JUVENILE JUSTICE JOURNEY
An Instructional Exercise for New Legislators

Object:
- Proceed through the juvenile justice journey and be successfully released with as little cost as possible to the State.

Flow Charts and Spinner:
- Materials include: a packet for each player, a spinner, multiple copies of the flow charts that are used as game boards, central score sheet, pen, and calculator for recording each player’s costs.

- The “game board” is a simplified version of the juvenile justice system flow chart.

- Each square on the flow chart is numbered, and these numbers correspond to a page in each player’s packet that provides more information on that location in the flow chart. This includes information on the story for that square, amount the player should pay associated with that location and the player’s next action.

- The spinner is used at various points to determine a player’s next step in the system, using the (roughly) realistic odds of a particular outcome.

Play:
- Each player places the token on SQUARE 1 of a flow chart and proceeds, following the instructions in the packet and spinner results, until successfully released from the system.

- As a player proceeds, s/he should record the related costs on a flow chart.

- Each player completes an entire journey before the next player begins. (Many journeys will be short.)

- All players should follow along in their game packets as other players take their turns.

- Play as many rounds of the game as time allows.

Scoring:
- The staff assisting will provide a brief verbal description of what is happening on each square. Participants will take turns tracking all players’ scores on a score sheet.

- NOTE: The flow chart, costs, and odds of various outcomes have been rounded and represent approximations. They are designed to give players a general sense of how the system works and should not be relied on as the basis for legislative decisions.
SQUARE 1: ARREST

YOUR STORY: You are a 15-year-old male who has committed a serious offense. You have been arrested. You are among the 25 percent of juveniles arrested who police believe present an immediate security risk.

ACTION: Proceed to SQUARE 2 (SECURE DETENTION AND PRE-TRIAL SERVICES).

Background: In FY 2011-12 there were 34,131 juvenile arrests. Arrests for violent crimes make up about 10 percent of all juvenile arrests, while the majority of arrests are for theft. Youth who are arrested may receive a summons to municipal court or district court or may simply be released to their parents. After peaking in the early 1990s, arrests for all kinds of crime have fallen sharply.

Of the youth arrested in FY 2011-12, 8,729 were screened for (and then received) secure detention or other pretrial services.

Law enforcement costs are a local responsibility.
SQUARE 2: SECURE DETENTION AND PRE-TRIAL SERVICES

YOUR STORY:
• You’ve been sent to secure detention in a state-operated facility that serves the same function as a county jail for an adult. Don’t worry—you probably won’t be here long. The median length of stay in a detention facility is 7 days, while the average is 15 days.
• You’ll then be released to supervision and treatment services through the Senate Bill 91-94 program until your court date. S.B. 91-94 supports community alternatives to secure detention and commitment.

PAY: On behalf of the General Assembly, pay $3,000, including $1,200 for a seven-day stay in a state-operated secure facility and $1,800 for the S.B. 91-94 program, which is locally managed in each judicial district with state General Fund support.

ACTION: Proceed to SQUARE 3 (JUDICIAL SYSTEM).

Background: Most youth who are screened for pre-trial service needs are initially placed in a secure detention facility. The General Assembly pays for 422 secure detention beds, most in 8 facilities operated by the Department of Human Services. In FY 2011-12, there were over 7,700 secure detention admissions moving through these beds. The cost to operate the detention beds was about $28 million in FY 2011-12. Educational services are provided to youth in detention facilities by their local school districts, but youth involved in the criminal justice system are still likely to fall behind their peers.

The General Assembly appropriated $12.0 million General Fund to the Department of Human Services for “Senate Bill 91-94” in FY 12-13. These funds are distributed to each judicial district’s S.B. 91-94 program to support screening for appropriate placement and alternatives to secure detention and commitment. On any given day, about 26 youths receive new detention screens and 1,500 receive ongoing S.B. 91-94 services, with services lasting an average of 83 days. Some of these services continue after the youth is adjudicated.
SQUARE 3: JUDICIAL SYSTEM

YOUR STORY: The District Attorney and the court are examining your crimes and your history and deciding how to proceed.

- Your case may be **dismissed** if the DA decides to drop the charges or if you are charged and found not guilty.
- You may be **diverted** from the system (e.g., by agreeing to restitution or community service without appearing before a judge).
- You may be prosecuted and **adjudicated a juvenile delinquent.** In very rare cases (age 16+ for selected felonies) you may be prosecuted as an adult and enter the adult criminal justice system. Even if you are prosecuted, you may receive a deferred judgment (enabling the court to strike your guilty plea if you succeed on probation).

