

District Court, Weld County, State of Colorado Court Address: 901 9 <sup>th</sup> Avenue Greeley, CO. 80631 Mailing Address: PO Box 2038, Greeley, CO 80632-2038	DATE FILED: February 17, 2016 4:41 PM
<b>ADMINISTRATIVE ORDER 2016-03</b>	<hr/> ↑ <b>COURT USE ONLY</b> ↑ <hr/> <b>Case Number: 2016 CV 01</b> <b>Division: 1</b>
<b>19<sup>TH</sup> JUDICIAL DISTRICT POLICIES, PROCEDURES, AND CONSIDERATIONS          FOR IMPOSING CONDITIONS OF RELEASE BY THE COURT AND SUPERVISION          OF THE JUVENILE WHILE ON RELEASE</b>	

Good cause appearing, IT IS ORDERED that the following criteria and considerations are adopted for the setting of conditions of release imposed by the court and supervision of the juvenile on release.

1. After a juvenile is initially detained, in accordance with the criteria established in Administrative Order 2016-02, when considering whether the juvenile will remain detained or released, the court must balance the best interest of juvenile, the danger of the juvenile to him or herself, and the danger of the juvenile to the community and others. *See generally* §§ 19-2-102, and 19-2-508(3) C.R.S. As part of the detention determination, the juvenile would have already been assessed and screened under the criteria set forth in Administrative Order 2016-02. Only those juveniles meeting the criteria set forth in §19-2-212 and §19-2-508 may be considered for detention. *See* C.R.S. §19-2-302. A copy of the State’s current criteria is attached to this Administrative Order as Appendix 1.
  
2. In certain cases involving weapons and certain enumerated felony crimes of violence, the legislature has declared that a rebuttable presumption exists that the juvenile is a danger to himself or herself or the community, and therefore the juvenile is to be detained unless the court finds the presumption has been rebutted. C.R.S. §§19-2-508(3)(a)(III)(A)-(C). When the court determines that a juvenile may be released, the court is empowered to fashion appropriate conditions of release. C.R.S. §§19-2-508(3)(a)(IV), 19-2-509, 19-2-302, and 19-2-212. It is incumbent on the court to meet the purposes and intent of the bonding statutes when imposing bond conditions. C.R.S. §§19-2-508(3)(a)(IV), 19-2-509, and 16-4-103.
  
3. The established pre-adjudication service program in the 19<sup>th</sup> Judicial District is known as “Senate Bill 94” or “SB 94”, which is a reference to Senate Bill 91-94, enacted by the Colorado General Assembly in 1991. Releasing, or continuing the release of, a juvenile after a detention hearing with a court order requiring that the juvenile participate in the

SB 94 program is one of the options available to the court. When a juvenile is ordered or directed to comply with SB 94, the program may use established supervision methods including any one or more of the following: (a) periodic telephone communications with the juvenile; (b) periodic office visits by the juvenile to the pre-adjudication service agency; (c) periodic visits to the juvenile's home; (d) periodic drug testing of the juvenile; (e) periodic visits to the juvenile's school; (f) mental health or substance abuse treatment for the juvenile, which treatment may include residential treatment; (g) domestic violence or child abuse counseling for the juvenile, if applicable; (h) electronic or global position monitoring of the juvenile; (i) work release for the juvenile, if school attendance is not applicable or appropriate under the circumstances; (j) juvenile day reporting and day treatment programs. C.R.S. §19-2-302(4). The Colorado Supreme Court has determined that a court cannot delegate all of its authority in determining bond or release conditions. *See People v. Rickman*, 178 P.3d 1202 (Colo. 2008) (interpreting the authority of adult pre-trial services as found in sections 16-4-103 and 16-4-105, C.R.S.).

4. Since the passage and implementation of SB 94, there is a growing body of research supporting the idea that home detention, lockdown, or otherwise controlling a juvenile's access to negative influences, while at the same time promoting or encouraging a juvenile's positive and pro-social activities, increases the safety of the community, reduces recidivism, makes it more likely that the juvenile will appear in court, and saves tax-payer expense, as compared to holding a juvenile in detention. *See* OJJDP Bulletin September 2005 *Alternatives to the Secure Detention and Confinement of Juvenile Offenders*, <https://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>; OJJDP literature review *Home Confinement and Electronic Monitoring*, updated October 2014, [http://www.ojjdp.gov/mpg/litreviews/Home\\_Confinement\\_EM.pdf](http://www.ojjdp.gov/mpg/litreviews/Home_Confinement_EM.pdf); and OJJDP literature review *Alternatives to Detention and Confinement*, <http://www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf>.
5. In addition, since the passage of SB 94, the Colorado Sex Offender Management Board has adopted certain standards and guidelines for juvenile sex offenders. *See, Standards and Guidelines for the Evaluation, Assessment, Treatment, and Supervision of Juveniles Who Have Committed Sex Offenses* <https://sites.google.com/a/state.co.us/dcjsomb/home/juvenile-information/standards-and-guidelines>. The Juvenile Standards and Guidelines are supported by research and evidence. *Id.* at Appendix I. These standards and guidelines apply to juveniles who have admitted and been found guilty of a sexual offense. *See* §§16-11.7-102(3) and 16-11.7-105, C.R.S. Certain of the standards and guidelines are considered best practices for pre-adjudicated juveniles. *See* SOMB Standard 9.000 Informed Supervision Protocol, and SOMB Appendix A and A1. The SOMB Juvenile Informed Supervision Protocol, the attendant appendices, and concepts included within the protocol, including school supervision plans and limits on internet or phone use, are established supervision methods for juveniles accused of sexual offenses.
6. Lockdown or home detention requires the juvenile to stay at home (or wherever the court or SB 94 directs), except when the juvenile is authorized to leave home to attend school, approved professional appointments, or approved pro-social activities. Lockdown or

