

**Addition to GCSO Policy 4.605, Booking, Acceptance of Custody**  
**Revised: April 27, 2022**

The CDC and Colorado Department of Health continue to recommend that jails and prisons maintain a vigilant response to the Corona Virus. Keeping safeguards and good health practices in place to protect the inmate population and staff is still a priority for the Gilpin County Sheriff's Office. The Sheriff's Office acknowledges the need for a balanced approach to public safety, crime and punishment. Keeping all these factors in consideration, with a continued reduction in detention staff, the following procedures are in effect immediately, and until further notice.

The Gilpin County Jail Will Accept (Regardless of the Jail Inmate Count)

1. All new Felony and Drug Felony charges all classes
2. All new Felony or Misdemeanor charges enhanced with VRA and/or Domestic Violence
3. New charges for Felony DUI
4. Second and subsequent drinking and driving offenses will be accepted (DUI / DWAI or DUID)
5. New charges for Resisting Arrest
6. New charges for Obstructing a Peace Officer, Fire Fighter, or EMT
7. Mittimus, a court order directing a person to jail
8. Any combination of crimes and actions displayed by the defendant which would **clearly** cause a **significant, obvious, and direct** risk of endangerment to the public, may allow for acceptance. Examples include violent crimes, crimes involving a deadly weapon. If this provision is used the arresting peace officer must attest to the endangerment in their signed affidavit. Gilpin Sheriff's Office supervision approval is required.

Warrants that will be accepted (Regardless of the Jail Inmate Count)

1. Will be accepted: Warrants with Felony and Drug Felony charges all classes and/or warrants with charges enhanced with VRA and/or Domestic Violence, including PC, FOJ, FTA, FTC, and COC.
2. Misdemeanor warrants with charges enhanced with VRA and/or Domestic Violence, including PC, FOJ, FTA, FTC, and COC.
3. All **NO BOND** Gilpin County Court issued warrants that are contacted by Law Enforcement and upon arrest are brought directly to the Gilpin County Jail.

Special Acceptance

1. The following will be considered by jail staff to determine acceptance of custody for warrants not described above in numbers 1,2 and 3:
  - a. Habitual offender/abuser of the summons and release process, e.g., known to the on-scene peace officer with multiple law enforcement contacts; or
  - b. Multiple warrants (3 or more) to include misdemeanors; or
  - c. Willful disobedience and/or antagonistic toward public order, e.g., person expresses knowledge that he or she can "get away with it" due to COVID jail intake restrictions; and
  - d. The jail daily population has not exceeded 35 prisoners.

### The Gilpin County Jail Will Not Accept

1. New misdemeanor or municipal custodial arrests (new charges) without a required advisement under the VRA or a special acceptance need.
2. Arrest warrants with underlying misdemeanor traffic charges not enhanced with VRA and/or Domestic Violence
3. Non-VRA Misdemeanor Arrest warrants or municipal warrants without a need for special acceptance.
4. Any person arrested for a warrant, returnable to a jurisdiction other than Gilpin County courts, and lists a COVID restriction stating a person must be screened prior to immediate return to that jurisdiction with a 14- or 10-day quarantine and/or COVID test.
5. Any parole hold technical violator without first being accepted for new charges or warrants meeting above acceptable guidelines

A possible exception is the underlying crime, or actions displayed by the defendant which would **clearly** cause a **significant, obvious, and direct** risk of endangerment to the public, may allow for acceptance. Examples include violent crimes, crimes involving a deadly weapon.

### Standard medical intake procedures remain in effect

If subject is intoxicated the jail PBT will be utilized and a BrAC over .250 will not be accepted without medical clearance. If a subject is injured or has a medical condition (under the influence of Fentanyl, Heroin or withdrawing from substance abuse) a medical clearance will be needed. The contracted jail nurse may provide the medical clearance, or the jail nurse may require the arresting officer receive a medical clearance from a hospital/emergency room. This procedure remains in effect due to a lack of 24/7 nursing coverage in the jail.

The likelihood of an individual complying with a court summons shall not be grounds to determine whether a custodial arrest is appropriate. Peace officers are encouraged to cite and release, and in the case of felony cases not meeting the above acceptable guidelines to utilize the felony summons process.

