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Report to the Colorado General Assembly:

**COMMITTEE ON INSTITUTIONS
AND
REHABILITATION**

PART I



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO.171

November, 1971

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OF THE
COLORADO GENERAL ASSEMBLY

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**REPORT OF THE
COMMITTEE ON INSTITUTIONS
AND REHABILITATION**

**Legislative Council Report
To The
Colorado General Assembly**

**Research Publication No. 171
November, 1971**

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 22, 1971

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Research Associate
KAY MILLER
Research Associate
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Research Associate

To Members of the Forty-eighth Colorado General Assembly:

Pursuant to H.J.R. No. 1033 the Legislative Council appointed a committee to consider matters relating to institutional facilities and rehabilitation practices. The interim report of this Committee was presented to the Council on November 8, 1970 at which time the Council accepted the report.

The Legislative Council is transmitting herewith the report of the Committee on Institutions and Rehabilitation for your consideration.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

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November 8, 1971

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Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

The Committee on Institutions and Rehabilitation appointed by the Legislative Council has completed its first year of study and is herewith submitting a report of its findings and recommendations. The recommendations contained herein are thought by the Committee to be matters of immediate concern which should be considered by the General Assembly in the 1972 Session.

The Committee will be continuing its study of the juvenile system during the 1972 interim. In addition, the Committee will be expanding the scope of its study to include other institutional programs in the State. The recommendations contained in this report are felt to be in harmony with the long-range recommendations which the Committee hopes to submit at the conclusion of its study.

Respectfully submitted,

/s/ Senator Ruth Stockton
Chairman, Committee on
Institutions and Rehabilitation

RS/mp

FOREWORD

As prescribed by House Joint Resolution No. 1033, 1971 Session, the Legislative Council appointed the following committee to conduct a study of the institutional facilities and rehabilitative practices of the state:

Sen. Ruth Stockton,
Chairman
Rep. Roy Shore, Vice-
Chairman
Sen. Joe Calabrese
Sen. Norman Ohlson
Sen. Maurice Parker
Sen. Anthony Vollack
Sen. Christian Wunsch

Rep. Tilman Bishop
Rep. Don Friedman
Rep. Wayne Knox
Rep. Phil Massari
Rep. Morton Pepper
Rep. Lowell Sonnenberg

In the Committee's first year of study, considerable emphasis was placed on the juvenile system. In support of such study, the Committee conducted regional hearings in Pueblo, Greeley, Grand Junction, Durango, and Denver. At these hearings, testimony was received from juvenile judges, juvenile probation and parole officers, district attorneys, public defenders, educators, representatives from community mental health centers and clinics, and county welfare department representatives. The Committee wishes to express its appreciation to those agencies and individuals who helped identify various juvenile problems and who offered many proposals for the Committee's consideration.

In other meetings conducted at the State Capitol, the Committee heard testimony from the Colorado Juvenile Council, an association of professional youth workers, who requested the Committee's help in providing better programs and services to juveniles committed to state juvenile institutions, and offered their recommendations to the Committee. Representatives of various task forces, which compiled the Comprehensive Planning for the Prevention, Control, and Treatment of Juvenile Delinquency Report of 1970, explained to the Committee the findings and recommendations of their respective task forces. The Colorado Council of Juvenile Judges were consulted and gave their recommendations on each proposal considered by the Committee. The Citizens' Task Force on Youth also provided input to the Committee. The Committee extends its appreciation to those individuals associated with these organizations for their assistance and contribution to the Committee's study.

Special Committee gratitude is extended to Mr. Mylt Kennedy, Director of the Division of Youth Services, and his staff, who provided valuable background information and who arranged for the Committee to visit the various juvenile institutions. The Committee also wishes to especially thank the Court Administrator's Office for its assistance and diligent attendance of Committee meetings.

Mrs. Kay Miller, research associate of the Council Staff, was primarily responsible for the preparation of the research material, with the assistance of Mr. David Morley, research assistant. Bill drafting services were provided by Mrs. Becky Lennahan of the Legislative Drafting Office.

November, 1971

Lyle C. Kyle
Director

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REPORT OF THE COMMITTEE ON INSTITUTIONS AND REHABILITATION

Introduction

The Committee on Institutions and Rehabilitation devoted its primary efforts during this first interim of study to the entire system of juvenile services and juvenile justice. While the Committee deferred action on several broad proposals relating to the juvenile system until next year to allow time to more fully explore these proposals, the Committee is making a number of recommendations relating to the juvenile system which the Committee would like the General Assembly to have an opportunity to consider in the 1973 Session. The Committee believes these measures are designed to alleviate and correct some of the immediate problems in the juvenile system as well as taking some initial steps in line with the long-range proposals the Committee hopes to have ready for consideration in the 1973 Session.

The Committee is making a number of recommendations which would require statutory change. However, the Committee is also recommending legislative support of several proposals which do not require a change in the statutes but rather financial support of specific budget requests and support of policy decisions of the Department of Institutions with which the Committee is in harmony.

The Committee realizes that there are problems and new ideas in the juvenile arena which are far-reaching and require a great deal of further study. The Committee has planned for itself to devote further effort and attention to these issues during the second year of its interim study. Further, the Committee understands that the entire system of institutions and rehabilitation is a complexly inter-related system and each facet must be viewed as a part of that integrated whole. For this reason, the Committee will also concern itself during the next interim with other facets of the institutional system. The Committee is aware of the efforts of the Department of Institutions to improve coordination of the various institutional programs and facilities under its purview. During the next interim the Committee will consider what legislation is necessary to facilitate and improve coordination among institutional programs.

CONFIDENTIAL AND UNCLASSIFIED

MEMORANDUM FOR THE ATTORNEY GENERAL

REVIEW OF THE TRIALS OF JUVENILES BY JURY

The Committee on the Administration of the Courts of the U.S. Supreme Court has issued a report on the trials of juveniles by jury. The report states that the trials of juveniles by jury are unconstitutional. The report also states that the trials of juveniles by jury are a waste of time and money. The report further states that the trials of juveniles by jury are a violation of the rights of juveniles. The report concludes that the trials of juveniles by jury should be abolished.

One point of particular interest in influencing our Committee's decision has been the report of some defense attorneys as a factor in juvenile court. The Committee agreed that the present jury trials leaves juveniles with a feeling of being in a system of justice which they believe can be easily manipulated.

The Committee is also concerned with the backlog of cases which has built up in some of the juvenile courts in the country. This delay has resulted in part from the fact that the trials are lengthy. This backlog has resulted in lengthy trials and has rendered the notion of a speedy trial and justice almost a virtual impossibility.

Finally, the Committee took into consideration the decision of the Supreme Court, in the case of *In re Gault*, 387 U.S. 1 (1967). In its decision, the Court stated that the appointment of counsel in juvenile proceedings is a matter of fundamental importance and that the right to a fair trial is an essential part of the juvenile's right to due process. The Court concluded that in our legal system, the right to a fair trial is a necessary component of due process. The Court is concluding that a jury trial is not constitutionally required in a juvenile court's proceedings. The Court followed the line of reasoning that all constitutional rights assured to an adult are to be afforded in juvenile proceedings. Further, the Court stated that the prospect of an indictment and the prospect of an indictment are not constitutionally required in a juvenile proceeding.

