

[As approved]

JUVENILE JUSTICE TASK FORCE

Petty Ticket Workgroup

Presented to the Colorado Commission on Criminal and Juvenile Justice

May 9, 2014

FY15-JJ #1 Create a petty ticket option for law enforcement as an alternative to initiating formal proceedings for youth.

Recommendation FY15-JJ #1

Amend 19-2-302 C.R.S. by adding a section that provides for a disposition of petty offenses committed by juveniles between the ages of ten and seventeen that gives law enforcement officers the option to do more than “lecture and release” but less than the initiation of formal proceedings. (See proposed statutory language below.)

Discussion

The purpose of this proposed statute is to create a petty ticket system for juveniles who commit minor offenses and who law enforcement officers believe should be held accountable beyond a *lecture and release* response. Research shows that most juveniles fare better in terms of reoffending when they are diverted from formal processing.¹ This proposal creates an option for law enforcement officers between *lecture and release* and the formal process.

Any prosecutor may engage in the formal procedure where deemed appropriate. But this procedure does not include initial prosecutorial review because it intentionally reflects the actual law enforcement practice “on the streets.” That is, a law enforcement officer often detains a juvenile and releases the juvenile after a stern lecture or an informal discussion with a parent.

This process is unique in that it crosses the boundary between the juvenile courts and the municipal courts. It can be implemented by either court, or it can be implemented by both the municipal and juvenile court with an inter-governmental agreement.

Members of the Task Force expressed concerns regarding record keeping. As an example, some group members pointed out that a police officer in Denver would be unaware of the fact that a juvenile might be subject to a petty offense contract in Lakewood. However, most members agreed that the level of offense was so low (petty offenses) that creating a tracking system was not necessary.

¹ See Hobbs and Wulf-Ludden, 2013 Assessing Youth Early in the Juvenile Justice System. This provides a summary of studies that show that “unnecessary involvement in the juvenile justice system generally results in negative long-term outcomes” and that “research indicates that unnecessary court involvement may contribute to worse outcomes, which can ultimately culminate in detention (Holman & Ziedenberg, 2006).”

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Proposed Statutory Language

Create 19-2-302.1 to read as follows:

(1) WHENEVER A LAW ENFORCEMENT OFFICER CONTACTS A JUVENILE FOR A DELINQUENT ACT OR A MUNICIPAL ORDINANCE VIOLATION, THE OFFICER MAY GIVE THE JUVENILE A PETTY TICKET THAT REQUIRES AN AGREEMENT TO APPEAR BEFORE AN ASSESSMENT OFFICER OR THE SCREENING TEAM AS DESIGNATED BY THE COURT. IF SUCH A PETTY TICKET IS ISSUED AS AN ALTERNATIVE TO THE FILING OF A PETITION OF DELINQUENCY, AN ASSESSMENT OFFICER OR SCREENING TEAM SHALL ENTER INTO A CONTRACT, NOT TO EXCEED 90 DAYS, WITH THE JUVENILE AND THE JUVENILE'S PARENT OR LEGAL GUARDIAN IF:

(A) THE JUVENILE HAS NO PRIOR ADJUDICATION OR NON-TRAFFIC CONVICTION IN MUNICIPAL COURT;

(B) THE ALLEGED FACTS WOULD CONSTITUTE THE BASIS FOR A CLASS ONE, TWO, OR UNCLASSIFIED PETTY OFFENSE;

(C) THE JUVENILE ADMITS TO THE OFFENSE;

(D) A PETTY TICKET WOULD BE IN THE BEST INTERESTS OF THE JUVENILE.

IF THE JUVENILE IS OTHERWISE ELIGIBLE FOR A PETTY TICKET AS SET FORTH IN THIS SECTION AND THE ASSESSMENT OFFICER OR THE SCREENING TEAM DOES NOT FIND THAT SUCH AN ADJUSTMENT IS IN THE BEST INTERESTS OF THE JUVENILE, THE ASSESSMENT OFFICER OR THE SCREENING TEAM SHALL STATE THE REASONS IN WRITING. THE WRITTEN STATEMENT SHALL BE MAINTAINED BY THE SCREENING ENTITY.

(2) EVERY CONTRACT SHALL BE IN WRITING AND MAY CONTAIN THE FOLLOWING:

(A) CONSENT TO THE CONTRACT TERMS BY THE JUVENILE'S PARENT OR LEGAL GUARDIAN;

(B) A REQUIREMENT OF RESTORATIVE JUSTICE PRACTICES, WHERE APPROPRIATE;

(C) AN AGREEMENT TO PAY RESTITUTION, WHERE APPLICABLE;

(D) AN AGREEMENT TO PERFORM USEFUL COMMUNITY SERVICE;

(E) AN AGREEMENT TO ATTEND SCHOOL UNLESS THE JUVENILE IS IN A CERTIFIED HOME STUDY PROGRAM OR IS OTHERWISE LEGALLY EXCUSED FROM SUCH ATTENDANCE;

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(F) A REQUIREMENT THAT THE JUVENILE NOT COMMIT A DELINQUENT ACT WHILE UNDER CONTRACT;

(G) ANY OTHER CONDITIONS DETERMINED APPROPRIATE BY THE ASSESSMENT OFFICER OR SCREENING TEAM.

(3) UPON THE SUCCESSFUL COMPLETION OF THE CONTRACT TO THE SATISFACTION OF THE LAW ENFORCEMENT OFFICER, ASSESSMENT OFFICER AND/OR SCREENING TEAM, THE JUVENILE SHALL BE RELEASED FROM ANY FURTHER OBLIGATION AND A PETITION IN DELINQUENCY FOR THE ADMITTED ACT SHALL NOT BE FILED. THE COMPLETED CONTRACT SHALL REMAIN CONFIDENTIAL EXCEPT TO THE TICKETING AGENCY AND THE CHILD'S PARENT OR LEGAL GUARDIAN.

(4) IN THE EVENT THAT A JUVENILE FAILS TO COMPLY WITH A WRITTEN CONDITION OF THE CONTRACT WITHIN A SPECIFIC TIME DESIGNATED IN THE CONTRACT THE PROSECUTING ATTORNEY MAY FILE CHARGES WITH THE COURT. ANY STATEMENTS CONTAINED IN THE CONTRACT OR MADE BY THE JUVENILE TO THE OFFICER ADMINISTERING THE CONTRACT SHALL NOT BE USED AGAINST THE JUVENILE.