

Mr. Chair and Members of the Committee, thank you for the opportunity to speak today on the very critical issue of juvenile justice reform and on supporting children and youth in Colorado. My name is Summer Laws, and I am a policy analyst with the Boulder County Commissioners' Office. Boulder County is very supportive of juvenile justice reform, and we are here testifying in an amend position on House Bill 1131.

Boulder County's primary concern in the provision of local services is that children, youth, families, and victims receive the quality services and support they need to ensure the best outcomes possible. Over two decades, Boulder County's Integrated Managed Partnership for Adolescent and Child Community Treatment (IMPACT) Collaboration has served youth with mental health, juvenile justice and child welfare needs, across multiple public agencies, reducing youth incarceration in our county. The IMPACT program as it known, developed a prevention model that is more cost effective and produces much better outcomes than incarceration. As has been discussed though out today in committee, youth who have been incarcerated have higher rates of recidivism, substance abuse, and lower employment and education rates.

Because of this experience of implementing some reform efforts at the local level, Boulder County believes it is very important to ensure that alternative programs and supports are in place before reforms are made in the juvenile justice system. HB 1131 as originally drafted did not ensure programs would be in place before raising the age of incarceration.

However, the sponsors of the bill have worked with stakeholders and are bringing forward amendments today, many of which address our concerns. Amendment L006 creates the Pre-adolescent services task force, allows time for this task force to study the current availability of services in the state for children and youth 10-13, while delaying implementation for one year, to allow the task force to develop a report of their findings. Boulder county supports amendment L006 and is extremely appreciative of the sponsors' willingness to work with us and other stakeholders to address some of our additional concerns that have not yet been included in amendments. These additional concerns include:

- Ensuring racial diversity along with ethnic diversity on the task force
- Include district attorney and/or victim representation on the task force
- Charging the task force with the creation an unbiased assessment process available within every judicial district in the state
- Ensuring that that services and programs will be available for every child in the state before the bill is implemented, including diversion services where appropriate
- And consider having the task force create a narrow list of exemptions for raising the age of juvenile justice system interaction where the impact to the victim of the crime is high

In closing, we are extremely appreciative of Representative Gonzales Gutierrez's expertise and leadership in bringing this bill forward and time taken to meet with us and other stakeholders to continue the conversation to address additional details that will ensure all children in Colorado receive the services they need to thrive. Boulder County urges your support for amendment L006.



February 16, 2022

Dear Members of the Colorado House Judiciary Committee,

Thank you for accepting this written testimony regarding House Bill 22-1131, 'Concerning Measures to Reduce Justice Involvement for Young Children.' COVA shares the sponsors' desire to make things better for children 12 and under who are exhibiting problematic and often violent behavior. However, we are opposed to the bill as it is currently written.

COVA is grateful to Representative Gonzales-Gutierrez and the bill proponents for meeting with COVA and other advocates for victims and survivors of crime. We have had the opportunity to share the concerns outlined here. Unfortunately, none of them are addressed in the amendments that will be introduced today. COVA welcomes the opportunity to work with the sponsors to make changes to ensure this bill is in the best interest of all parties.

COVA's primary concern is for victims of Victim Rights Act crimes, who have constitutional and statutory rights that would be eliminated under this bill. COVA is particularly concerned for child victims of sexual abuse, whose perpetrators are children ages 12 and under. These cases are often minimized as childhood exploration. It is also frequently assumed that all children exhibiting problematic sexual behavior are victims themselves. This is true in some cases, but not all. Some of these incidents are incredibly violent and frequently committed against smaller children and even infants. Children who have been harmed, even if it is at the hand of other children who clearly need intervention, deserve to have their needs and rights met fully.

An important piece that will be lost for victims under this bill is eligibility for Victim Compensation. This is a resource that is only available for victims of crime. If the child who committed the offense cannot be charged, there is no crime. That doesn't mean harm hasn't been caused. Victims deserve to have continued access to Victim Compensation, which can help them with needs such as therapy and medical care.

