

<p>NINTH JUDICIAL DISTRICT, COLORADO Court Address: Garfield County Courthouse 109 Eighth St., Suite 104 Glenwood Springs, Colorado 81601</p> <p>Phone Number: 970-928-3065</p> <hr/> <p>ADMINISTRATIVE ORDER</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
<p>The Honorable James B. Boyd</p>	<p>Administrative Order 15-02</p>
<p align="center">JUVENILE DELINQUENCY MATTERS: USE OF RESTRAINTS</p>	

In creating the Colorado Juvenile Justice System, the Colorado legislature has found,

while holding paramount the public safety, the juvenile justice system shall take into consideration the best interests of the juvenile, the victim, and the community in providing appropriate treatment to reduce the rate of recidivism in the juvenile justice system and to assist the juvenile in becoming a productive member of society.

§ 19-2-102, C.R.S. The focus of the juvenile justice system is “guidance, rehabilitation, and restoration for the juvenile and the protection of society, rather than adjudicating criminal conduct and sanctioning criminal responsibility, guilt, and punishment.” Bostelman v. People, 162 P.3d 686, 691 (Colo. 2007), as modified on denial of reh'g (July 30, 2007).

A growing body of law and professional literature concludes the routine physical restraint of juveniles in the juvenile justice system impedes the rehabilitative purpose of juvenile justice and, in the long run, the public safety enhanced by rehabilitation. To address these concerns in the 9th Judicial District, representatives of the Courts, the Sheriffs of Rio Blanco, Garfield and Pitkin counties, the District Attorney and the Public Defender have conferred. This order arises from that conferral and the shared objective to balance the pursuit of juvenile rehabilitation and the preservation of public safety.

For the reasons above, the following administrative order shall apply to use of physical restraints in juvenile delinquency proceedings throughout the 9th Judicial District:

1. Juveniles in courtrooms for juvenile delinquency proceedings shall not be restrained physically absent a reason to do so as set forth in this order. A rebuttable presumption applies that juveniles shall not be restrained physically while in the courtroom. Physically

Administrative Order 15-02
Juvenile Delinquency Matters: Use of Restraints

restrained means the use of handcuffs, shackles, leg cuffs, chains, restraint belts and any other mechanical device placed on a juvenile that restricts the juvenile's freedom of movement within the courtroom.

2. The presumption shall be deemed rebutted if any one or more of the following criteria exist:

- a. The juvenile demonstrates or has previously demonstrated assaultive behavior while in custody;
- b. The juvenile threatens or has previously threatened law enforcement personnel, detention staff, court staff, or other persons present in the courtroom;
- c. The juvenile has made a credible threat of harm to himself or herself or to others within the previous six months;
- d. The juvenile is charged with disarming or attempting to disarm a law enforcement officer or with escape or attempting to escape from a law enforcement officer or a secured facility;
- e. The juvenile has displayed unsafe, threatening, erratic, disruptive, or combative behavior;
- f. Credible information exists of an imminent plan or risk of escape;
- g. Co-defendants will be in the courtroom at the same time as the juvenile.

3. Law enforcement or detention or transportation staff may make an initial determination that one or more of the above criteria apply. If such a determination is made, a juvenile may be restrained physically in the manner deemed appropriate by law enforcement until further order of the Court. For any proceeding in which any party is proposing restraints, prior to the juvenile's entry into the courtroom, law enforcement, the District Attorney or the other party requesting restraints shall be prepared to advise the Court about the reasons for any proposed physical restraint. The presiding judicial officer shall make the decision about the propriety of restraints and the particular restraints, if any, to be used for that proceeding.

Administrative Order 15-02
Juvenile Delinquency Matters: Use of Restraints

4. The Court, on its own motion or on the request of any party, may review the propriety of physical restraints for a particular juvenile as well as the propriety of less or more restrictive alternatives.

5. For juveniles who are not to be restrained physically while in the courtroom, law enforcement is authorized to remove physical restraints immediately before entering the courtroom and to reattach physical restraints immediately after leaving the courtroom.

6. For purposes of this order, courtroom means the room where the judicial proceeding is conducted. In the 9th Judicial District, some juvenile delinquency proceedings are conducted in the chambers of the presiding judge. In this circumstance, the chambers are the courtroom to which this order applies. If a room normally designated "courtroom" is being used for another purpose such as a waiting area, the order does not apply to the "courtroom" being used for such other purpose.

7. The judicial officer presiding over individual delinquency proceedings retains the authority and discretion to determine whether a particular juvenile should be restrained physically in the courtroom in a particular case. The presiding judicial officer also retains the authority and discretion to determine the manner in which requests to review physical restraint of a particular juvenile may be raised and resolved.

8. This order applies only to the use of restraints in the courtroom. This order does not limit or affect the authority and responsibility of the agency with custody of a juvenile to make its own restraint decisions in locations outside the courtroom.

Done on October 25, 2015.

BY THE COURT



Chief Judge