The Court also concluded that imposing a jury trial on the juvenile court system would not remedy the system's defects and would not greatly strengthen the factfinding function. The Court stated that states should be free to experiment with the use of the jury system; also a juvenile court judge may use an advisory jury in a particular case. The Court also noted that many states by statute or judicial decision deny a juvenile a jury trial and the majority of these states have concluded that issues raised in *Ball* do not compel trial by jury in juvenile court.

Finally, the Court stated that equating the adjudicative phase of the juvenile proceeding with a criminal trial ignores the aspects of fairness, concern, sympathy and paternal attention inherent in the juvenile court system. The majority also agreed that if the formalities of the criminal adjudicative process are to be imposed on the juvenile court system, there is little need for its separate existence.

Mr. Justice Brennan concluded that:

Due process in juvenile delinquency proceedings, which are not "criminal prosecutions," does not require the States to provide jury trials on demand so long as some other aspect of the process adequately protects the interests that Sixth Amendment jury trials are intended to serve. In the juvenile context, these interests may be adequately protected by allowing accused individuals to bring the community's attention to bear upon their trials.

In light of these arguments, the Committee recommends that trial by jury be eliminated for juveniles except in cases where the alleged act committed by the juvenile would constitute a felony if committed by an adult. The Committee believes that such cases should be an exception because of the seriousness of the offense charged. In such cases the proceedings should be similar to those in adult criminal cases.

Establishment of a Central Juvenile Records System (Bill B)

The Committee believes there should be a central records system established which would contain all the arrest, identification, dispositional and parole information on juveniles charged or adjudicated as delinquents. Specifically the Committee recommends that beginning July 1, 1972, every law enforcement agency and all facilities established

under Article 6 of the Children's Code (which includes group care facilities and homes, training schools, conservation camps, diagnostic and evaluation and receiving centers, etc.) provide information to the Colorado Bureau of Investigation regarding youths who are taken into custody on a charge of delinquency or are subject to delinquency proceedings. In addition, the Committee recommends that after July 1, 1978, every juvenile court furnish to the C.B.I. all delinquency information pertaining to any child adjudicated as delinquent. The procedures for filing court information should be established jointly by the State Court Administrator and the Director of the Colorado Bureau of Investigation.

The Committee believes the records on juveniles who have been charged or adjudicated as delinquents should be available to law enforcement agencies to assist them in the apprehension of a child, or in current investigations, and to the juvenile courts in connection with proceedings against any child under the Children's Code. As a result of a 1971 amendment to the Children's Code, local law enforcement agencies may exchange information on a youth who is currently being investigated or to assist in the apprehension of a child. However, the law enforcement agency must request this information from other police departments and sheriff's offices, and often they may not know the other jurisdictions where the youth may have a delinquency record or may have been arrested on a charge of delinquency. A central records system would have information readily available on a youth from all the law enforcement agencies in the state.

The juvenile courts also have the authority to exchange adjudication and disposition information on juveniles under section 22-1-9 (2) of the Children's Code. However, the problem exists that they may not know which other judicial districts have such information on a youth. Also there is no procedure under the present structure for making former arrest records of a juvenile charged with a delinquent offense available to the courts if a petition was never filed on that charge. A central records system would serve as a source of all this information for the court. The Committee believes this information would be extremely helpful to a juvenile judge in making decisions concerning a youth under the jurisdiction of his court.

Jail Sentences for Delinquents (Bill C)

The Committee believes that section 22-3-13 of the Children's Code should be amended to provide judges an additional alternative in the disposition of a delinquent child. Specifically, the Committee recommends that an additional provision be added to this section allowing judges to sentence youths adjudicated as delinquents to a maximum of 90 days in jail.

The Committee has heard a good deal of testimony affirming the need for adoption of this provision. Many judges have indicated that such short-term confinement would be an effective form of corrective action in that the degree of punishment can be geared to the juvenile offender and the severity of his offense and is immediate and short-term. Additionally, these judges have suggested that a short jail sentence has a profound rehabilitative impact on a juvenile which is oftentimes not obtained in long-term, institutional confinement.

Judges from rural areas stated the community's preference to deal with its delinquency problems locally. Alternatives available to judges from the metropolitan area, such as foster and group home placements, juvenile work programs, etc., are not readily available to these judges from the rural areas. These judges from the rural areas expressed their belief that this provision would allow them a local alternative, and urged adoption of this proposal.

The Committee, in its recommendation, is suggesting that, at the discretion of the judge, the conditions of the sentence could provide day-time release of the juvenile to allow participation in work programs or educational programs.

Final Decrees in Stepparent Adoptions (Bill D)

Testimony to the Committee revealed that a 1971 amendment to section 22-4-12 concerning hearings on petitions for adoption has been a source of some confusion in the district courts which handle proceedings in this matter. This section was amended to provide that once an original hearing on a petition for adoption had been held, the court could enter a final decree of adoption no sooner than six months from the date of the original hearings. It is the Committee's belief that the requirement of a six-month delay before the court's issuance of the final adoption decree was not intended to apply to stepparent adoptions. However, the law is not clear on this point, and the courts have abided with this requirement except in emergency situations. The second hearing has

required in further clearing of the courts' dockets, which the Committee believes is unnecessary.

The Committee recommends that the original intent of the General Assembly in passing legislation which provides that this procedure be clarified by a statute contained in section 224-7 (f) which establishes the procedure to be followed in clearance hearings. Specifically the Committee recommends that 224-7 (f) (iv) be amended to read:

224-7 (f) (iv). The hearing shall not be held unless three days after service of notice is complete, AND AT SUCH TIME THE COURT MAY MAKE A FINAL ORDER OF ADJUDICATION; ~~AND~~

This amendment would allow the judge, at his discretion, to enter a final order of adjudication at the initial hearing in clearance hearings, unless there is evidence of the need for a second hearing.

Funding Proposal

Funds to be Made Available for the Return of Runaways

The Committee has become aware of a problem that exists in many courts concerning the return of runaways to their place of residence. As a matter of course, when a runaway from another state is taken into custody, the court or the district probation department first available is contacted by the local parents to request them to send money as a reimbursement ticket to return the child. If the parents cannot be located, the local court then contacts the court, the probation department, and the welfare department in the state of the child's residence to request them to provide funds for the child's return. If none of these agencies have to provide funds for the return of the juvenile, the court has no other alternative but to use its own resources to return the child or merely to release him.

The Committee understands that in a few cases, the Division of Juvenile Care, which administers the Interstate Compact on Juveniles, has assisted courts in returning runaways to their place of residence. However, it is also the Committee's understanding that there are limited funds available under the Interstate Compact for the return of runaways from other states, and this money was intended to be used for returning interstate runaways to this state.

