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0472 An Overview of Colorado's Juvenile Justice System



An Overview of

Colorado's Juvenile

Justice System

Report to the

COLORADO

GENERAL ASSEMBLY

Colorado Legislative Council
Research Publication No. 472
February 2000

**A Report to the
Colorado General Assembly**

**AN OVERVIEW OF COLORADO'S
JUVENILE JUSTICE SYSTEM**

**Research Publication No. 472
February 2000**

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February 2000

To Members of the Sixty-second General Assembly:

Submitted herewith is an overview of Colorado's juvenile justice system. This report provides broad descriptions of the juvenile justice process and the juvenile offender population. It is our first report in the area of juvenile justice, and we welcome your suggestions for modifying the report to make it more useful to you. We anticipate updating the report every two years.

Very truly yours,

A handwritten signature in cursive script that reads "Charles S. Brown".

Charles S. Brown
Director

TABLE OF CONTENTS

	Page
1. THE JUVENILE JUSTICE SYSTEM IN COLORADO	1
2. OVERVIEW OF THE JUVENILE JUSTICE PROCESS	5
3. DEPARTMENT OF HUMAN SERVICES	11
4. DEPARTMENT OF CORRECTIONS	21
5. COLORADO JUDICIAL BRANCH – JUVENILE PROBATION	27
6. SENTENCING PLACEMENTS	29
7. DEMOGRAPHICS OF JUVENILE OFFENDERS	31
8. JUVENILE OFFENDER POPULATION PROJECTIONS	35
9. RECENT LEGISLATIVE ACTIVITY	39
10. WHAT ARE OTHER STATES DOING?	43
APPENDIX A. CRIME CLASSIFICATION OVERVIEW	47

Chapter 1

THE JUVENILE JUSTICE SYSTEM IN COLORADO

Introduction

This report provides an overview of the juvenile justice system in Colorado, which governs proceedings for youths between the ages of 10 and 17¹ who have violated the law. The statutory authority for the juvenile justice system is located in the Colorado Children's Code; as such, one of the goals of the system is to attempt as much as possible to balance the protection and rehabilitation of juvenile offenders with concern for societal safety in providing appropriate sanctions and treatment. This focus on rehabilitation and reformation has resulted in a highly complex system with a wide variety of sentencing options for youthful offenders.

The juvenile justice system differs in several ways from the adult criminal justice system; in order to understand some of the differences, several terms and concepts should be defined at the outset. The process of trying and convicting a youth charged with committing an offense is called *adjudication*, and a youth who has been found guilty is deemed a *juvenile delinquent*. In addition, offenses are not classified for juveniles as they are for adults. Instead of being charged with a class 3 felony, for example, a youth would be *adjudicated a juvenile delinquent for an offense that would constitute a class 3 felony if committed by an adult*. Further, presumptive sentencing ranges for juveniles do not exist as they do in the adult system; as a result, aside from some broad guidelines, judges have considerable discretion in sentencing juvenile delinquents. Finally, a separate court for juveniles, called *juvenile court*, has jurisdiction over delinquent youths, unless it is determined that the juvenile should be tried as an adult, in which case charges are directly filed in district court. The juvenile court also has jurisdiction over youths 18 and older who were adjudicated for an offense committed prior to turning 18 and who are still serving their sentence.

Overview of the Juvenile Justice System

Population. Three different state agencies oversee youths in the system: the **Department of Human Services (DHS)**, the **Department of Corrections (DOC)**, and the **Judicial Department**. The Department of Human Services, through three of its divisions, has jurisdiction over juvenile delinquents who have been sentenced to commitment, detention, community residential programs, the child welfare system, and juvenile parole. Though much less common, youths who have committed more serious crimes may be tried and convicted as adults and are sentenced to the Department of Corrections, either to prison or to the Youthful Offender System (YOS). Finally, the Office of Probation Services in the Judicial Department handles juvenile probation for youths adjudicated for less serious offenses. In addition to these three main departments, the Division of

1. Children under the age of 10 who have violated the law are typically under the jurisdiction of the child welfare system, and the adult criminal justice system has responsibility for offenders 18 and over.

Criminal Justice in the Department of Public Safety oversees the administration of community diversion programs which exist as an alternative to the formal court system.

Table 1.1 provides an overview of the various placement options for adjudicated delinquents and shows the distribution of the juvenile justice population in FY 1998-99, the most recent year for which actual figures are available. Figures shown are the number of juveniles served by each agency during the year; therefore, some juveniles may be counted more than once, particularly in placements where sentences are typically shorter, such as detention through the Division of Youth Corrections (DYC). The total number of juveniles served by all of the agencies was 23,342; nearly half, 49.5 percent, were sentenced to the DYC.

**Table 1.1
Overview of the Juvenile Justice Population, FY 1998-99**

Department	Agency/Placement	Description	Age Range	Population, FY 1998-99
Department of Human Services (DHS)	<i>Division of Youth Corrections (DYC)</i>	Includes commitment, detention, and community residential programs	10-17	11,558*
	<i>Division of Juvenile Parole</i>	Mandatory period of parole for all youths sentenced to DHS		
	<i>Child Welfare Services</i>	Provides specialized treatment and services for youths, including adjudicated delinquents	10-17	2,239**
Department of Corrections (DOC)	<i>Prison</i>	Adult system for youths tried and convicted as adults	12-17***	39
	<i>Youthful Offender System (YOS)</i>	"Middle-tier" system for youths tried as adults, but for less serious crimes	14-17	393
Judicial Department	<i>Office of Probation Services</i>	Regular probation	10-17	8,722
		Juvenile Intensive Supervision Program (JISP)	10-17	391
Total				23,342

- Includes state detention and commitment facilities (does not include private facilities), community residential programs, and juvenile parole
- ** FY 1996 figures are the most recent available
- *** Juveniles as young as 12 may be transferred to the adult system if they are alleged to have committed a delinquent act that constitutes a class 1 or 2 felony or a crime of violence. Juveniles must be 14 or older to be direct-filed in the adult district court.

Funding. Total juvenile justice system funding is difficult to assess, because some agencies do not break down funding by population. However, to give some idea of the amount of money spent on juvenile justice, actual funding statistics for DYC and YOS are provided. In addition, costs for adjudicated delinquents in Child Welfare Services, juveniles under the age of 18 in the adult prison system, and juvenile probation are estimated based on average costs per client. In FY 1998-99, DYC expenditures totaled **\$100,653,709**. YOS expenditures for the same year were **\$14,436,328**. Adjudicated delinquents in Child Welfare Services cost the division approximately **\$25 million** in 1996, the most recent figures available. The Department of Corrections spent about **\$1.3 million** on juveniles under the age of 18 in the adult prison system in FY 1998-99 and juvenile probation costs approximately **\$3 million** per year. According to these estimated figures, total funding for juvenile justice costs the state approximately **\$144.4 million**.

Layout of the Report

This report provides an overview of the following topics:

The Juvenile Justice Process

- a brief description of each stage of the adjudicatory process;
- a flow chart showing an overview of the process; and
- descriptions of and sentencing options for special offenders.

Department of Human Services

- Division of Youth Corrections (DYC), including the DYC population and capacity, commitment services, detention services, the Regimented Juvenile Training Program, and Senate Bill 91-94 programs;
- juvenile parole;
- Division of Child Welfare Services, including demographic information, services provided, and costs.

Department of Corrections

- conditions under which juveniles may be processed as adults and overview of direct-file and transfer proceedings;
- the number of juvenile offenders sentenced to prison in FY 1997-98, including offense committed and average sentence length;
- a description of the Youthful Offender System (YOS), including statistics on admissions and funding;
- a chart comparing DYC and YOS populations and services.

Colorado Judicial Branch - Juvenile Probation

- an overview of regular juvenile probation, including caseload statistics;
- a description of the Juvenile Intensive Supervision Program (JISP).

Sentencing Placements

- a table indicating possible sentencing options for juveniles by age and type of offense.

Demographics of Juvenile Offenders

- demographic characteristics of committed and detained youths in the DYC in FY 1998-99;
- demographic characteristics of youths admitted to YOS during FY 1997-98.

Juvenile Offender Population Projections

- historical and projected average daily populations for committed and detained youths in the DYC;
- historical and projected population information for YOS;
- a brief description of factors affecting the juvenile offender population.

Recent Legislative Activity

- a summary of major bills concerning juvenile justice signed into law since the 1993 special session.

Juvenile Justice Activities in Other States

- a brief overview of state legislative and federal initiatives concerning juvenile justice.

A crime classification guide is provided as an appendix to this report.

Chapter 2

OVERVIEW OF THE JUVENILE JUSTICE PROCESS

This chapter describes how youths move through the juvenile justice system, from arrest to parole.

Entry into System

Youths enter the juvenile justice system in a variety of ways. A juvenile may be taken into custody by a law enforcement officer upon reasonable evidence that he or she has committed a delinquent act or by a juvenile probation officer when the juvenile has violated the conditions of probation. A law enforcement officer may also take a juvenile into custody if there is a lawful warrant to do so. Finally, an adult who has witnessed the commission of a delinquent act may take the juvenile into temporary custody, but must immediately notify a law enforcement officer.

A juvenile taken into custody is first placed in a detention facility, a temporary holding facility, or in a shelter facility depending upon whether physical restraint is required. A detention hearing must be conducted within 48 hours to determine whether the juvenile is to be detained further. The juvenile is automatically detained further in two instances. First, a juvenile is automatically detained if the court determines that the youth is a danger to himself or herself or to the community. Second, the youth is detained if he or she is alleged to have committed a crime of violence or used, possessed, or threatened to use a firearm or a dangerous or illegal weapon during the commission of a felony offense. After the detention hearing, the court orders one of the following five options:

- the juvenile is released to the custody of his or her parent, guardian, or legal custodian;
- the juvenile is placed in a shelter facility;
- bail is set and the juvenile is released upon posting of bail;
- no bail is set and the juvenile is placed in a preadjudication service program. This option is not available for juveniles who have allegedly committed a crime of violence or used, possessed, or threatened to use a firearm or other dangerous or illegal weapon;
- no bail is set and the juvenile is detained (this option is used when the court determines that the juvenile is a danger to himself or to the community).

