


## Section 4: Juveniles in the criminal justice system



It is unclear exactly how many juveniles come to the attention of law enforcement. Many times police departments handle juvenile misbehavior informally, particularly when dealing with younger children. However, as misbehavior becomes more frequent or more serious, the cases are likely to be formally processed through the system.

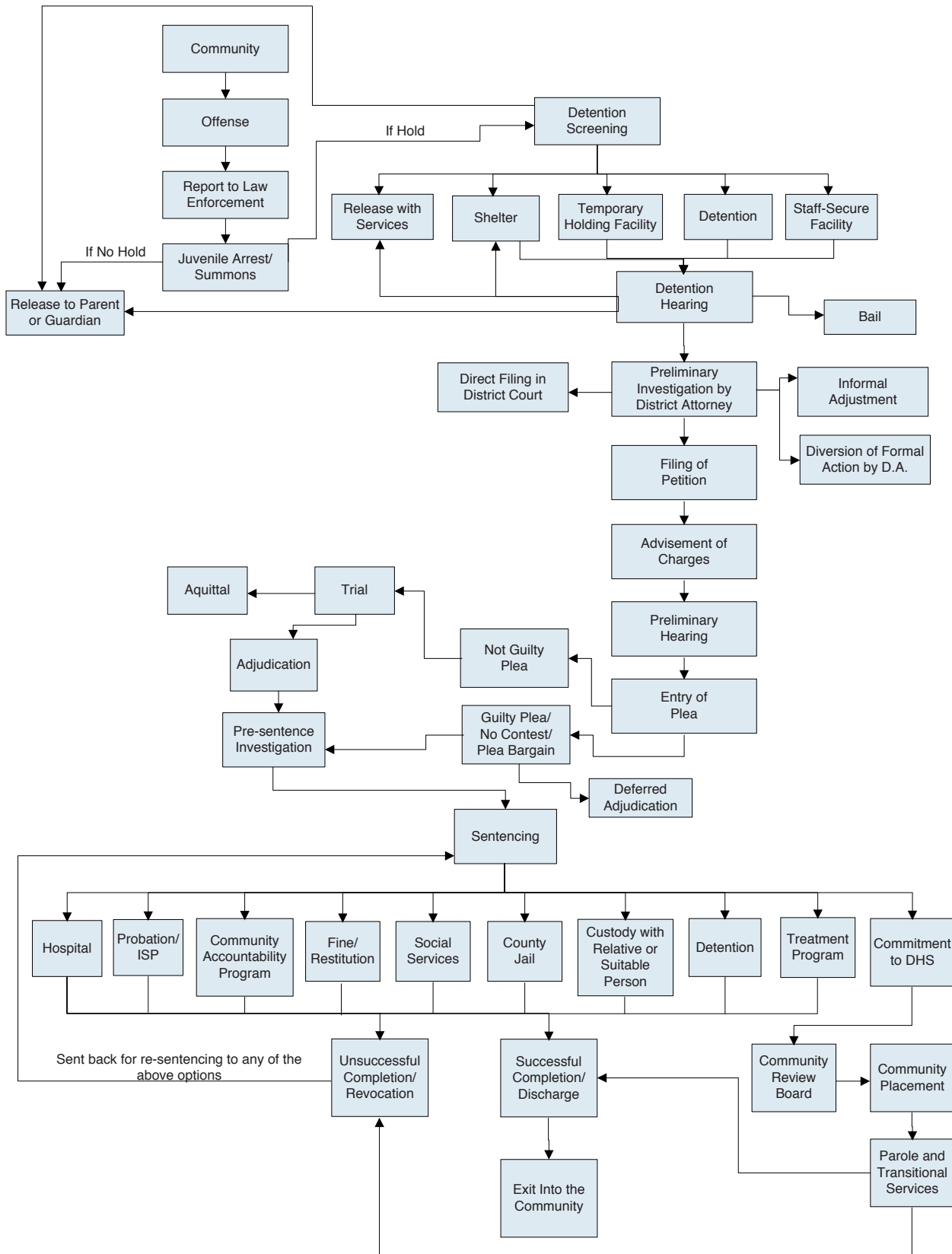
The juvenile system is more complicated than the adult system. Social services, family court, foster care systems, and other entities often play a role in juvenile justice system cases.

Research has found that youth at-risk of delinquent behavior are likely to have few positive role models, have delinquent friends, be unsupervised after school, have problems at school, and have few life (school) successes. Forty years of research on conduct disorder has identified many of the risk factors associated with problem behavior, but solutions require a coordinated response from multiple systems (health, social services, the justice system, community-based programs). Few resources are devoted to building on the knowledge gained from this research, much of which has been summarized by the Institutes of Medicine.

Who are the youth in Colorado that get arrested and have cases filed in court? Who gets prosecuted, and who gets convicted? Once convicted, what happens then?

### The juvenile cases processed through Colorado's juvenile justice system

Figure 4.1. Juvenile criminal justice system flowchart



Source: Colorado Legislative Council. Figure adapted from the March 15, 2005 version by Frank Minker, Division of Youth Corrections.

## **1. Community**

## **2. Offense**

## **3. Report to law enforcement**

## **4. Juvenile arrest/summons**

### **19-2-502 C.R.S.**

Juveniles may be taken into temporary custody by law enforcement when a lawful warrant has been executed or without a court order if reasonable grounds exist to believe that a juvenile has committed a delinquent act.

## **5. Detention screening**

### **19-1-103 (94.5) C.R.S., 19-2-212 C.R.S., 19-2-507 C.R.S., and Colorado Rules Juvenile Procedure #3.7**

Detention screening provides the initial information to determine whether a juvenile should be held in detention. The screener uses a statewide detention screening and assessment tool, the Juvenile Detention Screening and Assessment Guide. The guide uses a decision tree format that is based on the identification of factors that contribute to a juvenile's risk of out-of-home placement and on criteria that matches youth needs with the most appropriate placements. Colorado uses a continuum of detention placements: released to a parent, guardian, or other legal custodian with services, electronic monitoring or tracking; admitted to detention, temporary holding or a shelter facility pending notification to the court and a detention hearing.

### **6a. Detention facility**

#### **19-2-507 C.R.S.**

Detention is the temporary care of a juvenile in a physically restrictive facility. A juvenile may be held if the intake screener determines that the juvenile's immediate welfare or the protection of the community requires physical restriction. A juvenile may also be admitted to a detention facility if a law enforcement agency requests that the juvenile be detained because the alleged act would constitute a serious or violent felony if committed by an adult.

### **6b. Temporary holding facility**

#### **19-2-507 C.R.S.**

This type of facility provides a holding area for juveniles from the time the juvenile is taken into custody until a detention hearing is held. This option is used if it has been determined that the juvenile requires a staff-secure or physically-secure setting.

### **6c. Staff-secure facility**

#### **19-1-103 (101.5) C.R.S.**

A staff secure facility is a group facility or home at which the juvenile is continuously under supervision and all services including education and treatment are provided. This facility may or may not be locked.

### **6d. Shelter**

#### **19-2-508 (1) C.R.S.**

A shelter provides temporary care of a juvenile in a physically unrestricted facility. Juveniles placed there are those whom the screener or court has assessed must be removed from, or are unable to return to their homes but do not require physical restriction.