COVA is also concerned by the lack of funding and lack of guidance that will replace current structures. We wholeheartedly believe Colorado can do better than what is currently in place. However, doing so will require investment in an infrastructure that can support these children and families. COVA is concerned the bill does not provide:

- Additional funding to train child welfare staff in how to address and treat delinquent behaviors
- Funding for additional child welfare staff
- Funding or a process to train foster care homes in how to support children with delinquent behaviors
- Funding or incentives to increase the number of available foster homes or available diversion programming, of which there is a shortage in Colorado
- Funding to create a new assessment process for 10-12 year olds or to create prevention programs that are not currently in place
- Funding for offense-specific treatment
- Funding or incentives to increase the number of treatment providers who have the appropriate training and expertise needed to assist children with delinquent behaviors and their families

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Lastly, COVA is concerned about the lack of victim representation on both the proposed task force and the structure for the voluntary local juvenile services planning committees that are defined in L001. COVA is also curious why the 24-member task force in particular is being created outside the Colorado Commission on Criminal and Juvenile Justice, which already has the appropriate staffing, infrastructure, and broad representation, including victim representatives, needed to make thoughtful recommendations.

Once again, COVA welcomes the opportunity to work with the sponsors to address these concerns.

Sincerely,

A handwritten signature in blue ink that reads "Sterling Harris". The signature is written in a cursive, flowing style.

Sterling Harris

Public Policy Director



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Derbyshire, England, LEAP UK

Date: February 16, 2022

Re: House Bill 22-1131

Position: Support

To: The Colorado House of Representatives

Distinguished Representatives,

My name is Carrie Roberts. I started my professional career with the Colorado Department of Corrections. Later, I completed the Sheriffs Training Institute and received my Colorado Peace Officer Standards and Training Certification. I have worked in corrections at a high-security penitentiary. Before transitioning to the private sector, law enforcement and criminal justice was the center of my professional experience.

I am here in support of House Bill 22-1131. This bill raises the age of juvenile jurisdiction. Across the nation, states are changing the way we address juvenile justice. From New York to California to Utah statehouses have raised the floor to keep 10- to 12-year-olds out of juvenile court. I know this is the right course of action, as most 10- to 12-year-olds are charged with non-violent crimes. This indicates that these children need parental involvement and support from schools and the community, not government intervention.

Our current process of formal government intervention can have lasting adverse effects on pre-adolescent children who are still extraordinarily vulnerable. Community-based programs outside of the justice system, such as diversion programs, have far greater success at preventing future delinquent behavior. These programs build support systems and provide wraparound services with the very people that know the child best.

Confining 10- to 12 year-olds actually increases their likelihood of re-offending and exposes them to older youth offenders who become “professors” and teach them to graduate to more serious crime. The existing research indicates that “juvenile incarceration increases the chances of incarceration as an adult by 23 to 41 percent.”¹

The alternative to confinement is evidence-based programming through child welfare services and behavioral/mental health programs. These alternatives have better outcomes for public safety and positive youth development.

Judges and juvenile justice authorities agree that children are capable of surprising rehabilitation and change. Their brains are still developing and maturing, and they are extremely susceptible to peer pressure and struggle to control their impulses. However, they also tend to be more open and amenable to treatment and rehabilitation. This is why developmentally appropriate interventions outside of the system have a higher rate of producing desired outcomes.

This is why I support House Bill 22-1131. It will keep our children out of the system and allow them to get the services they need to feel supported, understood, and to ultimately correct their behavior.

Respectfully,

Carrie Roberts
Former Corrections Officer
Parker, CO
Representative, Law Enforcement Action Partnership (LEAP)

1. Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 10 (2006), available at <http://www.justicepolicy.org/research/1978>



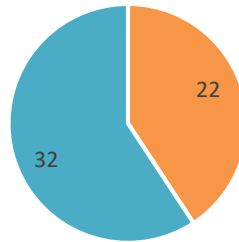
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JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

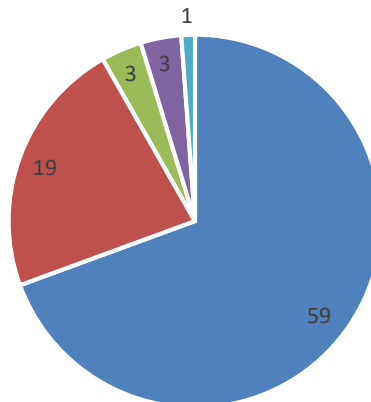
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Juveniles ages 10-12,
2017-2021,
18th Judicial District
Sexual Assault on a Child (meaning victim is 4
or more years younger than the juvenile
offender)



