



IN THE THIRTEENTH JUDICIAL DISTRICT
IN AND FOR THE STATE OF COLORADO

POLICY AND PROCEDURE FOR JUVENILE DETENTION EMERGENCY RELEASE

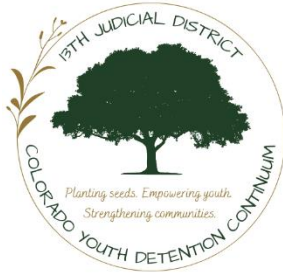
2024-4

The attached Thirteenth Judicial District Emergency Release and HB23-1307 Procedures, effective February 9, 2024 and as may be revised, are hereby adopted and incorporated herein by reference.

DONE and SIGNED this 10th day of June, 2024, EFFECTIVE IMMEDIATELY.

A handwritten signature in blue ink that reads "Stephanie M.G. Gagliano".

STEPHANIE M.G. GAGLIANO
Acting Chief Judge
Thirteenth Judicial District



13th JD Emergency Release and HB23-1307 Procedures

Effective Date: February 9, 2024

Review Date: Annually; The Emergency Release Team consists of the Chief Judge, District Attorney's Office, County DHS and 13th JD CYDC.

Emergency Release

1. Tuesday EOB:
 - a. CYDC provides a detention roster to the Judge(s). Provide juvenile's name, charges, court team contacts (DA, PD, GAL and CYDC), DHS contacts, ARNA/PreCJRA risk level and if there is a tentative plan for release.
 - b. Judge(s) send to the juvenile's court team, CYDC and DHS for feedback. Feedback is required by Thursday at 8am.
2. Thursday EOB:
 - a. The Judge decides who is on the list for emergency release and instructions for their release.
 - i. If there is more than one Judge involved in the emergency release decision and instructions, the Chief Judge makes the final decision on the order of juveniles being released.
 - b. The Judge distributes a list and instructions to juvenile's court team, DHS, CYDC and the detention facility.
 - c. CYDC prepares Order for Emergency Release for each juvenile and submits to the Court for order to be signed with a valid date of the following Thursday specified in the order. The Court returns the signed order to CYDC via email.
 - d. CYDC distributes the Order for Emergency Release to the juvenile's court team, DHS, detention facility and 19th JD Screening Team.
3. During business hours, 13th JD CYDC staff contacts parent/guardian about possible emergency release and arriving at Prairie immediately to sign PR bond. If emergency release occurs after hours, the 19th JD Screening Team will contact the juvenile's parent/guardian for immediate pickup at Prairie Vista YSC and to sign PR bond. 13th JD CYDC Staff will provide all updated contact information for after-hours staff.
4. Should the 13th CYDC staff or 19th JD Screening Team not be able to contact the parent/guardian in a reasonable time, they will move to the next juvenile on the list.
5. An Emergency Release Hearing scheduled by the Court within 48 business hours of release.
6. If a juvenile is released and is a Victim's Rights Act case, the DA is responsible for victim notification.

The following will be considered when determining the list for emergency release:

1. Below list of Eligible and Not Eligible.
2. Risk to community and to re-offend based on the ARNA, CJRA and other factors.
3. Victim's Rights Act Compliance, if applicable
4. Services available upon release; and
5. Placement availability.

Emergency Release Eligibility

Eligible for recommendation:

- a. First offense w/o SBI.
- b. Juveniles ages 13-14.
- c. Third degree assault.
- d. Harassment/Criminal Mischief- DV
- e. School based weapon offense for youth ages 13-14, small knife only.
- f. VPO for alcohol/marijuana only.
- g. Warrants that do not have underlying factors listed under "not eligible" (crime of violence w/ SBI, weapons, etc.).

Not Eligible for Emergency Release

- a. Crime of violence
 - i. **C.R.S. § 18-1.3-406(2)(a-c)**
- b. Weapons charge

HB 23-1307 Emergency Bed Procedure

If the catchment area has reached capacity, 1307 emergency beds can be used based on the below criteria. If a facility reaches capacity, there are 2 flex beds that can be used for the facility to go up by 2 for 48 hours, however, the 1307 emergency beds must be used before utilizing a flex bed. The 19th Screening Team monitors bed capacity at Prairie Vista and Platte Valley on a regular basis.

A JD may use a 1307 emergency bed after the following criteria have been met:

1. All beds allocated to the JD are being utilized by the JD (13th: 2 beds).
2. The DYS detention facility in which the JD's beds are located are being utilized.
3. There are no open detention beds to borrow within 50 miles of the JD's detention facility.
 - a. This does not apply if the point of arrest was 50 miles or more from the initial detention receiving facility.
 - b. This does not apply if the juvenile is being returned to the initial detention receiving facility as a result of being in a borrowed bed that was relinquished.
4. There is a legal basis for the detention of all youth by the JD.
5. There are currently no services available that mitigate the substantial risk or flight risk of any of the youth detained by the JD.
6. There are no services available to mitigate the risk of the youth being detained and placed in the emergency bed.

A petition must be filed by the District Attorney or the County Attorney that supports the above criteria no later than the next business day. The Court shall issue an order permitting the use of the emergency bed.

A hearing must be held every 5 business days to inform the Court that the circumstances still exist and that the juvenile is still in an emergency bed.

The initial criteria requiring the catchment area being fully utilized or an available bed within 50 miles do not apply.

Once the criteria, with exceptions, are no longer met, the juvenile may be placed in a non-emergency detention bed.

If an emergency bed is needed after regular business hours of Mon-Fri 8am-5pm (holidays excluded) and the 19th JD Screening Team and State Detention Bed Manager agree that criteria have been met, an emergency bed shall be made available.

The 19th JD Screening Team and State Detention Bed Manager will notify the detention facility prior to admission.

The 13th JD CYDC staff will notify the District Attorney and/or County Attorney to file the petition and will provide them with the information necessary to file the petition.

Upon receipt of the signed petition, the 13th JD CYDC Director and/or 19th JD Screening and Detention Supervisor shall forward a copy of the court order to the detention facility.

The 13th JD Bed Manager will notify the SB-71 Team, CYDC State Coordinator and State Bed Manager of the use of the 1307 emergency bed.

The 13th JD CYDC staff will track the number of days each youth is in an emergency bed.