PAY: On behalf of the General Assembly, **pay $1,100.** This includes $600 for court costs and $500 (rounded from $470) for the costs of a public defender to provide you with legal representation.

ACTION: **Spin** to determine your next step.

<table>
<thead>
<tr>
<th>Dial Number</th>
<th>Outcome</th>
<th>Next Step</th>
<th>Spinner odds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2</td>
<td>Dismissed (charges dropped or found not guilty)</td>
<td>SQUARE 4</td>
<td>20%</td>
</tr>
<tr>
<td>3-4</td>
<td>Diversion or informal adjustment</td>
<td>SQUARE 5</td>
<td>20%</td>
</tr>
<tr>
<td>5-10</td>
<td>Adjudicated a juvenile delinquent, convicted of adult crime (very rare), or deferred judgment</td>
<td>SQUARE 7</td>
<td>60%</td>
</tr>
</tbody>
</table>

Background: The General Assembly provides funding to cover the costs of operating county courts, district courts, and appellate courts. In FY 2011-12, approximately 788,000 cases were filed in the state court system, including 493,000 cases in county courts (smaller dollar civil cases, traffic cases, and misdemeanors), 290,000 cases in district courts (larger dollar civil cases; felony criminal cases; probate, domestic, and mental health matters; and juvenile cases), and 5,000 cases in the appellate courts. Appropriations for the state court system for FY 2012-13 total $156 million. Court workload is impacted by the number of cases filed as well as the types of cases filed, as some cases require more judge and staff time than others. In FY 2011-12, about 10,000 juvenile delinquency cases were filed in district courts.

The General Assembly also provides funding to provide legal representation for indigent defendants in criminal and juvenile delinquency cases where there is a possibility of being jailed or imprisoned. In FY 2011-12, the Office of the State Public Defender provided legal representation to clients in approximately 120,500 cases. Of these cases, 47 percent concerned felonies, 45 percent concerned misdemeanors, and the remainder were juvenile cases.
SQUARE 4: DISMISSED/ NOT GUILTY

YOUR STORY: The DA has decided to drop the charges against you or you have been found not guilty by the court. Congratulations.

ACTION: Your journey is over for this round. Try to stay out of trouble in the future!
YOUR STORY: The DA has decided that you are a good candidate for diversion. Your offense is less serious than originally thought, and it’s your first offense. You’ll be required to do community services and pay restitution, and you’ll get some services to help keep you out of trouble.

PAY: On behalf of the General Assembly, pay $500 for diversion services.

ACTION: Proceed to SQUARE 6 (DIVERSION SUCCESS?) to determine if the diversion was successful.

Background: In FY 2009-10, the General Assembly appropriated $1.2 million to the Department of Public Safety, Division of Criminal Justice for diversion services, and 2,615 youth received diversion services. Diversion may occur either pre-filing or post-adjudication. The majority of youth participating have been charged with misdemeanors.
SQUARE 6: DIVERSION SUCCESS?

YOUR STORY: Not everyone who receives diversion services is successful, although most are. In 2010, 82 percent of those who completed a diversion program were judged successful. The others were not compliant, transferred to another program, or, in some cases, had a new arrest.

ACTION: Spin to determine your next step.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1-8</td>
<td>Successful completion</td>
<td>Your journey is over for this round. Try to stay out of trouble in the future!</td>
<td>80%</td>
</tr>
<tr>
<td>9-10</td>
<td>Unsuccessful</td>
<td>SQUARE 1</td>
<td>20%</td>
</tr>
</tbody>
</table>
SQUARE 7: SENTENCING

YOUR STORY: Your crime is sufficiently serious that the court is not going to let you off without some sanction. You may be adjudicated as a delinquent or receive a deferred sentence.

ACTION: Spin to determine your sentence.

<table>
<thead>
<tr>
<th>Dial Number</th>
<th>Outcome</th>
<th>Next Step</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1-6</td>
<td>Juvenile Probation</td>
<td>SQUARE 8</td>
<td>60%</td>
</tr>
<tr>
<td>7</td>
<td>Juvenile Intensive Supervision Probation (JISP)</td>
<td>SQUARE 10</td>
<td>10%</td>
</tr>
<tr>
<td>8</td>
<td>Sentence to Detention (45 day maximum)</td>
<td>SQUARE 12</td>
<td>10%</td>
</tr>
<tr>
<td>9</td>
<td>Commitment to Youth Corrections or (if you were prosecuted as an adult) the Youthful Offender Services Program in DOC</td>
<td>OPTION: SQUARE 14 OR SQUARE 17</td>
<td>10%</td>
</tr>
<tr>
<td>10</td>
<td>County Department of Social Services</td>
<td>SQUARE 13</td>
<td>10%</td>
</tr>
</tbody>
</table>