If the juvenile is not released, the district attorney must file a petition that alleges that the juvenile is a delinquent within 72 hours after the detention hearing.

Preadjudication

The preadjudication phase consists of evaluation for mental illness or developmental disability and a preliminary hearing to determine probable cause, if requested by the district attorney or the accused juvenile. If probable cause exists, the court schedules an adjudicatory trial; however, if probable cause is not found, the delinquency petition is dismissed and the juvenile released from custody. The preadjudication phase is also when the juvenile enters a plea. A plea of not guilty automatically subjects the juvenile to a trial, which must be held within 60 days. Upon entering a guilty plea, a juvenile may, with the consent of the court and the district attorney, be granted a deferral of adjudication for one year and be placed on probation. If the juvenile fully complies with the conditions of his or her probation, the guilty plea is withdrawn and the case dismissed with prejudice. More detail about juvenile probation is provided in Chapter 4.

Adjudication

The trial takes place during the adjudication phase. In certain circumstances, a juvenile or the district attorney may request a trial by a jury of up to six people. However, in most cases, hearings are held before the court without a jury. If a juvenile is found not guilty after the trial, the delinquency petition is dismissed and the juvenile is released from custody. If a juvenile is found guilty, sentencing may either take place immediately or during a separate sentencing hearing to be scheduled within 45 days of the adjudicatory trial.

Postadjudication, Sentencing

If, after the adjudicatory trial, the court determines that a juvenile is guilty, a motion may be made for a new trial or an appeal, or the juvenile may apply for posttrial bail. Upon determination of guilt, the court may sentence a juvenile to any one or a combination of the following:

- ***Commitment to the Department of Human Services (DHS).*** A juvenile 12 years of age or older may be committed to DHS for up to two years if adjudicated for an offense that is classified as a felony or misdemeanor.² A juvenile under 12 may be committed to DHS only if the offense would constitute a class 1, 2, or 3 felony. Juveniles between 18 and 21 may be committed to DHS if they are adjudicated delinquent for an offense committed prior to their 18th birthday or upon revocation of probation. DHS may petition the committing court to lengthen the term of any commitment for up to two years. (See Chapter 2.)
- ***Confinement in county jail or community corrections.*** Juveniles between 18 and 21 who have been adjudicated delinquent prior to their 18th birthday may be sentenced to county jail for up to six months or to a community correctional facility or program for up to one year.

2. Please see Appendix A for a listing of the various classifications of offenses.

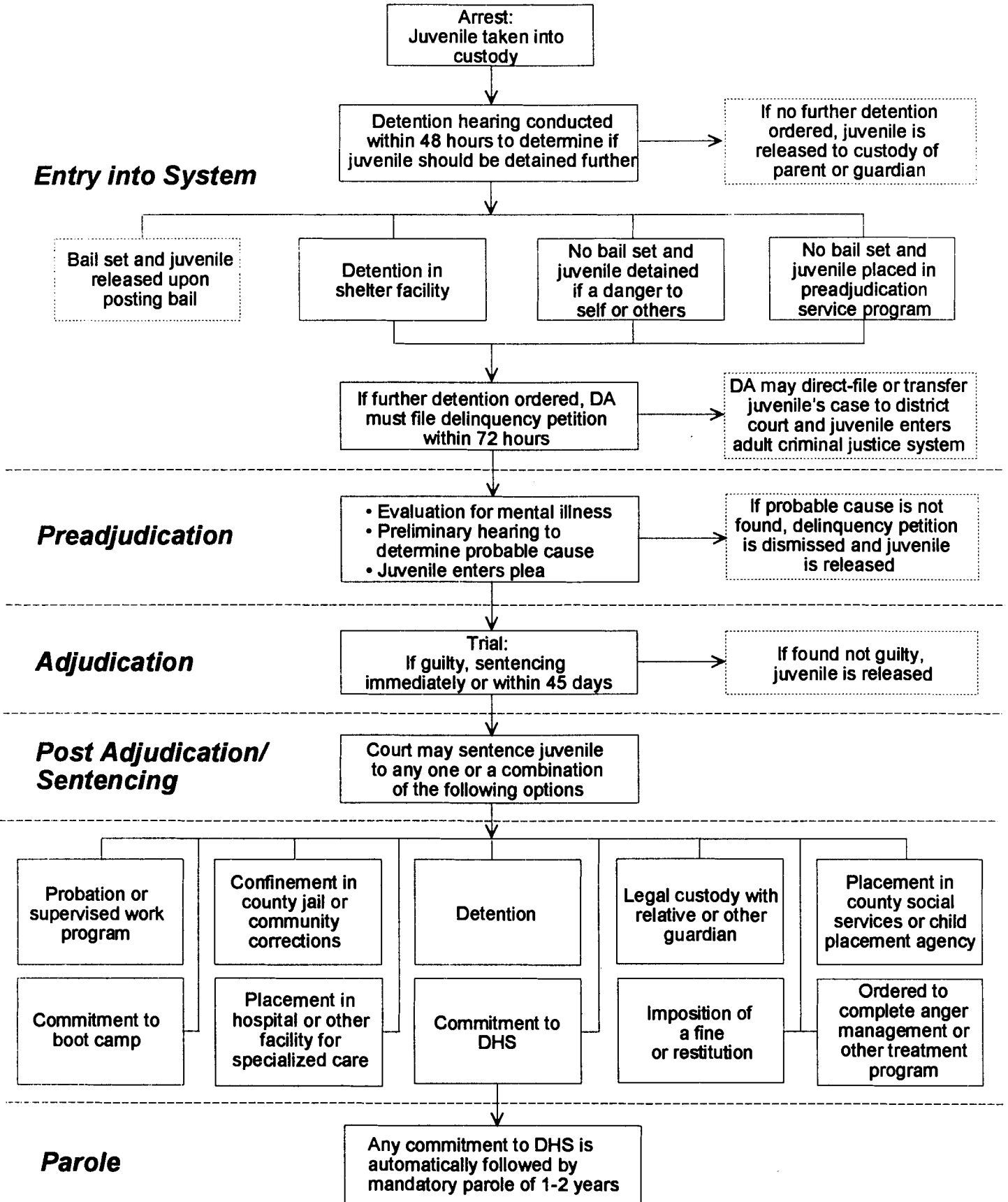
- ***Detention.*** The court may sentence a juvenile to detention if he or she is found guilty of an offense that constitutes a class 3, 4, 5 or 6 felony or a misdemeanor. Detention may not exceed 45 days and is not an option for juveniles adjudicated for class 1 or class 2 felonies. (See Chapter 2.)
- ***Placement of legal custody of juvenile with relative or other guardian.*** The court may place a juvenile in the legal custody of a relative or other guardian and may impose guidelines for that placement, including placing the juvenile on probation.
- ***Probation or supervised work program.*** As a condition of probation, the court may require that a juvenile participate in a supervised work program for up to 180 days. (For further discussion of probation, see Chapter 4.)
- ***Commitment to the Regimented Juvenile Training Program.*** As a condition of probation, the court may sentence a juvenile to the Regimented Juvenile Training Program, or boot camp, under the jurisdiction of the Department of Human Services. DHS determines the appropriateness of the placement, based on available space and an evaluation of the individual. (See Chapter 2.)
- ***Placement of legal custody of the juvenile in the county department of social services or a child placement agency.*** The court may place legal custody of a juvenile in social services or a child placement agency for placement in a family child care home, foster care home, or a child care center. (See Chapter 2.)
- ***Placement of the juvenile in a hospital or other facility for special care.***
- ***Imposition of a fine or restitution.*** Fines of not more than \$300 may be imposed as the only sentence or in addition to any other sentence. The court may also order a juvenile to pay restitution to the victim(s) for the actual amount of any damages caused.
- ***Ordering juvenile to complete an anger management treatment program or other appropriate treatment program.***

Postsentence, Parole

Any commitment to DHS is automatically followed by a mandatory period of parole of at least a year but not more than two years, unless otherwise stipulated by statute. The Division of Juvenile Parole in the Department of Human Services is responsible for supervising all juveniles who have been released on parole from a commitment facility under the jurisdiction of DHS. Juveniles may also apply for parole before fulfilling the terms of their sentence. The Juvenile Parole Board, members of whom are appointed by the Governor, oversees the granting or denying of parole for any juvenile committed to DHS.

Chart 2.1 provides a very broad overview of the flow of juveniles through the juvenile justice system. The text of this report and Title 19, Article 2, of the Colorado Revised Statutes should be consulted for more detailed explanations of each step.

Chart 2.1 Flowchart of Colorado's Juvenile Justice System



Special Offenders

In four types of situations, juveniles are automatically classified as special offenders and subject to harsher penalties. These instances relate to the type of crime committed and/or history of prior adjudication. A juvenile is determined to be a **mandatory sentence offender** if he or she is adjudicated delinquent or has probation revoked for a delinquent act and has also been previously adjudicated twice or has previously had probation revoked for a delinquent act. A **repeat juvenile offender** is one who has been previously adjudicated a juvenile delinquent and is adjudicated a delinquent or has probation revoked for an act that constitutes a felony. A **violent juvenile offender** is one who is adjudicated a juvenile delinquent for an act that constitutes a crime of violence. An **aggravated juvenile offender** is a juvenile that is adjudicated delinquent or has probation revoked for an act that constitutes a class 1 or class 2 felony or unlawful sexual behavior. Juveniles are also deemed to be aggravated juvenile offenders if previously adjudicated delinquent for an act that constitutes a felony and are subsequently adjudicated delinquent or have probation revoked for an act that constitutes a crime of violence.