Sheriff Kevin M. Armstrong

Crimes covered by the Victim Rights Act:

The Constitution of the State of Colorado and the laws of the State C.R.S. 24-4.1-302 (1) guarantee certain rights to the victims of the following criminal acts:

- Murder – 1<sup>st</sup> and 2<sup>nd</sup> degree
- Manslaughter
- Criminally negligent homicide and vehicular homicide
- Assault – 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree, and vehicular assault
- Menacing
- Kidnapping – 1<sup>st</sup> and 2<sup>nd</sup> degree
- Sexual assault – 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree, unlawful sexual contact, on a child, on a child by a person in a position of trust, on a client by a psychotherapist
- Robbery – aggravated, aggravated of a controlled substance
- Incest and aggravated incest
- Child abuse
- Tampering with a victim or witness
- Sexual exploitation of children
- Crimes against at-risk adults or at-risk juveniles
- Crimes for which the underlying foundation has been determined to be domestic violence
- Careless driving that results in the death of another person
- Failure to stop at the scene of an accident that results in the death or serious bodily injury of another person
- Stalking
- Bias-motivated crimes
- Intimidating a witness or victim
- Retaliation against a victim or witness
- 1<sup>st</sup> degree burglary
- Indecent exposure
- Violation of a protection order against a person charged with sexual assault, sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a client by a psychotherapist, or stalking
- Human trafficking
- Posting a private image for harassment or pecuniary gain
- Retaliation against a judge, prosecutor, or juror
- Child prostitution – soliciting, procurement of a child for sexual exploitation, pimping, inducement, patronizing a prostituted child
- Any criminal attempt, conspiracy, criminal solicitation, or accessory involving any of the crimes specified above

The Victim Rights Act provides victims an active role in the criminal justice process in an attempt to balance the scales of justice. The following is a summary of the rights guaranteed by the Victim Rights Act (For a complete listing of rights, please refer to Colorado Revised Statutes 24-4.1-301 through 24-4.-304)

- To be treated with fairness, respect, and dignity;
- To be informed of and present for all “critical states” of the criminal justice process;
- To be free from intimidation, harassment, or abuse, and the right to be informed about what steps can be taken if there is any intimidation or harassment by a person accused or convicted of the crime or anyone acting on the person’s behalf;
- To be present and heard regarding bond reduction, continuances, acceptance of plea negotiations, case disposition, sentencing, or modification of sentence;
- To consult with the district attorney prior to any disposition of the case or before the case goes to trial and to be informed of the final disposition of the case;
- To be informed of the status of the case and any scheduling changes or cancellations, if known in advance;
- To prepare a Victim Impact Statement and to be present and/or heard at sentencing;
- To have restitution ordered and be informed of the right to pursue a civil judgment against the person convicted of the crime;
- To a prompt return of the victim’s property when no longer needed as evidence;
- To be informed of the availability of financial assistance and community services;
- To be given appropriate employer intercession services regarding court appearances and meetings with criminal justice officials;
- To be assured that in any criminal proceeding the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;
- Whenever practicable, to have a safe, secure waiting area during court proceedings;
- To be informed when a person accused or convicted of the crime is released from custody, is paroled, escapes or absconds from probation or parole;
- Upon written request, to be informed of and heard at any reconsideration of sentence, parole hearing, or commutation of sentence;
- To be informed when a person convicted of a crime against the victim is placed in or transferred to a less secure correctional facility or program or is permanently or conditionally transferred or released from any state hospital;
- To view all or a portion of the pre-sentence report of the probation department at the discretion of the District Attorney;
- To be informed of the results of any court-ordered HIV testing;
- To be informed of any rights which the victim has pursuant to the Constitution of the United States or the State of Colorado;
- To be informed of the process for enforcing compliance with the Victim Rights Act.
- Additional rights and services are provided to child victims or witnesses. Law enforcement, prosecutors, and judges are encouraged to designate one or more individuals to try and assure that the child and their family understands the legal proceedings and has support and assistance to deal with the emotional impact of the crime and the subsequent criminal proceedings.