home detention may be used in combination with electronic home monitoring (EHM) or any other method referenced in C.R.S. §19-2-302. Lockdown or home detention may also be used in combination with a levels system. A levels system is a system of graduated, increasingly less-restrictive, limits on a juvenile as part of lockdown or home detention. Consistent with any screening or assessment of the juvenile's needs and risks, a levels system may require the juvenile to perform to a higher, more-restrictive, level of accountability before being allowed to perform at a lower, or incrementally less-restrictive, level of accountability. For example, depending on the juvenile's needs or risks, a levels system may call for more-restrictive or less-restrictive circumstances in the following fashion: a) when first ordered to SB 94 a juvenile may be required to remain on lockdown for a fixed period of time (such as for up to two weeks) and have limits on phone or internet use; b) thereafter, a juvenile may be allowed 4 hours of free time each week and expanded phone or internet use for a fixed period of time; c) as time passes, the juvenile may be allowed 8 hours of free time and further expanded phone or internet use each week for a fixed period of time; d) Ultimately, the juvenile may be removed from lockdown altogether and only be accountable to SB 94 by reporting his or her location at all times, and the juvenile would be allowed limited or unlimited phone or internet use. Under a levels system, SB 94 may move a juvenile to and from any level as the needs of the juvenile warrant. Demonstrating positive performance may indicate a lower need and allow movement of the juvenile to a less-restrictive level, while poor or negative performance by the juvenile may indicate a higher supervision need and require movement to a more-restrictive level. Use of lockdown, including the use of a levels system with lockdown, is an established and effective supervision method.

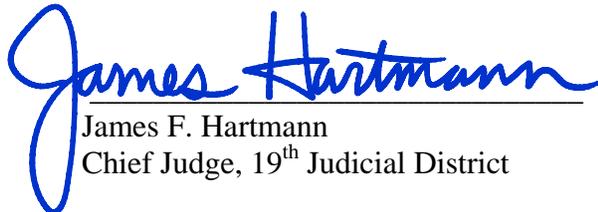
7. At the conclusion of a detention hearing, a hearing to revoke or modify bond security or conditions, or a hearing where the juvenile is appearing on summons having not posted bond, the court, when presented with sufficient information to determine the juvenile poses a danger to himself or others, may take the following actions (among others):
  - detain the juvenile in accordance with §19-2-508 and consistent with §19-2-212, C.R.S.;
  - release the juvenile on bond with appropriate conditions that are in the juvenile's best interest and in accordance with §§19-2-508 and 19-2-509, C.R.S., and such conditions may include participating in a pre-adjudication services program; or
  - release a juvenile without bond or in lieu of bond and order the juvenile to participate in a pre-adjudication services program.
8. When the juvenile court orders a juvenile to participate in the SB 94 program (with or without posting bond), the Weld SB 94 program will continue to screen and assess the juvenile to determine the appropriate level of supervision or restrictions. *See*, 19<sup>th</sup> Judicial District Administrative Order 15-09. SB 94 shall provide a written explanation of its policies, procedures, and expectations to all juveniles ordered to SB 94. Consistent with any ongoing screening or assessment, and subject to any limitations set forth below,

SB 94 may utilize any of the following supervision methods pursuant to this administrative order:

- Any of the methods authorized under C.R.S. §19-2-302(4). Unless specifically limited by the court as a condition of bond, the use of the methods authorized in C.R.S. §19-2-302(4) shall be at the discretion of SB 94;
  - Because it is an established supervision method, SB 94 may use a levels system;
  - Because it is an established supervision method, SB 94 may use lockdown or home detention for up to 45 days consistent with any screening or assessment. This 45 days authorization need not be a contiguous or chronological 45 days. SB 94 may impose lockdown, release from lockdown, place back on lockdown, and use lockdown in combination with a levels system as described in this Administrative Order. In the event SB 94 seeks to use lockdown or home detention in excess of a total of 45 days, SB 94 shall notify the court and parties in writing prior to the forty-fifth day of lockdown or home detention and make appropriate recommendations;
  - For juvenile's accused of sexual offenses, when consistent with any screening or assessment, SB 94 may use SOMB best practice recommendations concerning informed supervision; juvenile supervision plans (safety plans); school safety plans; and limit or restrict internet, social media, and/or telephone usage. These are established supervision methods for juveniles charged with a sexual offense.
9. While this Administrative Order allows for, and approves of, certain established supervision methods for juveniles, the juvenile court retains the authority to amend, expand, restrict, enhance, vacate, define or clarify any bond or release order and/or conditions for any juvenile at any time. The juvenile court may do so on its own motion or on the motion or request of any party, subject to the Colorado's Victim's Rights Amendment, statutes, court rules, and other legal authority.
10. If the juvenile court utilizes a bond, the bond will be in a form substantially similar to form attached to this Administrative Order as Appendix 2. The bond form may be amended or modified from time to time, or adjusted to suit the unique needs of a juvenile, at any time without the necessity to amend this Administrative Order.

DATED: February 17, 2016.

BY THE COURT:

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



MEMORANDUM

**To:** District Court Chief Judges  
Juvenile Court Judges and Magistrates  
District Attorneys of Colorado  
Office of the State Public Defender  
Chief Probation Officers  
County Sheriffs of Colorado  
Police Chiefs of Colorado  
County Department of Human Service Directors  
Juvenile Services Planning Committee Chairs  
Senate Bill 94 District Coordinators  
Division of Youth Corrections Senior Management Group

**From:** Reggie Bicha, Executive Director, Colorado Department of Human Services  
Gerald A. Marroney, State Court Administrator, Colorado Judicial Branch

**Date:** October 20, 2015

**RE:** Juvenile Criteria for Detention and Commitment and Detention Catchment Areas

Section 19-2-212, C.R.S, directs the Executive Director of the Colorado Department of Human Services and the State Court Administrator to form a working group to make recommendations in two areas pertaining to juvenile detention and commitment. These recommendations include:

- 1) the establishment of a set of criteria for both detention and commitment to determine which juvenile offenders are appropriate for placement in the physical or legal custody of the Colorado Department of Human Services; and
- 2) the development of detention catchment areas. The membership of the Advisory Board includes representatives of the Judicial Branch, the Colorado Department of Human Services, the Division of Criminal Justice, law enforcement, district attorneys, local governments, and the community. We have approved the statutorily required annual reviews and the following recommendations submitted by the Senate Bill 94 Advisory Board.

The Advisory Board developed the following recommendations.

1. The Advisory Board or "Working Group" is mandated to annually review the criteria for detention and commitment, pursuant to Section 19-2-212, C.R.S. and propose any revisions. These criteria are approved by the Executive Director of the Colorado Department of Human Services and the State Court Administrator.
  - A. There was one correction for the criteria for placement in juvenile detention 19-2-212, CRS. It is on page three, II, B. Arrests Based on Warrants or other court orders, including probation detainers; *number 2. Second line should read "detention pending the revocation hearing which is to be held within 14 days from the date..." according to statute this was incorrect at 15 days.* (This edit is depicted in bold on the attached criteria for placement in Juvenile detention form.)



- B. There was one proposed change for the criteria for commitment 19-2-212, CRS. CRITERION 1. A Juvenile may be sentenced to the Colorado Department of Human Services, Division of Youth Corrections, *IF: add number (5) to the list stating "adjudication for the possession of a firearm"*. (Proposed change is depicted in bold on the attached criteria for commitment form.)
2. Section 19-2-402.5 (2), C.R.S. states that the Executive Director of the Colorado Department of Human Services and the State Court Administrator "shall submit a description of the detention catchment areas to the Joint Budget Committee and to the Judiciary Committees of the Senate and House of Representatives" on or before December 1, 1998, and resubmit annually each year thereafter. *The Advisory Board has reviewed the catchment areas and recommends they remain the same as those established in September 2003.* A description of the catchment areas and the criteria for detention and commitment are attached for your review.

Attachment to Order - 2016CV1



**CRITERIA FOR COMMITMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH CORRECTIONS, PURSUANT TO SECTION 19-2-212, C.R.S.  
Reviewed and Approved 7/10/2015**

COMMITMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH CORRECTIONS IS NOT MANDATED BY THESE CRITERIA. THE COURTS ARE URGED TO CONSIDER, IN ACCORDANCE WITH THE COLORADO CHILDREN'S CODE, THE LEAST RESTRICTIVE *PLACEMENT OPTIONS* WHILE BEARING IN MIND THE ISSUE OF PUBLIC SAFETY.