Juveniles adjudicated as special offenders are sentenced as follows:

- **Mandatory sentence offenders** are committed or otherwise placed out of the home for no less than a year, unless the court determines otherwise. Juveniles who are 18 or older on the date of sentencing, but who were younger than 18 when the offense was committed, may be sentenced to county jail or a community correctional facility or program for up to two years.
- **Repeat juvenile offenders** may be sentenced to any one or a combination of the sentencing options outlined earlier, though the court may impose a minimum term of commitment during which the juvenile may not be released without the court's consent.
- **Violent juvenile offenders** are committed or otherwise placed out of the home for not less than a year, unless a juvenile is between the ages of 10 and 12 and the court determines that a lesser sentence would be appropriate. Juveniles who are 18 or older on the date of sentencing, but who were younger than 18 when the offense was committed, may be sentenced to county jail or a community correctional facility or program for up to two years.
- **Aggravated juvenile offenders** are identified as such on the delinquency petition and are automatically subject to increased commitment. Any juvenile adjudicated an aggravated juvenile offender for an offense other than a class 1 felony may be sentenced to DHS for up to 5 years. Juveniles adjudicated for class 1 felonies may be committed for up to 7 years.

Direct File and Transfer Hearing Procedures

If a juvenile meets certain qualifications, the district attorney may decide to file the case directly in district court, subjecting the juvenile to sentencing as an adult. This process is discussed in Chapter 4.

Chapter 3

DEPARTMENT OF HUMAN SERVICES

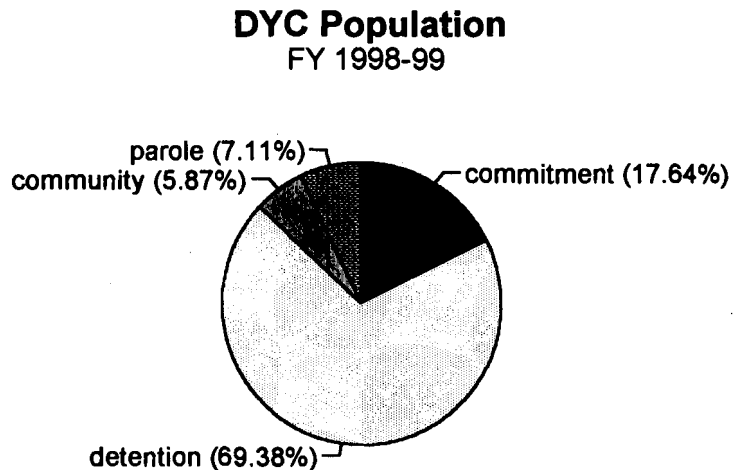
The Department of Human Services (DHS) oversees three divisions responsible for various components of the juvenile justice system: the Division of Youth Corrections (DYC), the Division of Juvenile Parole, and the Division of Child Welfare Services. Youths between the ages of 10 and 17 who are tried as juveniles and found guilty typically are sentenced to the DYC. Any commitment to DHS is automatically followed by a mandatory period of parole of at least a year, supervised by the Division of Juvenile Parole. The Division of Child Welfare Services provides specialized services to youths under the age of 18, including adjudicated delinquents.

DIVISION OF YOUTH CORRECTIONS

The DYC is responsible for managing both state-operated and privately contracted residential facilities and for overseeing community alternative programs that serve and treat youths who have demonstrated delinquent behavior. The three major categories of services provided by the division include commitment, detention, and community services, including parole. Juveniles sentenced to the DYC may be sentenced either to commitment or detention. Commitment is a court-ordered transfer of legal custody to the Department of Human Services following an adjudicatory hearing on charges of delinquency by a youth. Detention is typically for less serious offenses and entails confinement to a detention facility or boot camp.

DYC Population

A total of 9,889 youths were served by the DYC during FY 1998-99: 8,924 in detention and 2,269 in commitment (some youths were in both detention and commitment programs during the year, which is why the totals do not match). An additional 755 juveniles were in community residential programs and 914 were on parole. The average daily population in all DYC programs during the year was 2,080. The average length of stay was 15.6 months for the commitment population and 14.6 days for the detention population.



Over the past ten years, the percentage of the total youth population receiving commitment sentences has steadily grown, while the percentage receiving detention sentences peaked in FY 1993-94 and FY 1994-95 and has decreased slightly since. Table 3.1 shows a ten-year history of the total population of youths age 10 to 17 and the numbers of juvenile arrests, delinquency filings, commitment sentences, and detention sentences. As the table shows, in FY 1998-99, 0.19 percent of the total population of youths age 10 to 17 received commitment sentences and 3.2 percent received detention sentences.

Table 3.1
Number of Arrests, Delinquency Filings, Commitments, and Detention Sentences as Compared to Total Youth Population, FY 1989-90 through FY 1998-99

Year	Total youth population	Number of arrests	Number of delinquency filings	Number of new commitments	% of total population	Number of detentions	% of total population
FY 89-90	355,879	48,403	11,039	509	.14%	10,333	2.9%
FY 90-91	369,413	51,884	10,710	543	.15%	11,402	3.1%
FY 91-92	383,677	54,626	12,718	607	.16%	11,988	3.1%
FY 92-93	399,305	53,595	11,911	542	.14%	12,388	3.1%
FY 93-94	414,480	55,012	12,570	552	.13%	16,197	3.9%
FY 94-95	428,844	56,199	15,175	606	.14%	16,638	3.9%
FY 95-96	441,891	59,884	17,577	693	.16%	13,858	3.1%
FY 96-97	454,013	60,755	19,063	762	.17%	14,652	3.2%
FY 97-98	463,655	70,710	19,214	781	.17%	15,428	3.3%
FY 98-99	471,949	69,650	18,395	878	.19%	15,212	3.2%

Source: Colorado Division of Youth Corrections, Management Reference Manual, Fiscal Year 1998-1999

Commitment

The DYC operates six state commitment facilities in Grand Junction, Golden, Greeley, Englewood, Lakewood, and Colorado Springs and contracts with over 40 private facilities, both in-state and out, for additional commitment beds. There are five components to DYC commitment services: assessment; orientation; intensive secure programs; medium care programs; and community programs.

The DYC is required by law to perform a diagnostic *assessment* of each committed juvenile within 30 days in order to develop treatment plans and determine appropriate placement. DYC assessment services are provided at five locations.

The **orientation** program, which first began in July 1996, is a 45-75 day privately-operated program at Lookout Mountain Youth Services Center in Golden. The goal is to prepare juveniles for the next phase of their commitment by focusing on improving attitudes and fostering willingness to change. The program consists of two phases: all youths committed to the DYC must participate in Phase I, which lasts approximately 21 days. Depending upon performance and attitude, youths may spend an additional 24 to 54 days in Phase II.

Programs for juveniles who commit the most serious offenses are provided at two state-operated **intensive secure facilities**, the Lookout Mountain Youth Services Center in Golden and the Grand Mesa Youth Services Center in Grand Junction. In addition, DYC contracts with privately-operated facilities for intensive secure programs. Intensive secure facilities offer specialized programming and typically serve the most serious violent offenders, sex offenders, and juveniles with serious mental health and substance abuse problems. Among the specialized services offered at Lookout Mountain are: substance abuse treatment; intensive mental health services; and educational services, including remediation, GED preparation, and extensive vocational programming. About 75 percent of the juveniles at Lookout Mountain require special education services, which are provided as needed.

Juveniles who are assessed to be less serious offenders than those targeted for intensive secure placement but who are in greater need of supervision than provided in a community setting are placed in a **medium care facility**. These services are provided at two state-operated facilities. In addition, the DYC contracts with six privately-operated facilities for medium care placement.

Finally, the DYC contracts with a number of private vendors to provide **community-based programs** to low-risk juveniles and those transitioning from more secure programs. These programs include both residential care and foster care programs.

Detention

Detention facilities house youths who are awaiting trial and youths who receive a short-term sentence of up to 45 days as a condition of probation or due to contempt of court. The DYC operates eight secure detention centers located in Denver, Englewood, Lakewood, Greeley, Adams County, Colorado Springs, Pueblo, and Grand Junction. In addition, the DYC contracts for the operation of an 80-bed Regimented Juvenile Training Program (boot camp) and also contracts for an additional 80 detention beds. Youths held in detention may be grouped into three categories:

- ▶ **Preadjudicated**, or pre-trial, juveniles are held in detention pending a court hearing.
- ▶ **Sentenced** juveniles are those that have received a court sentence of up to 45 days in detention.
- ▶ **Committed** juveniles have been adjudicated and committed to the custody of the DYC. Two types of committed youth may be in a detention facility. A return commitment is a youth currently serving a commitment sentence but awaiting court action on a new offense. A committed-awaiting-placement juvenile is one who is waiting in a detention facility for a commitment bed.

Regimented Juvenile Training Program

The Regimented Juvenile Training Program was created during the 1993 special legislative session as a condition of probation. The program consists of two phases: Phase I is a 60-day military style boot camp located on the grounds of the Colorado Mental Health Institute in Pueblo and administered by the DYC through a private contractor. Phase II is an aftercare program administered by the Judicial Department. The average length of the aftercare program is 80 days, though many juveniles remain on probation once they have completed the aftercare program. Aftercare services include: urinalysis testing; electronic home monitoring; tracking; employment and education services; drug/alcohol treatment; skill building classes; family treatment services; mental health services; and day treatment services.

