

**405.00 - JUVENILE DETENTION CRITERIA****405.01 Mandatory Felony Holds**

- (1) Unless otherwise directed by the case assignment detective, any juvenile arrested for a felony offense against another person shall be placed in the Gilliam Youth Services Center.
- (2) Any juvenile arrested for possession or use of an explosive or incendiary device (C.R.S. §18-12-109) shall be placed in the Gilliam Youth Services Center.
- (3) Any juvenile arrested for possession of a firearm, or who commits any offense with a firearm shall be placed in Gilliam Youth Services Center.
- (4) Unless otherwise directed by the case assignment detective, all juveniles arrested for the following property crimes will be placed in the Gilliam Youth Services Center.
  - a. All residential burglary suspects 14 years of age or older.
  - b. All non-residential burglary suspects 16 years of age or older.
  - c. All auto theft suspects who also elude or attempt to elude police.
  - d. Any auto theft suspect who has a prior auto theft arrest within the past 12 months.
  - e. Any auto theft suspect arrested in a stolen vehicle taken from outside Denver County.
  - f. Any felony theft or felony theft from motor vehicle suspect 16 years of age or older who has a prior felony arrest within the past 12 months.
  - g. Any arson suspect whose actions caused injury to any person or whose actions constitute 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Degree Arson (C.R.S. §18-4-102, 103, 104). Mandatory detention may be waived by an Arson Investigator of the Denver Fire Department.
- (5) Unless otherwise directed by personnel assigned to the Vice/Drug Control Bureau, all juveniles arrested for the following offenses shall be placed in the Gilliam Youth Services Center.
  - a. All suspects arrested for unlawful distribution, manufacturing, dispensing, sale or possession of controlled substances (C.R.S. §18-18-405, substance defined in C.R.S. §12-2-2-309 through 312).
  - b. All suspects arrested for possession of eight (8) ounces or more of marijuana or any amount of marijuana concentrate (C.R.S. §18-18-406 (4) b.)
  - c. All suspects arrested for fraud and deceit to obtain controlled substances (C.R.S. §12-22-315).
  - d. All suspects arrested for introducing contraband in the first degree (C.R.S. §18-8-203) or second degree (C.R.S. §18-8-204) or possession of contraband in the first degree (C.R.S. §18-18-204.1).
- (6) Any juvenile arrested for a felony when that juvenile is a runaway or missing person.
- (7) Any juvenile arrested for a felony while on probation.
- (8) Any juvenile arrested for a felony who physically resisted arrest.
- (9) Juveniles not mandatorily held under the conditions outlined in this Section will be considered under the criteria for Discretionary Felony Holds (OMS 405.02) or Juvenile Order-Ins (OMS 407.00).
- (10) Whenever it is necessary to place a police hold on a juvenile at a hospital other than Denver Health Medical Center, the following procedure will apply:
  - a. Make a Juvenile Case Summary.
  - b. Call Missing Persons during daytime hours to relay the information regarding the suspect on hold. The Missing Persons Unit will notify the City Jail and jail personnel will dispatch a Denver Sheriff to the facility to take custodial care of the suspect. The Sheriff will require a copy of the Juvenile Case Summary.
  - c. During the hours when the Missing Persons Unit is unmanned, call the Juvenile Intake unit and they will make notification to the jail.
  - d. The arresting officer must stand by until the arrival of the Sheriff.

**405.02 Discretionary Felony Holds**

- (1) Other than the specified felony juvenile arrests, a juvenile may be detained for a felony arrest with approval of the Intake or On Call Probation Officer. Prior to approval, the probation officer will consider the following factors and will not approve mandatory detention unless one or more of the conditions are met.
  - a. The identity of the juvenile cannot be verified.
  - b. There is evidence that the felony conduct of the juvenile will resume immediately upon release from police custody.
  - c. There is evidence that the arrested juvenile has threatened a victim, witness or co-conspirator prior to, during, or after arrest.
  - d. The parent(s), guardian(s) or a verified sibling age 18 or older refuses to accept custody of the juvenile.
- (2) Juveniles arrested for felony traffic offenses will be held at the discretion of the Traffic Investigation Section. See OMS 204.17(7).
- (3) Juveniles arrested for felonies who are not mandatorily or discretionarily held will be ordered-in. See OMS 407.00.

**405.03 Mandatory Non-Police Detention**

- (1) Juveniles who are wanted on a verified court warrant, other than those issued by the Juvenile Division of Denver County Court specifying a PR bond, will be held. See OMS 403.07(3).
- (2) Juveniles who escape from a juvenile institution or community placement operated by the Department of Institutions, Division of Youth Services will be held.
- (3) Juveniles who are placed on an Immigration Hold by the Immigration and Naturalization Service (INS) to establish deportability will be held.
- (4) Juveniles wanted on Denver or State Writ of Assistance warrants will be held. The warrant will specify detention or shelter. The intake Juvenile Probation Officer will determine the detention or shelter location. See OMS 406.08(2).

