

## CHIEF JUDGE ADMINISTRATIVE ORDER 2003-03

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### ORDER TO MANAGE THE LIMIT ON THE NUMBER OF DETENTION BEDS ALLOCATED TO THE SEVENTH JUDICIAL DISTRICT BY SB03-286

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#### RECITALS:

- A. SB 03-286 to be codified as C.R.S. 19-2-1201 *et seq.*, restricts the number of juvenile beds in detention by judicial district. A statewide committee has met to provide guidance in implementation of this new law and has released a document entitled “Mandatory Guidelines for Managing State Funded Detention Beds and Emergency Release Procedures” (hereinafter the “Guidelines”).
- B. C.R.S. 19-2-1203 requires each judicial district annually to develop a plan to manage the limit on the number of juvenile detention beds allocated to the judicial district by the working group pursuant to C.R.S. 19-2-1202(1)(a). This section mandates the local Juvenile Services Planning Committee (“Planning Committee”) in each district to consider the Guidelines developed pursuant to C.R.S. 19-2-1202 in the annual plan to manage the limit.
- C. Rule 3.7 of the Colorado Rules of Juvenile Procedure, requires the chief judge of each judicial district to designate a person or persons as officer(s) of the court with authority to determine whether a juvenile taken into temporary custody should be released to a parent, guardian or other legal custodian, or admitted to a detention or shelter facility pending notification to the court and a detention hearing.
- D. The Colorado Children’s Code contemplates a “written policy” from this Court to expedite emergency release requirements yet protect those acting pursuant to this Order and on good faith:

(7) Any law enforcement officer, employee of the division of youth corrections, or another person acting under the direction of the court who in good faith transports any juvenile, releases any juvenile from custody pursuant to any written criteria established pursuant to this title ... shall be 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.

C.R.S. 19-2-508(7).

- E. The Planning Committee for the 7<sup>th</sup> Judicial District has now considered the Guidelines and detention criteria developed pursuant to SB 94 and developed an Emergency Release Plan, a copy of which is attached as Attachment 2 (hereinafter “Emergency Release Plan”).

## ORDER

1. This Order and annual plan for managing release from detention and placement of juveniles released supercedes and controls the decision to release and place such juveniles over other statutes or orders currently in place including but not limited to C.R.S. 19-2-508; C.R.S. 19-2-509; C.R.S. 19-2-518; C.R.S. 19-2-907; C.R.S. 19-2-911; C.R.S. 19-2-925; C.R.S. 18-12-108; and Title 42 C.R.S.
2. This Order is to avoid surpassing the bed limitation for this District and SB03-286 requirements. This Order will control release decisions and procedures.
3. The screeners, under supervision of the SB 94 Coordinators for the 7<sup>th</sup> Judicial District, or SB94 Coordinators shall be the persons responsible for detention screening, placement recommendations, emergency release management, and arrangement of transportation services pursuant to Rule 3.7 of the Juvenile Rules of Procedure and the Colorado Children’s Code. The screeners are authorized as officers of the Court. They are vested with the authority to screen those juveniles taken into temporary custody to determine the appropriate level of placement for the juvenile, subject to the provisions of this Order and its Attachments and further Court orders. The SB 94 Coordinators will supervise the screeners to ensure that detention limits are not exceeded and that the terms of this Order are met. Disposition of detained juveniles shall be accomplished as expeditiously as possible.
4. The screeners for this District will evaluate all juveniles for which detention is requested whether the request is made by an arresting officer, probation officer, judicial officer of any court including county, district, or municipal courts by way of an arrest warrant, detention sentence, or detention order, surrender by surety, or Homeland Security hold or by anyone else.
5. The screeners will apply the criteria set forth in the Juvenile Detention and Screening Guide as well as the “Juvenile Detention Placement Guidelines to Use in Complying with Detention Bed Allocations Pursuant to § 19-2-1202(d), C.R.S.”, attached as Attachment 3, in rendering their decisions as well as all applicable Statutes and Rules.
6. Based on these criteria, the screeners will determine for use within the 7th Judicial District the risk level of the juvenile as either High, Medium, or Low based on criteria included in the 7th Judicial District Emergency Release Plan and note that risk on the Emergency Release Recommendation form to be completed on each juvenile

detained. If a youth requires detention or staff secure placement based on the screener's decision, the screener may, in his or her discretion, "override" a Level 1 secure detention outcome by override decision. As in the past, the screener may screen the youth to a lower placement provided that the override decision is documented and approved by the assigned judge or the Chief Judge at the detention hearing, prior to releasing the youth to a lower level of care

7. GMYSC will maintain and communicate the Emergency Release Priority Number assigned to each detained youth, including Medium Secure, to the following on a daily basis: the SB 94 Coordinators, 7<sup>th</sup> Judicial District Attorney, Chief Probation Officer and Chief Judge.
8. If, after implementation of the Emergency Release Plan, the number of juveniles in need of being detained from this District exceeds the cap, the Chief Judge of the 7<sup>th</sup> Judicial District shall contact and communicate with other Chief Judges in the Western Catchment Area to determine if it is possible to borrow a sufficient number of beds from other districts pursuant to the "Guidelines for Loaning of Beds Within Detention Catchment Areas" ("Loaning Guidelines") and local procedures developed with those other districts. The Loaning Guidelines are attached as Attachment 4.
9. At the time a screener admits a juvenile to detention, the screener will initiate the process of drafting a release plan for the juvenile in the event the Emergency Release Plan are invoked. The SB94 Coordinator will work with the local CET, the Division of Youth Corrections, the applicable Department of Human Services, District Attorney, residential child providers, parents, and kin, in drafting the release plans for each juvenile detained.
10. Youth who are ordered to serve a detention sentence will be subject to the Emergency Release Plan procedures and early release.
11. If the Director of GMYSC or the screener desires judicial consultation and/or approval of the decision to release and/or place a particular juvenile in a less restrictive setting, they are encouraged to present a written or e-mail request to the judge assigned to the case, if there is a case filed, along with a proposed release plan and/or draft order.
12. The Director of GMYSC or his delegate is required to notify the arresting agency and the assigned court (if there is a detention order), in writing on a weekly basis, which juveniles have been released in accordance with this Order.
13. Immediately following the detention hearing for each juvenile ordered detained, the District Attorney or his delegate is required to give notice to statutory victims that the juvenile will possibly be released due to SB03-286 and that release will likely happen without further notice to them.

14. The SB 94 Coordinators for the 7<sup>th</sup> Judicial District will communicate on an as needed basis, but at least weekly, with the Chief Judge of this District. This report will summarize juvenile's, case name and number, if any, of all juveniles in this District detained and released; bed utilization; and any other useful information the SB 94 Coordinators deem relevant.
15. The Division of Youth Corrections, Western Region Administrative Office, is responsible for providing technical assistance to the Planning Committee and the SB 94 Coordinators to implement this Order and the Emergency Release Plan in a timely and effective manner.

DATED this 24<sup>th</sup> day of September, 2003.

BY THE COURT:

/s/ Original on file

J. Steven Patrick

Chief Judge