### **6e. Release to parents or guardian**

#### **19-2-507 (3) C.R.S.**

The juvenile has been released to the care of the juvenile's parents or responsible adult. The release of the juvenile may be made without restriction or upon a written promise that the juvenile will appear in court. Electronic monitoring or trackers may also be used to maintain supervision.

### **6f. Release with services**

#### **19-2-302 C.R.S.**

Juveniles who are released with preadjudication services may have conditions attached to their release like: periodic telephone communication and visits with the preadjudication service agency; home visits; drug testing; visits to the juveniles school; undergo treatment or counseling; electronic monitoring; participate in work release programs, or day reporting.

## **7. Detention hearing**

### **19-2-508 C.R.S.**

If an intake screener has assessed that a juvenile is to be detained after the arrest, the court must hold a detention hearing within 48 hours, excluding weekends or holidays, from the time the juvenile is taken into temporary custody. The hearing is held to determine whether the juvenile should be released or detained further. At the close of the detention hearing, one of the following orders would be issued: 1) Release to the custody of a parent or guardian without the posting of bail; 2) Placed in a shelter facility; 3) Released upon posting bail; 4) Released with services.

**8. Bail****19-2-509 C.R.S.**

Security, in the form of money or property, deposited with the court to insure the appearance of the juvenile at a specific future time and place.

**9. Preliminary investigation by the District Attorney (DA)****19-2-510 C.R.S.**

The intake section of the district attorney's office reviews law enforcement or probation officer referrals and decides whether to divert the case from formal filing, file charges, request an informal adjustment, and/or direct file to the criminal court.

**9a. Informal Adjustment****19-2-703 C.R.S.**

A type of disposition used primarily for the first time offender, which does not involve a court hearing. If the juvenile admits the facts of the allegation (with parental consent), the child may be supervised for a period without being adjudicated.

**9b. Juvenile Diversion****19-2-704 C.R.S.**

An alternative to a petition being filed, the district attorney may agree to allow a juvenile to participate in a diversion program. If the juvenile successfully meets the contract conditions and does not re-offend during the contract period, charges are dropped.

**9c. Filing of petition****19-2-508 (3) (E) (V) C.R.S., 19-2-512 C.R.S. through 19-2-513 C.R.S.**

When a court orders further detention of the juvenile or placement in a preadjudication service program after a detention hearing, the district attorney shall file a petition alleging the juvenile to be a delinquent within 72 hours after the detention hearing, excluding weekends and holidays.

**9d. Direct filing in District Court****19-2-517 C.R.S.**

Juveniles may be direct filed upon in adult district court if they are 14 years old and older and are alleged to have committed a class 1 or 2 felony or committed

a crime of violence, used, possessed, or threatened to use a deadly weapon, committed vehicular assault or homicide, considered to be a "habitual juvenile offender," or 16 years old and older and have been adjudicated a delinquent during the previous two years.

**10. Advisement hearing****19-2-706 C.R.S.**

The advisement hearing is the first hearing after a petition has been filed. At this time, the court advises the juvenile and the responsible person of their constitutional and legal rights. The juvenile and his/her legal guardian may request counsel or the court may appoint counsel.

**11. Preliminary hearing****19-2-705 C.R.S.**

The preliminary hearing is conducted to determine whether probable cause exists to believe that the delinquent act declared in the petition was committed. If the court determines that probable cause exists, the finding is recorded and an adjudicatory trial is scheduled. If probable cause does not exist, a delinquent petition is dismissed and the juvenile is discharged.

**12. Entry of plea****19-2-708 C.R.S.**

The defendant will enter one of the following pleas: a) guilty or b) not guilty

**13a. Plea of not guilty>>>proceed to adjudicatory trial****19-2-708 C.R.S.****13b. Plea of guilty>>>proceed to sentencing****19-2-708 C.R.S.****14. Deferred adjudication****19-2-709 C.R.S.**

The juvenile has agreed with the district attorney to enter a plea of guilty, which waives their rights to a speedy trial and sentencing. Upon accepting the guilty plea, the court may continue the case for a period not to exceed one year from the date of entry of the plea. The juvenile may be placed under the supervision of probation and with additional conditions imposed. If the juvenile complies with all the conditions of

supervision, their plea will be withdrawn and the case dismissed with prejudice. If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to sentencing.

## **15. Adjudicatory trial**

### **19-2-801 C.R.S., et seq.**

At the adjudicatory trial the court considers whether the allegations of the petition are supported by evidence beyond a reasonable doubt. Jury trials are granted by special request and only in cases where commitment is a sentencing option. If the juvenile is found not guilty, the court dismisses the petition and discharges the juvenile from any previous detention or restrictions. If the juvenile is found guilty, the court then proceeds to sentencing or directs that a separate sentencing hearing be scheduled within 45 days of the adjudicatory trial.

## **16. Pre-sentence investigation**

### **19-2-905 C.R.S.**

Pre-sentence investigations are required only for youth with felony adjudications, but can be requested with other adjudications. The reports may include details of the offense; victim statements; amount of restitution requested; criminal, education, employment, and substance abuse history; description of family and peer relationships; programs available in the juvenile's judicial district; review of placement and commitment criteria; and disposition and treatment recommendations.

## **17. Sentencing**

### **19-2-907 C.R.S.**

The court may impose any or a combination of the following sentences as appropriate: commitment to DHS; county jail; detention; placement of custody with a relative or suitable person; probation; community accountability program; placement with social services or in a hospital; fines; restitution; or in a treatment program. Any sentence may also include conditions for the parent/guardian, pursuant to 19-2-919, C.R.S. If the sentence includes school attendance, a notice to the school is required.

## **18a. Commitment to the department of human services**

### **19-2-909 C.R.S.**

The court may commit a juvenile to the department of human services for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult; except if the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the department of human services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

## **18b. County jail**

### **19-2-910 (2) C.R.S.**

The court may sentence a person who is eighteen years of age or older on the date of a sentencing hearing to the county jail for a period not to exceed six months or to a community correctional facility or program for a period not to exceed one year, which may be served consecutively or in intervals, if he or she is adjudicated a juvenile delinquent for an act committed prior to his or her eighteenth birthday.

## **18c. Detention**

### **19-2-911 C.R.S.**

The court may sentence any juvenile adjudicated for an offense that would constitute a class 3, class 4, class 5, or class 6 felony or a misdemeanor if committed by an adult to detention for a period not to exceed forty-five days.

## **18d. Custody with a relative or suitable person**

### **19-2-912 C.R.S.**

The court may place the juvenile in the legal custody of a relative or other suitable person. The court may impose additional conditions like placing the juvenile on probation or under other protective supervision.

## **18e. Probation**

### **19-2-913 C.R.S. and 19-2-925 C.R.S. through 19-2-926 C.R.S.**

When a juvenile is sentenced to probation, the court may impose additional conditions like: placing the juvenile in the intensive supervision program (ISP);

participate in a supervised work program; or being sentenced to the county jail for those juveniles eighteen years of age or older at the time of sentencing. The jail sentence should not exceed ninety days; except when a sentence may be up to one hundred eighty days if the court orders the juvenile released for school attendance, job training, or employment.