Note: Due to the limits of the spinner (and to provide some variety), this understates odds of probation and overstates other categories. In 2008, placements for juvenile delinquency adjudications were: 75.5% probation, 4.8% Juvenile Intensive Supervision Probation, 4.7% Probation with Detention, 1.5% Detention only, 6.4% Commitment to DYC, and 5.3% Other (including custody of county departments of social services among other options).
SQUARE 8: JUVENILE PROBATION

YOUR STORY: Like the majority of youth with a juvenile charge against them, you are getting a chance to avoid deeper involvement in the system. You’ll be required to have regular contact with your probation officer, attend school, and, since (like most youth in your situation) you’ve got a substance abuse problem, you’ll need to attend alcohol and drug treatment and have regular urinalyses.

PAY: On behalf of the General Assembly, pay $1,900 for the average per-offender cost of juvenile probation supervision.

ACTION: Proceed to SQUARE 9 (SUCCESSFUL COMPLETION?) to determine if you are successful.

Background: In FY 2009-10, 4,746 youth were sentenced to probation. Probation supervision can extend over two years, but more than 50 percent of youth are on probation for a year or less.
SQUARE 9: SUCCESSFUL COMPLETION? (PROBATION)

**ACTION:** Spin to determine your next step.

<table>
<thead>
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</tr>
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<tbody>
<tr>
<td>1-6</td>
<td>Successful completion, including no new crime in subsequent year.</td>
<td>Your journey is over for this round. Try to stay out of trouble in the future!</td>
<td>60%</td>
</tr>
<tr>
<td>7-10</td>
<td>Unsuccessful – read below</td>
<td>PAY $7,200 and return to SQUARE 7. Read below for more details</td>
<td>40%</td>
</tr>
</tbody>
</table>

**IF UNSUCCESSFUL…**

**YOUR STORY:** In your case, your probation was revoked while you were still on probation. Like nearly 70 percent of youth whose probation is revoked, you had a technical revocation. In your case, you had a positive urinalysis, and you weren’t attending school as the court required. Because of your mess-up, the court has decided to send you to a detention facility to get your attention, and you may be headed to a longer-term correctional placement.

**PAY:** On behalf of the General Assembly, **pay $7,200** for a six-week stay in a state-operated detention facility.

**ACTION:** Return to **SQUARE 7** to see if the court will give you another chance or send you to a longer-term placement.

**Background:** Most youth successfully complete probation (63% success/37% percent failure rate for juvenile probation). This includes both during probation (73% success/27% failure) and in a year of post-release recidivism. Among those who had a probation revocation while on probation, 68% were revoked due to a technical violation, while the balance were due to a new felony or misdemeanor.

More than one-third of youth admitted to secure detention are there for a warrant or remand because they failed to comply with a court order.
YOUR STORY: Even though your offense is serious, the court has decided to try you on Juvenile Intensive Supervision Probation. You’ll wear an electronic monitor, your probation officer will visit you frequently at home, and you’ll have regular drug tests and a variety of other services.

PAY: On behalf of the General Assembly, pay $5,400 for one year of intensive supervision.

ACTION: Proceed to SQUARE 11 to determine your success.

Background: In FY 2009-10, there were 524 youths in Juvenile Intensive Supervision Probation.
SQUARE 11: JISP REVOCATION OR SUCCESS

**ACTION:** Spin to determine your next step.

<table>
<thead>
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</tr>
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<tbody>
<tr>
<td>1-4</td>
<td>Successful completion.</td>
<td>Proceed to SQUARE 8.</td>
<td>40%</td>
</tr>
<tr>
<td>5-10</td>
<td>Unsuccessful – read below</td>
<td>Proceed to SQUARE 14. Read below for more details.</td>
<td>60%</td>
</tr>
</tbody>
</table>

**IF UNSUCCESSFUL…**

**YOUR STORY:** Youth on intensive supervision are considered “high risk” and are closely supervised, so it’s not surprising that you blew it. Even if you had just a technical violation, odds are pretty good that you would be sent into the youth or adult correctional system. Since you’ve committed a new crime, that’s definitely where you are headed.

**ACTION:** Proceed to **SQUARE 14 (Youth Corrections Commitment)** and pay the related costs.

**Background:** Recent year data indicate a 44% success/55% percent failure rate for youth on intensive supervision probation. As these are higher risk youth, lower success than regular probation is expected. Most youth who are successful step down from intensive supervision to regular probation.
YOUR STORY: Under Colorado law, you may be sentenced to up to 45 days in a detention facility. You’ve been on probation before and failed to comply, and even though your crime wasn’t violent, you keep messing up and nothing seems to get your attention.