The Committee believes that this is a problem of significant magnitude, especially in some judicial districts in the state, to warrant the concern of the General Assembly. Juveniles who cannot be returned to their home states often become a burden on the community and the local school districts and these transient youths often get into more trouble which is costly to the community and the judicial system.

For these reasons, the Committee recommends that the Joint Budget Committee and the General Assembly appropriate sufficient funds to be available to the courts to return run-aways to other states after the courts have exhausted all the resources available in the youth's state of residence. The Committee believes that the funds could be appropriated to the agency charged with the administration of the Interstate Compact on Juveniles, or to the State Department of Social Services, or to the office of the State Court Administrator. The Committee is not as concerned about where the funds are appropriated as it is concerned that funds are available when emergency situations arise.

Items in the Division of Youth Services' Budget

State Financing of the Division of Youth Services Reception-Diagnostic Program

The reception-diagnostic program at Lookout Mountain School for Boys has been in operation two years and has been federally funded through a Law Enforcement Assistance Administration grant of approximately \$100,000. All male CHINS and delinquents who have been committed to the Department of Institutions in the past two years have gone through a complete orientation and evaluation under this program. The program consists of psychological and educational testing (unless previously administered), counseling and interviews, the development of social histories and information on the family background of the youth. At the completion of the program, which generally lasts about 30 days, the staff at the Reception-Diagnostic Center has compiled a complete dossier of information on the youth from which a treatment plan is developed. This treatment plan is the primary factor in determining the placement of the youth. Based on this information, the placement committee of the center determines the disposition appropriate to the child's needs. Such disposition may be placement in a state institutional facility, immediate release on parole, placement in a group or foster home, or any of the

other dispositional alternatives available under the Children's Code.

The evaluation program at Mount View Girls' School, which is the receiving center for all female delinquents and CHINS committed to the Department, is somewhat less sophisticated, without the benefit of federal funds. The Boys' School has been able to develop a staff which can devote full time to the reception-diagnostic program. On the other hand, the Clinical Services and Group Living staff at the Girls' School has to divide its time between the receiving center program and the on-going program at the School. Frequently, the girls at Mount View are bussed to Lockout for some of the testing and evaluation that the staff at Mount View is either not equipped to do or does not have sufficient time to do.

The federal LEAA grant for the reception-diagnostic program at Lockout terminates July 1, 1972. The Division of Youth Services, in its program budget request for 1972-73, is asking the state to take over the funding of a centralized reception-diagnostic program to be located at Mount View School for all male and female delinquents and CHINS committed to the Department of Institutions. Their proposal contemplates that the staff of the reception-diagnostic program at Lockout would be shifted to Mount View. The Division proposes that Hutton Cottage, which has not been used at maximum capacity for several years, will be utilized for 24 boys in the program. The girls who are in the reception-diagnostic program will be housed in one-half of Fortner Cottage.

The Committee recommends that the Joint Budget Committee and the General Assembly appropriate the necessary state funds to allow the Division of Youth Services to establish a centralized Reception-Diagnostic Center at Mount View, as proposed in their budget request. The Committee believes the program has been a valuable tool at the Boys' School and a centralized program would also provide a needed service to Mount View. The Committee is in agreement with combining the programs so that allows a single well-trained evaluation team to provide the same service to boys and girls. Also, the consolidation of the program at Mount View would allow the Division to make use of a perfectly good facility -- Hutton Cottage -- which has frequently been unoccupied due to the low population at Mount View. Finally, consolidating the program at Mount View is in keeping with the Department's long-range plans to decentralize the Youth Services program and to phase out the juvenile programs at Lockout Mountain School, a plan which the Committee feels has considerable merit.

Closed Adolescent Treatment Center

The Committee has heard considerable testimony throughout the state concerning the need for a closed treatment facility for emotionally disturbed adolescents. The Colorado Council of Juvenile Judges, the Colorado Juvenile Council (an association of youth workers), the Citizens Task Force on Youth, the Colorado Psychiatric Society, the Colorado Medical Society, and numerous other groups and individuals have expressed the need for such a facility. They recommend that the Department of Institutions make the establishment of a closed psychiatric facility for male and female adolescents a first priority item. A proposed resolution to the Joint Budget Committee listing the groups which support such action is attached as Appendix E.

Existing Facilities. At present there is no public or private facility in the state which can provide adequate intensive psychiatric treatment for the severely emotionally disturbed, acting-out adolescent who must be confined in order to be treated. There are several very fine private mental health facilities in the state which offer psychiatric treatment. However, most of these facilities are unwilling to accept the kind of patients who would be disruptive to their on-going treatment programs. These adolescents are often so severely disturbed that they require constant supervision in order to prevent them from harming themselves or other patients and destroying property. Additionally, these private treatment programs are extremely expensive and there are presently no funds available to the juvenile courts to purchase such services. A further drawback to using private facilities is that many of them serve only a specific catchment area, and the need is state-wide.

There are two state institutions which might be considered for treatment of these emotionally disturbed children -- the Colorado State Hospital and the Fort Logan Mental Health Center. However, neither state institution has adequate treatment programs for these severely emotionally disturbed children. The Colorado State Hospital has an intensive psychiatric treatment program in the Division of Forensic Psychiatry, but this treatment program is limited to those children above 16 years of age who have committed criminal offenses and have been diagnosed as psychotic. These children under 16 years of age and those not diagnosed as psychotic, when committed to this institution, are assigned to the geographical division units, which do not provide the intensive psychiatric treatment programs required for the treatment of these emotionally disturbed children. A separate children's treatment unit provides intensive treatment programs for younger aged children, but does not provide

treatment services for children 10-16 years of age. In addition, the Colorado State Hospital does not provide treatment to those persons from the Denver Metropolitan Area, as this geographic area is the catchment base of the Fort Logan Mental Health Center.

Fort Logan has based its treatment program on an open door philosophy and is reluctant to add a locked unit to the program which, according to the Fort Logan staff, would be counter to its treatment philosophy. The Adolescent Unit and the Children's Unit at Fort Logan provide a total of 81 open beds for adolescents under 18 years of age. Neither of these programs, however, is suitable for the emotionally disturbed adolescent who requires treatment in a confined setting.

Department Proposal. In light of the overwhelmingly apparent need for a closed adolescent treatment facility, the Department of Institutions, in a cooperative effort between the Division of Youth Services and Fort Logan Mental Health Center, has begun planning for such a unit to be located at an existing facility at the Mount View School. The Mount View site was selected over other sites considered (Fort Logan, Lookout Mountain School and the Colorado Youth Center) because: (1) it would require no new construction (an existing facility, Barton Cottage and Clinic, could be converted through remodeling); (2) Mount View is only a ten minute drive from Fort Logan which would provide the psychiatric services; and (3) the on-going program at Mount View could provide some of the back-up services, such as food services and security, essential to the program.

Specifically, the Department's proposal calls for an 18-bed unit. While the Department recognizes that this number is not sufficient to meet the total state-wide need, the Department believes that such a program must be small to be effective and that the initial program is really a "pilot program" which the state may later want to expand if it proves successful. It should also be noted that no similar programs exist anywhere in the nation which can serve as a model. If the Colorado program proves successful, it would probably serve as a prototype for other operations nationwide.