### **18f. Community accountability program**

#### **19-2-914 C.R.S.**

The court may sentence the juvenile to participate in the community accountability program. This sentence shall be a condition of probation and shall be for higher risk juveniles who would have otherwise been sentenced to detention or out-of-home placement or committed to the department of human services. Also this sentence shall be conditioned on the availability of space in the community accountability program and on a determination by the division of youth corrections that the juvenile's participation in the program is appropriate. In the event that the division of youth corrections determines the program is at maximum capacity or that a juvenile's participation is not appropriate, the juvenile shall be ordered to return to the sentencing court for another sentencing hearing.

### **18g. Social Services**

#### **19-2-915 C.R.S.**

The court may place legal custody of the juvenile in the county department of social services.

### **18h. Hospital**

#### **19-2-916 C.R.S.**

The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or other special care by placing the juvenile in a hospital or other. A juvenile will not be placed in a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation. No order for a seventy-two-hour treatment and evaluation shall be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented by a mental health professional that indicates that mental illness is present in the juvenile. Placement in any mental health facility shall continue for such time as ordered by the court or until the professional person in charge of the juvenile's treatment concludes that the treatment or placement is no longer appropriate.

### **18i. Fines/restitution**

#### **19-2-917 C.R.S. and 19-2-918 C.R.S.**

##### ***Fines***

The court may impose a fine of not more than three hundred dollars.

##### ***Restitution***

If the court finds that a juvenile who receives a deferred adjudication or who is adjudicated a juvenile delinquent has damaged or lost the personal property of a victim, or has caused personal injury to the victim as a result of the delinquent act, the court, will require the juvenile to make restitution.

### **18j. Treatment program**

#### **19-2-918.5 C.R.S.**

Any juvenile who has been adjudicated for the commission of cruelty to animals, in which the underlining factual basis included knowing or intentional torture or torment of an animal which needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management treatment program or any other treatment program deemed appropriate by the court.

### **19. Community referral and review**

#### **19-2-210 C.R.S.**

Prior to placement of a juvenile in a residential community placement, the juvenile community review board shall review the case file of the juvenile. A decision regarding residential community placement shall take into consideration the results of the objective risk assessment by the department of human services, the needs of the juvenile, and the criteria established by the juvenile community review board based on the interests of the community.

### **20. Community placement**

### **21. Parole and transitional services**

#### **19-2-909 (1)(b) C.R.S., 19-2-1002 C.R.S., et seq.**

The Juvenile Parole Board has the authority to grant, deny, defer, suspend, or revoke the parole of a juvenile. The Board is made up of nine part-time members who are appointed by the Governor and confirmed by the Senate. Members are chosen from the Department of Human Services, the Department of Public Safety, the

Department of Education, and the Department of Labor and Employment. One member is a local elected official and four members are citizens. Juveniles committed to the department of human services there is a mandatory parole period of six months; however parole can be extended if a juvenile committed one or more offenses that would constitute a felony if committed by an adult (i.e. incest, aggravated incest, child abuse, etc.), or if special circumstances have been found to exist parole can be extended up to 15 months.

## **22a. Parole revocation**

### **19-2-1004 C.R.S.**

A juvenile parolee who violates the conditions of parole, may have their parole revoked. Such violations include a warrant out for the parolees arrest, a new offense has been committed, belief that the parolee has left the state, refusal to appear before the board to answer charges of violations, or testing positive for an illegal or unauthorized substance. After the arrest or summons of the parolee, the parole officer can request a preliminary hearing.. A hearing relating to the revocation will be held. If the hearing panel determines that a violation of a condition(s) of parole has been committed, they will hear further evidence related to the disposition of the parolee. At the conclusion of the hearing, the hearing panel will advise the parties of its findings and recommendations and of their right to request a review before the board. If a review before the board is not requested or the right to review is waived, the findings and recommendations of the hearing panel, if unanimous, shall become the decision of the juvenile parole board.

## **22b. Unsuccessful completion**

If a juvenile does not complete the sentence successfully, the youth will be sent back for re-sentencing.

## **23a . Parole discharge**

### **19-2-1002 (9) C.R.S.**

The board may discharge a juvenile from parole after the juvenile has served the mandatory parole period of six months but prior to the expiration of his or her period of parole supervision when it appears to the board that there is a reasonable probability that the juvenile will remain at liberty without violating the law or when such juvenile is under the probation supervision of the district court, in the custody of the department of corrections, or otherwise not available to receive parole supervision.

## **23b. Successful completion**

The juvenile successfully completes their sentence and is free to integrate back into the community.

**Sources:** Colorado Revised Statutes Pertaining to Criminal Law 2004 with Rules of Criminal Procedure and Rules of Evidence by the Colorado District Attorneys' Council. Colorado's Three-Year Juvenile Justice Plan 2003-05, Office of Juvenile Justice, Colorado Division of Criminal Justice available at <http://dcj.state.co.us/oji/3%20Yr.%20Plan/2003-05%20JJ%20Plan.htm>

## Juvenile violent vs. non-violent arrests

Over 70 million (one in four) Americans is under the age of 18. Research has confirmed that among the youth most at-risk for becoming involved in criminal activities are those who experience or observe maltreatment at home.

### Child maltreatment occurs when a caretaker is responsible for, or permits, the abuse or neglect of a child. There are several different types of child maltreatment:

- **Physical abuse** includes physical acts that caused or could have caused physical injury to the child.
- **Sexual abuse** is involvement of the child in sexual activity to provide sexual gratification or financial benefit to the perpetrator, including contacts for sexual purposes, prostitution, pornography, or other sexually exploitative activities.
- **Emotional abuse** is defined as acts or omissions that caused or could have caused conduct, cognitive, affective, or other mental disorders.
- **Physical neglect** includes abandonment, expulsion from the home, failure to seek remedial health care or delay in seeking care, inadequate supervision, disregard for hazards in the home, or inadequate food, clothing, or shelter.
- **Emotional neglect** includes inadequate nurturance or affection, permitting maladaptive behavior, and other inattention to emotional/development needs.
- **Educational neglect** permitting chronic truancy or other inattention to educational needs.

### Child protective service agencies nationwide received reports on more than 3 million maltreated children in 1996.

- 52 percent of victims were female.
- 55 percent of victims were white, 28 percent were black, 12 percent were Hispanic, and 5 percent were other races.
- 19 percent of victims were age 2 or younger, 52 percent were age 7 or younger, and 7 percent were age 16 or older.
- 80 percent of perpetrators were parents of the victims.
- An estimated 1,077 children died as the result of maltreatment.
- About 16 percent of victims in substantiated or indicated cases were removed from their homes

**Source:** National Center on Child Abuse and Neglect. The Third National Incidence Study of Child Abuse and Neglect (NIS-3). Washington, D.C.: U.S. Department of Health and Human Services, 1996.

### Serious violent crimes by juveniles occur most frequently in the hours immediately following the close of school on school days.