An evaluation of three boot camps around the country performed by the federal Office of Juvenile Justice and Delinquency Prevention indicated that boot camp participants showed gains in academic achievement and employability, but that recidivism was not lowered as a result of a sentence to boot camp. The study showed that boot camps are cost-effective when used as an alternative to commitment, but not when used as an alternative to probation; the analysis concluded that this result is probably due to the fact that boot camp sentences are shorter than regular commitment sentences. A cost analysis performed on the Regimented Juvenile Training Program speculates that approximately \$420,000 was saved due to its existence; again, however, this savings was primarily due to the shorter length of the boot camp sentence.

Senate Bill 91-94 Programs

Senate Bill 91-94, signed into law on June 5, 1991, authorized the creation of local judicial district-based programs designed to provide alternatives and sentencing options for preadjudicated and adjudicated youths who would normally access the DYC system. By FY 1993-94, SB94 programs had been implemented in all 22 judicial districts. The main goal of the SB94 initiative has been to reduce the populations of juveniles in detention and commitment. Funds are allocated to each judicial district by the Department of Human Services based on a formula that includes the proportion of youths ages 10 to 17, juvenile arrests, probation intakes, and the number of new commitments to the department.

Local SB94 programs currently serve about 13,000 juveniles a year. Average daily population in FY 1998-99 for SB94 programs was 3,445. Some programs work to reduce delinquent populations by diverting youths that would otherwise be admitted into DYC facilities or by reducing the length of stay for youths placed in DYC facilities. Other programs target juveniles at risk of detention.

DYC Capacity

Table 3.2 shows FY 1999-00 appropriated capacities for all state facilities and total capacities for contract and private DYC facilities. It also indicates where each state facility is located and what type of service it provides.

**Table 3.2
DYC Facilities and Capacities**

Facility	Location	Facility Type	FY 1999-00 Appropriated Capacity
State Facilities:			
Adams Youth Services Center	Adams County	Detention	24.0
Gilliam Youth Services Center	Denver	Detention	78.0
Grand Mesa Youth Services Center	Grand Junction	Detention/Commitment/ Assessment	64.0
Lookout Mountain Youth Services Center	Golden	Commitment	162.0
Platte Valley Youth Services Center	Greeley	Detention/Commitment/ Assessment	132.0
Spring Creek Youth Services Center	Colorado Springs	Detention/Assessment	110.0
Marvin Foote Youth Services Center	Englewood	Detention/Commitment/ Assessment	118.0
Mount View Youth Services Center	Lakewood	Detention/Commitment/ Assessment	106.0
Pueblo Youth Services Center	Pueblo	Detention	39.0
Zebulon Pike Youth Services Center	Colorado Springs	Commitment	40.0
Subtotal State Facilities:			873.0
Contract Facilities (7):		Detention/Commitment	249.2
Privately Owned Facilities (61):		Detention/Commitment	771.4
Grand Total Residential Capacity			1,893.6

Source: Colorado Department of Human Services FY 2000-01 Budget Request

Recidivism

Data on recidivism are useful in determining whether the system is successful in preventing adjudicated juvenile offenders from committing additional crimes while already in the system as well as preventing them from reentering the system once they have completed their original sentence. The Division of Youth Corrections (DYC) collects data on both pre-release recidivism and post-release recidivism. Pre-release recidivism is defined as a filing for a new felony or misdemeanor offense committed prior to discharge from the DYC. Post-release recidivism is defined as a filing for a new felony or misdemeanor offense committed within one year following discharge from the DYC. The latest data available are from a December 1999 report that details outcomes of juveniles committed to the DYC and discharged in FY 1996-97.

To obtain data on pre-release recidivism, a sample of 352 juveniles committed to DYC between July 1 and December 31, 1996 was tracked throughout their commitment sentences, including parole. Out of the 352, 25.3 percent had a new misdemeanor or felony offense during their commitment or parole that resulted in a court filing. Twenty-two percent of the youth were on parole when they committed the new offense.

Rates of post-release recidivism were obtained by tracking youths discharged from DYC in FY 1996-97 and assessing the number of new court filings within one year of discharge. Of 591 youths, 36.4 percent had a filing for a new misdemeanor or felony offense within one year of discharge. The rate of recidivism for males, 37.9 percent, was considerably higher than the rate for females, 18.8 percent. By ethnicity, Anglo (35.5 percent), African American (36.8 percent), and Hispanic/Latino (38.4 percent) youths all had similar rates of recidivism. Youths who were working or in school at the time of discharge were less likely to recidivate.

Over the past five years, the rate of post-release recidivism has remained relatively constant. Table 3.3 shows the rates of recidivism of the youths discharged from the DYC between FY 1992-93 and FY 1996-97.

Table 3.3
Recidivism Rates of Youths Discharged from the DYC

Year	Rate of Recidivism
FY 1992-93	34.5%
FY 1993-94	35.7%
FY 1994-95	34.7%
FY 1995-96	35.6%
FY 1996-97	36.4%

Source: Recidivism Evaluation of Committed Youth Discharged in Fiscal Year 1996-97, Colorado Division of Youth Corrections

JUVENILE PAROLE

Any commitment to the Department of Human Services is automatically followed by a mandatory period of parole of at least a year but not more than two years, unless otherwise stipulated by statute. Juveniles may also apply for parole before they have fulfilled the terms of their sentence. The Juvenile Parole Board, members of which are appointed by the Governor, oversees the granting or denying of parole for any juvenile committed to the department. The board may also defer, suspend, or revoke parole or modify the terms and conditions of any parole. If parole is granted, the term of parole supervision must be the longer of a year or the remainder of the juvenile's commitment sentence. However, the Juvenile Parole Board is authorized to extend that term for up to 90 days or to discharge a juvenile prior to the completion of his or her parole period.

The Division of Juvenile Parole in the Department of Human Services is responsible for supervising all juveniles who have been released on parole from a commitment facility under the jurisdiction of DHS. Youths sentenced as adults to the Department of Corrections do not fall under the jurisdiction of DHS. Parole officers in each judicial district are responsible for giving each juvenile on parole the terms and conditions of his or her parole and for helping the juvenile to abide by them. Parolees who violate the terms and conditions of parole are subject to arrest by a parole officer, further court action, and possible revocation of parole.

DYC and Parole Funding

Overall expenditures for DYC and parole are expected to be \$109.9 million in FY 1999-00, which represents about a 250 percent increase over the past ten years. Table 3.4 shows average daily operating costs per client for the DYC over the last four years. It is important to note that costs decrease as new and more efficient state-operated detention and commitment beds are added to the DYC system.

Table 3.4
DYC Average Daily Costs Per Client

Average Daily Operating Cost*	FY 1997-98 (Actual)	FY 1998-99 (Actual)	FY 1999-00 (Estimate)	FY 2000-01 (Request)
State Facilities:				
Detention	\$135.86	\$124.05	\$132.62	\$133.44
Commitment	\$154.36	\$157.08	\$159.67	\$159.97
Private Contracts:				
Residential	\$124.75	\$125.43	\$156.67	\$172.59
Residential in State Facilities	\$99.02	\$114.29	\$102.64	\$114.82
Parole Services - Average Annual Cost	\$3,312	\$4,818	\$5,664	\$6,503

* Costs are based on capacity figures.

Source: Colorado Department of Human Services Budget Request, FY 2000-01

DIVISION OF CHILD WELFARE SERVICES

The Office of Children, Youth and Families in the Division of Child Welfare Services provides services to children up to 18 years of age, including adjudicated delinquents. Colorado's child welfare system is supervised at the state level and administered at the county level. The state's 63 counties provide child welfare services through their respective county departments of social services. Overall, Child Welfare Services serves a greater number of children than the Division of Youth Corrections and classifies the children it serves into one of three program areas:

- ***Youth in Conflict*** — Children between the ages of 10 and 18 whose behavior is beyond the control of their parents or whose behavior may cause harm to themselves or others. Most adjudicated delinquents placed in Child Welfare Services are classified as Youth in Conflict.
- ***Children in Need of Protection*** — Children of all ages whose physical, mental, or emotional well-being has been harmed or is likely to be harmed due to abuse or neglect. This is the largest of the three program areas.
- ***Children in Need of Specialized Services*** — Children in need of subsidized adoption or Medicaid-only services or those in placement for whom family reunification is not the goal.

Population of Adjudicated Delinquents

For calendar year 1996, a total of 53,757 children were served by Child Welfare Services. Of this number, 27,051 were adolescents, and of the adolescent population, 2,239 were adjudicated delinquents sentenced to probation with Child Welfare Services. Under this sentencing option, the court determines services and treatment options. A youth sentenced to probation with Child Welfare Services will:

- be supervised by a Judicial Department probation officer; and
- receive child welfare services, either in the home or in an out-of-home placement, by a county department of social services caseworker.

According to a recently completed performance audit on Child Welfare Services (August 1998), the Office of the State Auditor found that the number of adjudicated delinquents placed in Child Welfare Services increased approximately 82 percent from 1,229 in 1993 to 2,239 in 1996. By contrast, the number of committed juveniles placed in DYC (not including detention) grew by 8 percent over the same period. Based on a sample of adjudicated delinquents in the child welfare population, the Auditor's report found that the average age was 16 and the average age of entry into the child welfare system was 13. On average, the sample of adjudicated delinquents spent approximately three years in the child welfare system throughout their lifetimes.

