

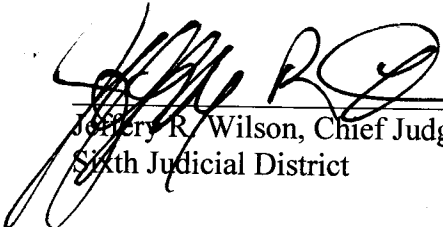
SIXTH JUDICIAL DISTRICT
(La Plata, San Juan, and Archuleta Counties)

Administrative Order No. 2021-2

ORDER AMENDING JUVENILE INTAKE PROTOCOL AND VACATING
ADMINISTRATIVE ORDER 2018-8

Whereas, previous Administrative Order 2018-8 established a juvenile intake protocol and whereas modifications to said protocol were necessary, the Sixth Judicial Juvenile Intake Protocol is hereby amended as attached and Administrative Order 2018-8 is hereby vacated.

SO ORDERED this 9th day of February 2021



Jeffrey R. Wilson, Chief Judge
Sixth Judicial District

cc: Grand Mesa Youth Detention Center
6th Judicial Probation
6th Judicial CYDC Pre-Trial Services
All Law Enforcement Agencies, 6th Judicial District
Judges and Magistrates, 6th Judicial District

I. Purpose

The purpose of this Protocol is to outline the juvenile detention screening procedures for youth in the Sixth Judicial District in accordance with Colorado Revised Statute ("C.R.S.") §§19-2-212, 19-2-507 and Rule 3.7 of the Colorado Rules of Juvenile Procedure (hereinafter "Rule 3.7"). This Protocol shall address 1) the circumstances under which youth shall and shall not be screened for detention; and 2) the process for screening juveniles to determine whether they should be held in detention or released.

II. Intake Screening

Pursuant to Rule 3.7 and C.R.S. § 19-2-211, the Chief Judge of the Sixth Judicial District has appointed the Colorado Youth Detention Continuum/SB94 office for the Sixth Judicial District ("CYDC") as the Screening Team responsible for detention screenings, detention bed management, release recommendations, community supervision and case management. At this time, CYDC has a contract with the Hilltop Health Service Corporation ("Screening Center") to perform juvenile intake screenings 24 hours per day/7 days a week by telephone.

For purposes of making a determination on whether a juvenile must be screened by the Screening Center, law enforcement shall use the highest possible charge for which the officer has probable cause to arrest the juvenile.

A. Mandatory Screenings

Juvenile intake screenings are mandatory for the offenses specified below:

- **Class 1 misdemeanor or higher level offense;**
- **Any Domestic Violence or Sex Assault offense
(Domestic Violence and Sex Assault offenses will result**

in a mandatory detention hold unless there is a judicial override);

- **Probation Authorization/Hold; or**
- **District Court Warrant from any jurisdiction**

Youth ages 10-12 may not be screened for detention or held on a warrant unless they are originally charged or adjudicated with a felony or a weapons charge pursuant to C.R.S. §§ 18-12-102, 18-12-105, 18-12-106 or 18-12-108.5.

In the event that the juvenile meets this threshold for an intake screening, law enforcement shall immediately 1) contact the juvenile's parent/legal guardian to notify them that the juvenile is in custody and direct them to the appropriate law enforcement agency to participate in the intake screening; and 2) contact the Screening Center. Law enforcement should contact the Screening Center at 970.244.0619. If there is no reply from the Screening Center within 10 minutes, then law enforcement should call 970.623.9965 for immediate assistance. The Screening Center shall conduct the intake screening using the Colorado Juvenile Detention Screening and Assessment Guide ("JDSAG") (Attached as Exhibit 1) and this Protocol. The Screening Center shall also consult with the juvenile, law enforcement, the juvenile's parent/legal guardian, the Juvenile Judge and/or CYDC staff as needed to obtain accurate information.

If a parent or legal guardian cannot be reached, the Screening Center shall still conduct the intake screening with the juvenile. The Screening Center and law enforcement shall continue to try and make contact with the parent/legal guardian until the screening process is completed. If the juvenile screens to secure detention, CYDC will then continue to try to contact the parents/legal guardian. If the juvenile screens to home detention/release and neither the parent/legal guardian nor a responsible adult can be reached, law enforcement will notify the appropriate County Department of Human Services to initiate a transfer of custody of the juvenile to the County Department of Human Services.

Once the screening has been concluded, the Screening Center will complete all appropriate paperwork and shall scan the paperwork as soon as possible to CYDC, the local Public Defender's Office, the District Attorney's Office, the Juvenile Judge's clerk, law enforcement, the applicable County Department of Human Services and the Youth Detention

Center where the youth will be detained (if the youth is being detained). A copy of all signed paperwork should also be provided by law enforcement to the parent/legal guardian of the juvenile.

B. Prohibited Screenings

Screening intakes shall not be conducted for the following offenses:

- **Class 2 or Class 3 misdemeanors;**
- **Runaways;**
- **Status or Petty offenses;**
- **Truancy cases; or**
- **Municipal or County Court Warrants.**

C. Promise to Appear Issued by Law Enforcement

Law enforcement is permitted to issue a Promise to Appear (“PTA”) to the juvenile and his/her parents or legal guardians for the following offenses:

- **Class 2 or 3 misdemeanors; or**
- **Petty offenses (Except citations for Minor in Possession or Driving under the Influence charges shall be filed in accordance with County Court procedures).**

When a PTA is issued by law enforcement, an intake screening will not be conducted. PTA forms which comply with C.R.S. § 19-2-507(5) are attached hereto as Exhibits 2 (La Plata and San Juan County PTA) and 3 (Archuleta County PTA). Such forms must be used by law enforcement. Law enforcement shall provide a copy of the signed PTA to the youth and parent/legal guardian. Law enforcement shall also scan a copy of the PTA and the Arrest/Contact Narrative (if available) to the Court, the District Attorney’s Office, the local Public Defender’s Office and CYDC as soon as possible.

