



EL PASO COUNTY COMBINED COURT, FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

CHIEF JUDGE ORDER 2015-2, AMENDED

RE: POLICY ON USE OF PHYSICAL RESTRAINTS ON IN-CUSTODY JUVENILES APPEARING IN COURT

WHEREAS the Judicial Branch has identified a need to establish consistent, district-wide policies regarding the use of physical restraints on juveniles appearing in custody for court; and has requested that each district create a policy with the rebuttable presumption that restraints not be used in court;

WHEREAS the Chief Judge and the Presiding Juvenile Judge of the 4th Judicial District have conferred with representatives from the State Court Administrator's Office, law enforcement, representatives of the local juvenile detention facility, probation, the El Paso County Public Defender's Office and the Fourth Judicial District Attorney's Office, and a determination has been made on the most appropriate policy that would protect public safety and address the needs of juveniles appearing in our jurisdiction.

WHEREAS this Policy was last updated in 2015 and input was sought and received from juvenile partners in the drafting of this amended policy.

IT IS HEREBY ORDERED THAT:

1. For the purposes of this Order, the following words and phrases are defined as follows:
 - a. "PHYSICAL RESTRAINTS" or "PHYSICALLY RESTRAINED" means the use of handcuffs, shackles, leg cuffs, chains, restraint belts, and any other mechanical device placed on the juvenile that restricts the freedom of movement of the juvenile while in the courtroom.
 - b. "THE COURT" means the judicial officer presiding over the juvenile's court appearance or the judicial officer presiding over the juvenile's upcoming scheduled court appearance.
2. There shall be a rebuttable presumption that juveniles who are in custody for court proceedings are not escape risks, a threat to themselves or others, or are otherwise incapable of exhibiting appropriate and respectful behavior while in open court.

Therefore, it is the policy of the Fourth Judicial District that juveniles shall not be physically restrained in the courtroom.


3. The presumption set forth above shall be deemed rebutted and the juvenile may be physically restrained in the courtroom if the detention facility, Colorado Youth Detention Continuum (CYDC) representative, or law enforcement determines, from all available information, that there are no less restrictive alternatives to physical restraints that will mitigate the risk of flight or physical harm to the juvenile and/or others, and determines that one of the following exclusionary criteria exists:
 - a. The juvenile is being investigated for, held for, and/or charged with a class 1 or class 2 felony (not including a level 1 or level 2 drug felony), escape or attempted escape, disarming or attempting to disarm a peace officer, or assault or attempted assault of a peace officer;
 - b. The juvenile demonstrates or has previously demonstrated assaultive or combative behavior;
 - c. The juvenile has made a credible threat of harm to themselves or others within the past six (6) months;
 - d. The juvenile has threatened law enforcement personnel, persons at the jail or detention facility, court staff, or other persons who are present in the courtroom during the juvenile's court appearance;
 - e. There are co-defendants or co-participants in the courtroom at the same time and there is a substantial likelihood that public safety will be threatened;
 - f. Credible information exists of an imminent plan or risk of escape;
 - g. The juvenile has mental health issues and is demonstrating bizarre, erratic, disruptive, or combative behavior that threatens another person's safety; or
 - h. The juvenile is currently housed in isolation for dangerous behavior to themselves or others including, but not limited to, assaultive or combative behavior.
4. The detention facility representative, CYDC representative, or law enforcement representative shall advise the Court if they believe a juvenile who does not meet the exclusionary criteria contained within this Order nonetheless poses a substantial risk to themselves or others. The Court shall then determine if the juvenile shall be restrained during a court appearance and shall provide notice to the district attorney, the juvenile's defense attorney, the juvenile's guardian *ad litem*, if applicable, and the personnel responsible for physically bringing the juvenile into the courtroom.
5. Defense counsel shall inform the Court, the district attorney, and the juvenile's guardian *ad litem*, if applicable, if there is cause to believe that a juvenile who meets one or more of the exclusionary criteria in this Order should nonetheless be removed from restraints.
6. In either situation described in paragraphs 4 or 5 of this Order, it is preferred that written notice be provided to the Court with a copy to opposing counsel and the juvenile's guardian *ad litem*, if applicable, so that the Court may determine if a hearing is required before the next appearance. If there is not sufficient time to provide written notice prior to the next court appearance, then notice shall be provided as soon as

practicable and a witness or witnesses shall be made available to provide information to the Court at a time and date ordered for a hearing on the matter. At a hearing, after giving all parties and the juvenile an opportunity to be heard, the Court shall determine whether the juvenile should be restrained and shall include written or verbal findings in its order. The rules of evidence may be relaxed as such a hearing in the Court's discretion.

7. The factors the Court shall consider when asked to provide an exception to the standards listed above shall include:
 - a. The Court's obligation to maintain order and protect the safety of all in the courtroom;
 - b. The juvenile's record of contact with the juvenile justice system and the nature of the charges pending against them;
 - c. The possibility of the juvenile making an escape attempt;
 - d. The danger, if any, an individual juvenile presents to themselves or others in the courtroom;
 - e. The juvenile's history, or lack thereof, of compliance with law enforcement, court security officers, probation and parole officers, and officers within the juvenile detention facility or during transport to the courthouse or during transport to the courtroom;
 - f. The juvenile's past observable courtroom conduct in the matter currently before the Court;
 - g. The impairment, if any, of the juvenile's ability to communicate with counsel and effectively assist in their defense;
 - h. The impact upon the dignity and decorum of the Court and the judicial process;
 - i. Any additional mental distress and confusion that the courtroom restraints would impose upon the juvenile; and
 - j. The availability of less intrusive security measures, such as the posting of additional law enforcement officers or courthouse security.
8. Law enforcement has sole discretion to determine the level of security that is appropriate during transport to and from a detention facility. Law enforcement, in appropriate circumstances as defined by this Order, will use appropriate security, as defined by law enforcement, while in the courthouse and entering/leaving the courthouse. Juveniles will only be unrestrained while in the courtroom.
9. If the juvenile has been required to wear physical restraints during previous court appearances, the requirement will remain in place until the juvenile is either released from detention or the Court approves termination of the requirements for restraint. If the juvenile is released from detention and rearrested on a bench warrant, the requirement for physical restraints shall remain in place unless and until modification is made by the Court.
10. Pursuant to C.R.S. 19-2.5-1531, female juveniles who are pregnant or believed to be pregnant shall, if physical restraints are necessary pursuant to this Order, be restrained using the least restrictive restraints necessary. Strict compliance with this statutory provision is required.

11. To the extent a juvenile is held in seclusion as defined in C.R.S. 26-20-102(7) as part of the court transport process, any seclusion of a juvenile must conform to the provisions of C.R.S. 26-20-104.5 to the extent that they are applicable to court transport process.
12. The Court at all times retains the authority and discretion to determine on its own motion whether a specific juvenile shall be physically restrained during a court appearance, including a juvenile who is not initially physically restrained in the courtroom.

DONE AND SIGNED ON THIS 1st day of June, 2026.



ERIN L. SOKOL
Chief Judge
Fourth Judicial District