Services Provided

In general, an adjudicated delinquent sentenced to probation with Child Welfare Services has had prior involvement with the child welfare system, prior adjudications, and mental health and substance abuse treatment needs. Child Welfare Services provides treatment and services for both the adjudicated delinquent and members of his or her family. These include:

- educational programs
- family preservation services
- transitional services - independent living
- medical treatment
- day treatment
- mental health treatment
- sexual abuse treatment
- substance abuse treatment - juvenile
- substance abuse treatment - family
- life skills - family
- home-based treatment - family
- monetary assistance - family
- intensive family therapy
- sex offender treatment

Costs

Adjudicated delinquents represent a disproportionate share of Child Welfare Services costs. In calendar year 1996, adjudicated delinquents represented 4 percent of the total Child Welfare population, but accounted for 16 percent, approximately \$25 million, of Child Welfare's total budget.

Chapter 4

DEPARTMENT OF CORRECTIONS

Overview

Juveniles may be tried as adults and sentenced to the Department of Corrections (DOC) under certain conditions. A youth that is tried and sentenced as an adult is no longer considered a juvenile; however, this section is included because offenders as young as 12 may be sentenced as adults. Delinquent youths may be processed through the adult system in one of two ways: the district attorney may petition the juvenile court to transfer the proceeding to district court or may direct file a juvenile case into adult court. Under both circumstances, the juvenile is tried as an adult and if convicted may serve his or her time either in an adult prison or in the Youthful Offender System (discussed below). There are five conditions under which the district attorney may direct file a case into the adult district court:

- the juvenile is 14 or older and is alleged to have committed a class 1 or 2 felony;
- the juvenile is 14 or older and is alleged to have committed a crime of violence, used or possessed a firearm or other deadly weapon, or alleged to have committed vehicular homicide;
- the juvenile is 16 or older, has committed a class 3 felony, and has been adjudicated delinquent within the previous two years for an act that constitutes a felony;
- the juvenile is 14 or older, has committed a felony, and has previously been tried as an adult (unless found not guilty for the prior offense);
- the juvenile is 14 or older, has committed a felony, and is determined to be an “habitual juvenile offender,” defined as a youth who has twice previously been adjudicated delinquent for separate offenses that constitute felonies.

If a juvenile does not meet these criteria, but is alleged to have committed a serious offense, the district attorney may request a transfer hearing which gives the juvenile court the power to decide whether the juvenile should be tried in district court. Juveniles as young as 12 years old, though unable to be directly filed, may be transferred to district court if they are alleged to have committed a delinquent act that constitutes a class 1 or 2 felony or a crime of violence. Juveniles 14 years old or older may be subject to a transfer to the district court if alleged to have committed a delinquent act that constitutes a felony. In other cases, the juvenile court uses its discretion in determining whether it would be in the best interests of the juvenile or of the community to transfer a juvenile to the district court.

If a juvenile is tried as an adult, he or she is sentenced either to prison or to the Youthful Offender System (YOS). However, a juvenile convicted of a class 1 felony, any sexual offense, or a second or subsequent offense for which he or she was previously sentenced to the DOC is ineligible for the Youthful Offender System.

Prison

In FY 1997-98, 22 offenders under the age of 18 were admitted to adult prisons, 21 males and one female. The majority of these offenders (13) were 17 years of age upon admission, six were 16 years old, two were 15, and one was 14. Table 4.1 shows the offenses these 22 juveniles committed along with the sentences they received.

Table 4.1
Offenses and Sentences for the 22 Juveniles Admitted to Adult Prison,
FY 1997-98

Felony Class	Offense	Number of Offenders	Average Sentence (Years)*
1	First Degree Murder	3	Life - No Parole
2	Attempted First Degree Murder	2	16.0
2	Second Degree Murder	2	56.0
2	Second Degree Kidnapping	1	58.0
3	First Degree Assault	2	15.5
3	Attempted First Degree Sexual Assault	1	22.0
3	First Degree Arson	1	12.0
3	Endangering Public Transportation	1	12.0
3	Escape	1	6.0
4	Second Degree Sexual Assault	3	6.5
4	Sexual Assault on a Child	1	7.0
4	Second Degree Assault	1	8.0
4	Theft Under \$15,000	1	4.0
5	Attempted Second Degree Assault	1	3.0
5	Menacing	1	3.0

* Sentences do not include mandatory period of parole.

Source: Colorado Department of Corrections

Youthful Offender System

The Youthful Offender System (YOS) was created in the Department of Corrections during the 1993 special session and began accepting inmates in March 1994. It was designed to provide an additional sentencing option focused on rehabilitation for youthful offenders convicted of violent crimes. Eligible juveniles are those between the ages of 14 and 18 (under 19 at time of sentencing) who are direct-filed as adults in the district court and are convicted of violent, weapons-related felonies (classes 2 through 6), except those convicted of a sexual offense or a second or subsequent class 2 through 6 felony. Once convicted, the court sentences the youth into the adult DOC system, but may suspend that sentence pending successful completion of a commitment to the YOS. Juveniles are sentenced to YOS for two to seven years, including a mandatory 6-12 months in a closely supervised community aftercare program. Juveniles who are unsuccessful in the YOS are

transferred back to the adult DOC system where they must resume their suspended adult commitment. Corresponding adult sentences for YOS offenders are on average nearly three times longer than YOS sentences and can extend to 30 or more years. Since the YOS was created, a total of 525 juveniles had been sentenced to the program as of July 1999. Table 4.2 shows the yearly number of YOS admissions since the program first began accepting inmates in 1994.

Table 4.2
Number of YOS Admissions, FY 1993-94 through FY 1998-99

Fiscal Year	Number of New Admissions	Percent Change
1993-94	24	
1994-95	107	346%
1995-96	111	3.7%
1996-97	108	-2.7%
1997-98	89	-17.6%
1998-99	86	-3.4%
Total	525	

Source: Department of Corrections Youthful Offender System, Report of the State Auditor, August 1999

In June 1998, a permanent 300-bed YOS facility was opened on the campus of the Colorado Mental Health Institute in Pueblo. The YOS program involves an assessment phase along with three program phases, beginning with a more secure and confrontational atmosphere and progressing to a less secure community environment. During the intake, diagnostic, and orientation phase, which usually lasts about 30-45 days, juveniles are subjected to comprehensive assessment and pre-screening programs. Phase I, lasting from eight months to five years at the Pueblo facility, involves academic and vocational education and provides a variety of programs designed to break down an individual's gang affiliations and anti-social behavior, including: gang education; physical regimentation; modified therapeutic community; skills of daily living; AIDS education/prevention; self-help groups; drug education; and individual counseling. Phase II lasts approximately three months and includes job development training, pre-vocational experience, and life skills education. Finally, Phase III, upon successful completion of both Phase I and Phase II, involves intensive community supervision which gradually decreases over the course of 6 to 12 months.

Table 4.3 outlines the primary differences between YOS and DYC. The most important difference between the YOS and the DYC is that, while the YOS has predetermined eligibility guidelines for entrance to the program, the DYC has no control over the number or type of youths committed to its system. Thus, the DYC must serve youths who often have serious emotional, physical, and behavioral problems, including sex offenders and youths with mental health needs. Further, since the YOS is contained within the DOC, it is able to transfer unmanageable youth to the more secure facilities and programs in the adult system. The DYC does not possess the ability to transfer youths to the adult system since the original commitment is under the jurisdiction of the juvenile court.

**Table 4.3
Comparison of DYC and YOS**

	Division of Youth Corrections	Youthful Offender System
Age Range at Commitment	10-17 years old	14-17 years old (though juveniles as young as 12 may be transferred to YOS)
Total Capacity	812 beds - state detention and commitment facilities only 1,767 beds - including contract facilities	300 beds
Court Jurisdiction	Juvenile Court: committed to Department of Human Services	District Court: sentenced to Department of Corrections; sentence suspended upon commitment to YOS
Commitment Sentence Ranges	mandatory and violent offenders: no less than 1 year; aggravated offender: up to 7 years	2-7 years, with 6- to 12-month period of community supervision
Education Services	special education; vocational training; GED; employment skills training	regular academics; adult basic education; GED; vocational training; institutional employment
Program Services	case management; substance abuse; anger management; sex offender treatment; individual and group counseling	gang education; substance abuse treatment; living skills; physical regimentation; relapse prevention; positive peer culture
Community Placement/Release Decision	Community Review Boards/Juvenile Parole Board	DOC maintains placement control
Consequence for Program Failure	DYC could petition Juvenile Court for two-year extension of commitment	YOS could petition District Court for revocation to DOC to serve original sentence

Source: Joint Budget Committee staff

YOS Funding

Table 4.4 shows total YOS funding over the past four years.

Table 4.4
YOS Funding, FY 1996-97 Through FY 2000-01

Fiscal Year	Appropriation	Percent Change
1996-97 (actual)	\$7,953,843	
1997-98 (actual)	\$9,113,425	14.6%
1998-99 (actual)	\$10,587,941	16.2%
1999-00 (appropriation)	\$9,940,399	-6.1%
2000-01 (request)	\$11,610,524	16.8%

Source: Colorado Department of Corrections FY 2000-01 Budget Request

Chapter 5

COLORADO JUDICIAL BRANCH – JUVENILE PROBATION

Regular Probation

Probation departments in each of the state's 22 judicial districts are responsible for both adult and juvenile probation. Typically, juveniles are placed on probation if the court determines that a harsher sentence is unnecessary, though a commitment or detention sentence of not more than 45 days may be imposed as a condition of probation. Each juvenile placed on probation is obligated to abide by any other individual terms and conditions as specified by the court. However, minimum conditions of probation for all juveniles require that each juvenile:

- not violate the law;
- not consume or possess alcohol or illegal drugs;
- not use or possess a dangerous weapon;
- attend school or work regularly;
- report to a probation officer and likewise allow the probation officer to visit regularly;
- stay within the jurisdiction of the court; and
- pay any required restitution or other fees as imposed by the court.