D. Judicial Approval/Overrides

The Juvenile Judge shall be contacted for an override/approval in the following circumstances:

- **Any request by the Screening Center for an override on the results of the JDSAG and/or this Protocol;**
- **Any request by the Screening Center for an override to release a juvenile with a Domestic Violence or Sex Assault offense;**
- **Placement in secure detention if it will require the emergency release of another juvenile; or**
- **Release of the juvenile to an adult other than the parent/legal guardian.**

The Sixth Judicial District does not currently have staff secure (Level 2 on the JDSAG) or residential/shelter (Level 3 on the JDSAG) as options for placement. If placement is not available at the level indicated by the JDSAG, the Screening Center shall determine the next most appropriate level for placement and shall contact the Juvenile Judge for a judicial override/approval if necessary.

III. Secure Detention

If the juvenile screens to secure detention, the youth will be held in the custody of the arresting law enforcement agency until they can be transported by the La Plata County Sheriff's Department to Grand Mesa Youth Services Center ("Grand Mesa") along with a copy of their paperwork for admission. The Screening Center shall determine whether the youth shall be transported to Grand Mesa. The juvenile shall then receive a Detention Hearing within 48 hours (excluding weekends and holidays).

Prior to such hearing, CYDC will contact the juvenile to gather background information which may be useful to present at the Detention Hearing and to arrange appropriate services for the juvenile. CYDC will also complete the Colorado Juvenile Risk Assessment ("CJRA") and the Colorado High Risk Victim Identification Tool. A summary of the CJRA shall be provided to the Court as soon as possible. At the Detention Hearing, CDYC shall make recommendations to the Court regarding placement/release of the juvenile as well as the proposed terms and conditions of release if appropriate.

IV. Home Detention/Release

If the juvenile screens to home detention (Level 4 on the JDSAG) or release (Level 5 on the JDSAG), the intake screener shall complete the Intake Information Form, Pre-Trial Supervision Contract, and a Promise to Appear. The Screening Center shall have the parent/legal guardian and the juvenile sign all completed paperwork.

The signed Pre-trial Supervision Contract and the Promise to Appear are considered Court Orders and as such the juvenile and parent/legal guardian shall be subject to contempt sanctions if any violations occur. The Screening Center shall notify the juvenile and parent/legal guardian of potential penalties for violating these orders.

CYDC shall be contacted by the Screening Center as soon as practicable once the intake screening is complete. CYDC shall then contact the youth and parent/legal guardian within one business day.

V. Juvenile Mental Health/Intoxication

A. Imminent Risk of Suicide by Juvenile

In the event the juvenile is determined at any point to be at imminent risk for suicide by law enforcement, the intake screening will cease and the juvenile shall be transported by law enforcement to Mercy Medical Center ("MMC") for a Mental Health Evaluation. If the juvenile meets the statutory criteria for a 72 hour Mental Health Hold, CYDC shall be contacted by MMC and will monitor the situation and advise all of the parties on next steps. If, however, the juvenile has received a medical clearance by MMC, law enforcement shall transport the juvenile back to the law enforcement agency and the intake screening process shall resume with the Screening Center.

B. Intoxication of Juvenile

In the event the juvenile is under the influence of drugs or alcohol, law enforcement shall contact the Detox Center at Mercy Medical Center and request a Police Hold. If Detox is at full capacity, then the juvenile will be taken directly to MMC. Detox/MMC will then monitor the youth's intoxication levels and determine when they are medically safe to release. Once the juvenile is medically released, law

enforcement will transport the juvenile back to the law enforcement agency and the intake screening process shall resume with the Screening Center.

VI. Borrowing Detention Beds

The Sixth Judicial District has been allocated 2 detention beds at Grand Mesa Youth Services Center. In total there are 31 detention beds allocated to the districts in the Western Region. CYDC districts in the Western Region have agreed that if one district has all allotted beds occupied when they get another intake, such district can automatically borrow an open bed from another district. If detention beds are full or close capacity, CYDC Coordinators will create Emergency Release Plans or coordinate with another district to continue borrowing their bed.

VII. Emergency Release

CYDC will maintain an on-going list of juveniles with the lowest risk for consideration of emergency release when all the Sixth Judicial District's detention beds are full. The Juvenile Judge and the applicable Juvenile Detention Center will be notified by CYDC of the emergency release plan if all Sixth Judicial District's beds are full and there are no available beds to borrow. If an emergency release needs to occur, CYDC will request an Order for a Personal Recognizance Bond and set up transport. If a bed is not immediately available, law enforcement shall be required to retain the juvenile in their custody until a bed is available.

VIII. Victim Notification

If there is a victim involved in the alleged offense, the applicable Juvenile Detention Center shall notify the victim as required by current Victim Notification laws and regulations. If the victim has questions regarding notification or the case, they shall be directed to contact the District Attorney's Office at 970.247.8850.