Pre-Screen shall also be administered and the data entered in the Colorado Trails database. The CJRA will provide level of risk classification for each juvenile in detention and enable the use of a current and ongoing prioritization for consideration of release or other placement option based on public safety.

In determining appropriate placement for youth, the use of the least restrictive placement option, while maintaining community safety, is encouraged.

Guidelines below pertain to each criterion in the *Criteria for Placement in Juvenile Detention*

I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION

GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:

EXCEPTION FOR SENTENCED DELINQUENTS POSING A SERIOUS SAFETY RISK:

Delinquents sentenced to an out-of-home placement who pose a serious safety risk may be sentenced to detention if an appropriate placement by the county department of social/human services cannot be immediately arranged. These juveniles should be reviewed by the entity responsible for detention management at least weekly to determine the status of the out-of-home placement. The period of detention awaiting placement should not exceed 45 days. If circumstances change to merit consideration of a less restrictive, appropriate placement, the entity should follow local procedures to inform the court.

II. CRITERION FOR DETENTION UPON ARREST (TAKEN INTO CUSTODY)

GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:

A detention screening and assessment must be administered on all juveniles admitted to detention based on district, county and municipal warrants and court orders to establish a current priority list if Emergency Release procedures must be activated. These assessments should be updated periodically by the management entity. If circumstances change to merit consideration of a less restrictive, appropriate placement, the entity should follow local procedures to inform the court.

Juveniles placed in detention following the detention hearing should be reviewed periodically by the management entity to assess the appropriateness of placement in a pre-adjudication service program (SECTION 19-2-302, C.R.S.). If circumstances change to merit this placement, the entity should follow local procedures to inform the court.

III. DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION

GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:

All optional, appropriate sanctions should have been considered prior to the imposition of a secure detention sentence (victim/offender mediation, restitution, community service, electronic monitoring, tracking, offense-specific treatment, etc.).

In imposing a discretionary sentence to detention consistent with §19-2.5-1113, C.R.S., the court is encouraged to consider periods of time less than the maximum of 45 days.