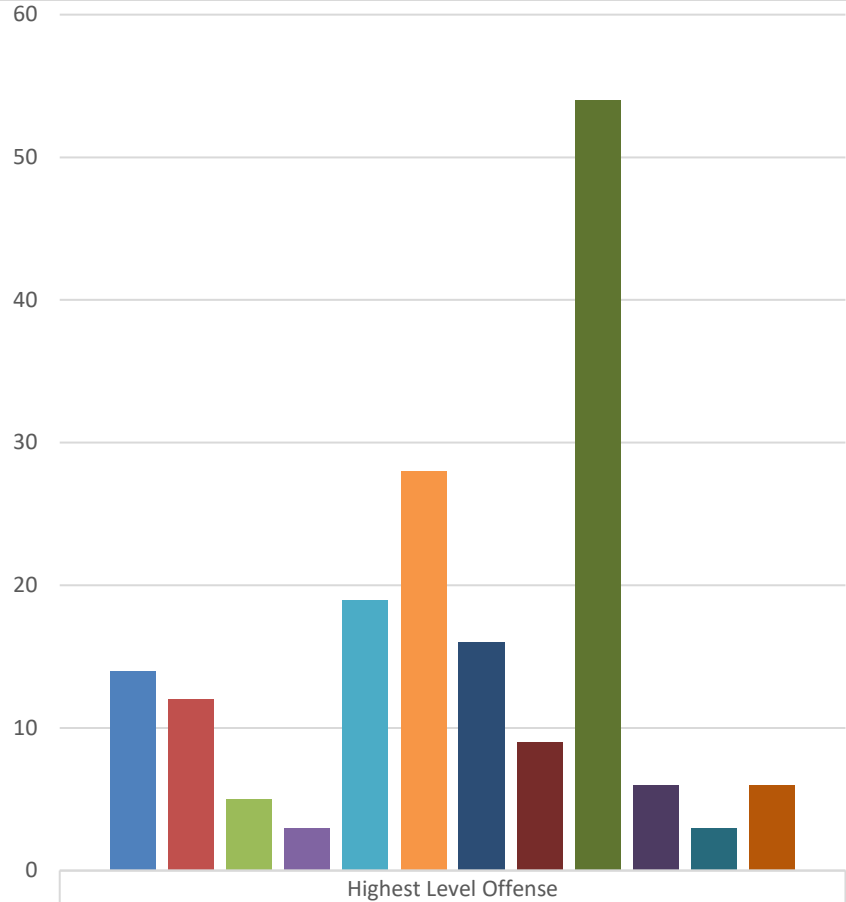
■ Sibling victim ■ Nonsibling victim

Felony sex crimes committed by juveniles
ages 10-12; 2017-2021; 18th Judicial
District
Number of victims



■ 1 victim ■ 2 victims ■ 3 victims ■ 4 victims ■ 5 victims

Juveniles ages 10-12,
2017-2021,
18th Judicial District



	Highest Level Offense
Felony Assault	14
Burglary	12
Armed Robbery	5
Simple Robbery	3
Felony Menacing	19
Misdemeanor unlawful sex contact and indecent exposure	28
Aggravated Incest (victim is under age 10)	16
Incest	9
Sexual Assault on a Child	54
Felony Sexual Assault	6
Handgun Possession	3
Arson	6

House Judiciary

02/16/2022 01:30 PM

HB22-1131 Reduce Justice-involvement For Young Children

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Michael Neil For Colorado Cross-Disability Coalition	Thank you Chairman Weissman, Vice-chair Tipper, and esteemed members of House Judiciary. My name is Michael Neil and I rise to strongly support HB 22-1131 on behalf of Colorado Cross Disability Coalition and on behalf of myself. Thank you Representatives Gonzales-Gutierrez and Bacon for bringing this bill. I think this will be some short testimony. CCDC, as a social justice organization, recognizes that the minimization of carceral involvement for youth is a central feature of a fair justice system. As the bill itself notes, "Existing systems, including behavioral health programs, schools, child welfare systems, and other local programs and services, are better equipped than the juvenile justice system to address the needs of young children and to provide developmentally appropriate services to improve community safety by reducing the risk that these children commit future crimes as adults. While many of our members are not youths, we know that many people with disabilities are younger individuals and that such people would benefit greatly with a change that expands the age for juvenile courts in the judicial system. Please support HB 22 1131.