Funding. The Department of Institutions sought financial support from CLEAA, the Colorado Law Enforcement Assistance Administration. CLEAA is very receptive to the idea and encouraged the development of a grant proposal. Subsequently, a grant request for \$300,000 from CLEAA to finance the renovation of Barton Cottage and Clinic and to pay for the first year of operation has been prepared. Grants funded through CLEAA are based on a 75-25 match and the proposal

anticipates that the state share (approximately \$100,000) can be provided in-kind through the donation of the building and food and back-up services provided through Mount View. If the grant request is approved, a desperately needed facility could be obtained at very little initial cost to the state.

To date, the potential for final approval of the grant request appears promising. The Department has included a request for authorization to accept such funds in the Division of Youth Services' budget. In addition, the CLEAA office has indicated that if their budget request is approved by the Washington office, CLEAA would be receptive to an additional grant request for the second year of operation, perhaps with diminished federal funds. Finally, CLEAA has indicated that federal funds would probably also be available to finance an evaluation of the program to determine the success of the program after two years' of operation. Such an evaluation would provide the state with data on which to base its decision whether, at the termination of the federal grant, to continue the program with full state funding.

Criteria for Admittance. The psychiatric services for the adolescent unit would be provided by Fort Logan. The existing adolescent psychiatric team would be used; however, new treatment staff would be added for specific assignment to the unit. The total treatment staff for the unit would probably total about 26. The criteria for acceptance of an adolescent into the unit have not been worked out in detail, but generally, the unit should be available to treat all adolescents (age 13-18) in the state of Colorado who meet the following criteria: (1) The youth would be referred from another institution, public or private, e.g., Mental Health, Youth Services, Juvenile Courts; (2) Attempts at treatment other than that offered by the unit have been attempted without success; (3) No alternative referral seems appropriate. The unit staff will assist any referring agencies in this determination. This rules out retarded adolescents (IQ less than 70) and those with gross physical difficulties. Voluntary commitments to the unit will not be accepted. All commitments will be through the courts.

Anticipated Characteristics of Referred Adolescents.

Adolescents exhibiting certain behavior patterns appear at this point to be those most likely to be referred to the unit. Among the factors which apparently will contribute to referrals are: a history of chronic runaway behavior (both from home and other placements); assaultive, destructive, and/or self-destructive behavior; severe drug abuse (cases will be accepted only after acute toxic states have passed); asocial diagnoses; psychotic diagnoses; as well as youths who seemingly are unable to tolerate relationships with adults.

The Committee on Institutions has had considerable discussion on the subject of an adolescent treatment unit. The Committee is convinced of the need for such a facility. In view of the lack of other suitable treatment facilities, the Committee believes the Department of Institutions is taking the proper action to develop a state pilot program. The Committee strongly recommends that the Joint Budget Committee and the General Assembly take this gap in adolescent treatment services into careful consideration and authorize the Department to accept any federal monies which may be forthcoming for this purpose as well as provide the necessary state support for the initiation of this program.

Support of Department of Institutions Policy

Shift Toward Smaller, Decentralized Institutional Facilities

The Committee supports the policy of the Department of Institutions which calls for the development of more small youth placement facilities patterned after the philosophy of the camps at Lathrop and Golden Gate. The Committee agrees with the idea of establishing more diversified treatment units in various geographic areas of the state.

At all the regional hearings of the Committee, the juvenile judges agreed that the two on-going camp programs are effective treatment programs and the judges asked that more of these programs be established in various parts of the state. Many judges are reluctant to commit youths to a large correctional institution which they are not convinced meets the treatment needs of the youth and removes him from the community for a long period of time. Judges in the outlying parts of the state, in particular, feel that youngsters from small community and rural areas are often not able to cope with the more sophisticated youngsters from the heavily populated areas, who they encounter in the existing institutions. Judges and other youth workers alike agreed they would be more likely to commit youngsters if there were a more diverse system of treatment facilities which might allow juveniles to be treated near their home community.

The Committee believes that family and community involvement is an important element in any rehabilitative program for youth. The present institutional program makes family and community involvement difficult because many youths in the institutions are a great distance from their homes. If a committed youth could be placed in a facility nearer his own home, it would be easier for the family to

visit the youth at the facility and would facilitate weekend and pre-parole releases of the youth to the family home. It might also allow the family to more actively participate in the youth's treatment program and in family therapy, etc. It would also enable the community agencies to continue to work with the youth.

Finally, the Committee sees definite merit in small units based on diverse kinds of treatment approaches. It appears that small programs allow a rapport to develop between the committed youths and the staff, which appears to add to the success of the treatment program. This relationship between staff and youth is much more difficult to achieve at large institutions. In addition, a diversity of treatment programs provides flexibility in placing youths in programs that are relevant to their treatment needs.

The Committee believes that such small treatment facilities, often referred to as "camps", need not be camps in the traditional sense of the word. They would not necessarily all be conservation or work camps, but could have as their primary emphasis education or vocational training. Such facilities could even be located near an industry or job market where part of the program could be on-the-job training. The Committee believes that treatment and counseling should be an integral part of all of these programs.

The Division of Youth Services' long-range plans call for the construction of several new youth camps. The Committee endorses these plans in line with the considerations developed above. The Committee particularly believes there is an immediate need for the development of a camp-type facility on the Western Slope. The Committee recommends that the Joint Budget Committee and the General Assembly give favorable consideration to any of the Department's proposals to decentralize facilities in such a manner.

Education Proposal

Early Identification of and Programs for Potential Delinquents

In its discussions with educators and school counselors, the Committee has heard repeatedly that many children who end up in correctional facilities and on probation and parole have been identified as early as elementary school as potential problem youngsters. With more tools and sophisticated methods for early identification, even more of these children could be identified. For this reason, the Committee believes that the General Assembly should place high priority

on proposals which emphasize early identification of children who have perceptual or learning handicaps or emotional problems, which may later develop into delinquency or some other form of anti-social behavior.

However, the Committee believes that early identification of problem children is only a partial answer. To identify potential or immediate problems is somewhat fruitless if there are not adequate programs to deal with and correct the problems. Therefore, the Committee recommends that the General Assembly give its financial and verbal support to school programs which propose to deal with identified perceptual, emotional and behavior problems and reverse the cycle which often results in delinquent behavior.

The Committee particularly endorses programs which are concerned with correcting perceptual and learning disabilities in the very early stages. Testimony to the Committee indicates that a high percentage of the youths who are committed to the juvenile correctional facilities are far below their peers in academic achievement and many of them have perceptual handicaps that may be directly responsible for their poor academic achievement. For example, one survey on 150 boys in the educational program at the Boys' School identified some 60 percent as having a perceptual or motor handicap. A great many of these same boys were functioning more than five years below their grade level. If there were more programs in schools to attack these problems in their early stages, the result might be less delinquent behavior when a youth reaches junior high and high school age.