**CRITERION 1**

A JUVENILE MAY BE SENTENCED TO THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH CORRECTIONS, IF:

1. The juvenile has been adjudicated on one of the following major felony offenses:\*

1st or 2nd Degree Murder  
Criminal Attempt to Commit 1st or 2nd Degree Murder  
Conspiracy to Commit 1<sup>st</sup> or 2nd Degree Murder  
Manslaughter  
Vehicular Homicide  
Vehicular Assault

1st or 2nd Degree Assault  
Sexual Assault  
Menacing  
Aggravated Robbery  
Robbery

And **one of the following criteria is also met:**

2. A sentence to the community would unduly depreciate the seriousness of the offense, or
3. The youth has a history of prior criminal activity (at least one prior adjudication), or
4. It can be documented that the youth cannot be treated in a community based treatment or correctional program or
5. ***An adjudication for the possession of a firearm.***

\* Cases in which the juvenile is adjudicated as an aggravated juvenile offender, as defined in Section 19-2-516 (4), C.R.S., for an offense which would constitute a class 1 or class 2 felony, the court shall commit the juvenile to the Colorado Department of Human Services, Division of Youth Corrections, as provided in Section 19-2-601 (5), C.R.S.

**CRITERION 2**

A JUVENILE MAY BE SENTENCED TO THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH CORRECTIONS, IF ALL 3 OF THE FOLLOWING CRITERIA ARE MET:

1. The juvenile has been adjudicated on any other offense not listed in Criterion 1, and
2. The juvenile has 2 prior delinquency adjudications or has been previously adjudicated a juvenile delinquent and is adjudicated for a delinquent act that constitutes a felony or has been adjudicated a delinquent and probation has been revoked for a new delinquent act, and
3. A documented history of treatment or corrective efforts exists.

**CRITERION 3**

A JUVENILE MAY BE SENTENCED TO THE COLORADO DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH CORRECTIONS, IF:

1. The juvenile has been adjudicated on any other offense not listed in Criterion 1, and
2. Reasonable grounds exist to believe that the juvenile will not remain in, cooperate with, or benefit from community based services and poses a community safety risk that cannot be mitigated in a less restrictive setting.

If a juvenile committed to the Colorado Department of Human Services, Division of Youth Corrections, pursuant to this criterion AND Criterion 1 or 2 do not apply, the Sentencing Court shall make specific findings of fact relating to the commitment decision.

**CRITERIA FOR PLACEMENT IN JUVENILE DETENTION  
PURSUANT TO §19-2-212, C.R.S.  
Reviewed and Approved 7/10/2015**

PURPOSE OF CRITERIA [§19-2-212(1)(a), C.R.S.]: To promote a more uniform system of determining which juveniles are appropriate for placement in the physical custody (secure detention) of the Division of Youth Corrections (DYC) or contracted staff secure detention so that decisions for placement are made based on a uniform set of criteria throughout the state.

These criteria should also reduce the reliance on DYC's secure detention facilities through the use of least restrictive placement options, while maintaining community safety, best serving the child, and administering appropriate sanctions. These criteria are not intended to interfere with law enforcement's authority to hold or discretion to release a juvenile taken into custody, or the court's ability to place a child in detention or impose appropriate sanctions. Building on these criteria, judicial districts may develop additional local criteria that include more stringent restrictions on the use of secure detention resources.

Statutory intent is that these criteria will be utilized by the "screening team" as defined in §19-1-103(94.5), C.R.S., in carrying out the screening function outlined in §19-2-507(2), C.R.S., and in following Colorado Rules of Juvenile Procedure, Rules 3.7 and 3.8.

Transportation of youth for placement in detention, to court proceedings or another secure or staff secure detention center shall be the responsibility of local law enforcement. If a youth is placed in detention based on a warrant from another jurisdiction, law enforcement from the judicial district that initiated the warrant must pick up the youth and transport him/her to the county of jurisdiction in accordance with the timeframes established by the court at the initial detention hearing.

**THESE CRITERIA COVER THE FOLLOWING CIRCUMSTANCES:**

- I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION**
- II. DETENTION UPON ARREST (TAKEN INTO CUSTODY)**
  - A. Arrests for New Offenses
  - B. Arrests Based on Warrants or other Court Orders, including Probation Detainers
- III. DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION**
  - A. Sentence to Detention for Delinquent Adjudication (§19-2-911, C.R.S.) May Not Exceed 45 Days.
  - B. Contempt Sanction Sentence to Detention (Civil Sanction for Contempt of Court)

**I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION**

- A. JUVENILES IN ANY OF THE FOLLOWING CIRCUMSTANCES SHALL NOT BE PLACED IN SECURE DETENTION:**
  - 1. Who have not committed, or have not been accused of committing, a delinquent act. Exceptions are 24-hour protective holds issued by a judge prior to a dependency and neglect hearing and contempt sentences as set forth in Criterion III, B, below.
  - 2. Who have been placed in the legal custody of a county department of social/human services pursuant to a petition in dependency and neglect and are solely awaiting out of home placement.

