

AGE OF DELINQUENCY TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
March 8, 2019

FY19-AD #01. Develop a Comprehensive Juvenile Services Plan [Statutory]

Recommendation FY19-AD #01

Develop a data-driven, cross-disciplinary, comprehensive juvenile services plan addressing the full juvenile justice continuum in each judicial district by undertaking the following:

- In §19-2-211, C.R.S., expand the local Juvenile Services Planning Committee (JSPC) responsibilities to include the development of a data-driven three-year plan, with annual updates, targeting the full juvenile justice continuum in each judicial district;
- In §19-2-212, C.R.S., require the state Working Group defined therein to identify the specific components of the data-driven plan; and
- In §39-28.8-501, C.R.S., authorize the use of existing marijuana tax revenue distributed to Senate Bill 1991-94 to support data-driven plan development and implementation by judicial districts.

[See Proposed Statutory Language below.]

Discussion

Cross-disciplinary planning is a vital first step towards identifying the risks and needs of the state's juvenile justice population, allowing for a deeper understanding of the service needs of youth penetrating local juvenile justice systems. A Juvenile Services Planning Committee (JSPC)¹ exists in each judicial district. The primary role of the JSPC is to develop a plan for the allocation of juvenile services resources within the judicial district. Currently each JSPC develops a plan solely for the allocation of funds related to the Colorado Youth Detention Continuum (CYDC) as described in §19-2-310, C.R.S.² This proposal changes the focus of the plan to include the entire juvenile justice continuum, and requires the use of data to describe the service needs and gaps in the judicial district.

Currently, every year, each judicial district may develop and submit as many as three, and sometimes more, separate "plans" to address juvenile justice issues, according to requirements related to the CYDC, the Collaborative Management Program (CMP) and the state juvenile diversion program. Despite these efforts, there is no comprehensive, cross-disciplinary review of local data that identify trends and gaps in services in counties within a judicial district. Rather, multiple professionals work independently in the development of juvenile justice related plans. This proposal replaces the current JSPC plan with a comprehensive data-driven review across the juvenile justice continuum with goals of reducing duplication of services and addressing gaps in services across the judicial district.

This proposal does not remove the decision making authority from the respective planning committees but serves to create a foundation for comprehensive planning efforts that address the needs of each judicial district. The plan will serve as the basis of information for local applications for state funding from, at a minimum, juvenile diversion, collaborative management programs, the detention continuum, and other funding sources that may be available to address the needs of the juvenile justice population.

¹ Juvenile Services Planning Committees (JSPCs) are located in each of the 22 judicial districts and assist local officials in developing a continuum of services for delinquent youth and their families, including planning for each local Colorado Youth Detention Continuum (CYDC) programming (formerly labeled, "Senate Bill 94"). These committees develop plans for the allocation of resources for local juvenile services within the judicial district for the fiscal year.

² These funds are intended to be used for services to juveniles that prevent detention/commitment.

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This recommendation builds on an existing cross-disciplinary local board, the judicial district's JSPC, expanding its membership to ensure the inclusion of key professionals necessary for the development of a comprehensive, local, data-driven plan.

The three-year plan with annual updates, once approved by the local JSPC, is submitted every March 1 for review by the CYDC Advisory Board³ as well as other state funding entities. Because of its increased scope, the plan can be used in decision making regarding resources and funding needs, along with promoting collaboration and cost sharing.

Additionally, the specific components of the plan must be clearly specified by the Working Group⁴ defined in §19-2-212, C.R.S. (see Footnote 2) to ensure consistency across judicial districts and to emphasize the use of empirical data. This plan will profile the population at each stage of the juvenile justice system, the interventions available, and the processes by which information is shared. It will also describe efforts to reduce or eliminate gaps in services and address disproportionate minority contact within the judicial district. The plan will describe current services and funding sources, and gaps in services, and use the most recent information available to identify trends across the juvenile justice continuum.

Proposed Statutory Language

In §19-2-211, C.R.S., amend **subsection (1)**, insert a new **subsection (2)**, and renumber existing subsection (2) to **subsection (3)**. In §19-2-212, C.R.S., add **subsection (3)**. In §39-28.8-501 (2) (a) (IV), C.R.S., add "**sub-subparagraph (P)**".