Finally, the Committee believes that many youths who sometimes become dropouts and get into trouble are turned off by traditional school programs. Frequently these youngsters do well in innovative work-study and vocational programs and classes that are less structured than traditional academic programs. Therefore, the Committee recommends that these types of innovative programs, particularly those aimed at preventing youths from dropping out of school, should be encouraged.

The Committee on Public Education is recommending a bill which is concerned with the early identification of potential dropouts in the early years of education and development of programs to meet the needs of these children. The Committee on Institutions wholeheartedly endorses this proposal which is aimed at the very heart of the Committee's concern.

Community Youth Programs

Development of Coordinated Service Programs for Youth

A major concern of the Committee is the fragmentation which appears to exist in the system of services for youth. Oftentimes a youth in need of service may be shuttled between the courts, the probation department, the county welfare department, the Department of Employment, and numerous other community agencies. Being shifted from agency to agency often results in considerable frustration for the youth and the family seeking youth services.

Several approaches for solving the problem of fragmentation of youth services have been tried. One approach is the establishment of a central referral agency, sometimes called a Youth Service Bureau. This agency acts as a screening device to insure that the youths and families seeking help are referred to the appropriate agency for service. A second approach calls for the establishment of comprehensive service centers for youth, wherein all services traditionally oriented towards youth are systematically brought together in a single location in the community.

A number of communities have instituted innovative programs which have helped to reduce the amount of fragmentation which exists in the system of youth services in their area. The Committee believes that such programs have considerable merit and would encourage local communities to pursue programs, such as the establishment of Youth Service Bureaus or comprehensive youth service centers, which can be helpful in ending fragmentation and improving coordination of services for youth. The Committee believes that to be truly effective, such programs must be initiated and carried through at the local level.

Adult Parole Provisions

Proposal Concerning Parole Allowance (Bill E)

The Colorado statutes concerning the release of prisoners from the penitentiary and the reformatory provide that the warden of each of these facilities furnish the inmate with \$25.00 upon his release. The Committee believes that the statutes should not specify a fixed amount of money, but rather, should be flexible to allow the amount furnished to be related to the particular circumstances and financial condition of the inmate. In other words, the Committee does not

think it should be mandatory that the state provide release funds for an individual who has adequate savings or family support to see him through until he can find employment and has a stable income. On the other hand, the Committee does not believe that \$25.00 is adequate to enable a parolee who may not have a job waiting or any financial savings to meet even his daily needs until he can find employment.

Without adequate assistance the parolee often turns to crime to meet his daily needs. The Committee sees considerable merit in providing the parolee with more adequate assistance at the time of release to prevent the return to institutionalization. Providing the parolee with more funds upon release certainly appears justified if it helps to prevent his re-institutionalization, which has an annual per capita cost of approximately \$4,100.

For these reasons, the Committee is recommending that the sections of the Colorado statutes which provide for the allowance of \$25.00 for prisoners released from the penitentiary and the reformatory be amended to provide that the warden "may furnish ... a reasonable sum of money". This change would allow flexibility in meeting the individual needs of inmates. The Committee is also recommending several minor changes relating to the type of clothing and transportation that may be furnished, as well as making these sections uniform.

Recommendations Referred to Other Committees or Agencies

There were several proposals made to the Committee on Institutions and Rehabilitation which the Committee is referring to other committees and agencies for their consideration. These items include:

(1) A recommendation to the Commission on Higher Education to develop more college field-study programs in the state's vocational and social service agencies and encourage agencies in delinquency prevention that would be of benefit to persons working in youth-related fields.

(2) A recommendation to the Law Enforcement Training Academy to expand its training program in the juvenile area and to encourage law enforcement officers to participate in such programs. (Copies of this letter are also being sent to the Commission on Higher Education and the several police and sheriff's departments of the state.)

(3) A request that the Joint Budget Committee and the Department of Institutions jointly:

(a) review the incentive pay program at the state correctional facilities, and

(b) explore the role of the community mental health centers and clinics in providing services to the juvenile courts and discuss the funding of such services.

And last, the Committee has directed a letter to the Department of Institutions and the Judicial Department asking them to develop a plan for streamlining and eliminating duplication in the evaluation of juveniles who come under the jurisdiction of the courts and the Department of Institutions. The Committee has requested that this plan be available for consideration by the Committee during the 1972 interim.

Copies of this transmittal material are appended to this report. The Committee wishes to have the members of the General Assembly aware of the action that has been taken by the Committee and recommendations made to other agencies, even though no immediate legislative action is required.

Bill A

A BILL FOR AN ACT

1 CONCERNING JURY TRIALS UNDER THE "COLORADO CHILDREN'S CODE".

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 22-1-6 (1) (a) and (4) (a) (ii), Colorado
4 Revised Statutes 1963 (1967 Supp.), are amended to read:

5 22-1-6. Right to counsel. (1) (a) At his first appearance
6 before the court, the child, his parents, guardian, or other
7 legal custodian shall be fully advised by the court of their
8 constitutional and legal rights, including the right to a jury
9 trial as IF SUCH RIGHT IS provided in subsection (4) of this
10 section, and the right to be represented by counsel at every
11 stage of the proceedings.

12 (4) (a) (ii) In adjudicatory hearings under section 22-1-4
13 (1) (b) OR (1) (c), or IF THE PETITION FILED IN JUVENILE COURT
14 ALLEGES THAT THE CHILD COMMITTED AN ACT WHICH WOULD CONSTITUTE A
15 FELONY IF COMMITTED BY AN ADULT, OR UNDER SECTION 22-1-4 (1) (d).

16 SECTION 2. Effective date. This act shall take effect July
17 1, 1972.

18 SECTION 3. Safety clause. The general assembly hereby
19 finds, determines, and declares that this act is necessary for
20 the immediate preservation of the public peace, health, and
21 safety.

Bill B

A BILL FOR AN ACT

1 **CONCERNING A CENTRAL RECORDS SYSTEM FOR JUVENILE OFFENDERS.**

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Article 1 of chapter 22, Colorado Revised
4 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
5 SECTION to read:

6 22-1-16. Central records. On and after July 1, 1972, every
7 law enforcement agency, the department of institutions, and every
8 facility established pursuant to article 8 of this chapter shall
9 furnish to the Colorado bureau of investigation, upon its
10 request, all arrest, identification, parole, and other
11 dispositional information pertaining to any child taken into
12 custody on a charge of delinquency or subject to proceedings
13 under section 22-1-4 (1) (b). On and after July 1, 1972, every
14 juvenile court in this state shall furnish to the Colorado bureau
15 of investigation all dispositional information pertaining to any
16 child adjudicated as delinquent, in accordance with procedures to
17 be established jointly by the state court administrator and the
18 director of the Colorado bureau of investigation. Such
19 information in the possession of the Colorado bureau of
20 investigation pursuant to this section may be furnished by the
21 bureau only to law enforcement agencies in connection with the
22 apprehension of a child or a current investigation, or to

1 would enact in connection with any proceeding under this
2 chapter.

3 **SECTION 2. Safety clause.** The general assembly hereby
4 finds, determines, and declares that this act is necessary for
5 the immediate preservation of the public peace, health, and
6 safety.