From 2016 to 2018 I volunteered at the Broomfield Detention Center to help inmates there prepare for their General Education Development (GED) exams. While many were older teens than the people HB1131 addresses, they told me about circumstances when they were considerably younger that resulted in their being where I met with them.

I now work with middle-school, less often with high school, students as a substitute science teacher for the Boulder Valley School District. In that capacity I see, not often but occasionally, young people whom I would predict will go off the rails, barring a major intervention, by the time they reach age 20. This close-up association with pre-teens has heightened my concern about the way they are treated by the legal system.

Like most generalities, this one has exceptions: Sixth graders, 11-year-olds, are malleable and, for the most part, want to do what's asked of them. Seventh graders, who are mostly 12, are more eager to push boundaries, even if that pushing is buffoonish and amateurish. Eighth graders who are at the top of the elementary/middle-school hill evidence their status by strutting and simultaneously displaying their concerns about being at the bottom of the heap again in the near future.

I invite any legislator who is considering voting against HB1131 to accompany me on a subbing assignment. There s/he will see the maturity level of upper-middle-class pre-teenagers to provide a reference level for pre-teenagers who do not enjoy the advantages of those fortunate enough to go to Boulder Valley schools.

Treating any of these children as though they had the physiological or emotional maturity to connect, as an adult or older teen might, actions with consequences makes an intellectual leap that is not justified by evidence. And subjecting them to the vagaries of district court proceedings is immoral and inhumane.



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JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

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NATIONWIDE MINIMUM AGE OF DELINQUENCY BY STATE

Minimum age 12: Californiaⁱ; Delawareⁱⁱ; Hawaiiⁱⁱⁱ; Massachusetts^{iv}; New York^v; Utah^{vi}; Washington state^{vii}

Minimum age 11: Nebraska^{viii}

Minimum age 10: Arkansas^{ix}; Colorado^x; Connecticut^{xi}; Georgia^{xii}; Kansas^{xiii}; Louisiana^{xiv}; Minnesota^{xv}; Mississippi^{xvi}; Nevada^{xvii}; North Dakota^{xviii}; Pennsylvania^{xix}; South Dakota^{xx}; Texas^{xxi}; Vermont^{xxii}; Wisconsin^{xxiii}

Minimum age of 8: Arizona^{xxiv}; North Carolina^{xxv}

Minimum age of 7: Florida^{xxvi}; Maryland^{xxvii}

No minimum age: Alabama^{xxviii}; Alaska^{xxix}; Idaho^{xxx}; Illinois^{xxxi}; Indiana^{xxxii}; Iowa^{xxxiii}; Kentucky^{xxxiv}; Maine^{xxxv}; Michigan^{xxxvi}; Missouri^{xxxvii}; Montana^{xxxviii}; New Hampshire^{xxxix}; New Jersey^{xl}; New Mexico^{xli}; Ohio^{xlii}; Oklahoma^{xliii}; Oregon^{xliv}; Rhode Island^{xlv}; South Carolina^{xlvi}; Tennessee^{xlvii}; Virginia^{xlviii}; Wyoming^{xlix}; West Virginia^l; Federal^{li}

ⁱ W.I.C., Article 14 § 602 currently can prosecute under 12 for murder and some sex crimes; **Modified in 2018** by SB439; previously had no minimum age

ⁱⁱ Tit. 10 § 1002 currently can prosecute under 12 for murder, some sex crimes, violent felonies; **Modified in 2021** by HB115; previously had no minimum age

ⁱⁱⁱ H.R.S.A. § 571-11(1); Presumption against delinquency proceedings for a child under 12. If a child is under the age of twelve, a psychiatrist, psychologist, or specially trained physician must examine the child and provide a recommendation for formal proceedings. HRS § 571-44; *In Re N.C.*, 123 P.3d 457 (Haw. 2010).