19-2-211. Local juvenile services planning committee - creation - duties - identification and notification of dually identified crossover youth

(1) If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there may be created in the judicial district a local juvenile services planning committee that is appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, must include, but need not be limited to, a representative from the county department of human or social services, a local school district, a local law enforcement agency, a local probation department, the division of youth services **TO REPRESENT THE DETENTION CONTINUUM TO INCLUDE COMMITMENT AND PAROLE/AFTERCARE**, private citizens, the district attorney's office, ~~and~~ the public defender's office, ~~and~~ a community mental health representative, **A COMMUNITY SUBSTANCE USE TREATMENT PROFESSIONAL, A COMMUNITY SERVICES VICTIM REPRESENTATIVE** and a representativeS of the concerns of municipalities. The committee, if created, shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. The committee is strongly encouraged to consider programs with restorative justice components when developing the plan. **THE SECTION OF THIS PLAN THAT ADDRESSES**

³ The Colorado Youth Detention Continuum (CYDC) state advisory board assists the Division of Youth Services in oversight of the Colorado Youth Detention Continuum funding (formerly labeled, "Senate Bill 94") which is allocated to the 22 judicial districts to develop a detention continuum.

⁴ The Working Group establishes criteria for detention and commitment for adoption by Colorado Department of Human Services (CDHS) and the Judicial Department and determines the formula for allocating funds for alternative services for placement of juveniles in the custody of CDHS.

[As Approved]

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FUNDS APPROPRIATED THROUGH SECTION 19-2-310 MUST BE REVIEWED AND RECOMMENDED FOR APPROVAL BY THE WORKING GROUP ESTABLISHED IN SECTION 19-2-212 AND The plan must be approved by the state department of human services. A local juvenile services planning committee may be consolidated with other local advisory boards pursuant to section 24-1.7-103.

2) THE LOCAL JUVENILE SERVICES PLAN:

- a) SHALL DESCRIBE THE JUVENILE JUSTICE POPULATIONS SERVED AT EACH STAGE OF THE JUDICIAL DISTRICT'S JUVENILE JUSTICE SYSTEM, EMPHASIZING DIVERSION FOR CHILDREN AGES 10-12 WHO ARE JUVENILE JUSTICE SYSTEM-INVOLVED, AND INCLUDING CHILDREN AND JUVENILES WHO ARE INVOLVED WITH THE JUVENILE JUSTICE SYSTEM AT THE MUNICIPAL LEVEL, USING THE MOST RECENT DATA AVAILABLE, INCLUDING TRENDS THAT MAY BE OCCURRING;
- b) SHALL DESCRIBE THE PROVISION OF JUVENILE JUSTICE INTERVENTIONS WITHIN THE COMMUNITY TO INCLUDE LAW ENFORCEMENT CONTACTS AND ARRESTS, JUVENILE DIVERSION, COURT IMPOSED INCENTIVES AND SANCTIONS, PROBATION, YOUTH DETENTION CONTINUUM, COLLABORATIVE MANAGEMENT PROGRAM (WHEN JUVENILE JUSTICE IS AN IDENTIFIED COLLABORATIVE MANAGEMENT POPULATION TO BE SERVED), DUALY IDENTIFIED CROSSOVER YOUTH, COMMITMENT TO THE DIVISION OF YOUTH SERVICES, AND PAROLE/REENTRY INTO THE COMMUNITY;
- c) SHALL DESCRIBE THE USE OF ESTABLISHED VALIDATED RISK AND NEEDS SCREENING AND ASSESSMENT INSTRUMENTS AT EACH STAGE OF JUVENILE JUSTICE SYSTEM INVOLVEMENT AND HOW THOSE TOOLS ARE USED FOR INDIVIDUAL YOUTH SERVICE PLANNING;
- d) SHALL DESCRIBE THE CHALLENGES IN MEETING THE NEEDS OF THE JUVENILE JUSTICE POPULATION TO INCLUDE SPECIFIC TREATMENT UNMET NEEDS, THE NEED FOR COMMUNITY-BASED SERVICES AND OUT OF HOME PLACEMENT, AND FOSTER/KINSHIP CARE OPTIONS FOR DUALY IDENTIFIED CROSSOVER AND OTHER JUSTICE-INVOLVED YOUTH, SHARING OF INFORMATION ACROSS SYSTEMS AND OTHER ISSUES AND CONCERNS;
- e) WHERE POSSIBLE, SHOULD REFLECT THE SAME INFORMATION THAT IS REQUESTED BY THE STATE FUNDERS FOR JUVENILE JUSTICE PROGRAMS TO REDUCE THE NEED FOR DEVELOPMENT OF MULTIPLE PLANS;
- f) WILL BE DUE NO LATER THAN MARCH 1 OF EACH YEAR FOR FUNDING AVAILABLE ON JULY 1 WITH DISTRIBUTION TO THE COLORADO DEPARTMENT OF HUMAN SERVICES INCLUDING THE DIVISIONS OF CHILD WELFARE AND YOUTH SERVICES, THE STATE COURT ADMINISTRATOR'S OFFICE INCLUDING THE DIRECTOR OF PROBATION SERVICES, AND THE DEPARTMENT OF PUBLIC SAFETY INCLUDING THE DIVISION OF CRIMINAL JUSTICE FOR USE IN ITS FUNDING APPROVAL PROCESSES PURSUANT TO SECTION 19-2-11 (2) (g);
- g) THIS JUVENILE SERVICES PLAN, INCLUDING ITS DATA ANALYSIS, REVIEW OF TRENDS, CURRENT SERVICES PROVIDED, AND ISSUES AND CONCERNS, MUST BE USED AS A REFERENCE FOR APPLICATION PROCESSES REQUIRED FOR JUVENILE DIVERSION, COLLABORATIVE MANAGEMENT, DUALY-IDENTIFIED CROSSOVER YOUTH, DETENTION CONTINUUM PLANS AND OTHER FUNDING REQUESTS.
- h) THE DIVISION OF YOUTH SERVICES SHALL PROVIDE TECHNICAL ASSISTANCE TO CONDUCT THE DATA ANALYSIS FOR THE PLANNING AND PLAN DEVELOPMENT PROCESS UPON REQUEST OF A LOCAL JUVENILE SERVICES PLANNING COMMITTEE.