The court is entitled to modify the terms and conditions of each juvenile's probation at any time and retains sole authority for releasing juveniles from probation. However, any juvenile that has fully complied with the terms and conditions of his or her probation for two years is automatically released from probation and from court jurisdiction. Juveniles who violate the terms and conditions of probation prior to being released are subject to a court hearing, which may result in modification of the terms and conditions, revocation of probation, or any other action at the discretion of the court. If probation is revoked for a juvenile over the age of 18, the court may sentence him or her to county jail for not more than 180 days.

Over the past ten years, the juvenile probation caseload has grown by approximately 56 percent, from 5,313 in FY 1987-88 to 9,490 in FY 1997-98. The FY 1998-99 caseload decreased slightly to 8,722, but the projection for FY 1999-00 is approximately 9,700. During FY 1997-98, 7,364 juveniles on probation were successfully terminated and 1,310 were deemed unsuccessful due to either revocation or absconson. The success rate for regular probation is approximately 72 percent.

Juvenile Intensive Supervision Program (JISP)

JISP is an additional sentencing option to provide intensive supervision for juveniles who are at high risk of being sentenced to a commitment facility in the future. Eligibility criteria are: 1) a recommended sentence to DHS in the pre-sentence report; 2) probation revocation cases in which a commitment sentence is recommended; 3) placement in detention for more than 72 hours for violation of probation; 4) assessment as high-risk by standardized assessment process. Some of the services provided by JISP include: electronic home monitoring, drug screening, home visits, curfew checks, parent contact, and office and field visits. Additional services based on need include: drug/alcohol evaluation and treatment, vocational rehabilitation, mental health services, employment services, GED and educational services, cognitive skills groups, family services and relapse prevention. The average length of the program is nine months.

A JISP pilot program was first initiated in 1992 and then expanded during the 1993 special session. The program currently exists in 17 judicial districts. During FY 1998-99, JISP provided supervision to 391 juvenile offenders. Approximately 45 percent of those in the JISP program are discharged "successfully."

Chapter 6

SENTENCING PLACEMENTS

Unlike in the adult system, there are no statutory or judicial guidelines for sentencing youths in the juvenile justice system. There are some statutory limitations, but, in general, judges have a number of options and quite a bit of discretion when sentencing adjudicated delinquents. Table 6.1 shows possible sentencing options by age and by type of offense for juveniles age 10 to 18. Youths under 10 years of age can not be adjudicated as delinquents. As the chart indicates, juveniles 12 and older may be prosecuted as adults, though the YOS is prohibited from taking juveniles under 14 years of age. However, 12- and 13-year old youths may be sentenced as adults and sent to the adult prison system. The chart also shows that there are a variety of placements for each type of offense. However, juveniles convicted as adults of a class 1 felony may not be sentenced to the YOS.

Table 6.1
Juvenile Sentencing Options by Age and Type of Offense

Age/Type of Offense		Juvenile Probation	Probation w/ Child Welfare	DYC	YOS	Adult DOC
Age	10	X	X	X		
	11	X	X	X		
	12	X	X	X		X
	13	X	X	X		X
	14	X	X	X	X	X
	15	X	X	X	X	X
	16	X	X	X	X	X
	17	X	X	X	X	X
	18	X	X	X	X	X
Type of Offense	Misdemeanor	X	X	X		
	Class 6 Felony	X	X	X	X	X
	Class 5	X	X	X	X	X
	Class 4	X	X	X	X	X
	Class 3	X	X	X	X	X
	Class 2	X	X	X	X	X
	Class 1	X	X	X		X

Source: Department of Corrections Youthful Offender System, Report of the State Auditor, August 1999

Chapter 7

DEMOGRAPHICS OF JUVENILE OFFENDERS

Overview

Table 7.1 provides a demographic overview of new admissions to DYC commitment and detention facilities in FY 1998-99 and to YOS in FY 1997-98, the most recent data available. Subsequent tables provide more detailed information broken down by placement. As Table 7.1 indicates, the vast majority of new admissions to all three placements were male, and average age upon admission was between 16 and 17. Youth serving sentences in YOS had the longest average length of stay, at 30.4 months; average length of stay in commitment was about half that time, while average length of stay in detention was 14.6 days.

Table 7.1
Overview of Demographics of Juvenile Offenders in
Commitment, Detention, and YOS

Placement	Male	Female	Total	Average Age Upon Admission	Average Length of Stay
Commitment (FY 1998-99)	769	109	878	16.4	15.6 months
Detention (FY 1998-99)	11,657	3,555	15,212	16	14.6 days
YOS (FY 1997-98)	89	0	89	16.6	30.4 months

Division of Youth Corrections

Commitment. Table 7.2 shows demographic characteristics of the population of committed juveniles in the DYC in FY 1998-99. As the table indicates, the majority of new commitments were male and between the ages of 15 and 17. By ethnicity, the highest percentage (46.7 percent) of new commitments was Anglo-American. Average daily population of all committed youth was 1,112.2 and the average length of stay was 15.6 months.

Table 7.2
Division of Youth Corrections
Demographic Characteristics of Commitment Population, FY 1998-99

Demographic Characteristic	Number of New Commitments	Percent	Average Daily Population	Residential Length of Stay (Months)
Gender				
Male	769	87.6%	992.6	16.0
Female	109	12.4%	119.6	12.7
Total	878	100.0%	1,112.2	15.6
Ethnicity				
Anglo-American	410	46.7%	541.0	15.7
African-American	144	16.4%	188.0	16.4
Hispanic/Latino	297	33.8%	347.7	15.2
Native American	14	1.6%	12.5	13.7
Asian-American	4	0.5%	8.3	13.8
Other	9	1.0%	14.7	16.5
Age				
12	3	0.3%	0.4	18.7
13	37	4.2%	9.4	20.6
14	84	9.6%	35.7	19.3
15	174	19.8%	94.5	17.1
16	266	30.3%	210.1	15.3
17	278	31.7%	313.2	13.4
18	32	3.6%	305.7	12.7
19	3	0.3%	116.5	11.1
20	1	0.1%	24.7	5.1
21	0	0.0%	2.1	0.0
Average Age at Commitment	16.4			

Source: Colorado Division of Youth Corrections Management Reference Manual, December 1999

Detention. Table 7.3 shows demographic characteristics of detained youth in the DYC during FY 1998-99. The majority of new admissions were male and were between the ages of 13 and 17. Again, Anglo-Americans comprised the highest proportion of new admissions, at 45.8 percent. The total average daily population in detention was 602.4 and the average length of stay was 14.6 days.

Table 7.3
Division of Youth Corrections
Demographic Characteristics of Detention Population, FY 1998-99

Demographic Characteristic	Number of New Admissions	Percent	Average Daily Population	Length of Stay (Days)
Gender				
Male	11,657	76.6%	495.1	15.7
Female	3,555	23.4%	107.4	10.8
Total	15,212	100.0%	602.4	14.6
Ethnicity				
Anglo-American	6,967	45.8%	266.0	15.1
African-American	2,297	15.1%	90.3	14.6
Hispanic/Latino	5,440	35.8%	206.8	13.9
Native American	170	1.1%	7.0	14.7
Asian-American	126	0.8%	4.9	14.8
Other	212	1.4%	7.4	12.7
Age				
10	25	0.2%	0.6	11.8
11	90	0.6%	2.5	9.3
12	331	2.2%	11.4	12.2
13	1,046	6.9%	38.3	13.6
14	2,094	13.8%	82.0	14.7
15	3,299	21.7%	135.6	15.2
16	3,865	25.4%	153.9	14.5
17	4,195	27.6%	162.3	14.2
18	210	1.4%	12.5	21.4
19	51	0.3%	3.3	26.7
20	6	0.0%	0.0	2.2
Over 20	0	0.0%	0.0	0.0
Average Age at Admission	16.0			

Source: Colorado Division of Youth Corrections Management Reference Manual, December 1999

Youthful Offender System

Table 7.4 shows demographic characteristics of youth admitted to the YOS during FY 1998-89. As the table indicates, 84 of the 86 new admissions were male, and the highest percentage were Hispanic youth who were between the ages of 16 and 18 upon admission. The vast majority (82.5 percent) were convicted of a class 3 or class 4 felony. Average time served for the 69 juveniles discharged from the YOS in FY 1997-98 was 30.4 months.

**Table 7.4: Youthful Offender System
Demographic Characteristics, FY 1998-99**

Demographic Characteristic	Number of Admissions	Percent
Gender		
Male	84	97.7
Female	2	2.3
Total	86	100.0
Ethnicity		
Hispanic	42	48.8
Anglo	20	23.3
African-American	22	25.6
Other	2	2.3
Age		
14	1	1.2
15	6	7.0
16	20	23.2
17	31	36.0
18	27	31.4
19	1	1.2
20	0	0.0
Felony Class		
1	0	0.0
2	1	1.2
3	39	45.3
4	32	37.2
5	14	16.3
6	0	0.0

Source: Colorado Department of Corrections, Youthful Offender System Annual Report, January 2000

Chapter 8

JUVENILE OFFENDER POPULATION PROJECTIONS

This chapter presents projections of the juvenile offender population in Colorado. Influences on the juvenile population and the projected number of available beds are also discussed. All of the information in this chapter is taken from the Legislative Council Staff's December 1999 juvenile population forecasts.³

DYC Population

Table 8.1 shows both historical and projected average daily populations for both committed and detained youth in the DYC. As the table indicates, the total average daily population has nearly tripled in the last 15 years, from 604.5 in FY 1983-84 to 1,730.5 in FY 1998-99. The table also shows that average daily populations in commitment and detention are expected to continue to increase. By FY 2004-05, the total DYC population is projected to increase another 35.9 percent, to 2,350.8.