BILL C

A BILL FOR AN ACT

1 CONCERNING JAIL SENTENCES FOR CHILDREN ADJUDICATED AS DELINQUENT.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 22-3-13 (1), Colorado Revised Statutes 1963, as
4 amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 22-3-13. Delinquent child - disposition. (1) (d) The
6 court may sentence a delinquent child to imprisonment in the
7 county jail for a period not to exceed ninety days, but any jail
8 sentence imposed under this paragraph (d) shall be served in a
9 juvenile section of the jail, separate and apart from adult
10 offenders.

11 SECTION 2. Effective date. This act shall take effect July
12 1, 1972.

13 SECTION 3. Safety clause. The general assembly hereby
14 finds, determines, and declares that this act is necessary for
15 the immediate preservation of the public peace, health, and
16 safety.

Bill D

A BILL FOR AN ACT

1 CONCERNING FINAL DECREES IN STEPPARENT ADOPTIONS.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 22-4-7 (1) (f) (v), Colorado Revised Statutes
4 1963 (1969 Supp.), is amended to read:

5 22-4-7. Availability for adoption. (1) (f) (v) The
6 hearing shall not be held sooner than thirty days after service
7 of the notice is complete, AND AT SUCH TIME THE COURT MAY ENTER A
8 FINAL DECREE OF ADOPTION; or

9 SECTION 2. Safety clause. The general assembly hereby
10 finds, determines, and declares that this act is necessary for
11 the immediate preservation of the public peace, health, and
12 safety.

BILL E

A BILL FOR AN ACT

1 **CONCERNING ITEMS TO BE FURNISHED TO PERSONS RELEASED FROM THE**
2 **COLORADO STATE PENITENTIARY AND THE COLORADO STATE**
3 **REFORMATORY.**

4 Be it enacted by the General Assembly of the State of Colorado:

5 **SECTION 1. 105-3-4 (1), Colorado Revised Statutes 1963, is**
6 **amended to read:**

7 **105-3-4. Release and furnishings. (1) Ten days prior to**
8 **the date on which any prisoner confined in the Colorado state**
9 **reformatory is entitled to be discharged or to be paroled**
10 **therefrom the warden thereof, or any person authorized to act for**
11 **him, shall give the prisoner a release which shall entitle him to**
12 **leave the reformatory pursuant to the conditions stated in the**
13 **release. The warden, prior to the release of the prisoner, shall**
14 **MAY furnish him with not more than twenty-five dollars, A**
15 **REASONABLE SUM OF MONEY, ALL ARTICLES OF PERSONAL PROPERTY**
16 **BELONGING TO THE PRISONER THAT MAY HAVE BEEN TURNED OVER TO THE**
17 **WARDEN, suitable clothing, and a nontransferable railroad or bus**
18 **ticket; TRANSPORTATION, at the expense of the state, from Bunk**
19 **Vista to the place of his residence in Colorado or any other**
20 **state. The warden shall endorse on the back of the ticket the**
21 **name of the person for whom it is furnished and also the words**

1 "furnished by the state."

2 SECTION 1. 105-4-10, Colorado Revised Statutes 1963, is
3 amended to read:

4 105-4-10: Discharge - clothes, money, transportation. Ten
5 days prior to [the date on which any convict now confined, or that
6 may hereafter be confined in the penitentiary of this state,
7 shall be entitled to be discharged or to be paroled from said
8 penitentiary, the warden thereof, or any person acting for him as
9 such officer, shall give such convict a ticket of leave
10 therefrom, which shall entitle him to depart from said prison.
11 The warden shall MAY at the same time furnish such convict with
12 twenty-five dollars, A REASONABLE SUM OF MONEY, all articles of
13 personal property belonging to said convict that may have been
14 turned over to the warden, a-suit-of--common SUITABLE clothing,
15 and a-transferable--railroad--ticket, TRANSPORTATION, at the
16 expense of the state, from the place at which said penitentiary
17 is located to any railroad station--in--the--state--which--such
18 convict shall select, THE PLACE OF HIS RESIDENCE IN COLORADO OR
19 ANY OTHER STATE. The warden shall endorse on the back of such
20 railroad ticket the name of the person for whom it was furnished
21 and also the words "furnished by the state." It shall be unlawful
22 for such convict to sell or transfer such ticket, or for any
23 person to use the same except the person for whom it was
24 furnished.

25 SECTION 3. Repeal. 105-3-4 (2), Colorado Revised Statutes
26 1963, is repealed.

27 SECTION 4. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary for
2 the immediate preservation of the public peace, health, and
3 safety.

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 10, 1971

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REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

Dr. Frank C. Abbott, Executive Director
Commission on Higher Education
719 State Services Building
Denver, Colorado 80202

Dear Dr. Abbott and Members of the Commission:

The Legislative Council's Committee on Institutions and Rehabilitation is concerned with improving the treatment programs at our state correctional facilities and upgrading our system of services to juveniles. The Committee believes a prime factor in the success of any agency which deals with people is well-trained and concerned personnel. For this reason, the Committee endorses programs which provide relevant training for persons working in the correctional field and in service agencies.

The Committee, during the course of its first year of study, has had several proposals presented which relate to higher education. The Committee would like to refer these proposals on to the Commission on Higher Education with a favorable recommendation for action. The first proposal calls for the establishment of a state-wide college field study program under which college undergraduate and graduate students could receive college credit for working as aids in any of the state's correctional or social service agencies. This specific proposal was initiated by the Social Services Task Force which was formed to contribute to the Comprehensive Planning For the Prevention, Control, and Treatment of Juvenile Delinquency, a report submitted to the Governor in November, 1970. An excerpt from this report which relates to this proposal is attached.

Dr. Frank C. Abbott
November 10, 1971
Page Two

The Committee is aware that there are programs of this nature currently being conducted for college students. The Committee is cognizant, for example, that college students have been assigned to work in the two state youth camp programs. These are commendable programs, both from the standpoint of experience and training for the student and the facility which benefits from the additional manpower. The Committee believes that such programs should be encouraged and expanded.

The second proposal calls for the establishment of more college training programs in the area of juvenile delinquency prevention. Such programs are of great value not only to college students interested in entering juvenile related fields but would also benefit those currently working in education, welfare, employment and other professions that are youth related. The Committee believes that personnel who are in constant contact with youth should be encouraged to broaden their knowledge of juvenile delinquency prevention and control. Institutions of higher learning have a very important role in making meaningful courses available in the area of juvenile delinquency prevention. The Committee urges that more of these courses be instituted and made available to youth workers throughout the state.

The Committee urges your favorable consideration of these proposals.