- About half of the days in a year are school days. The other days fall in summer months, on weekends, and on holidays. Despite this, 57 percent of all violent crimes by juveniles occur on school days.
- Juvenile violence peaks in the after school hours on school days and in the evenings on non-school days.
- On non-school days, the incidence of juvenile violence increases through the afternoon and early evening hours, peaking between 8 p.m. and 10 p.m.

**Source:** Snyder, H. & Sickmund, M. *Juvenile Offenders and Victims: 1999 National Report*, p. 65. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1999.

**Juveniles are more likely to commit crimes and get arrested when they are in groups. In 2002, 29 percent of juvenile arrests involved females.**

According to the FBI, juveniles accounted for 17 percent of all arrests and 15 percent of all violent crime arrests in 2002. Nationwide, juvenile arrests in 2002 were the lowest since 1985. Juvenile arrests for property crimes were the lowest since the mid-1960s.

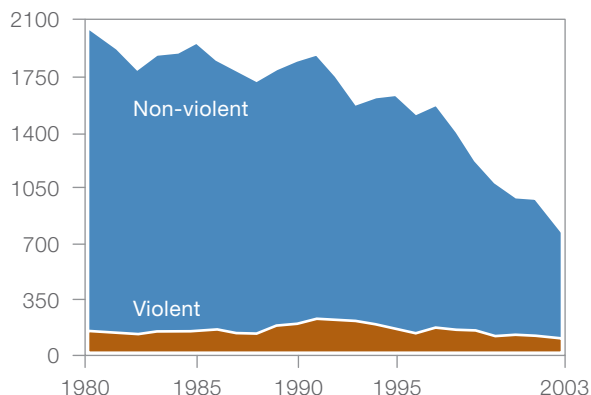
In Colorado in 2002, the juvenile violent crime arrest rate was 231 per 100,000 residents ages 11-17, lower than the national rate of 295. However, the arrest rate for weapons offenses was 144, significantly higher than the national average of 105. The arrest rate for drug crimes was especially high at 729, compared to 571 for the nation.

Nationwide, the arrest rate for drug abuse crimes by juvenile females more than doubled between 1990 and 1996. Between 1997 and 2002, it remained stable but high at 200 per 100,000 ages 11-17.

**Sources:** Howard Snyder (September 2004), *Juvenile Arrests in 2002*, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Washington, D.C. The arrest data were obtained from the FBI Crime in the United States, 2002, and unpublished crime reports from the FBI. Additional information was obtained from the U.S. Census Bureau and the National Center for Health Statistics.



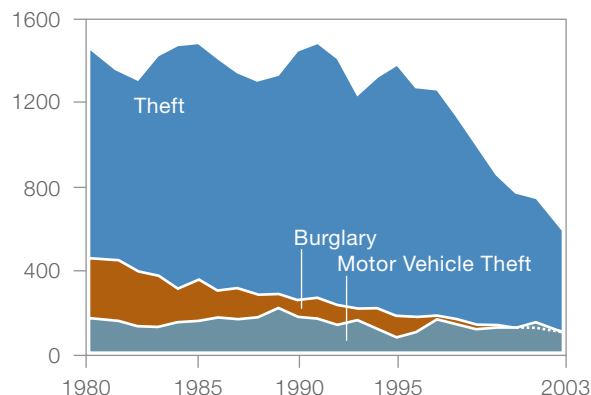
Figure 4.2. Colorado juvenile violent and non-violent arrest rates, 1980-2003



**Note:** Rates are per 100,000 juveniles.

**Sources:** Colorado Bureau of Investigation Annual Reports, 1980-2003. Colorado State Demographer Office, Department of Local Affairs.

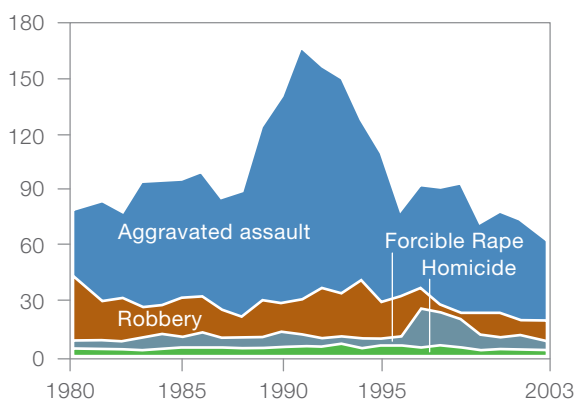
Figure 4.4. Colorado juvenile non-violent arrest rates, 1980-2003



**Note:** Rates are per 100,000 juveniles.

**Sources:** Colorado Bureau of Investigation Annual Reports, 1980-2003. Colorado State Demographer Office, Department of Local Affairs.

Figure 4.3. Colorado juvenile violent arrest rates, 1980-2003



**Note:** Rates are per 100,000 juveniles.

**Sources:** Colorado Bureau of Investigation Annual Reports, 1980-2003. Colorado State Demographer Office, Department of Local Affairs.

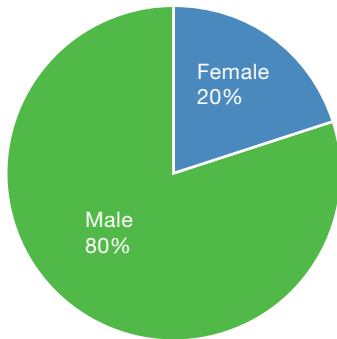
- Non-violent arrest rates for juveniles have declined steadily since the mid-1990s with the exception of auto theft which tended to vary within a relatively stable range.

- Aggravated assault arrests peaked dramatically in the early 1990s but have since fallen to below the rate for 1980.

## Who gets arrested?

The demographic characteristics of juveniles arrested in FY03 reflect those of adults:

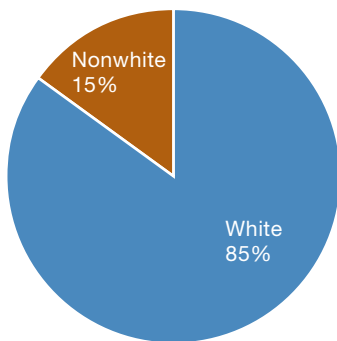
Figure 4.5. Colorado arrestee gender, FY03



**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Most arrested youth are male (80 percent) and 86 percent are white.

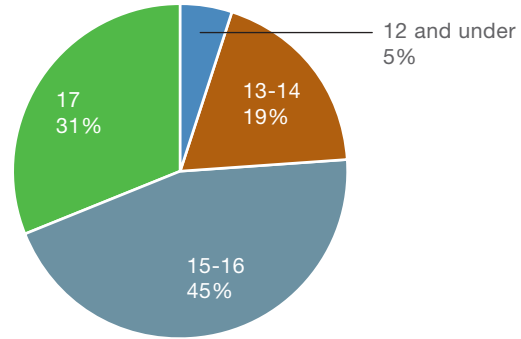
Figure 4.6. Colorado arrestee race, FY03



**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Nonwhite juveniles represent 15 percent of all juvenile arrestees. The average age of juveniles arrested is 15, with a median age of 16. Only 11 percent of youth arrested are under the age of 14.

Figure 4.7. Colorado arrestee age, FY03



**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Increasing age corresponds with increasing numbers of arrests. Over half (57 percent) of juvenile arrestees are 16 or 17 years of age.