3. Who have been placed in the legal custody of a county department of social/human services pursuant to a delinquency adjudication and are solely awaiting out of home placement. Exception can be made by court order if the delinquent poses a serious safety risk.
4. Who are committed to the legal custody of the Colorado Department of Human Services, Division of Youth Corrections, and are solely awaiting a DYC placement (§19-2-1204, C.R.S.).
5. Who are presented to detention solely as a temporary corrective or punitive measure including “time out” placement.
6. Who, at admission, require medical care, are intoxicated, or under the influence of drugs, to an extent that is beyond the scope of the detention facility’s medical service capacity. In these cases, medical clearance must be obtained prior to admission.
7. Who are solely assessed as suicidal or exhibit behavior placing them at imminent risk of suicide.
8. Who have not committed a delinquent act but present a danger to themselves as a result of a mental disturbance or developmental disability. They shall be referred for appropriate screening per §27-10-105, and/or §27-10-106, C.R.S. or as provided in §10.5 of Title 27 C.R.S.

## II. CRITERION FOR DETENTION UPON ARREST (TAKEN INTO CUSTODY)

### A. ARRESTS FOR NEW OFFENSES

1. If a juvenile is presented for screening for placement in detention for allegedly committing any one of the following offenses, the juvenile shall be placed in detention pending a detention hearing. §19-2-508(3)(a)(III), C.R.S.
  - a. A felony enumerated as a crime of violence in §18-1.3-406(2), C.R.S.
  - b. Any felony offense against a person, as described in Title 18, Article 3, C.R.S., with the use of, or possession and threatened use of, a firearm.
  - c. Possession of a dangerous or illegal weapon (§18-12-102, C.R.S.), possession of a defaced firearm (§18-12-103, C.R.S.); unlawfully carrying a concealed weapon (§18-12-105, C.R.S.), unlawfully carrying a concealed weapon on school, college, or university grounds (§18-12-105.5, C.R.S.), prohibited use of weapons (§18-12-106, C.R.S.), illegal discharge of a firearm (§18-12-107.5, C.R.S.) or illegal possession of a handgun (§18-12-108.5, C.R.S.).
  - d. A delinquent act of escape from custody or confinement in a secure Division of Youth Corrections facility or contracted staff-secure facility (§18-8-208(10) and §18-8-210.1, C.R.S.)
2. If law enforcement or the court determines that a juvenile taken into custody for a delinquent offense other than those listed above is an immediate danger to himself or herself or the community, a detention screening must be administered to determine the most appropriate level of placement. [§19-2-507(2) and §19-1-103(94.5), C.R.S., and Colorado Rules of Juvenile Procedure, Rule 3.7.]

**B. ARRESTS BASED ON WARRANTS OR OTHER COURT ORDERS, INCLUDING PROBATION DETAINERS**

1. If a juvenile is arrested on a district court delinquency warrant (JD), the juvenile shall be placed in detention pending a detention hearing, a reconsideration hearing, or, if a judicial officer has set bond, the juvenile shall be held in detention pending the posting of bond **UNLESS LOCAL POLICY HAS BEEN ESTABLISHED TO ALLOW FOR OTHER LEVELS OF PLACEMENT FOR YOUTH UNDER WARRANTS.**
2. If a Petition to Revoke or Modify Probation (PRMP) has been filed, a juvenile may be held in detention pending the revocation hearing which is to be held within **14 days** from the date the juvenile comes into custody. If a Petition to Revoke or Modify Probation has not been filed, it must be filed within 72 hours of the detention hearing.

**III. CRITERION FOR DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION**

**A. SENTENCE TO DETENTION FOR DELINQUENT ADJUDICATION (§19-2-911, C.R.S.) MAY NOT EXCEED 45 DAYS.** Sentences imposed by the Court are final subject to appropriate motions for reconsideration wherein the Court may consider and is encouraged to consider *other placement options*.

