

<p>DISTRICT COURT, WELD COUNTY, STATE OF COLORADO          Court Address: 901 9<sup>th</sup> Avenue, Greeley, Colorado          Mailing Address: P.O. Box 2038, Greeley CO 80632-2038</p> <hr/> <p style="text-align: center;"><b>ADMINISTRATIVE ORDER 05-03</b>          (Amended June 17, 2019)</p>	<p style="text-align: center;">▲ COURT USE ▲</p> <hr/> <p>Case No. <b>2005 CV 01</b></p> <p>Division: 1</p>
<p style="text-align: center;"><b>NINETEENTH JUDICIAL DISTRICT POLICY</b>  <b>DETENTION BED MANAGEMENT PLAN</b></p> <p>Effective Date: February 11, 2005          Latest Revision Date: June 17, 2019          Reviewed Annually</p>	

**INTRODUCTION:** The 19<sup>th</sup> Judicial District is limited to eighteen (18) beds at Platte Valley Youth Services Center under current state guidelines. Pursuant to C.R.S. §§19-2-1202, -1203, the 19<sup>th</sup> Judicial District and the Juvenile Services Planning Committee mandated by C.R.S. §19-2-211 shall create a plan to “ensure the judicial district does not exceed the number of juvenile detention beds allocated ....”

**PURPOSE:** To establish the procedures for emergency release of youth detained by the 19<sup>th</sup> Judicial District in the secure detention setting.

**STATE GUIDELINES:**

- Public safety shall be the overriding consideration for determining whether a youth is admitted or released from detention.
- Profiles obtained from use of the Juvenile Detention Screening and Assessment Guide (“JDSAG”), or other screening / assessment tool recommended by CYDC or law, are to be utilized in determining which youth should be placed and remain in detention.
- A judicial officer must enter the actual order for release of a youth.

**GOALS:**

- To define the purpose for the emergency release of pre-adjudicated and sentenced youth who have been detained by the district in Platte Valley Youth Services Center (PVYSC), a secure detention facility.
- To determine which detained pre-adjudicated or sentenced youth will be considered a priority when the district court has ordered the emergency release of detained youth.

- To address the need for emergency release of detained youth in the event of a significant or life-threatening emergency that compromises the physical safety of detained youth at PVYSC.
- For the court to make an informed decision when ordering emergency release of youth by considering input from stakeholders in the youth's case and the District's delinquency service providers.

### Policy and Procedure for Placement in and Release from Detention

The court shall consider Colorado state guidelines, the JDSAG (or other tool recommended by CYDC or law) and the 19<sup>th</sup> Judicial District's local screening order when determining whether a juvenile is to be detained. This includes the state requirement that **all** youth admitted to detention are required to have a JDSAG administered within the past 30 days, including youth who are sentenced to detention, so that profile data is documented. At the court's discretion youth detained at PVYSC may be released on an emergency basis if the number of juveniles detained exceeds the Nineteenth Judicial District's detention cap pursuant to C.R.S. §§19-2-1202, -1203.

The court retains jurisdiction over detention decisions and shall be kept apprised of the youth currently detained on the 19<sup>th</sup> Judicial District roster of detained youth. Information provided to and maintained by the court shall include the youth's age, pending charge/allegation or adjudication, whether the case is governed by the Victim's Right's Amendment (VRA), pre- or post-adjudication status, length of stay, date detained, anticipated release date if the youth is serving a sentence, and upcoming court hearing dates.

The court and stakeholders must have a mechanism for continuing and ongoing information exchange, input and communication. Issuing or revising an emergency release order is in the court's discretion in accordance with this Administrative Order. The emergency release order will be addressed at the conclusion of the detention docket to determine whether any revisions or amendments to the order are necessary. If the court is planning to address the emergency release order, the court will notify stakeholders prior to the beginning of the detention docket. Regardless of any notice given, it is the responsibility of all stakeholders to be aware that when there are four or less beds available below the bed cap, the court **will** address the emergency release order. In so doing, the court will entertain (receive/listen to) information from stakeholders on the record concerning the composition of the emergency release order. It is the responsibility of any stakeholder wishing to provide input to appear (either in person, or by proxy or designee) and provide relevant information, recommendations or suggestions to the court.<sup>1</sup> The court expects that the parties will confer prior to providing input as to any youth that may be placed upon the emergency release list, as the email list of juveniles in detention is provided in the morning and on a daily basis.