(3) ~~(2)~~ The plan must provide for the management of dually identified crossover youth. The plan must contain descriptions and processes to include the following:

<Note: Except for renumbering, this subsection was not amended.>

[As Approved]

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19-2-212. Working Group for criteria for placement of juvenile offenders- establishment of formula- review of criteria.

3) MEMBERS OF THE WORKING GROUP SHALL IDENTIFY THE COMPONENTS OF A CROSS DISCIPLINARY JUVENILE JUSTICE PLAN FOR THE JUVENILE SERVICES PLANNING COMMITTEES CREATED IN SECTION 19-2-211 AND SHALL REVIEW EACH DISTRICT PLAN ON AN ANNUAL BASIS. THE WORKING GROUP WILL BE RESPONSIBLE FOR RECOMMENDING APPROVAL OF SPENDING PLANS RELATED TO THE JUVENILE SERVICES FUND ESTABLISHED IN SECTION 19-2-310. TO REDUCE THE NEED FOR MULTIPLE PLANS, WHERE POSSIBLE, THIS PLAN SHOULD INCLUDE THE INFORMATION REQUESTED BY STATE ENTITIES FUNDING JUVENILE JUSTICE PROGRAMS. THIS JUVENILE SERVICES PLAN MUST INCLUDE DATA ANALYSIS UNDERLYING A REVIEW OF TRENDS, CURRENT SERVICES PROVIDED, AND SERVICE GAPS, AND SHOULD BE USED AS THE BASIS FOR FUNDING APPLICATION PROCESSES REQUIRED BY JUVENILE DIVERSION, COLLABORATIVE MANAGEMENT PROGRAMS, DUALY-IDENTIFIED CROSSOVER YOUTH, AND DETENTION CONTINUUM PLANS AND OTHER FUNDING REQUESTS.

39-28.8-501. Marijuana tax cash fund – creation – distribution – legislative declaration.

(2) (a) (IV). Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any money in the fund for any fiscal year following the fiscal year in which it was received by the state for the following purposes:

(P) FOR THE DEVELOPMENT AND IMPLEMENTATION OF DATA DRIVEN JUVENILE SERVICES PLANS PREPARED BY LOCAL JUVENILE SERVICES PLANNING COMMITTEES AS DESCRIBED IN SECTION 19-2-211(2).