1. Mandatory Sentences:

- a. For weapons offenses. In the case of a juvenile who has been adjudicated a juvenile delinquent for the commission of one of the offenses described in §19-2-508(3)(a)(III), C.R.S., the court shall sentence the juvenile to a minimum mandatory period of detention of not fewer than five days [§19-2-911(2), C.R.S.]
- b. Failure to register as a juvenile sex offender. §18-3-412.5(4)(a) & (b), C.R.S.
  - 1) Misdemeanor – 30-day minimum on first offense to fail to register; 45 day on second and subsequent
  - 2) Felony – 45-minimum on first; out of home for 1 year on second and subsequent

**B. CONTEMPT SANCTION SENTENCE TO DETENTION (CIVIL SANCTION FOR CONTEMPT OF COURT)**

1. Court orders sentencing a juvenile status offender to detention as a civil sanction for contempt of court must follow Colorado Rules of Juvenile Procedure, Rule 3.8. To verify compliance with Federal Law, copies of Forms 1 and 2 and the written report verifying that all dispositions other than secure confinement have been exhausted or are clearly inappropriate, must accompany the juvenile when referred to a detention facility.
2. Any confinement of a child for contempt of a municipal court order shall not exceed 48 **hours.** (§13-10-113(4), C.R.S.)

3. If a Juvenile is arrested on district court D&N or truancy warrant (JV), the Juvenile may be held in detention prior to a detention hearing, however, that detention hearing must occur within 24 hours of admission to detention, excluding weekends and legal holidays, and the Juvenile must then be released within 24 hours of the detention hearing, excluding weekends and holidays. Weekends begin at 5 p.m. on Friday and end at 8 a.m. on Monday.

## **JUVENILE DETENTION PLACEMENT GUIDELINES FOR COMPLYING WITH DETENTION BED ALLOCATIONS PURSUANT TO § 19-2-1202(d), C.R.S.**

**PURPOSE OF THE PLACEMENT GUIDELINES:** To serve as a guide for each judicial district in developing a plan to manage the limit on the number of juvenile detention beds assigned to the judicial district in accordance with §19-2-1202(1)(a) and (b). Continuous intake management and monitoring of detention bed use based on the *Criteria for Placement in Juvenile Detention (Revised 10/07)*, developed pursuant to §19-2-212, C.R.S., can help decrease the need to implement Emergency Release Procedures.

The *Mandatory Emergency Release Guidelines for Managing State Funded Detention Beds (10/07)* also address the ongoing need to manage bed use and should be used with these Guidelines and the *Criteria for Placement in Juvenile Detention (Revised 8/03)* in developing the local management plan.

### **OVERARCHING GUIDELINES IN MANAGING BED USE:**

Mandatory administration of the *Juvenile Detention Screening and Assessment Guide (JDSAG)* and *Colorado Juvenile Risk Assessment (CJRA) Pre-screen* to maintain current data for detention bed use management, all juveniles presented for detention placement must have:

- The *Juvenile Detention Screening and Assessment Guide (JDSAG)* administered and the data entered in the Colorado Trails database.
- The Colorado Juvenile Risk Assessment (CJRA) Pre-Screen shall also be administered and the data entered in the Colorado Trails database. The CJRA will provide level of risk classification for each juvenile in detention and enable the use of a current and ongoing prioritization for consideration of release or *other placement option* based on public safety.

In determining appropriate placement for youth, the use of the least restrictive *placement option*, while maintaining community safety, is encouraged.

Guidelines below pertain to each criterion in the *Criteria for Placement in Juvenile Detention*

## **I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION**

### **GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:**

#### **EXCEPTION FOR SENTENCED DELINQUENTS POSING A SERIOUS SAFETY RISK:**

Delinquents sentenced to an out-of-home placement who pose a serious safety risk may be sentenced to detention if an appropriate placement by the county department of social/human services cannot be immediately arranged. These juveniles should be reviewed by the entity responsible for detention management at least weekly to determine the status of the out-of-home placement. The period of detention awaiting placement should not exceed 45 days. If circumstances change to merit consideration of a less restrictive, appropriate placement, the entity should follow local procedures to inform the court.

## **II. CRITERION FOR DETENTION UPON ARREST (TAKEN INTO CUSTODY)**

### ***GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:***

A detention screening and assessment must be administered on all juveniles admitted to detention based on district, county and municipal warrants and court orders to establish a current priority list if Emergency Release procedures must be activated. These assessments should be updated periodically by the management entity. If circumstances change to merit consideration of a less restrictive, appropriate placement, the entity should follow local procedures to inform the court.

Juveniles placed in detention following the detention hearing should be reviewed periodically by the management entity to assess the appropriateness of placement in a pre-adjudication service program (**SECTION 19-2-302, C.R.S.**). If circumstances change to merit this placement, the entity should follow local procedures to inform the court.