## Who has cases filed in court?

Table 4.1: Juvenile filings (misdemeanor, felony, and direct file), FY00 - FY04

Colorado: Statewide					
	FY00	FY01	FY02	FY03	FY04
<b>Misdemeanor juvenile filings*</b>	<b>8,125</b>	<b>7,127</b>	<b>7,200</b>	<b>6,938</b>	<b>6,709</b>
Misd filing – deferred	610	567	544	592	739
Misd filing – dismissed	2,851	2,678	2,697	2,618	2,658
Misd filing – adjudicated	4,664	3,882	3,959	3,728	3,312
<b>Felony juvenile filings</b>	<b>10,667</b>	<b>10,812</b>	<b>11,459</b>	<b>11,212</b>	<b>10,467</b>
Felony filing – deferred	813	967	1,054	1,180	1,036
Felony filing – dismissed	4,502	4,432	4,636	4,479	4,461
Felony filing – adjudicated	5,352	5,413	5,769	5,553	4,970
<b>Direct file to adult court**</b>	<b>280</b>	<b>198</b>	<b>217</b>	<b>231</b>	<b>202</b>
Direct file dismissed	68	47	58	75	83
Direct file convicted***	204	146	156	152	118
Direct file convicted – Y.O.S.	37	63	66	69	54
Direct file convicted – D.O.C.	73	41	37	31	22
Direct file convicted – Probation	52	34	51	47	27

**Notes:** \*Only filings in district courts are included. \*\*Filings in criminal court of individuals under 18 at time of filing or identified as a direct filing based on case review. \*\*\*Balance of cases resulted in a deferral.

**Source:** Data was extracted from the Judicial Department’s Integrated Colorado Online Network (ICON) information management system and analyzed by DCJ’s Office of Research and Statistics.

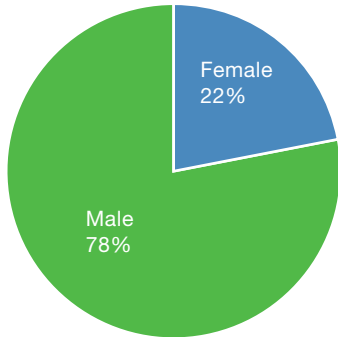
- Misdemeanor filings have been declining since FY00.
- In FY04, almost half (49 percent) of the juveniles who received misdemeanor filings were adjudicated.
- According to 19-2-517 Colorado Revised Statutes, juveniles may be filed upon in adult district court. If convicted they will be sentenced as adults.
- Juvenile felony filings have fluctuated over the past five years. During FY02, the number of juveniles receiving felony filings has continued to decrease. Of the 10,467 felony filings in FY04, 4461 of the felony filings have been dismissed and another 4970 were adjudicated.

- *In FY04, 118 juveniles in Colorado were convicted as adults, and almost half of these offenders went to the Youthful Offender System (YOS). YOS is an alternative to prison. The offender receives a sentence to DOC that will be suspended on the condition that the offender will complete a sentence to YOS that includes a period of community supervision.*
- *A 2004 study of the Youthful Offender System by DCJ researchers found that juveniles who completed their secondary education while in YOS were over three times more likely to remain arrest-free upon release from the Department of Corrections.*

### Who Gets prosecuted?

This information represents juveniles who had court cases that closed in 2003.

Figure 4.8. Gender, cases closed 2003



**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ’s Office of Research and Statistics.

- The majority of juveniles with filed cases were male (76 percent) and white (70 percent).

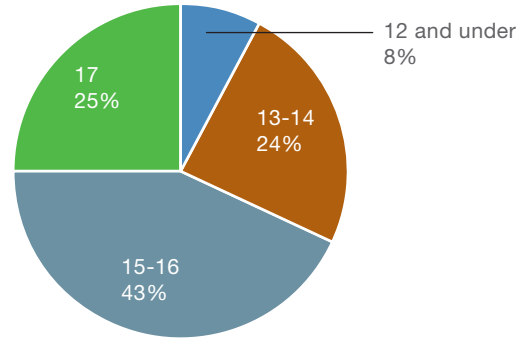
Table 4.2. Race, cases closed 2003

Race	Percent
White	70%
Black	12%
Hispanic	15%
American Indian	1%
Asian	1%
Other	Less than 1%

**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ’s Office of Research and Statistics.

- The majority of juveniles in court were white (70 percent). Hispanic juveniles represented 15 percent of court cases. Black juveniles represented 12 percent.

Figure 4.9. Age, Cases Closed 2003

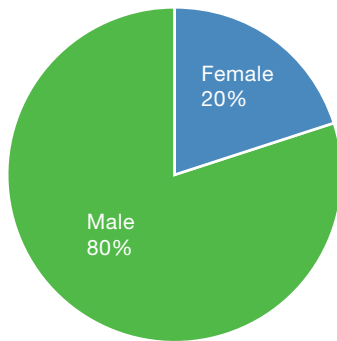


**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ’s Office of Research and Statistics.

- The average age of juveniles filed on was 15. Eight percent of juveniles with cases filed were under 12. Over half (68 percent) of juveniles cases filed were ages 15 through 17.

## Who gets adjudicated?

Figure 4.10. Gender, cases closed 2003



**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of juveniles adjudicated were male (80 percent) and white (70 percent).

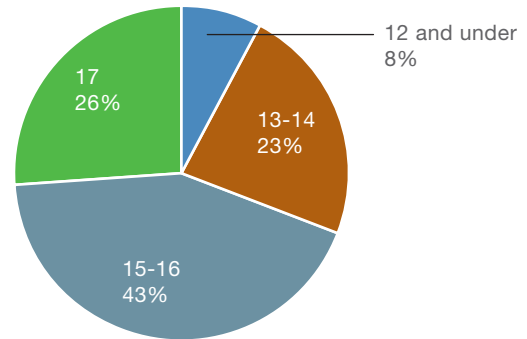
Table 4.3. Race cases closed 2003

Race	Percent
White	70%
Black	12%
Hispanic	15%
American Indian	1%
Asian	1%
Other	Less than 1%

**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of juveniles convicted were white (70 percent). Hispanic juveniles represented 15 percent of convictions. Blacks represented 12 percent of juvenile convictions.

Figure 4.11. Age, cases closed 2003



**Source:** Arrest data were extracted from the Colorado Criminal History Information System via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The average age of juveniles convicted was 15, with a median age of 16. Eight percent of juveniles convicted were under 12. Over two-thirds (70 percent) of juveniles convicted were ages 15 through 17.

### Were they adjudicated as charged?

The table below depicts the dispositions of cases closed in 2003. The table shows both original charge and adjudication crime. For example, if a person was charged with murder, but adjudicated of aggravated assault, the case would appear in the chart as a murder charge but a violent crime adjudication (not including the original charge). If a person was charged with murder and adjudicated of murder the case would appear in the table as adjudicated as charged. In this analysis violent charges and adjudications include murder, rape, aggravated assault, and robbery. Non-violent charges and adjudications include burglary, theft, motor vehicle theft, and arson. Drugs were kept as a separate category.

