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# ISSUE BRIEF

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## COLORADO JUVENILE JUSTICE SYSTEMS

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Juvenile justice systems were created in the late 19th century under the philosophy that juveniles are different than adults and may have different rehabilitation needs. Colorado has two separate systems for the *detention* or *commitment* of juveniles convicted of crimes. One system exists within the Department of Human Services (DHS), a department with the responsibility of addressing child welfare, while the other exists within the Department of Corrections (DOC), where adult offenders are sentenced. This issue brief describes each system in relation to detention and commitment; treatment services; sentencing requirements; and parole and release. For information regarding probation, see Issue Brief #12-38, Probation Services in Colorado.

### Division of Youth Corrections

Juvenile detention services were originally housed in the Colorado Judicial Branch. In 1974, juvenile detention was transferred to the Department of Institutions and became known as the Division of Youth Services. It is now known as the Division of Youth Corrections (DYC) and is housed in DHS. The DYC is a youth offender program for juveniles aged 10 to 21.<sup>1</sup> An additional focus of DYC is to provide treatment assistance to the victims and communities impacted by crime. Programs and services are provided to educate and discipline the offender in order to allow him or her to become a productive citizen once released from DHS custody. Facilities throughout Colorado house offenders in the DYC system.

***Sentencing to DYC.*** There are two types of facilities in DYC: detention and commitment. Detention facilities are intended for youth awaiting trial, or who have been sentenced by a judge to a detention facility for up to 45 days for crimes including failure to comply with court sanctions or failure to appear in court. Commitment facilities are for youth who have been convicted of a crime for delinquent acts. Upon commitment, custody of the juvenile offender is transferred to DHS until the successful completion of the sentence or upon transfer to another department.

Youth can be sentenced to DYC for a variety of offenses. In 2012-13, a total of 488 offenders were admitted to DYC. The most common offenses committed by those admitted to DYC were assault, burglary, trespassing, and theft. Due to the variety of crimes, a number of sentencing options are available, with violent juvenile offenders receiving a mandatory sentence of at least one year. In 2009-10, the average age of offenders was 16.7. The female population made up 12.4 percent of all juvenile offenders in DYC.

***Services for assessed needs.*** At the time of commitment, a 30-day assessment is conducted for each juvenile offender in order to establish a treatment plan based on individual needs. The assessment determines which services and programs will best serve the offender. Programs include: treatment services, counseling, social development, victim awareness education, academic and vocational education, health care, and community reentry services. Private contractors are hired to provide community programs for offenders. All educational services are provided through local school districts.

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<sup>1</sup>Section 19-2-102, *et seq.*, C.R.S.

***Parole program and release.*** Juveniles committed to DYC are required to complete a six-month parole period, which can be revoked or extended for up to 15 months at the discretion of the Juvenile Parole Board. During this time, the parolee is still under the custody of DHS and will be released upon successful completion of the parole program. The assessment and treatment services offered by DYC continue for offenders on parole.

## **Youthful Offender System**

The Youthful Offender System (YOS), part of DOC, was established in Senate Bill 93S-009 for juvenile offenders convicted of adult felonies. Juveniles can be charged as an adult and sentenced to the DOC in a process known as direct-file. Because the offenders are young, YOS is better able to offer services needed by juveniles than regular DOC facilities. Offenders are housed in a correctional facility in Pueblo designated to serve youthful offenders only. The mission of the program is to provide an environment that promotes self-dignity through the value of work, self-discipline, and education for the betterment of the offender upon release.<sup>2</sup>

***Sentencing to YOS.*** The YOS program has four stages: intake, assessment, and orientation; the core period of the sentence (phase one); the last three months of the sentence (phase two); and community monitoring before the official release (phase three).

The YOS program was originally designed for violent offenders between the ages of 14 and 18. The program was extended in House Bill 09-1122 to include any youthful offender charged as an adult with a class 3 or class 4 violent felony who was between the ages of 18 and 19 at the time of the offense. The offender must be under 21 years of age at the time of sentencing to be considered for YOS. The minimum sentence is at least two years, with a maximum sentence of no more than six years. However, an offender who has been convicted of a class 2 felony

may be sentenced to a determinate period of up to seven years.

***Profile of YOS offender.*** In FY 2012-13, the most common crimes of offenders admitted to YOS were aggravated robbery, assault in the second degree, assault in the first degree, and burglary. The average age of persons convicted during that time was 18.5, up from 16.6 in 1994. For the past three years, an average of 76 individuals have been committed to YOS each year, up from an average 58 in the previous 5 years. Female offenders make up 4 percent of the total population sentenced to YOS since 1994. Because the program is within DOC, offenders can be discharged from YOS and sentenced to prison if they remain within the system beyond the age restriction or are sentenced for another crime while serving in YOS.

***Individualized plan.*** The intake phase includes the establishment of an individual plan for each offender to provide for his or her successful release. Treatment programs for mental health, substance abuse, and sex offenders are provided based on need. Academic education is provided on three levels: a high school education is offered through the Pueblo school district; a technical education program is offered through the Colorado Community College System; and community college courses are offered through Pueblo Community College.

***Introduction to community and release.*** Phase II and III of the program focus on the release of the offender. Phase II begins in the last three months of an offender's sentence. This pre-release phase focuses on preparing the offender for the transition to release by providing a support plan for community reintroduction and supervision. Upon release, the offender begins phase III, where the individual is monitored on parole for between six and twelve months in the community. Offenders are provided support from state and local services in areas of residency, employment, education, therapy, and reentry. Upon completion of phase III, the offender is released from DOC custody.

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<sup>2</sup> Section 18-1.3-407, C.R.S.