For purposes of this Administrative Order, the "court" includes all judicial officers of the 19<sup>th</sup> Judicial District (magistrates, district judges, and county court judges acting as a

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<sup>1</sup> The court specifically discourages, and will not accept or consider, e-mail or electronic communication for this process. Such communication may not be secure or free from privileged, confidential or restricted information. By receiving information in person and on the record the court and all stakeholders can more-effectively safeguard the interests of all involved.

district court judge pursuant to any Administrative Order) and senior judges assigned to the 19<sup>th</sup> Judicial District, each of whom has authority to preside over detention hearings and issue orders regarding detention bed-management. “Stakeholders” in any detained-youth’s case or the District’s delinquency process may include: the prosecutor responsible for the youth’s case, the youth’s defense attorney, the youth’s GAL, the youth’s CYDC (Colorado Youth Detention Continuum) case manager, the youth’s probation officer, the youth’s DHS case worker, the youth’s therapist / counselor / wrap around or “system of care” provider (including any North Range Behavioral Health (NRBH) staff assigned to Platte Valley Youth Services Center), the youth’s parent or guardian, the youth, the Office of District Attorney for Weld County (including attorneys or staff responsible to report a victim’s position or comply with the VRA), Colorado Youth Detention Continuum (CYDC), the Weld County Office of Public Defender, the 19<sup>th</sup> Judicial District Probation Department, any attorney appearing in the delinquency courtroom with a contract with the Office of Alternative Defense Counsel (ADC), any attorney appearing in the delinquency courtroom with a contract with the Office of Child’s Representative (OCR), the Weld County Department of Human Services, and NRBH. Stakeholders in a specific case may also include a youth’s kin or placement, foster parent, teacher or school personnel, mentor or peer specialist.

For purposes of this Administrative Order, relevant information may include information about the prioritization or any of the criteria for prioritization for emergency release. Relevant information may also include the status of any pending placement and whether the youth is currently scheduled, could be or should be scheduled, for the court’s available emergency/urgent docket times.

Prioritization for emergency release will be made based on the following criteria:

- a. Risk to community based on current charge, history and LSI/JDSAG/Pre-CJRA;
- b. Services available upon release;
- c. Parental cooperation and willingness to take juvenile home;
- d. Placement availability;
- e. Transportation availability;
- f. Anticipated time to disposition of the case;
- g. Victim Rights Act (VRA) compliance;
- h. Age of the Juvenile;
- i. Priority Release Criteria (section below);

In conjunction with stakeholder input and on an as-needed basis, the court will prepare and/or review the emergency release order when there are less than four beds available under the cap. The court will have final determination regarding which juveniles shall be eligible for emergency release and the order in which they are to be released from detention. The emergency release order will be e-mailed to the Weld County Sheriff’s Office Booking Unit each time it is updated. The order grants authority to emergency release youth in the order listed and will be valid as stated in the order. The order will be authorized by the court.

When the detention facility exceeds the eighteen (18) bed cap and there are no unused bed spaces available to borrow from other jurisdictions, the screener will at a minimum complete the following steps: 1) contact the parent, guardian or custodian and inform that

person that the juvenile is being emergency released and instruct them to come to the jail booking desk to pick up the juvenile; 2) inform the jail booking desk of the current emergency release list and instruct booking to release the juvenile on a PR bond with a return to the next detention hearing. Booking personnel shall then be authorized to release juveniles, as necessary, based on the directions in the most current release order. Juveniles eligible for release under the emergency release order are to be released on a personal recognizance bond, with a condition on the bond that the juvenile report to Division 14 at the next detention hearing time so that the court can determine whether additional bond conditions are necessary.

Except through judicial order, such as when an on-call judicial officer is contacted to emergency release a juvenile because all persons listed on the emergency release order have been released, juveniles not listed on the emergency release order shall not be eligible for emergency release, but they may be released on bond through the regular detention release process.