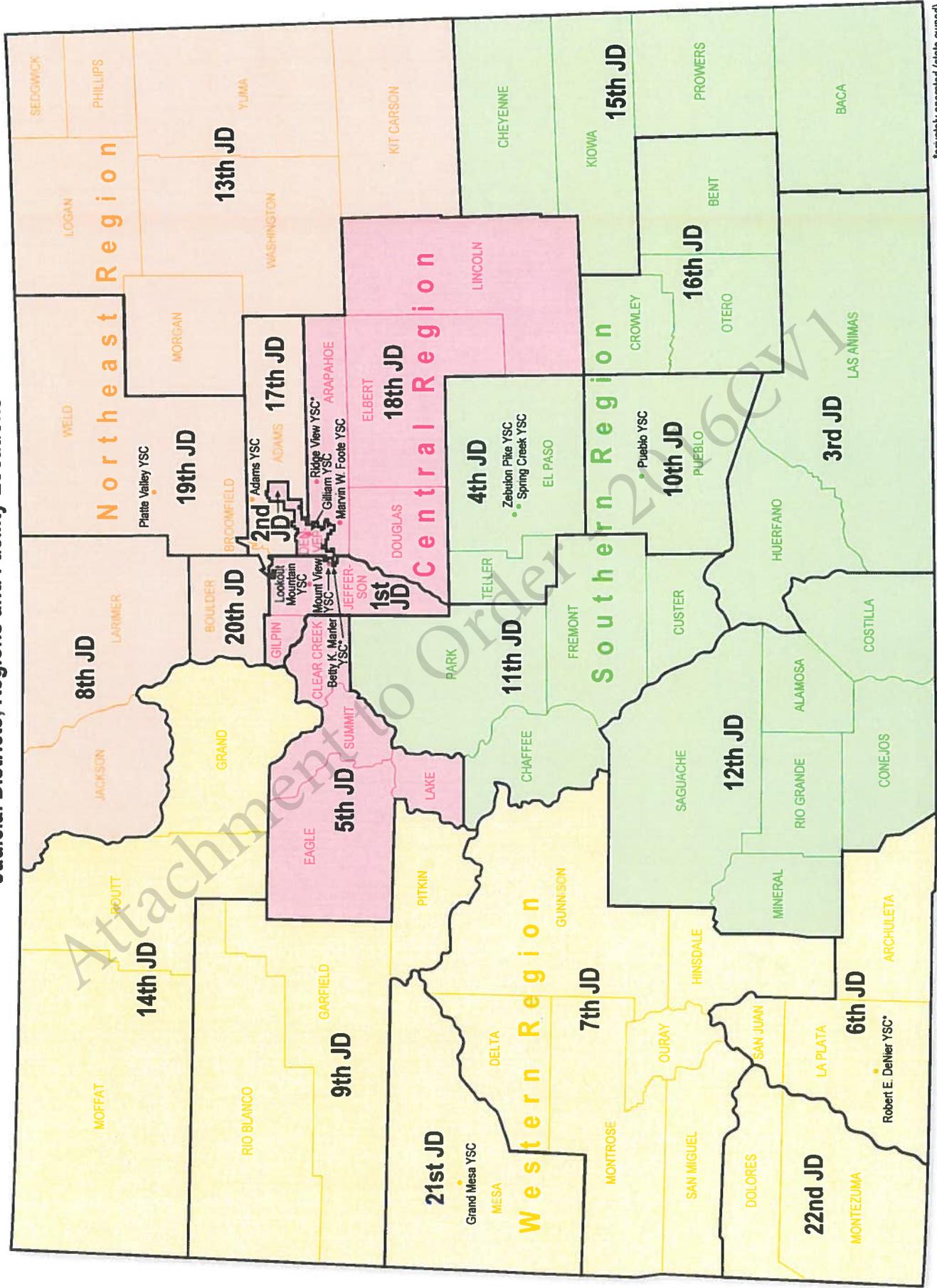
## **III. DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION**

### ***GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:***

All optional, appropriate sanctions should have been considered prior to the imposition of a secure detention sentence (victim/offender mediation, restitution, community service, electronic monitoring, tracking, offense-specific treatment, etc.).

In imposing a discretionary sentence to detention consistent with §19-2-911, C.R.S., the court is encouraged to consider periods of time less than the maximum of 45 days.

# Colorado Department of Human Services—Division of Youth Corrections Judicial Districts, Regions and Facility Locations



\*privately operated (state owned)

District Court, Weld County, State of Colorado  
Court Address: 901 9<sup>th</sup> Avenue, Greeley, CO 80631  
Mail Address: P.O. Box 2038, Greeley, CO 80632  
Phone Number : (970)475-2400

**19<sup>TH</sup> JD A.O. 16-03 APPENDIX 2**

**PEOPLE OF THE STATE OF COLORADO IN THE INTEREST OF,**

**COURT USE ONLY**

**Case Number(s):  
DIV. 14**

**APPEARANCE BOND (JUVENILE)**

BOND TYPE:  Cash/Property/Surety  Cash only  PR/Self  PR/RSP Parent/Guardian

NAME OF PARTY BOND POSTED FOR: (print or type) \_\_\_\_\_

First

Middle

Last

DOB

The Party, as principal, and (print or type) \_\_\_\_\_ as surety, acknowledges

to be jointly and severally liable to the People of the State of Colorado, in the amount of \$ One Thousand DOLLARS (\$1,000) DOLLARS, if there is a default upon the primary condition of this bond.