Note: Crime categories are not mutually exclusive.

- Approximately half of all juveniles are not adjudicated of the crime classification for which they were originally charged.
- Arson was the crime most likely to be adjudicated as charged.
- Aggravated assault was the crime least likely to be adjudicated as charged.

Table 4.4. Juvenile adjudications, cases closed 2003

	Adjudicated as charged	Violent crime adjudication (not including original charge)	Non-violent crime adjudication (not including original charge)	Drug adjudication
<b>Violent charges</b>				
Murder	43%	43%	26%	0%
Rape	57%	18%	2%	0%
Aggravated assault	31%	46%	14%	0%
Robbery	40%	23%	23%	1%
<b>Non-violent charges</b>				
Burglary	41%	5%	43%	1%
Theft	46%	6%	24%	1%
Motor vehicle theft	57%	4%	23%	2%
Arson	61%	7%	23%	0%
<b>Other charges</b>				
Drugs	57%	7%	16%	NA

**Note:** Crime categories are not mutually exclusive.

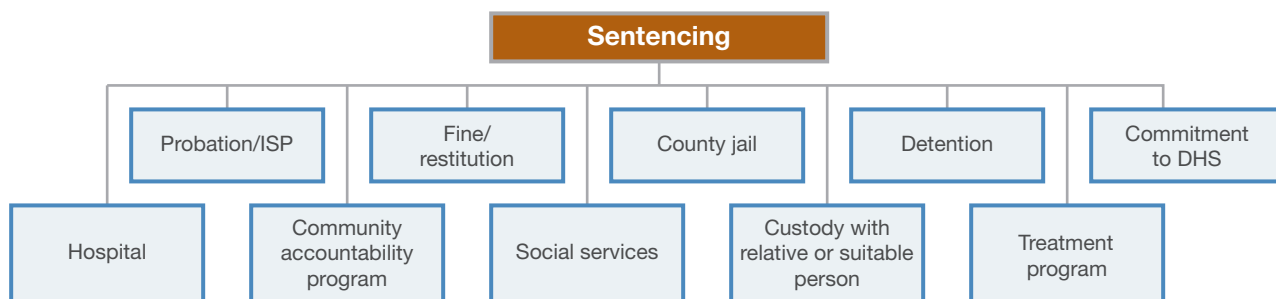
**Source:** Disposition data extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system were obtained via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Juvenile placements

Once a juvenile is adjudicated, the courts may impose any combination of the following sentences: commitment to Department of Human Services (Division of Youth Corrections); county jail; detention; placement of custody with a relative or suitable person; probation; community accountability program; placement with social services or in a hospital; fine; restitution; or in a treatment program. Any sentence may also include conditions for the parent/guardian, pursuant

to 19-2-919, C.R.S. If the sentence includes school attendance, a notice to the school is required. For a description of these juvenile placements, please refer back to the flowchart of juveniles through Colorado's juvenile justice system on page 52.

Figure 4.12. Juvenile placements



**Source:** Figure adapted from the March 15, 2005 version by Frank Minker, Division of Youth Corrections.

### Senate Bill 94

Activities mandated by Senate Bill 91-94 are core components of managing youth in Colorado. The 1991 legislation requires implementing the following activities:

- Using specific criteria for placement of juveniles in secure state facilities;
- Identifying a formula for the allocation of resources to each county in the state for the development of local alternative-to-incarceration programs and services;
- Developing guidelines for the emergency release of juveniles from state facilities during periods of crisis overcrowding.

DYC is responsible for allocating funds by formula to each judicial district in accordance with Senate Bill 91-94. SB-94, passed by the General Assembly in 1991, provided for the establishment of a Juvenile Services Fund that distributes funds to local jurisdictions based on a local juvenile services plan developed by each jurisdiction. These funds target the development of local alternatives to incarceration to reduce the number of youth in residential placement.

### Local SB91-94 programs serve approximately 10,000 youth per year.

SB-94 plans include services as intervention, treatment, supervision, lodging, assessment, bonding programs and family services. Each local committee develops a SB94 plan to meet the specific needs of its particular judicial district. Some services common to many judicial districts include the following:

- multi-disciplinary assessment and case planning,
- case management and tracking,
- electronic monitoring,
- intensive supervision programs,
- work programs,
- mentoring,
- gender and ethnic specific counseling,
- parenting classes,
- referrals to mental health and drug/alcohol services, and
- secure detention.

**Source:** Division of Youth Corrections available at [http://www.cdhs.state.co.us/dyc/dyc\\_about.htm#juv\\_detention](http://www.cdhs.state.co.us/dyc/dyc_about.htm#juv_detention).

## Daily cost of juvenile placements

### Probation

Table 4.5. Daily cost of juvenile probation

Type of supervision	Cost*	Average Daily Caseload
Regular Probation	\$4.65	769
Regular Intensive Supervision Probation (ISP)	\$8.06	546

**Note:** \*All figures obtained from the Division of Probation Services, located in the State Judicial Office FY05 budget planning document.

**Source:** Division of Probation Services, Colorado Judicial Branch.

- On June 30, 2004, there were 8,414 juvenile offenders on probation in Colorado in both regular and specialized programs.
- *Regular probation* costs include administrative and supervisory personnel.
- *ISP Probation* provides intense supervision and treatment of offenders under conditions established by the Court. The ISP costs include personnel for administration and supervision, treatment dollars, electronic monitoring, drug treatment and sex offender treatment.

### Division of youth corrections (DYC)

Table 4.6. Daily cost of youth corrections

DYC		
Type of supervisions	Cost*	Average Daily Population**
Detention	\$138.84	396
Commitment	\$183.47	1,440
Juvenile Parole	\$11.96	490

**Note:** \*Represents actual costs from FY04. \*\*This average daily population represents year to date as of March 2005.

**Source:** Division of Youth Corrections.

- DYC is responsible for management and oversight of State-operated and privately contracted residential facilities, and for community alternative programs that serve and treat youth aged 10-21 years who have demonstrated delinquent behavior.
- The cost-per-day information in the table above is based on actual FY04 costs at facility capacity. The cost includes, among other things, safety & security, intervention, treatment, supervision, food & lodging, assessment, education & medical expenses, and overhead allocations for administration.
- DYC is also currently funded at \$4,377.36 per year (\$11.96 per day) per average daily parolee population. This includes administrative and supervisory payroll, as well as contracted treatment staff to monitor the youth's progress relevant to the specific case plan that was created for them.

### Juvenile Justice Funding Cuts

*Over the past three years, Colorado – like many other states – has experienced severe budget cuts and policy changes. Budget problems have begun to impact the infrastructure of the juvenile justice system in the areas of prevention, diversion, probation, and Senate Bill 94 activities including alternatives to incarceration, detention, parole, and treatment. In addition to state funding cuts, there have been federal cuts across all agencies involved in the system.*

The table on the following page summarizes both funding cuts and increases, at the state and federal level, across all agencies involved in the juvenile justice system.

The total of the cuts equals approximately \$27,700,000.

The Alcohol and Drug Abuse Division, Division of Mental Health, and the Probation Departments are not included in the total cuts table since these agency budgets do not separate adult and juvenile funding.