Very truly yours,

/s/ Senator Ruth Stockton
Chairman
Committee on Institutions
and Rehabilitation

RS/mp

SOCIAL SERVICES TASK FORCE

PROJECT: A STATE-WIDE COLLEGE FIELD STUDY PROGRAM

Target Systems

Colleges, universities, and social services agencies

Clients to be Served

Persons seeking employment in the social services and the clients of these agencies

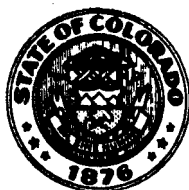
This program is essentially a combination of VISTA, regular college field-study programs, and intern-type programs (such as WICHE summer program at the University of Colorado). Under this program a student enrolled in any state institution of higher learning would be given college credit for working one full year as an aid in any of a number of State's correctional or social service agencies. Students involved in this program would receive college credit. Each student would receive subsistence allowance similar to that paid by VISTA. In cases where the student is assigned to an institution or agency that provides housing the subsistence allowance will not need to be as great. Funds supporting such a program may come from new appropriations, perhaps an experimental and demonstration grant, and, in part, from current budgets of the agencies to be involved.

It should be noted that this program will help relieve the manpower problems experienced by corrections and social service agencies. In addition, the program will provide invaluable experience to students planning careers in corrections or other social services.

Additional study is necessary for proper implementation of a workable program. College and university personnel need to be a part of further work in this area. A look at the "Career Ladder" proposal of the Judicial Task Force plan, and ways of coordinating these two methods of manpower training should be studied.

To provide agencies with well-educated and trained professional staff, and to create an incentive for young people to seek careers in the social services are the objectives of this project.

Appendix B
COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2286
AREA CODE 303

November 10, 1971

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REP. HAROLD L. McCORMICK

REP. HIRAM A. McNEIL

REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

Capt. Walter Whitelaw
Colorado Law Enforcement Training Academy
Camp George West
1500 Golden Road
Golden, Colorado 80401

Dear Captain Whitelaw:

The Legislative Council's Committee on Institutions and Rehabilitation is concerned with improving the system of juvenile justice in this state. The Committee believes that law enforcement officers are a key factor in this system and highly influence the way in which youths regard the entire system of justice. Usually, a youth's first exposure to the system is through his contact with a law enforcement officer. For this reason the Committee sees a great deal of merit in providing training to law enforcement officers to assist them in dealing with and developing positive relationships with youth.

Secondly, the Committee recognizes the tremendous responsibility placed on law enforcement officers in making decisions regarding the proper disposition of youthful offenders. An officer must decide whether a juvenile violation can be handled through a station house adjustment, whether the matter requires the attention of a social agency such as welfare, whether a petition should be filed in court on the violation, etc. The Committee believes that law enforcement officers would benefit greatly from training which will assist them in making these decisions. Such training programs could include discussions of the requirements of the Children's Code, the services offered by community social agencies, the judicial process, and other programs and processes which have a direct bearing on decisions law enforcement officers are asked to make.

Capt. Walter Whitelaw
November 10, 1971
Page Two

Finally, the Committee believes that there is considerable value in having specifically designated juvenile officers in law enforcement agencies. Such officers should have specialized training to equip them to deal primarily with juvenile offenders and problems. The Committee has observed that law enforcement agencies which have highly trained, specialized juvenile officers have experienced greater success in developing good relationships with juveniles, the courts, probation departments, etc., than those law enforcement agencies which do not have juvenile officers. A successful juvenile officer may need to have a personality suited to his role, but he must also have proper training for the job.

For these reasons, the Committee would encourage the Law Enforcement Training Academy to expand its training program in the juvenile area and encourage law enforcement officers to participate in such programs.

The Committee appreciates your thoughtful consideration of this proposal.

Very truly yours,

/s/ Senator Ruth Stockton
Chairman
Committee on Institutions
and Rehabilitation

RS/mp

Appendix C

Transmittal Memorandum

November 9, 1971

TO: Members of the Joint Budget Committee and Staff

FROM: Legislative Council Committee on Institutions and Rehabilitation

SUBJECT: Items for Your Consideration

The Committee on Institutions and Rehabilitation, during the first year of its interim study, has had several items brought to its attention which the Committee believes could benefit from further study and consideration by the Joint Budget Committee and the Department of Institutions. The first item has to do with the incentive pay scales at all the state correctional facilities as well as the present allowance given adults upon release on parole. The second matter has to do with the role of community mental health centers and clinics in the evaluation and treatment of juveniles, particularly those under the jurisdiction of the juvenile courts.

The following is an attempt to outline the problems in these areas as they have been discussed with the Committee. Should the solutions to these matters require statutory change or legislative support for funding, the Committee will be ready to consider these proposals in detail during the next interim.

Work and Parole Release Allowances
in All State Correctional Facilities

Incentive Pay and Work Allowances

Inmates at the State adult correctional facilities are compensated in the form of "incentive pay" for the work they perform in the prison industries program and other work projects. The current pay for the inmates at the Penitentiary and the Reformatory averages about 17.5 cents a day per inmate. This meager compensation is inadequate to meet the daily needs of the inmates, who must seek financial assistance from family and friends. It is also argued that the pay scale offers no real incentive for the inmates to work as it was intended to do, nor does it offer them an opportunity to develop good habits concerning management of their money which could be helpful to them when they are released to society. Prison officials argue that inability to manage money

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is often the root cause of the crimes committed by many individuals and the correctional system should endeavor to teach inmates to properly manage their money.

Juveniles committed to the youth camps at Golden Gate and Lathrop receive a weekly allowance of \$1.50. This allowance is considered, in part, to be remuneration for work in the conservation programs at the camps. Many of the boys paroled from the juvenile institutions are on their own upon release. Yet the state does not provide financial assistance to these boys when they are paroled. If the work allowances provided the boys in the camps were more realistic, part of this money might be deposited in a savings account and returned to the boy upon release. Officials at Golden Gate Youth Camp suggested that an addition of a dollar per week to the current allowance would allow such a program to be initiated.

In light of the above considerations, the Committee urges that the Joint Budget Committee, in cooperation with the Department of Institutions, review the pay incentive program at all the state correctional facilities. The Committee suggests that these pay scales be increased in line with current economic trends.

Increased allowance for adult parolees. Under current policy an inmate of the adult prison system, when released, receives \$25 and a new suit of clothes. This financial assistance, intended to prepare the inmate to re-enter society, is rarely adequate to enable the inmate to find a job and become established in the community. The federal correctional system is much more realistic in providing \$100 to each inmate upon release, plus several sets of clothing. In addition, the federal system provides approximately \$45 per week through welfare funds to released inmates for a six-week maximum period to further enable the parolee to become established.

Without adequate assistance, the parolee often turns to crime to provide daily needs. Noting that the per capita cost of incarceration in the adult prison system is approximately \$4,100, it has been suggested that additional assistance be provided to released inmates, in an effort to prevent their return to institutionalization. The Committee is proposing a change in the statute which would remove the fixed dollar amount (\$25.00) which is to be given to an inmate upon release. The proposed Committee amendment would allow the amount of aid given to be related to the particular circumstances and the financial condition of the individual inmate.

A study of the fiscal impact of this proposal needs to be made in order that a fiscal note can be prepared if the proposed amendment is introduced in the 1972 Session. The

Committee requests that the Joint Budget Committee, in conjunction with the Executive Budget Committee and the Department of Institutions, explore the fiscal impact of this proposal. Copies of this memorandum will be sent to each of these agencies.

