

Colorado Improving Outcomes for Youth (IOYouth) Initiative: Policy Options

Diversion

Policy Options
1. Expand accessibility to juvenile diversion programs across Colorado and establish statewide policies and guidelines for juvenile diversion.
1.1 Establish a block grant to allocate funds to each judicial district for the establishment and implementation, or continuation, of a diversion program that is aligned with evidence-based practices and the statewide definition of diversion, for juveniles with offenses that can be filed at the district court level.
1.2 Establish a statewide definition of diversion. Diversion shall require the least amount of oversight and restrictions as necessary to hold the juvenile accountable and support public safety. Goals and objectives of diversion are: <ul style="list-style-type: none">❖ to provide eligible pre-adjudicated juveniles with an alternative to adjudication that emphasizes accountability, acceptance of responsibility, and restorative practices;❖ to reduce risk and repair harm to victims and communities;❖ to minimize recidivism and improve positive youth outcomes; and❖ to ensure appropriate services for all eligible juveniles. <p>Jurisdictions may not deny diversion to juveniles solely for the following reasons:</p> <ul style="list-style-type: none">❖ based on the juvenile’s or family’s inability to pay❖ based on the juvenile’s previous or current involvement with the Department of Human Services
1.3 Adopt and use a validated risk screening tool to inform all juvenile diversion eligibility decisions, unless a determination has already been made to divert the juvenile. DA’s offices shall conduct these screenings, or DA’s offices may opt to collaborate or contract with an alternative agency to conduct the screenings, and the results of the screenings shall then be made available to the DA’s office. Juveniles screened will be referred for additional assessments if necessary.
1.4 Develop outcome measures and identify data that each judicial district shall track and report annually to the state agency administering the juvenile diversion block grant, including, but not limited to demographic data, risk level, offense, program participation, and outcome/completion data. The state agency shall also provide technical assistance to diversion programs to support the uniform collection of data and reporting, and program development. The state agency shall provide annual individual program reports and a statewide report to DA’s offices and the legislature.
Funding Support
<ul style="list-style-type: none">• Identify necessary resources to support the expansion of diversion programs across Colorado through a block grant and to ensure equitable access and ability to serve juveniles on diversion.

Detention

Policy Options

2. Develop clear criteria for detention eligibility in order to limit secure detention for juveniles who pose a risk of harm to others or risk of flight from prosecution, and community-based alternatives are insufficient to mitigate this risk.

- 2.1 Require that the CYDC Advisory Board (or a subcommittee of the Advisory Board) revise the juvenile detention screening and assessment guide (JDSAG) or develop a new research-based detention screening instrument to be used statewide. The tool must identify and mitigate any disparate impacts based on race, sex, national origin, economic status, and child welfare involvement. The Board or subcommittee must include representatives from law enforcement, district attorneys, public defenders, judicial officers, and probation, in addition to CYDC, DYS, and DHS leaders.
- a. The subcommittee will be tasked with identifying measures for the detention screening instrument, determining cutoff scores for each level on the detention continuum, and identifying how the instrument should be validated and piloted.
 - b. The subcommittee shall establish statewide override policies that minimize subjective decisions to hold a juvenile in secure detention, while allowing for local flexibility.

- 2.1 The results of the detention screening instrument, among other factors, shall be used statewide by CYDC and courts to inform all detention decisions. Court records must include data on detention screening scores, and if the score does not mandate secure detention, the rationale for the override. The CYDC shall compile and report to the legislature annually on the use and justification of overrides of the detention risk screening instrument that result in detentions. Hearings shall be held periodically to ensure the continued need for detention unless the juvenile has waived his right to a hearing.

- 2.2 Secure detention shall be restricted for the following populations of youth unless the court makes a finding that all alternatives to secure detention have been exhausted:
- ❖ Youth who have not committed, or have been accused of committing, a delinquent act unless otherwise found in contempt of court
 - ❖ Delinquent and non-delinquent youth who have been placed in the legal custody of a county department of social/human services pursuant to a petition in dependency and neglect and are solely waiting out of home placement.
 - ❖ Youth who are committed to the legal custody of the Colorado Department of Human Services, Division of Youth Services, and are solely awaiting a DYS placement.
 - ❖ Youth who at admission, require medical care, are intoxicated, or under the influence of drugs, to an extent that is beyond the scope of the detention facility's medical service capacity.
 - ❖ Youth who are solely assessed as suicidal or exhibit behavior placing them at imminent risk of suicide.
 - ❖ Youth who have not committed a delinquent act but present an imminent danger to others or to himself or herself or appears to be gravely disabled as a result of a mental health condition.