Table 4.7. Juvenile justice funding cuts by agency

Agency*	FY01-FY02	FY02-FY03	FY03-FY04	FY04-FY05	% Change FY01-FY02 - FY04-FY05
Department of Education	\$11,337,410	\$12,521,656	\$12,649,734	\$12,497,671	1%
Child Welfare Division**	\$42,565,888	\$42,124,032	\$44,742,812	\$46,242,811	-1%
Prevention Services Division	\$9,291,029	\$1,200,000	\$4,000,000	\$3,491,558	-62%
Division of Criminal Justice	\$8,266,802	\$4,044,200	\$2,795,174	\$1,845,700	-78%
Division of Youth Corrections	\$76,011,670	\$65,483,978	\$58,413,848	\$55,662,339	-28.5%
<b>Total</b>	<b>\$147,472,799</b>	<b>\$125,373,866</b>	<b>\$122,601,568</b>	<b>\$119,740,079</b>	<b>-19%</b>

**Notes:** \*The Alcohol and Drug Abuse Division, Division of Mental Health and the Probation Department are not included in these totals because the agencies budgets are not broken down by adult and juvenile funding. \*\*Represents entire Child Welfare Core Services program budget.

**Source:** *State of Juvenile Justice in Colorado: Trends in Juvenile Justice FY02-FY05*, Juvenile Justice and Delinquency Prevention Council and Office of Adult and Juvenile Justice Assistance, Division of Criminal Justice.

### Where do they go once adjudicated?

The sentencing data presented here represent sentences for juvenile cases closed in 2003. Sentencing is shown by index crimes. Note that neither crime categories nor placement are not mutually exclusive. For example, a person sentenced to the Division of Youth Corrections could have also received jail time or intensive supervision probation. Furthermore, not all possible sentencing categories are listed. Some cases could have received community service, fines, Electronic Home Monitoring (EHM), work release, or other types of sentences.

- Most crimes received a probation sentence with the exception of murder. Thirty percent of juveniles convicted of murder received a YOS sentence and half received a prison sentence.

Table 4.8. Juvenile placements by index crime, cases closed 2003

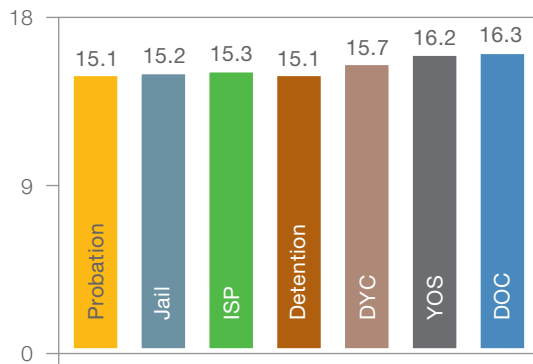
Crime	Probation	ISP	Jail	Detention	DYC	YOS	DOC
Murder	20%	5%	0%	5%	15%	30%	50%
Rape	55%	3%	1%	14%	10%	0%	0%
Aggravated assault	45%	2%	3%	21%	17%	13%	17%
Robbery	50%	11%	2%	12%	16%	12%	16%
Burglary	53%	2%	2%	14%	11%	0%	0%
Theft	53%	1%	2%	12%	6%	0%	0%
Motor vehicle theft	65%	2%	3%	0%	14%	0%	0%
Arson	54%	1%	1%	10%	3%	0%	0%
Drugs	51%	1%	3%	17%	6%	0%	0%

**Note:** Neither crime categories nor placement are not mutually exclusive because offenders can be charged with multiple crimes and also receive multiple placements.

**Source:** Sentencing data extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system were obtained via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Characteristics on who goes where?

Figure 4.13: Age of offender by placement



**Source:** Sentencing data extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system were obtained via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

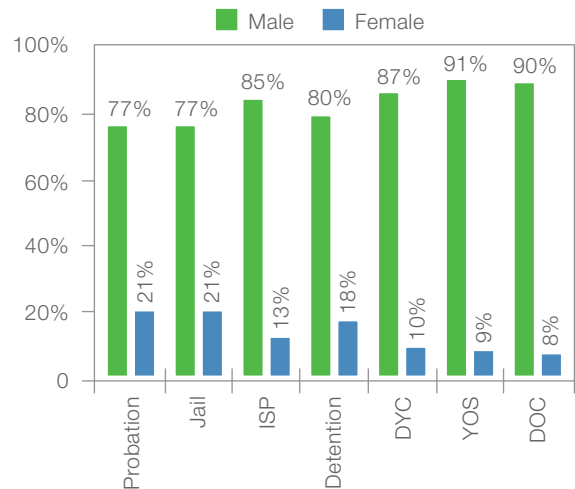
- The average age of juvenile offenders sentenced to either probation, ISP, jail, detention, DYC, YOS, or DOC was between 15 and 16.
- White offenders are more likely to receive community sentences, including jail, than sentences of long-term confinement.
- Blacks and African Americans are more likely to receive sentences to intensive supervision and long term confinement than regular probation. Over two-thirds of the white juveniles are being sentenced to probation or jail.
- Hispanic juveniles are more likely to receive long-term confinement sentences to detention, the Youthful Offender System, and the Department of Corrections than to probation.
- Intensive supervision probation (ISP) is an important out-of-confinement placement for many adjudicated juveniles.

Table 4.9. Race of offenders by placement

Race	Probation	Jail	ISP	Detention	DYC	YOS	DOC
Caucasian	71%	71%	45%	60%	64%	53%	54%
African American	11%	11%	31%	16%	19%	16%	17%
Hispanic	16%	16%	20%	22%	14%	23%	19%
Asian	1%	1%	1%	2%	1%	9%	7%
Native American	1%	1%	2%	1%	Less than 1%	0%	0%
Other	Less than 1%	Less than 1%	0%	0%	Less than 1%	2%	5%

**Source:** Sentencing data extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system were obtained via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics .

Figure 4.14: Gender of offender by placement



**Source:** Sentencing data extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system were obtained via the Colorado Integrated Criminal Justice Information System (CICJIS) Criminal Justice Analytic Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Females under the age of 18 make up 49 percent of the states population, however they are being sentenced to various placements between 8 and 21 percent of the time. Male juvenile offenders are being sentenced to the same placements 77 to 91 percent of the time.

## Average daily population by placement

### Detention

- Between FY90 and FY99, the detention Average Daily Population (ADP) grew by 61.7 percent. Beginning in FY00, this number began to slightly decline each year, averaging 4.63 percent per year during the four years between FY00 and FY03.
- New admissions are at a 5-year low.
- In FY04, however, detention ADP dropped by 22.9 percent. This decline reflects the implementation of Senate Bill 03-286, which limited to 479 the number of statewide detention beds.
- Since ADP is an average measure, and the maximum possible value is 479, the ADP will always remain below the legislatively mandated limit. The FY04 ADP of 396.2 is the lowest observed since FY92. The highest observed was 602.4 in FY99.
- 11,148 cases were admitted to DYC Detention during FY03 FY04. This represents:
  - 2.1 percent of the 10-17 year old Colorado population, and
  - 24.3 percent of Colorado's juvenile arrests.
- The average length of stay (LOS) in youth detention facilities decreased by 16 percent between FY03 and FY04.
- LOS decreased from 15.3 days in FY03 to 12.8 days in FY04.
- This is the lowest LOS in nearly ten years.