PAY: On behalf of the General Assembly, pay $7,200 for a six-week stay in a state-operated detention facility.

ACTION: Your journey is over for this round. Try to catch up on your school work and stay out of trouble in the future!

Background: About 14 percent of youth admitted to state-operated detention facilities have received a sentence to detention. Some of these youth are there due solely to ongoing truancy, and some serve the sentence concurrent with their probation. No data is available on recidivism after a detention sentence.
YOUR STORY: The court feels you are out of control, but it doesn’t believe you deserve a commitment sentence (which is akin to a prison sentence for adults). It’s decided to commit you to the custody of a county department of social services. There’s a good chance you’ll initially be placed in a treatment facility that houses both adolescents who come from the youth corrections commitment system and from county social services departments, but if all goes well, you’ll step down to intensive home-based services.

PAY: On behalf of the General Assembly, pay $50,000. This includes $40,000 for 80 percent of the cost of placement in a residential child care facility for a full year, plus $10,000 for the cost of follow-on home-based treatment services for another year.

ACTION: Your journey is over for this round. Try to stay out of trouble in the future!

Background: There’s lots of overlap between youth in the custody of the county-administered child welfare system and the state-administered youth corrections system. In FY 2011-12, there were about 3,700 adolescents receiving services from their county social services departments because they were “beyond parental control”—far more than the 983 youth committed to the state Division of Youth Corrections. Profiles of youth served by counties and youth corrections are often similar, and the vast majority of youth who are committed to the state Division of Youth Corrections had previous involvement with their county social services department.

The General Assembly appropriates about $400 million per year to the Department of Human Services for county-administered child welfare services, which funds both child protection for younger children and services for adolescents beyond parental control. While county expenditures for this population average about $10,000 per year for each open case, they spend far more if a court requires them to take custody of a youth who needs to be placed in intensive residential services.
SQUARE 14: YOUTH CORRECTIONS COMMITMENT

YOUR STORY: You’ve really messed up: you’re in for a serious felony related to person or property. There’s a 72 percent that you’ve been adjudicated before and a 67 percent chance that you’ve got serious substance abuse problems. Within the juvenile system, this is as “deep in” as you can get. On the positive side, you are in a system that’s focused on rehabilitation. You’ll have lots of access to treatment services, as well as educational and vocational opportunities.

PAY: On behalf of the General Assembly, pay $100,000 for an 18-month commitment. This includes six months at a state-operated secure facility and a year at a privately-operated facility—very possibly one that’s owned by the state, even though it’s operated by contractors.

ACTION: Proceed to SQUARE 15 for PAROLE.

Background: On average, only 983 youths per day were in a commitment placement during FY 2011-12—a tiny figure compared to the 34,131 arrested. Colorado operates seven secure facilities that house about 40 percent of the commitment population. The remainder are in privately operated facilities, including facilities that are owned by the state but privately operated. The average length of stay is 18 months, and youth often progress from the most-secure state-operated placement to less secure placements over the course of their stays. The General Assembly appropriated over $65 million to cover related costs in FY 2011-12.
SQUARE 15: PAROLE

YOUR STORY: Congratulations. Your sentence was for a period of up to two years, and the Juvenile Parole Board, appointed by the Governor, has decided that you are ready to be released after 18 months. Like all other youth committed to the Division, you are now required to participate in a minimum of six months of mandatory parole (“after care”). On parole, you’ll reside in the community but will continue to receive supervision and treatment services.

PAY: On behalf of the General Assembly, pay $4,400 for parole services and the case management services you’ve needed both before and during your time on parole.

ACTION: Proceed to SQUARE 16 to determine recidivism.

Background: About 70 percent of youth committed to the Division have “non-mandatory” sentences of up to two years. The remainder, including repeat, violent, and aggravated juvenile offenders who have committed class 1 or 2 felonies, may have longer sentences and may be subject to longer parole supervision. The General Assembly appropriated $4.2 million for parole services and $6.6 million for case management services to the Department of Human Services, Division of Youth Corrections in FY 2011-12.
**SQUARE 16: RECIDIVISM?**

**ACTION:** Spin dial TWICE (once for charges while committed and once for charges during the following year) to determine your next step. (If you are unsuccessful the first time, you only need to spin once.)