#### Priority Release Criteria:

At the court's discretion, youth released on an emergency basis will be prioritized as follows:

- Youths serving a truancy sentence or being held on a truancy case
- Out of county youth being held on another county's warrant
- County court no-bond warrants
- Youths awaiting placement with Weld County DHS
- Youths serving county court sentences
- Sentenced youth with the plan of returning home on probation
- Youth with new charges that are not considered a mandatory hold

#### Responsible Authority for Monitoring Detention Populations:

PVYSC and CYDC staff shall be responsible for tracking and reporting detention ADP, Monday, Wednesday and Friday, to all involved agencies via email (Probation, CYDC, Court, DHS, DA, PD, and NRBH). All involved agencies and stakeholders are responsible to stay informed of detention numbers and assist in managing the 19<sup>th</sup> Judicial District cap. The GAL will be contacted if a GAL has been appointed.

Stakeholders, as defined above, are responsible for contacting CYDC if they wish to receive the email concerning the youth who are in detention. CYDC will determine if the requesting entity is a stakeholder that should have access to the email report concerning youth in detention. Individuals and entities on the email distribution list are responsible for informing CYDC of any changes or updates to individual/agency contact information, including individuals and agencies who should be removed from the list because they are no longer employed at the agency and/or assigned to juvenile matters.

#### Emergency Release Authority or Organizational Unit Responsible for Coordinating ER Process 24/7:

Platte Valley Youth Services Center – The supervisor on shift will be responsible for ensuring that the emergency release policy is followed. Once PVYSC receives notification from the screening team that a new client is being transported for admission

to detention, PVYSC personnel shall verify the number of juveniles currently in the facility. If Weld County already has 18 youths in custody and bed space is not available to borrow from other jurisdictions, the screener will begin the emergency release process.

CYDC staff shall notify the Court, DA's office and Public Defender's office and appropriate supervision agency (i.e. CYDC, Probation, DHS) any time a youth is emergency released.

#### Compliance with The Victim's Rights Act (VRA) and Victim Notification Laws:

Juveniles sentenced to detention and/or pre-adjudicated youth detained pending a hearing for crimes against persons as outlined in C.R.S. §24-4.1-302 (including, but not limited to, assault in the third degree, menacing, unlawful sexual contact, and/or any crime, with an underlying factual basis as found by the court to include an act of domestic violence) are eligible for emergency release from secure detention under the following circumstances only: a) the court is satisfied that there is compliance with the VRA and victim notification laws; b) the court has considered any input from the Victim in accordance with the rights of victims under the VRA; and, c) the court has considered placing youth whose case is not governed by the VRA on the emergency release order in accordance with the Priority Release Criteria above. The court may require a hearing prior to placing a youth whose case is governed by the VRA on the emergency release order.

Youth requiring victim notification will be flagged as such on the daily roster so that PVYSC staff, detention case managers and stakeholders are aware of such status for purposes of compliance with this Administrative Order.

#### Emergency Release Training Plan:

All agencies and stakeholders responsible for monitoring the detention cap or facilitating the emergency release process will be responsible for ensuring that staff participates in two trainings as outlined below:

- Initial Orientation – Agencies determined to be partners in managing district detention bed cap will be offered district-wide orientation training. This orientation will consist of educating staff on the district's current emergency release policy and review of the district and internal organizational procedures related to the implementation of this policy. This orientation will be facilitated by the 19<sup>th</sup> Judicial District CYDC Coordinator and DYS, if deemed necessary, for all staff members who have not completed the initial orientation.
- Ongoing Training – Agencies and stakeholders determined to be partners in managing the district detention bed cap will provide ongoing training for all staff members involved with the emergency release of youth. This training will consist of educating new staff, educating existing staff on any policy revisions and reviewing the district and internal organizational procedures related to the implementation of this policy.

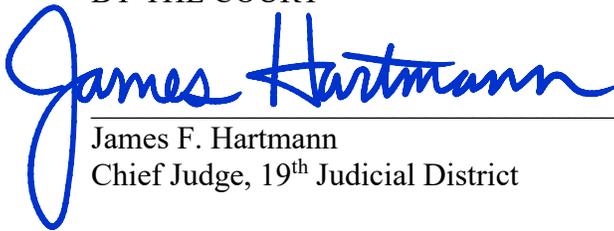
Agencies and stakeholders are encouraged to contact the CYDC Coordinator for training support related to this policy as needed.

Policy Review and Revisions:

The JSPC shall be responsible for ensuring that the policy is reviewed annually. Recommended revisions to the policy shall be presented to the 19<sup>th</sup> Judicial District Chief Judge or assigned designee for final approval.

Dated: June 17, 2019.

BY THE COURT



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James F. Hartmann  
Chief Judge, 19<sup>th</sup> Judicial District