



## JUVENILE JUSTICE SYSTEMS IN COLORADO

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This *issue brief* provides an overview of how the justice system treats juveniles found guilty of a crime in Colorado. It discusses juvenile problem solving courts; detention and commitment; the facilities where juveniles are housed; the programs and services available; requirements for sentencing, parole, and release; and the Youthful Offender System.

### Juvenile Problem Solving Courts

Problem solving courts take a nontraditional approach to criminal justice by emphasizing treatment, outcomes, and collaboration. Colorado has five problem solving courts for juveniles: three drug courts and two mental health courts. Drug courts serve juveniles in Cañon City, Denver, and Fort Collins, while mental health courts serve juveniles in Brighton and Golden. In total during 2015 and 2016, juvenile drug courts and juvenile mental health courts served 226 youth and 54 youth, respectively.

Not all youth in the criminal justice system will go through a problem solving court. Generally, a juvenile is referred to a problem solving court by the district attorney, a judicial officer, or a probation officer. A youth may be eligible to participate in a problem solving court on a pre-plea or post-plea basis, depending on the specific court. Entering on a post-plea basis requires the juvenile to have reached a plea agreement with the district attorney whereby the juvenile admits guilt to a specific offense or offenses. A pre-plea program does not require a juvenile to have entered a plea agreement in order to be eligible. Juveniles who violate the terms of their probation and are revoked by the court may also be referred

to a problem solving court. Participants tend to be those at higher risk for reoffending or with higher needs, especially as they relate to substance use disorders or mental health concerns. Participants undergo a clinical assessment to determine the exact scope of their risks and needs and to inform treatment planning.

Problem solving courts may support participants by engaging family members or caregivers; requiring weekly or bi-weekly appearances before a judge; or providing various services, such as family or other types of therapy, access to and encouragement of social activities, parenting classes, educational programs, medication evaluation and assistance, workforce preparation, mentoring, housing support, and relapse prevention programs.

### Detention and Commitment

Juveniles placed in detention or commitment are held by the Division of Youth Corrections (DYC) within the Department of Human Services (DHS).

**Detention.** When juveniles are arrested, they undergo a screening and assessment process by the court to determine if they can be safely supervised in the community or if they require secure detention to await the disposition of their cases. By law, if a juvenile has not hired an attorney for his or her detention hearing, the state must appoint one. Youth may be detained in a secure facility while awaiting a court hearing or to serve a court-ordered detention sentence of up to 45 days. According to DYC, the

average length of stay for juveniles in detention facilities is 15 days. Most juveniles awaiting a court-ordered hearing are released and monitored using non-secure, community-based services such as day reporting or electronic home monitoring. State law allows for the detention of youth between the ages of 10 and 18. In FY 2015-16, 6,510 youth were detained in DYC facilities; of these, 5,034 were males and 1,476 were females. The average age for detainees was 16.

**Commitment.** Commitment refers to longer-term placement within the custody of the state for juveniles found guilty of a crime. District courts can commit juveniles to the DYC with either non-mandatory sentences — which allow the youth to come before the juvenile parole board when they complete treatment — or with mandatory sentences of at least one year. A juvenile's actual length of stay will depend on a number of factors, including the sentence given by the court, the nature of the offense committed, the juvenile's progress in treatment, and the juvenile's release plan. Juveniles may be committed to the DYC up to age 21. In FY 2015-16, 387 juveniles — 326 males and 61 females — were committed to the DYC. The average age for committed youth was 16.8 years of age. Violent and repeat offenders receive a mandatory minimum sentence of at least one year. Certain juvenile offenders may be sentenced to up to seven years.

## DYC Facilities and Programs

The DYC operates ten facilities for juveniles. Four of these facilities — located in Brighton, Denver, Englewood, and Pueblo — serve only youth in detention. Two facilities, one in Colorado Springs and the other in Golden, serve only committed youth. Multi-purpose facilities in Colorado Springs, Denver, Grand Junction, and Greeley house both detention and committed juveniles.

**Assessment.** Within the first 30 days of commitment to a DYC facility, all offenders undergo an assessment. Each juvenile is fingerprinted and given a medical screening, a dental check-up, and a clinical evaluation, which

includes his or her family history and a drug and alcohol assessment. Each offender completes the Colorado Juvenile Risk Assessment to determine how to reduce his or her risks of reoffending. All youth adjudicated guilty of a sexual offense or whose charges include a sexual offense as the underlying factual basis receive a sex offender-specific evaluation. Each juvenile also completes an educational assessment and takes a vocational interests test.

**Educational programs.** Youth housed in detention facilities are educated by the local school district in which the facility is located. General education and special education services are provided for all youth in detention facilities. Juveniles committed to the DYC receive educational services through programs provided by the facility where they are housed. The DYC must meet all academic standards and mandates issued by the Colorado Department of Education (CDE), and all teachers and principals employed by DYC facilities are licensed by CDE.

**Parole and release.** All committed youth released from DYC custody must spend at least six months on parole. In certain cases, the parole period may be extended by up to 15 months. The Colorado Juvenile Parole Board hears cases; sets the terms and conditions; and can modify, suspend, or revoke parole. Treatment services offered by DYC continue for parolees.

## Youthful Offender System

The Youthful Offender System (YOS) is a part of the Colorado Department of Corrections. It was established in 1993 for juveniles tried and convicted of felonies as adults. Any offender convicted as an adult of a class 3 or class 4 violent felony who was between the ages of 14 and 18 at the time of the offense and was under age 21 at the time of sentencing is eligible for YOS. Sentences must be between two and six years, unless the offender committed a class 2 felony, in which case he or she may be sentenced for up to seven years. The YOS facility in Pueblo serves these youth exclusively. YOS provides youth with individualized plans; treatment for mental health, substance use, and sex offenses, as needed; and educational programs.