Role of Mental Health Centers in Evaluation of Juveniles

Disparity in Service Rendered

The Committee believes that community mental health centers and clinics have a vital role to play in the evaluation of juveniles who come before the courts. At present, however, there is a great deal of disparity in the services which the centers and clinics provide to the juvenile courts. In some areas of the state, the mental health centers are providing a very necessary service to the courts in assisting them with their evaluations and counseling of juveniles. In other areas, the centers and clinics have done little to provide direct services to the courts. One juvenile judge, in particular, said he may ask his local mental health clinic to perform an evaluation on a juvenile under the court's jurisdiction, but it is weeks or sometimes months before the evaluation is completed.

Differences in Paying for Services Rendered

Also there are considerable differences in the way these services are paid for in the various centers and clinics throughout the state. For example, one court pays the comprehensive center in the area for the evaluation and counseling services. In another judicial district where the county commissioners provide funds for the local share of the mental health center's support, the center is obliged to provide two hours of psychiatric services a week to the court as a condition for county funding.

Two specific recommendations have been made to the Committee on Institutions concerning the mental health centers as they relate to the juvenile courts. (1) One recommendation asks that the services and staff of local mental health facilities be expanded to enable them to provide diagnostic services for the courts. (2) The second recommendation proposes that the courts should be responsible for payments to the mental health centers and clinics for conducting evaluations on court referrals. These proposals go in some-

what opposite directions and the Committee did not feel it had adequate time to deal in depth with the question of funding mental health centers.

However, the Committee believes that the whole question of funding mental health centers for services to the courts is an area that needs to be explored. The Committee asks that the Joint Budget Committee consider this problem in their deliberations concerning funding community mental health programs. In discussing this problem the Joint Budget Committee may wish to consider a matter which was brought to the attention of the Institutions Committee. In those cases where centers are receiving or asking the courts for payment for services provided to the courts, such payments are being included in the center's local funds which are used to match state funds. In essence, what appears to be happening is that payments from the courts, which is state money, are being used as matching money for receipt of state per capital and matching funds available under Section 3-11-10 of the Colorado statutes. If this is in fact what is happening, the Committee believes this is inequitable and should be explored.

The Committee intends to continue studying this matter during the next interim. The Department of Institutions and the Judicial Department have been asked to come up with a plan for conducting juvenile evaluations. Hopefully this plan will shed some light on how these two departments view the role of the mental health centers and clinics in this process.

COLORADO GENERAL ASSEMBLY



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Honorable Edward E. Pringle, Chief Justice
Colorado Supreme Court

Mr. Hilbert Schauer, Executive Director
Department of Institutions

Mr. Harry Lawson, State Court Administrator

Dear Mr. Chief Justice, Mr. Schauer, and
Mr. Lawson:

As I believe you are all aware, the Legislative Council Committee on Institutions and Rehabilitation is concerned about the current practices presently surrounding evaluations of juveniles who are under the jurisdiction of the juvenile court and committed to the Department of Institutions.

At present, evaluations may be performed at several stages during the judicial process; the youth is evaluated again at the receiving center if he is committed; and often-times he is evaluated again if placed in a private group home. The Committee recognizes that different evaluations may be required by different agencies, but suggests that some attempt be made to standardize as much as possible the tests required by the various agencies.

The procedure for evaluating juveniles under the jurisdiction of the juvenile court varies greatly in judicial districts. Some courts use their local community mental health centers to perform certain tests and evaluations. Other courts contract with private consulting psychiatrists and psychologists to do this work. Still others pay private

clinics to perform evaluations. And finally, some judicial districts are hard pressed to find any individual or agency in their area to assist them in evaluating juveniles who come before the court. The Committee also believes there should be greater uniformity in the methods of evaluation used by the several judicial districts.

The Committee is concerned that unnecessary duplication of evaluations represents a substantial cost to the state. The Committee understands that a complete battery of tests and thorough evaluation may cost \$800. Also, the Committee believes that continual evaluation does not necessarily benefit the child. The Committee is of the opinion that, with proper coordination between the various departments and agencies, a plan for streamlining the evaluation processes can be devised which will eliminate unnecessary duplication and ensure that the child be assigned to a meaningful treatment program much more rapidly than is now the case.

The Committee requests that the Department of Institutions and the Judicial Department work together to devise a plan to facilitate coordination and streamline this process. The Committee believes that the Colorado Council of Juvenile Judges, probation officers, mental health clinics and centers, group home administrators and others who have a role in this process should be involved in developing this plan. The Legislative Council staff will be available to assist in any way possible in this project.

The Committee asks that this plan be ready for consideration by the Committee in the 1972 interim.

Your cooperation and efforts in this matter are appreciated.

Very truly yours,

/s/ Senator Ruth Stockton
Chairman
Committee on Institutions
and Rehabilitation

RS/mp

Appendix E

RESOLUTION SUBMITTED TO JOINT BUDGET COMMITTEE CONCERNING ESTABLISHMENT OF ADOLESCENT TREATMENT CENTER

WHEREAS, forty percent of the population of the State of Colorado is under the age of 18, and it is reliably estimated that from 30,000 to 60,000 children now under the age of 18 will be in need of professional help for emotional difficulties sometime during their developmental years; *and

WHEREAS, a painstaking statewide survey shows that in the face of an increasing need, there is an alarming decrease in the provision of adequate treatment for emotionally disturbed adolescents; **and

WHEREAS, in the opinion of mental health professionals, juvenile court judges, correctional personnel, schools and police, there is a significant number of adolescents who are so emotionally disturbed that they cannot be reached unless contained, who, in the absence of such treatment tax all the resources of the community completely out of proportion to their numbers and at an expense far in excess of that needed to treat them appropriately; and

WHEREAS, such adolescents are presently committed to correctional institutions which are not adequately equipped to provide intensive psychiatric care, and who actually impede the treatment program of the less disturbed majority of the institutions' population, and are, therefore, either shuttled from institution to institution in an unsuccessful effort to locate appropriate treatment or returned to the community only to continue their destructive and self-destructive behavior pattern; therefore, in recognition of the many unmet needs of all children and adolescents under the age of 18 years in the State of Colorado, be it

RESOLVED, that, as a first priority, the Department of Institutions establish a closed, psychiatric facility for male and female adolescents at an appropriate location.

Respectfully submitted and jointly supported by:

Colorado Association of Child Care Institutions
Colorado Association for Mental Health
Colorado Council of Juvenile Court Judges
Colorado Education Association
Colorado Federation of Teachers
Colorado Juvenile Council
Colorado Juvenile Parole Board
Colorado Medical Society
Colorado Psychiatric Society
Denver Federation of Teachers
Juvenile Delinquency Prevention and Control
Planning and Advisory Board
National Association of Social Workers,
Northern Chapter
Statewide Committee of Mental Health for Adolescents

* - Cartwright Report, November, 1967

** - Report of Statewide Committee on Adolescents, April, 1970