Table 8.1
Division of Youth Corrections
Commitment and Detention Populations, Historic and Projected

Fiscal Year	Commitment		Detention		Total Population	
	Average Daily Population	Percent Change	Average Daily Population	Percent Change	Average Daily Population	Percent Change
1983-84	439.0		165.5		604.5	
1984-85	448.0	2.1%	165.6	0.1%	613.6	1.5%
1985-86	435.0	-2.9%	172.2	4.0%	607.2	-1.0%
1986-87	400.0	-8.0%	178.8	3.8%	578.8	-4.7%
1987-88	412.0	3.0%	190.2	6.4%	602.2	4.0%
1988-89	438.0	6.3%	231.3	21.6%	669.3	11.1%
1989-90	521.9	19.2%	276.6	19.6%	798.5	19.3%
1990-91	580.6	11.2%	309.4	11.9%	890.0	11.5%
1991-92	601.6	3.6%	344.5	11.3%	946.1	6.3%
1992-93	673.5	12.0%	340.7	-1.1%	1,014.2	7.2%
1993-94	681.7	1.2%	399.0	17.1%	1,080.7	6.6%
1994-95	735.6	7.9%	487.1	22.1%	1,222.7	13.1%

3. "Juvenile Incarcerated Population Projections," Colorado Legislative Council Staff, December 1999.

Fiscal Year	Commitment		Detention		Total Population	
	Average Daily Population	Percent Change	Average Daily Population	Percent Change	Average Daily Population	Percent Change
1995-96	861.4	17.1%	425.7	-12.6%	1,287.1	5.3%
1996-97	987.9	14.7%	442.9	4.0%	1,430.8	11.2%
1997-98	1,050.1	6.3%	514.7	16.2%	1,564.8	9.4%
1998-99	1,165.3	11.0%	565.2	17.0%	1,730.5	10.6%
Forecast Period						
1999-00	1,235.7	6.0%	611.8	8.2%	1,847.5	6.8%
2000-01	1,285.1	4.0%	658.1	7.6%	1,943.2	5.2%
2001-02	1,340.9	4.3%	695.6	5.7%	2,036.5	4.8%
2002-03	1,400.2	4.4%	736.9	5.9%	2,137.1	4.9%
2003-04	1,460.7	4.3%	781.8	6.1%	2,242.5	4.9%
2004-05	1,521.4	4.2%	829.5	6.1%	2,350.9	4.8%

Source: "Juvenile Incarcerated Population Projections," Legislative Council Staff, December 1999

According to our projections, the expected growth in the detention population will result in a shortfall of 215.5 detention beds by FY 2004-05. A shortfall of 5.7 commitment beds is projected for FY 2000-01; however, a new 500-bed commitment facility is planned for construction and is expected to produce a surplus of 258 commitment beds by FY 2004-05.

Youthful Offender System

Table 8.2 shows historical and projected population information for YOS. As the table indicates, admissions to YOS have decreased slightly over the past four years. In addition, the number of releases has surpassed the number of admissions in the past two years. However, average length of stay is expected to increase slightly over the forecast period, decreasing the number of releases and increasing the total population. By the end of FY 2004-05, the YOS population is expected to increase to 326. YOS admissions are also projected to increase from 86 in FY 1998-99 to 128 in FY 2004-05, a compound average annual growth rate of 6.8 percent.

Table 8.2
Youthful Offender System
Admissions and Total Population, Historic and Projected

Year	Total Admissions	Percent Change	Total Population at Fiscal Year End	Percent Change
FY 1995-96	107		220	
FY 1996-97	105	-1.9%	276	25.5%
FY 1997-98	89	-15.2%	298	8.0%
FY 1998-99	86	-3.4%	292	-2.0%
Forecast Period				
FY 1999-00	98	6.7%	297	1.7%
FY 2000-01	103	5.3%	302	1.7%
FY 2001-02	108	5.3%	307	1.8%
FY 2002-03	114	5.5%	313	1.9%
FY 2003-04	121	5.7%	319	1.9%
FY 2004-05	128	5.8%	326	2.0%

Source: "Juvenile Incarcerated Population Projections," Legislative Council Staff, December 1999

Factors Affecting the Juvenile Offender Population

We took a variety of factors into consideration in projecting future juvenile offender population growth. The influences examined include: demographic factors, the rate of juvenile delinquency, economic factors, Senate Bill 91-94 programs, and legislative policy decisions.

Demographic factors. Colorado's population of youths aged 10 to 17 years old has historically grown at an average annual rate of 2.8 percent since FY 1992-93. However, that rate is slowing down and the state's juvenile population is projected to increase at an average annual rate of only 1.4 percent during the forecast period.

Juvenile delinquency. The rate of juvenile delinquency is expected to increase at a slower rate than in past years. The two main proxies for delinquent activity, numbers of juvenile arrests and juvenile delinquency filings, both decreased in FY 1998-99, by 1.5 percent and 4.3 percent respectively.

Economic factors. Increased employment opportunities for youths tend to reduce juvenile delinquency; therefore, economic growth in the state is projected to decrease the numbers of juvenile offenders.

Senate Bill 91-94 programs. As described in Chapter 3, Senate Bill 91-94 programs are designed to provide alternatives to commitment and detention for delinquent youths. We incorporated the diversionary effect of these programs into the juvenile offender population projections.

Legislative policy influences. Changes in state law also influence the juvenile offender population. Increased sentence lengths for both commitment and detention have affected average lengths of stay, which increases the total juvenile offender population. In addition, policy changes such as mandatory parole and increases in statewide detention capacity have had an impact on the juvenile offender population.

Chapter 9

RECENT LEGISLATIVE ACTIVITY

This chapter provides a summary of recent legislation concerning juvenile justice. Major bills that have been signed into law since the 1993 special session are outlined by category.

General/Administrative

HB 96-1005: Juvenile justice. Relocates provisions concerning juvenile justice to the “Colorado Children’s Code” and makes numerous amendments.

Juvenile Crime

HB 93S-1001: Possession of handguns by juveniles. Makes it illegal for juveniles under the age of 18 to possess a handgun, unless it is being used for hunting or firearms instruction. The bill also prohibits adults from providing juveniles with firearms and establishes a minimum sentence of five days in jail for a juvenile's first offense. Subsequent offenses are punishable as class 5 felonies.

Court Records

SB 93S-8: Availability of juvenile delinquency court records to public. Makes public all basic identification information contained in the court records of juveniles charged with class 1, 2, 3, or 4 felonies.

HB 94-1141: Juvenile proceedings requirements. Increases public access to juvenile arrest and criminal records. Requires that any juvenile held for criminal charges as an adult be segregated from the adults in the facility.

HB 96-1017: Children’s Code: information management. Among other provisions, allows the victim to have access to juvenile delinquency court records. Permits the complaining party to have access to law enforcement records related to a juvenile delinquency case upon authorization by the prosecuting attorney.

SB 99-50: Sentencing serious offenders. Requires the juvenile presentence investigation on certain juvenile sex offenders to include the juvenile’s prior criminal and delinquency record.

Facilities

HB 98-1385: *Catchment areas for juvenile facilities.* Establishes geographical catchment areas for juvenile detention facilities and requires that, if possible, juveniles be sentenced to a detention facility located within the judicial district in which the offense was committed.

SB 99-18: *Art in juvenile facilities.* Reduces from 1 percent to 0.1 percent the minimum percentage of capital construction appropriations for juvenile facilities that must be used for art. Requires that the money be used for materials to allow juveniles housed by the Department of Human Services to create works of art for juvenile facilities.

Filing of Charges

SB 93S-9: *Juveniles filed with criminal charges.* Allows juveniles between the ages of 14 and 17 who are charged with a class 1 or 2 felony to be direct filed as adults. The bill also allows direct filing for juveniles 14 or older who have committed any crime of violence or for juveniles ages 16 and 17 who have been convicted of a class 3 felony and have been adjudicated delinquent for a felony within the past two years. Creates the Youthful Offender System.

SB 94-155: *Direct filing of charges in district court.* Establishes the category of "habitual juvenile offenders" and stipulates that they may be direct-filed as adults and sentenced to the Youthful Offender System.

Sentencing Options for Juveniles

HB 97-1126: *Committing juveniles for felonies.* Provides that any juvenile who is 12 years old or older and who is adjudicated for any class of felony, but is not adjudicated as an aggravated juvenile offender, may be committed to the Department of Human Services. Provides that any juvenile who is 10 or 11 years old and who is adjudicated for a class 1, 2, or 3 felony, but is not adjudicated as an aggravated juvenile offender, may be committed to the Department of Human Services.

HB 99-1094: *Aggravated juvenile offenders.* Requires aggravated juvenile offenders adjudicated for a class 2 felony to be committed to the Department of Human Services for at least three but not more than five years. Requires aggravated juvenile offenders adjudicated for a class 1 felony to be committed to DHS for at least three but not more than seven years.

Regimented Juvenile Training Program

HB 93S-1005: *Regimented Juvenile Training Program.* Charges the Department of Institutions (now the Department of Human Services) with developing and implementing a three-phase Regimented Juvenile Training Program (boot camp) and allows the court to sentence juveniles 12 years or older to up to 45 days in the program.

SB 95-171: Juvenile boot camp. Prohibits a court from imposing any other sentence when it sentences a juvenile to the Department of Human Services with a recommendation that the juvenile be required to participate in the Regimented Juvenile Training Program.

SB 96-137: Juvenile boot camp. Authorizes a court to sentence a juvenile directly to the Regimented Juvenile Training Program as a condition of probation rather than sentence the juvenile to the Department of Human Services with a recommendation that the juvenile participate in boot camp.

SB 97-50: Juvenile boot camp. Instructs the Department of Human Services and the Judicial Department to implement selection guidelines for the Regimented Juvenile Training Program that exclude lower-risk juveniles from participation.

