

DISTRICT COURT, WELD COUNTY, STATE OF COLORADO Court Address: 901 9 th Avenue, Greeley, Colorado 80631 Mailing Address: P.O. Box 2038, Greeley CO 80632-2038	
<hr/> ADMINISTRATIVE ORDER 2015-08	<hr/> ▲ COURT USE ONLY ▲ <hr/> Case No. 2015 JD 01 2015 CR 01 Division: 1
USE OF RESTRAINTS IN JUVENILE DELINQUENCY MATTERS IN THE COURTROOM	

Numerous states and several judicial districts in Colorado have implemented rules or policies eliminating the indiscriminate shackling of juveniles appearing before the court in juvenile delinquency actions. Evidence based studies have shown the practice of shackling juveniles in the courtroom, when the juvenile does not pose a safety or flight risk, is psychologically harmful to the juvenile and may undermine rehabilitation. In an attempt to balance the safety of the juvenile and public with the rehabilitation goal of the juvenile court, and to obtain input from various stakeholders working in the juvenile justice system, the undersigned established a working group consisting of members of the court, Weld County Sheriff’s Office, Public Defender’s Office, District Attorney’s Office, Weld County Attorney’s Office, Alternate Defense Counsel, guardians ad litem, SB 94, and Platte Valley Youth Services Center. This administrative order is the result of information and input provided by the working group.

For purposes of this administrative order, “physical restraints” and “physically restrained” means the use of handcuffs, shackles, leg cuffs, chains, restraint belts, and any other mechanical device placed on the juvenile that restricts freedom of movement of the juvenile within the courtroom. This administrative order in no way limits or prohibits the Weld County Sheriff’s Office, transportation staff, or any other law enforcement agency from using physical restraints when transporting juveniles to and from the courtroom. The decision whether physical restraints are used outside of the courtroom falls within the exclusive province of the Weld County Sheriff’s Office.


THE COURT HEREBY ORDERS:

1. A rebuttable presumption shall exist that the juvenile does not pose a safety or flight risk. Therefore, there shall be a rebuttable presumption that the juvenile will not be physically restrained in the courtroom.

2. The presumption set forth above shall be deemed rebutted if any one or more of the following criteria exist:
 - a. The juvenile demonstrates or has previously demonstrated assaultive or combative behavior;
 - b. The juvenile has threatened law enforcement personnel, court staff, staff at the Weld County Jail or Platte Valley Youth Services Center, or other persons who are present in the courtroom during the juvenile's court appearance;
 - c. The juvenile is charged with disarming or attempting to disarm a peace officer;
 - d. The juvenile has made a credible threat of harm to him/herself or others, within the past three months;
 - e. The juvenile has mental health issues and has displayed disruptive or combative behavior; or
 - f. Credible information exists of an imminent plan or risk of escape.
3. Law enforcement or transportation staff shall determine whether any one or more of the criteria set forth in ¶ 2 of this order exist from all information available, and may physically restrain the juvenile if any one or more criteria exist.
4. Law enforcement shall notify the judicial officer presiding over the delinquency docket in writing of the decision to use physical restraints and the reasons supporting such decision, prior to bringing the juvenile into the courtroom. The judicial officer retains the authority and discretion to override the determination made by law enforcement to use physical restraints on the juvenile. The judicial officer shall set forth verbally or in writing the reason(s) for overriding the decision of law enforcement, which shall be included in the case file or on the record.
5. If law enforcement or transportation staff determines that a juvenile does not meet any of the criteria set forth in ¶ 2 of this order, but nevertheless poses a risk to him/herself or others or is an escape risk, they shall notify the judicial officer in writing of their concerns prior to the hearing and the judicial officer shall determine whether the juvenile should be restrained. The judicial officer may make this determination without a hearing, but shall indicate in writing or verbally the reason(s) why physical restraints are necessary. The written or verbal findings of the judicial officer shall be included in the file or made part of the record, and shall be disclosed to the parties.
6. As to any juvenile who is not physically restrained while in the courtroom, law enforcement and transportation staff are authorized to remove and reattach any physical restraints used during transportation either immediately before or after entering the courtroom, as they deem necessary for security reasons.
7. The judicial officer presiding over the juvenile proceeding at all times retains the authority and discretion to determine, on his or her own motion, whether the juvenile should be physically restrained while in the courtroom. It is within the judicial officer's discretion to decide what information the judicial officer will consider when making this decision.

8. A juvenile who is not initially restrained in the courtroom may be physically restrained during the hearing, if law enforcement personnel or the judicial officer observe any disruptive, threatening, violent, or combative behavior by the juvenile.
9. The court and the Weld County Sheriff's Office will confer and coordinate efforts to implement this order as quickly as practicable; however, this order shall not take effect until the court is assured that all necessary components are in place to ensure successful implementation of the provisions herein. Notice will be provided to members of the working group and the legal community once a starting date is selected.

Dated: July 10, 2015.



James F. Hartmann
Chief Judge, 19th Judicial District