The primary condition of this bond is that the Party shall personally appear at **Weld County/District Court - Division 14 (Court's West), 910 10th Avenue, Greeley, Colorado** on \_\_\_\_\_ at (time) \_\_\_\_\_ A.M./P.M. and at each place, and upon each date, to which this proceedings is transferred or continued, until entry of an order for sentencing (unless the written consent of the sureties is filed of record), to answer charges of: : \_\_\_\_\_ Bond remains in effect until sentencing or further order of the Court.

**CONDITIONS AFTER JUVENILE POSTS BOND**

Party and Surety to comply with all orders of the Court; Party shall have no further violations of the law; Party acknowledges the existence of a mandatory restraining order under C.R.S. §19-2-707; Party shall immediately notify the Court of any change of mailing address, residence or telephone number; Surety to use reasonable efforts to insure compliance with terms and conditions of bond.

Juvenile to report immediately upon release and comply with all requirements of any supervision to  probation  parole  
 Juvenile to report immediately to, and be supervised by, pretrial services; 970.351.5476 2835 W 10<sup>th</sup> St., Greeley CO. **ANY ORDER TO PRE-TRIAL SERVICES ALLOWS PRE-TRIAL SERVICES TO USE ANY ESTABLISHED SUPERVISION METHOD AUTHORIZED BY STATUTE, AND ANY ESTABLISHED SUPERVISION METHOD APPROVED BY 19<sup>TH</sup> JUDICIAL DISTRICT ADMINISTRATIVE ORDER 16-03.**

If 18, report immediately to adult pretrial services at 915 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Greeley, CO 970.336.7227  If juvenile turns 18 while on bond, juvenile is to report within 24 hours of turning 18 to adult pretrial services

24 hour accountability to parents/guardian & comply with all rules of home or placement  at probation's discretion

With adult supervision at all times at probation discretion

EHM with any or all of:  D.James  probation  juvenile pretrial services  adult pretrial services upon turning 18  at probation discretion.

Alcohol and/or drug monitoring including urinalysis, breathalyzer, or electronically

Lockdown at home with release for professional appointments and  school  work  \_\_\_\_\_  at probation's discretion.

Comply with  mental health treatment as recommended  medications taken as prescribed

Comply with DHS placement/programming

Juvenile to be released to  Weld  \_\_\_\_\_ DHS custody only when and if appropriate placement is found; if placed, no leaving placement without permission;

Until further order of the Court juvenile to remain at \_\_\_\_\_ (name of party)

Juvenile will not leave the State of Colorado without permission of the Court, consent of surety, and without providing a written waiver of extradition and acknowledge that s/he will not be admitted to bail in any other state pending extradition to this state.

Other (release regardless; juv/parent must comply AFTER release): \_\_\_\_\_

**No demonstration of gang association or affiliation in any manner      No use of alcohol or controlled substances without prescription**

If the Party fails to comply with any of the conditions of this bond, the Court may revoke the Party's release on bail, increase the amount of bail or modify bond conditions. This bond will be forfeited if the Party does not appear as required by the primary bond condition.

PARTY (Signature) \_\_\_\_\_

Address (City, State, & Zip Code) \_\_\_\_\_

Telephone No. \_\_\_\_\_

SURETY OTHER THAN BONDING AGENT\*\* (Signature) \_\_\_\_\_

Address (City, State & Zip Code) \_\_\_\_\_

Telephone No. \_\_\_\_\_

**\*BONDING AGENT CERTIFICATION:** Agent, by executing this bond, warrants and representation the Court, under oath, and under penalty of perjury: (1) that agent is not currently in default in payment of any final judgment upon any bail bond forfeited in any Colorado jurisdiction; (2) that agent is duly licensed by the State of Colorado to execute this bond; and (3) that agent, if a non-cash agent, is currently appointed by the corporate surety whose power of attorney accompanies this bond.

**\*\*SURETY CASH DEPOSIT:** (1) Cash deposited  may  may not be used to satisfy any fines, costs, etc. (check one)

(2) Cash deposited  may  may not be returned to Respondent  Juvenile (check one)

CASH SURETY (Signature) \_\_\_\_\_

EXECUTED AND ACKNOWLEDGED by the above-named in the presence of the undersigned at \_\_\_\_\_

(name of court or facility where bond written).

BY: \_\_\_\_\_  
Deputy Clerk/Sheriff (As to Surety/Bonding Agent)

By: \_\_\_\_\_  
Deputy Clerk/Sheriff (As to Party)

(date) \_\_\_\_\_ (time) \_\_\_\_\_

(date) \_\_\_\_\_ (time) \_\_\_\_\_