Youthful Offender System

SB 93S-9: Juveniles filed with criminal charges. Allows juveniles between the ages of 14 and 17 who are charged with a class 1 or 2 felony to be direct filed as adults. The bill also allows direct filing for juveniles 14 or older who have committed any crime of violence or for juveniles ages 16 and 17 who have been convicted of a class 3 felony and have been adjudicated delinquent for a felony within the past two years. Creates the Youthful Offender System.

SB 94-155: Direct filing of charges in district court. Establishes the category of “habitual juvenile offenders” and stipulates that they may be direct-filed as adults and sentenced to the Youthful Offender System.

SB 94-201: Youthful Offender System administration. Changes the mandatory sentence to the Youthful Offender System from a 1-5 year determinate sentence to a 2-6 year determinate sentence, with 6-12 months of community supervision during the last 12 months of the sentence. Provides that juveniles who are 19 years old at the time of sentencing may be sentenced to the Youthful Offender System. Makes other changes regarding the Youthful Offender System.

SB 99-130: Juvenile laws. Allows certain juveniles who are convicted of class 2 felonies to be sentenced to the Youthful Offender System. Extends the potential length of sentence to seven years. Makes other changes concerning juvenile justice.

Alternative Sentencing Options

HB 93S-1004: Supplemental appropriation to Department of Public Safety. Appropriates funds to the Division of Criminal Justice in the Department of Public Safety for the administration of youth diversion programs.

HB 96-1363: *Alternative services for juveniles.* Authorizes a judge to sentence a juvenile to alternative community services. Allows a judge to sentence a juvenile to up to 45 days detention only if the juvenile is failing to make satisfactory progress in alternative community services or if a sentence to alternative services would be contrary to the community interest.

HB 97-1247: *Teen courts.* Authorizes municipal courts, the juvenile court for the City and County of Denver, or any district court to establish a teen court program as an alternative sentencing program for teenagers charged with minor offenses.

Restorative Justice/Rehabilitation

HB 99-1156: *Restorative justice for juvenile justice system.* Specifies that it is the intent of the General Assembly to restore public safety by providing the opportunity to bring together affected victims, the community, and juvenile offenders for restorative purposes in certain juvenile cases.

HB 99-1173: *Educational requirements for youthful offenders.* Authorizes parole boards and courts to require adjudicated juveniles to attend school or an education program or to work toward the attainment of high school diploma or a GED as a condition of parole or probation.

Parents/Families

HB 93S-1002: *Parents required to attend legal proceedings.* Requires parents or guardians of alleged juvenile offenders to appear at all court hearings, subject to contempt of court.

SB 94-192: *Family preservation for juvenile offenders.* Provides for two urban and one rural judicial districts to participate in a pilot program for the provision of intensive family preservation services for certain juveniles. Requires the Department of Corrections to develop a similar program for juveniles who have successfully completed the institutional phase of the Youthful Offender System.

SB 95-152: *Juvenile sentencing.* Authorizes a sentencing court to require a juvenile's parent or guardian to assist the juvenile in a supervised work program as a condition of probation, to perform volunteer community service with the juvenile, or to attend a parental responsibility training program with the juvenile.

HB 95-1043: *Liability cap for parents.* Raises the maximum amount of damages recoverable against parents for the acts of their minor children from \$3,500 to \$5,000.

Chapter 10

WHAT ARE OTHER STATES DOING?

State Initiatives

Juvenile crime and justice continue to be top priorities around the country, particularly in light of the recent incidents of school violence. Most states have recently passed legislation that addresses juvenile justice in some manner and more than a dozen states have legislated major juvenile justice system reform initiatives. Many states have created task forces or special committees to study the issue and make recommendations. This chapter provides an overview of some of the more prevalent state legislative initiatives and briefly looks into activity undertaken at the federal level.

School safety. In response to the recent tragic events in Littleton and other schools around the country, several state legislatures have enacted laws to ensure that schools are notified of students' criminal or delinquent acts and to empower schools to take action against juvenile offenders. Virginia has passed several laws to require that school personnel be notified if students are adjudicated or convicted of certain crimes. Similar laws have also been enacted in Arizona, Vermont, Georgia, and Wisconsin. Other states have passed legislation that toughens penalties for crimes committed on school property.

Prevention and early intervention. Research indicates that there are numerous risk factors that may predispose youths to delinquency. Among these factors are: abuse or neglect, domestic or neighborhood violence, not being prepared for school, and various health and mental health problems. Child abuse and neglect are particularly strong risk factors, increasing a child's chances of being arrested for juvenile delinquency by 53 percent and of committing a violent crime by 38 percent. In order to counteract these risk factors, many states have explored preventive measures focused on early childhood care and education, such as Head Start, preventive health care, and parent education.

As children get older, they often are subject to additional risk factors, such as drug use, gang membership, failure in school, and access to weapons. At this stage, intervention efforts are crucial and many states have responded both by encouraging the development of school- and neighborhood-based services and by legislating such programs as youth crime prevention and intervention and gang prevention.

Graduated sanctions and restorative justice. Graduated sanctions are designed to hold juvenile offenders accountable based on the severity of the offense. Typically, a system of graduated sanctions includes four components: *immediate sanctions*, for first-time, nonviolent offenders; *intermediate sanctions*, which are more restrictive and include both residential and nonresidential programs; *secure corrections*, for violent and repeat offenders; and *structured aftercare programs*, which provide community-based treatment and surveillance for those recently released from residential programs. Connecticut, Oregon, and Texas were the first states to legislate graduated sanctions in 1995, followed by several other state legislatures in subsequent years.

Restorative justice refers to requirements for holding juvenile offenders accountable to the victims of their crimes. Legislation in Maine, Maryland, Minnesota, Oregon, and Vermont has involved principles of restorative justice, which often include programs such as community service and policing, victims' services, mediation, skills training, and restitution. The Colorado General Assembly recently established a restorative justice program for nonviolent juvenile offenders. The program is charged with addressing community protection and juvenile offender accountability to the victim.

Serious and violent juvenile offenders. Recent state efforts have focused the most heavily on serious and violent juvenile offenders. In order to counteract rising juvenile crime rates, many states have simply incarcerated more youths, leading to severe overcrowding in some cases. Other options explored by states include creating a "third system," such as Colorado's Youthful Offender System, and developing specialized programs within the juvenile justice system for serious, violent, and chronic offenders. Over half the states have passed legislation that makes it easier for juveniles to be tried as adults for serious offenses. This is a controversial measure, however, as research indicates that recidivism rates are higher for juveniles incarcerated in the adult system.

Parental responsibility. At least 17 states, including Colorado, have passed legislation that holds parents criminally accountable for crimes committed by their children. Sanctions for parents range from paying the cost of incarceration for their children to restitution and fines and even to jail sentences. Further, research suggests that the most successful juvenile justice programs include the juvenile's parents and family, prompting many states to legislate parental involvement. For example, Rhode Island and Texas require parents to participate in community service work with their children. Florida has a similar law for those parents who did not act to prevent their child's delinquency. In Colorado, parents are required to attend all court proceedings and are subject to additional penalties at the court's discretion.

Firearm restrictions. Because of the rising incidence of gun violence among youths, more than 35 states have passed legislation that concerns juvenile possession of firearms. Many of those laws require schools to expel or suspend students for possession of a weapon on school grounds. Other states have focused on restricting sale and transfer of handguns to juveniles.

National Studies

Research undertaken in 1992 looked at over 400 programs and services for juvenile offenders to determine which kinds of programs have the highest success rates. According to that study, juveniles who have been involved in some sort of treatment program have recidivism rates about 10 percent lower than untreated youths. The most successful programs were ones that taught behavior modification skills focused on improving interpersonal relations, self-control, and academic achievement. Further, successful programs tended to be longer and more intensive. Programs that provided individual, family or group counseling were only moderately successful according to the study. And the least successful programs were ones that used scare tactics or negative reinforcement of delinquent behavior.

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has done considerable research on juvenile delinquency and has developed a document entitled, "The Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders," which outlines several goals for successful intervention. These goals include:

- strengthen families;
- support schools and community organizations to reduce risk factors;
- counter risk factors with factors designed to reduce risk by changing the environment;
- intervene at the first signs of delinquency;
- establish graduated sanctions that hold offenders accountable while providing services; and
- identify and control the small population of serious, violent, and chronic juvenile offenders.

The document focuses on systemic juvenile justice reform that provides a continuum of sanctions designed to punish the most serious offenders while providing early intervention and prevention options for first-time and less violent offenders. In response to these federal recommendations, several states, including Connecticut, Missouri, Texas, and Kentucky, have passed legislation that balances prevention and punishment.

Appendix A

CRIME CLASSIFICATION OVERVIEW

Crime	Felony Class					
	1	2	3	4	5	6
1 st Degree Murder	X					
2 nd Degree Murder		X	X			
1 st Degree Kidnapping	X	X				
Assault During Escape	X	X	X			
2 nd Degree Kidnapping		X	X	X		
1 st Degree Burglary		X	X			
Aggravated Robbery		X	X			
Escape		X	X	X	X	
Explosives or Incendiary Devices		X		X	X	X
Controlled Substance		X	X	X	X	
Vehicular Homicide			X	X		
1 st Degree Assault			X		X	
2 nd Degree Assault			X	X		X
1 st Degree Arson			X			
2 nd Degree Arson				X		
2 nd Degree Burglary			X	X		
Robbery				X		
Theft			X	X	X	X
Aggravated Motor Vehicle Theft			X	X	X	
Vehicular Eluding			X	X	X	
Fraud			X	X	X	X
Manslaughter				X		
Vehicular Assault				X	X	
Forgery					X	
Menacing					X	

Source: Department of Corrections Youthful Offender System, Report of the State Auditor, August 1999