### Commitment

- The commitment population grew 105 percent in the past decade, from 513 in FY90 to 1386 in FY04.
- The growth rate averaged 7.5 percent per year over this time period.
- In the last five years the growth has slowed, averaging 4.5 percent per year.
- 924 new commitments were received by DYC during FY04. This represents:
  - .18 percent of the 10-17 year old Colorado population, and
  - 5.8 percent of Colorado's almost 16,000 juvenile court filings.

- The ratio of new commitments to filings grew by 1 percent between FY03 and FY04:
  - New commitments increased by 100, yet
  - New filings decreased by almost 1,200.
- The average length of stay (LOS) in residential commitment declined 3 percent to 18.9 months between FY03 and FY04. In March 2005, DYC estimated LOS to be 18.8 months.
- This decline followed an increase of 26 percent (from 15.5 to 19.5 months) over the past three fiscal years.

### The Division of Youth Corrections

*The mission of the Division of Youth Corrections is to protect, restore, and improve public safety through a continuum of services and programs that accomplish the following:*

- effectively supervise juvenile offenders
- promote offender accountability to victims and communities, and
- build skills and competencies of youth to become responsible citizens.

*The Division of Youth Corrections is responsible for management of residential facilities and community alternative programs that serve and treat youth aged 10-21 years who have demonstrated delinquent behavior. Programs and services administered by or under contract with the Division serve over 10,000 youth throughout Colorado in intensive secure units, medium care units, a military-style boot camp, secure detention, staff secure facilities and non-secure community residential programs.*

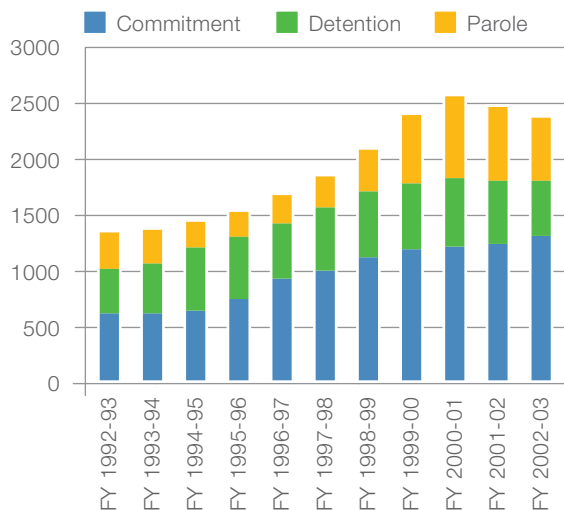
*DYC also provides assessment services for committed youth at four facilities, and non-residential services to youth in community settings and youth on parole.*

*During FY03-FY04, 8,970 youth were served in DYC programs (this number reflects an unduplicated count of individual youth).*

- 7,290 youth were served in detention programs,
- 2,300 youth were served in residential commitment programs, and
- 1,487 youth were served in parole services.

**Source:** Division of Youth Corrections available at <http://www.cdhs.state.co.us/dyc/>

Figure 4.15. Average daily population by placement



Source: DYC Research and Evaluation Unit web site available at [http://www.cdhs.state.co.us/dyc/dyc\\_research.htm](http://www.cdhs.state.co.us/dyc/dyc_research.htm).

### Parole

- The average parole daily caseload (ADC) in FY04 was 535.6 youth.
- Parole ADC declined for the fifth straight year.
- This drop in ADC is due to S.B. 03-284 passed by the 2003 General Assembly which lowered the mandatory parole term to six months.
- In 2001, the General Assembly lowered the mandatory parole term to nine months.
- In March 2005, DYC estimated LOS to be 7.8 months.

Sources: Div. of Youth Corrections' January 2005 Management Reference Manual at <http://www.cdhs.state.co.us/dyc/documents/Reference%20Manuals/MRM04.pdf>; and March 2005 Monthly Population Reports prepared by the DYC Research and Evaluation Unit web site at [http://www.cdhs.state.co.us/dyc/dyc\\_research.htm](http://www.cdhs.state.co.us/dyc/dyc_research.htm).

**The average daily DYC population as of March 2005 was 2,386 youth. This figure includes all youth served in detention, commitment, and parole.**

Source: March 2005 Monthly Population Reports prepared by the DYC Research and Evaluation Unit.

## Juvenile commitment population and parole caseload forecasts

The Office of Research and Statistics, Division of Criminal Justice, is mandated to project the NYC commitment and parole populations. The forecast is completed every December.

Juvenile commitment yearly (YTD) average daily population (ADP) is expected to grow between 3.85 and 4.92 percent annually between July 2005 and June 2011. Monthly ADP is expected to grow between 2.7 and 5.1 percent annually during the same time period.

Table 4.10. Juvenile commitment average daily population (ADP) forecast, FYE05-FYE11

Fiscal year (FY)	Year to date (YTD) average daily population (ADP) forecast	Percent growth	Fiscal year end (FYE) monthly average daily population (ADP) forecast	Percent growth
2005	1,446.16	-	1,480.99	-
2006	1,517.35	4.92%	1,556.32	5.09%
2007	1,584.10	4.40%	1,606.55	3.23%
2008	1,653.25	4.37%	1,688.06	5.07%
2009	1,724.29	4.30%	1,764.23	4.51%
2010	1,790.75	3.85%	1,812.02	2.71%
2011	1,859.94	3.86%	1,895.12	4.59%

**Source:** Colorado Division of Criminal Justice, Adult Prison And Parole Population Projections And Juvenile Commitment and Parole Population Projections, December 2004 available at [http://dcj.state.co.us/ors/pdf/docs/FINALPPP\\_2004.pdf](http://dcj.state.co.us/ors/pdf/docs/FINALPPP_2004.pdf).

Table 4.11. Juvenile parole average daily caseload (ADC) forecast, FYE05-FYE11

Fiscal year (FY)	Year to date (YTD) average daily caseload (ADC) forecast	Percent growth	Fiscal year end (FYE) monthly average daily caseload (ADC) forecast	Percent growth
2005	518.21	-	584.18	-
2006	628.22	21.23%	660.29	13.03%
2007	690.26	9.88%	713.78	8.10%
2008	738.26	6.95%	758.24	6.23%
2009	780.36	5.70%	798.85	5.36%
2010	819.97	5.08%	837.82	4.88%
2011	858.51	4.70%	876.09	4.57%

**Source:** Colorado Division of Criminal Justice, Adult Prison And Parole Population Projections And Juvenile Commitment and Parole Population Projections, December 2004 available at [http://dcj.state.co.us/ors/pdf/docs/FINALPPP\\_2004.pdf](http://dcj.state.co.us/ors/pdf/docs/FINALPPP_2004.pdf).

For more information regarding juvenile commitment and parole population projections, please visit the Office of Research and Statistics, Colorado Division of Criminal Justice, website at <http://dcj.state.co.us/ors/ppp.htm> for a full copy of this report.