**405.04 Non-Felony Discretionary Holds**

- (1) In accordance with Rule 3.7 of the Colorado Rules of Juvenile Procedure, "The Chief Judge in each judicial district or the presiding judge of the Denver Juvenile Court shall designate a person(s) as officer(s) of the court with authority to determine whether a juvenile taken into temporary custody should be released to a parent, guardian, or other legal custodian, or admitted to a detention or shelter facility pending notification to the court and a detention hearing."
  - a. The Juvenile Probation Department has been designated by the presiding judge of the Denver Juvenile Court to perform this function.
- (2) Juveniles arrested for a C.R.S. misdemeanor offense may be held at the Gilliam Youth Services Center pending a detention hearing, with the approval of the Intake Juvenile Probation Officer.
  - a. Prior to transporting to the Gilliam Youth Services Center, the arresting officer must process the juvenile through the Juvenile Intake Unit. The Intake Unit will assist the officer in contacting the Juvenile Probation Officer
  - b. The arresting officers will consider the following aggravating factors as determinants in requesting a hold on C.R.S. misdemeanors.
    1. Domestic violence or restraining order violations involved
    2. Gang-related criminal activity
    3. Potential for immediate future harm to the victim, a witness or the juvenile
    4. The juvenile arrested for a C.R.S. misdemeanor is a runaway or missing person

5. The juvenile has an extensive record, particularly showing crimes of violence, or is on probation
  6. The age of the juvenile
  7. Refusal of a parent, guardian or verified relative over the age of 18 to take custody of the juvenile, coupled with the inability of the Department of Social Services to locate shelter space
  8. Repeat juvenile prostitution violation
  9. Physical resistance to an arrest.
- c. Juveniles arrested for C.R.S. misdemeanors who are not held will be ordered-in. See OMS 407.00.
- d. The decision of the intake Juvenile Probation Officer concerning non-felony hold requests is made as the designated agent of the Denver Juvenile Court.

#### **405.05 Exceptions for Special Needs Juveniles**

- (1) Juveniles, who require medical care beyond the scope of the detention facility's level of medical service, or who are visibly intoxicated or under the influence of a controlled substance, shall be taken to a hospital. The fact that a juvenile may have ingested alcohol or marijuana in the past and it does not impair their ability to function will not require them to be transported to Denver Health Medical Center if the officer determines their health and safety are not at risk. They may be placed in secure detention after being medically evaluated by Denver Health Medical Center personnel if they fit in the mandatory or discretionary felony detention categories, or with the approval of the intake Juvenile Probation Officer for misdemeanors or other circumstances.
- (2) Juveniles who present a danger to themselves or others as a result of a mental disturbance shall be taken to Denver Health Medical Center Psychiatric Emergency Room on a Mental Health Hold.
- (3) The Juvenile Intake unit will be notified by telephone of the placement.
- (4) If a placement of a juvenile is made under the conditions of this section, and the juvenile has been arrested for a felony or for a C.R.S. misdemeanor, two copies of the Juvenile Case Summary must be left at the Records Section for the appropriate investigative bureau, section, or unit.
- (5) Notification of a parent or guardian must be made. See OMS 403.08.

#### **405.06 Juveniles not to be Detained in Secure Detention Under Any Circumstances**

- (1) Juveniles who have committed only a "status offense" (e.g. beyond parental control, alleged school truancy and runaway from home).
- (2) Juveniles requested to be held solely as a temporary corrective or punitive measure.
- (3) Juveniles requested to be held solely on a missing person report, except out of state runaways. Contact the Juvenile Intake Unit for a determination of placement of out of state runaways.
- (4) Juveniles who are not on probation and who have violated municipal ordinances, unless the ordinance violation is one that has been listed by the District Attorney's Office to be filed in the Denver Juvenile Court. Juveniles will be processed according to OMS 405.04 or 407.00 if they commit offenses which will be filed in Denver Juvenile Court.

#### **405.07 Release of Police Holds**

- (1) Juveniles placed in the Gilliam Youth Services Center on police holds may be released from the hold prior to a Detention Hearing only by the assigned investigator or CID supervisor.
  - a. The Mandatory Hold Withdrawal, DPD 64, will be used to cancel the hold.
  - b. A copy of DPD 64 will be faxed to the intake Juvenile Probation Officer at the Gilliam Youth Services Center.

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- c. The original copy of DPD 64 will accompany the supplementary report and other investigative material to the Records Section.
  - d. In the event of FAX failure at the Gilliam Youth Services Center, the investigator or CID supervisor will call the intake Juvenile Probation Officer and verbally cancel the hold. This call will be followed up with the mailing of a copy of DPD 64 to the intake Juvenile Probation Officer.
- (2) Juveniles placed in Denver Health Medical Center on police holds may be released from the hold by the assigned investigator or CID supervisor.
- a. Order for Release of a Juvenile Hold, DPD 111, will be used to cancel the hold.
  - b. A copy of DPD 111 must accompany the supplementary report and other investigative material to the Records Section.

**405.08 Disposition of Juveniles Not Held**

- (1) Juveniles arrested for offenses for which the mandatory felony hold is not required, for offenses for which the discretionary felony hold is not applied, and for all other situations which the intake Juvenile Probation Officer does not approve detention may be ordered-in and will be either:
- a. Released to a parent or guardian from a police facility if a parent/guardian has been contacted and is responding, or
  - b. Released to a parent or guardian from a shelter facility if a parent/guardian cannot be contacted, or a parent/guardian cannot respond or refuses to respond at the time of request by police, or
  - c. Taken home and released to a parent or guardian.