Youth shall not be placed in secure detention solely because of or in order to:

- ❖ A lack of supervision alternatives, service options or more appropriate facilities;
- ❖ The community's inability to provide treatment or services;
- ❖ A lack of supervision in the home or community;
- ❖ A parent, guardian or legal custodian avoiding legal responsibility;
- ❖ A risk of self-harm;

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<ul style="list-style-type: none"> ❖ An attempt to punish, treat, or rehabilitate such child; ❖ A request by a victim, law enforcement, or the community; or ❖ Permit more convenient administrative access to him or her; or ❖ Facilitate further interrogation or investigation.
<p>3. Target CYDC resources more efficiently by focusing resources on juveniles most at-risk of secure detention in order to reduce admissions to secure detention and prevent over supervision in the community.</p>
<p>3.1 The CYDC Advisory Board shall establish clear criteria for which pre-disposition juveniles at-risk of secure detention should be referred to pre-disposition supervision programs funded through CYDC and criteria for which juvenile can be released without pre-disposition supervision based on results on the detention screening instrument.</p>
<p>3.2 The CYDC Advisory Board shall establish clear criteria for which sentenced juveniles at risk-of secure detention should be referred to supervision programs funded through CYDC. Criteria for the use of CYDC funds for sentenced juveniles shall prioritize those juveniles at risk of secure detention and assessed as moderate or high risk to reoffend on a validated risk and needs assessment.</p>
<p>3.3 The CYDC Advisory Board shall review data on the use of CYDC funding and its impact on detention at least every 2 years. The review shall look at the use of secure detention for juveniles solely for assessment and planning purposes, (specifically looking at juveniles released to the community prior to disposition that could otherwise be served immediately in the community), as well a review on where services are taking place, whether in detention or in the community.</p>

Supervision and Services

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<p>4. Select and adopt a validated risk and needs assessment tool to inform court decision making and establish policies to require and support the use of the tool.</p>
<p>4.1 Establish a statewide oversight committee with diverse representation from relevant stakeholder groups (prosecutors, defense attorneys, diversion, judges, DYS, probation, guardian ad litem, juvenile mental health professionals, among others) that shall be responsible for:</p> <ul style="list-style-type: none"> ❖ selecting a validated risk and needs assessment tool to be used to inform court decision making and determine the appropriate actions to take for each juvenile subject to the jurisdiction of the juvenile court; ❖ establishing guidelines and requirements around when the risk and needs assessment shall be conducted and for which populations of juveniles; ❖ selecting a validated mental health screening tool(s) to determine the appropriate actions to take for each juvenile in need of supervision; ❖ developing a plan to collect and report data on the risk assessment results and corresponding sentence, supervision, and service matching decisions to the legislature. ❖ selecting a validated risk screening tool to inform juvenile diversion eligibility decisions; ❖ developing performance measures and identifying data that each judicial district shall track and report annually to the state agency administering the new juvenile diversion block grant; and ❖ developing guidelines to ensure that conditions of probation are matched to juvenile’s identified risk and needs. ❖ developing shared performance measures for community-based providers serving juveniles on probation and parole.

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4.4 DYS, in consultation with the state oversight committee, shall establish a facility length of stay matrix, facility release criteria, and objective criteria to determine eligibility and admission into reintegration centers/step down facilities that is based on juveniles’ risk of reoffending, as well as the seriousness of their offense, and progress in meeting treatment goals. The matrix and criteria established must take into account special criteria and requirements for certain categories of offenses.
Funding Support
<ul style="list-style-type: none"> Identify necessary resources to validate the current risk and needs assessment tool (CJRA) and/or to contract with an assessment vendor to support the adoption of a nationally validated risk and needs assessment tool, and provide technical assistance, statewide training, and quality assurance of the assessment tool.

Policy Options
5. Establish statewide standards for juvenile probation across Colorado that are aligned to research-based policies and practices.
5.1 The state court shall establish statewide standards for juvenile probation that are aligned with research-based practices, and premised on a statewide definition of probation whose purpose is to serve as a sentencing alternative to the courts and reduce the incidence of crime through the design and implementation of research based policies, practices and standards; to set forth conditions of supervision and match juveniles to services that address identified risk and needs; and to achieve the successful completion of their agreement. Areas of focus for probation standards include, but are not limited to: <ul style="list-style-type: none"> ❖ Aligning probation staffing and workload to more effectively supervise and work with juveniles ❖ Developing guidelines around early termination policies ❖ Establishing common elements for case planning that are informed by risk and needs assessment results, among other factors ❖ Establishing common elements for the use of out-of-home placements and the Division of Youth Services
5.2 Local probation departments must adopt and use a statewide juvenile graduated response and incentives grid, or a locally developed grid aligned to best practices, to inform responses to probation violations. The state court shall collect data related to the use of responses and incentives, grid compliance and program outcomes, and shall include an internal process for reviewing responses that are challenged by the juvenile.
6. Improve the effectiveness of community-based services for youth on probation and parole.
6.1 Establish shared performance measures that service providers receiving judicial, DYS and other state funds to provide services to juveniles in the juvenile justice system must track and report related to youth outcomes and develop a plan to collect and report data on these measures. State agencies, including the judicial department, contracting with service providers for these purposes shall report on these performance measures annually, and a consolidated report shall be made available annually to the legislature, chief justice, and the governor.

Placement

Policy Options
7. Expand the use of kinship care for juvenile justice involved youth in detention and commitment and under consideration for out-of-home placement.
7.1 Require parents of a juvenile placed in detention or considered for out-of-home placement to complete an advisement relative affidavit within a specified time period or prior to the next hearing on the matter.
7.2 Allow for a juvenile screened for detention who does not require physical restriction/detention but who may not return home to be given temporary care with his or her grandparent or an immediate family member not residing in the home of the juvenile.
7.3 Allow for the release of a juvenile to the custody of a relative or a person with a significant relationship to the child at the conclusion of a detention hearing.
7.4 Require that kinship placement be explored prior to the use of out-of-home placement for juvenile justice involved youth (detention and probation)