^{iv} Mass. Gen. Laws ch. 119, § 52; **Modified in 2018** by SB2371; previously had a minimum age of 7

^v N.Y. Fam. Ct. Act § 301.2; **Modified in 2021** by SB S4051A; currently can prosecute juveniles ages 7-11 for homicide and manslaughter crimes; previously had a minimum age of 7

^{vi} U.C.A 1953 § 78A-6-105(6), 78A-6-116(3)(c), 78A-6-602; currently can prosecute under 12 for multiple felonies including murder, arson, burglary, robbery, sex assault, kidnapping, assault; **Modified in 2020** by HB262; previously had no minimum age

^{vii} RCWA §§ 13.40.020(15), (16); 9A.04.050; Presumption against delinquency proceedings for juveniles ages 8-12. If a child is 8-12 yrs old, there must be a finding that they have sufficient capacity to understand the act and know it was wrong.

^{viii} R.S. §§ 43-245(11), 43-247(1)(2); **Modified in 2016** by LB894; previously had no minimum age

^{ix} Ark. Code Ann. § 9-27-303(15)

^x Colo. Rev. Stat. § 19-2-104(1)(a)

^{xi} C.G.S.A. § 46b-120; **Modified in 2021** by HB06667; previously had a minimum age of 7

^{xii} Ga. Code Ann. § 15-11-2(2),(6)

^{xiii} Kan. Stat. Ann. § 38-1602(a)

^{xiv} La. Child. Code Ann. art. 804(3)

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- xv *Matter of Welfare of S.A.C.*, 529 N.W.2d 517 (Min. Ct. App. 1995)
- xvi Miss. Code Ann. § 43-21-105(i)
- xvii N.R.S. § 62A.030(1)(a); There must be proof that the juvenile knew the act was wrong if juv is between the ages of 8 and 14 years old; currently can prosecute ages 8-10 for murder or sex crimes
- xviii NDCC § 27-20-02(4), 12.1-04-01; **Modified in 2019** by HB1039; previously had a minimum age of 7
- xix Pa.C.S.A. § 6302
- xx S.D. Codified Laws § 26-8C-2
- xxi Tex. Fam. Code § 51.02(2)(A)
- xxii 33 VSA § 5102(2)(C)
- xxiii W.S.A. 938.12(1)
- xxiv Ariz. Rev. Stat. § 8-201
- xxv N.C.G.S.A. § 7B-1501(7); **Modified in 2021** by SB207; previously had a minimum age of 6; nonfelony offenses now carry a minimum age of 10
- xxvi §985.0301(1)(can prosecute under 7 for “forcible felonies”); **Modified in 2021** by HB7051; previously had no minimum age
- xxvii Md. Code Ann., Cts. & Jud. Proc., § 3-8A-05(d); No presumption of incapacity for child at least 7 years old
- xxviii Ala. Code § 12-15-102
- xxix A.S. § 47.12.020
- xxx I.C. §§ 20-502(10), 20-520; No confinement/detention for kids under age 10
- xxxi 705 I.L.C.S. §§ 405/5-120
- xxxii A.I.C. § 31-37-2-1
- xxxiii I.C.A. §§ 232.8(1), 232.2(5),(29)
- xxxiv K.R.S. §§ 600.020(8), 610.010(1)
- xxxv M.R.S. § 3003(14); Bill (LD320) passed in 2021 to prohibit juveniles under 12 from being committed to secure detention facilities. Original bill sought to establish minimum age of delinquency of 12 but that part was deleted from bill before passage.
- xxxvi M.C.L. § 712A.2(a)
- xxxvii § 211.31(3)
- xxxviii M.C.A §41-5-203(1), 41-5-103(12)
- xxxix N.H. Rev. Stat. § 169-B:2(IV)
- xl N.J.S.A. §§ 2A:4A-22(a), 23
- xli N.M.S.A. § 32A-1-4(a); 32A-2-3(B)
- xlii O.R.C.A. § 2152.02 (C),(E)
- xliii O.S.A. § 1-1-105(8)
- xliv O.R.S. § 419C.005(1)
- xlv Gen. Laws 1956 § 14-1-3(3)
- xlvi Code 1976 § 63-19-20(1)
- xlvii T.C.A. § 37-1-102(4)
- xlviii VA Code Ann. § 16.1-228
- xlix W.A.S § 14-6-201(a)(iii),(x)
- l W. VA. Code §§ 49-1-202
- li 18 U.S.C. § 5031