<table>
<thead>
<tr>
<th>Dial Number</th>
<th>Outcome</th>
<th>Next Step</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1-7</td>
<td>Successful completion.</td>
<td>Congratulations. Your journey is over.</td>
<td>70%</td>
</tr>
<tr>
<td>8-10</td>
<td>Unsuccessful – read below</td>
<td>Proceed to SQUARE 1. Read below for more details.</td>
<td>30%</td>
</tr>
</tbody>
</table>

**IF UNSUCCESSFUL...**

**YOUR STORY:** You’ve received another misdemeanor or felony charge during your parole placement or in the following year.

**ACTION:** Since you are still under 18 (barely) return to SQUARE 1. (If you were over 18, you’d now be headed for the adult correctional system.)

**Background:** The Division of Youth Corrections measures recidivism based on a new felony or misdemeanor filing (juvenile or adult). Pre-discharge recidivism occurs most frequently during the parole period. Post-discharge recidivism is measured in the year after release from parole. For youth discharged in FY 2009-10, pre-discharge recidivism was 35.5%, and post-discharge recidivism was 33.9%.
SQUARE 17: YOUTHFUL OFFENDER SERVICES (YOS)

**YOUR STORY:** Your crime is very serious—armed robbery—and it turns out you’re 16, rather than 15 years old. The District Attorney has arranged to transfer your case to district court, where you are tried as an adult and found guilty. Because of your age, the court has decided to sentence you to 5 years in the Youthful Offender System (YOS), which is operated by the Department of Corrections. As required by statute you also receive a suspended sentence to an adult prison that will be imposed if you fail the Youthful Offender System's program.

**PAY:** On behalf of the General Assembly pay $316,000 for 5 years in the YOS.

**ACTION:** Proceed to SQUARE 18 for AFTER CARE.

**Background:** A District Attorney can directly file charges in district court (subsequently called adult court) against a 16-year-old or a 17-year-old who committed a crime of violence and has a prior felony conviction. For certain very serious violent crimes like murder, the DA can directly file charges in adult court even if there are no prior felony convictions. The defendant can challenge the DA's decision to directly file in adult court and ask the judge there to decide, after a hearing, whether adult or juvenile court is appropriate.

If the case does not meet the requirements for directly filing criminal charges in adult court (for example the defendant is under age 16 or the crime is not sufficiently serious and the defendant has no prior felony convictions), a DA who wants to try the case in adult court must petition the juvenile court to have the case transferred to adult court. If, after a hearing, the judge agrees, the case is transferred.

Following conviction, the adult court is not required to send the offender to the Youthful Offender System; it can alternately send him to adult prison. In fact the adult court can't use the Youthful Offender System for certain very serious crimes, such as premeditated murder.

Sentences to the Youthful Offender System can range from 2- to 7 years in length. In addition to the YOS sentence, the adult court must also impose suspended sentences to an adult prison. These alternative adult sentences are on average 9 years longer than the YOS sentence. An offender who successfully completes the YOS sentence doesn't have to serve the adult sentence. If the offender fails the Youthful Offender System program, the adult court will revoke the YOS sentence and reinstate the adult sentence, with credit given for time already served. An average of 72% of YOS offenders successfully complete their YOS sentences. Approximately a quarter have their YOS sentences revoked and are transferred to adult prison.

Each offender in the Youthful Offender System costs the state an average of $63,269 per year. The average length of stay is 5.2 years.
SQUARE 18: YOS AFTER-CARE

YOUR STORY: Following your stay in the Youthful Offender System's secure facility in Pueblo, you are placed in "After-care" for 10 months. After-care is mandatory. You begin in a residential facility that is much like a community corrections center and progress either to independent living or to living with family members. You receive intensive supervision as well as support services throughout this period.

PAY: On behalf of the General Assembly pay $30,000 for 10 months of after-care.

ACTION: Proceed to SQUARE 19 (RECIDIVISM).

Background: YOS offenders spend an average of 9.8 months in the after-care program.
SQUARE 19: YOS RECIDIVISM

**ACTION:** Spin dial to determine your next step.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>Success! No new charges two years after completing the program</td>
<td>Congratulations. Your journey is over.</td>
<td>50%</td>
</tr>
<tr>
<td>6-10</td>
<td>Ouch…you’ve caught a new felony or misdemeanor charge less than two years after exit.</td>
<td>The adult correctional system.</td>
<td>50%</td>
</tr>
</tbody>
</table>

**Background:** Of the offenders who successfully complete the Youthful-Offender-System after-care program, 46% have a new felony or misdemeanor charge filed against them within two years of completion. About half (25%) of these are convicted of a new felony.