



**Study of the Effectiveness of the Current Youthful Offender System,  
As Designed by the Enabling Statute and as Implemented by the  
Department of Corrections**

Report submitted to the House and Senate Judiciary Committees

In Response to Colo. Rev. Stat. § 18-1.3-407 (14)

By

The Emerging Adult Justice Project at the Columbia University Justice Lab



February 1, 2022

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## ABOUT THE AUTHORS

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The Emerging Adult Justice Project (EAJP) at the Columbia University Justice Lab received funding in March 2021 from the Public Welfare Foundation in Washington, D.C., “to help the Colorado Department of Corrections transform the Youthful Offender System.” A report to the Legislature was not specifically included in the grant’s Scope of Work but is in keeping with our overall goals to provide a deeper understanding of emerging adult justice and the challenges and opportunities in the current system, and we are pleased to do so. The primary authors of this report are Lael Chester and Maya Sussman, with assistance from Research Assistant Ruth Shefner.

The information contained in this Report has been gathered through: research, including data provided by the Colorado Department of Corrections (DOC); discussions and presentations at the two-day virtual Summit organized by the EAJP and co-hosted by the DOC, the Public Welfare Foundation, and the EAJP on October 28 and 29, 2021; ongoing conversations with officials at the DOC, including with the Executive Director Dean Williams and regular virtual meetings with a “working group” led by Deputy Executive Director Travis Trani; and information garnered from other knowledgeable justice professionals, advocates, formerly incarcerated people, and community service providers in Colorado. We wish to thank everyone who helped us along the way.

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## EXECUTIVE SUMMARY

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This report on Colorado’s Youthful Offender System (YOS), prepared by the Emerging Adult Justice Project (EAJP) at the Columbia University Justice Lab in collaboration with the Colorado Department of Corrections (DOC), is for submission to the Colorado Legislature on February 1, 2021. **The report provides concrete recommendations to not just improve but *transform* YOS to achieve more positive youth outcomes and increase youth and public safety.**

Helping young people heal and mature can reduce recidivism and protect the public from further harms.

Research shows that emerging adults share many of the same characteristics of their younger peers, with “risk-taking” being a hallmark. But during this distinct developmental period, youth are particularly malleable and responsive to positive relationships and experiences. The vast majority of emerging adults will mature and desist from crime, irrespective of the level of the offense. This report focuses on ways that YOS can support this maturation process and avoid the major harms caused to youth convicted and sentenced in the adult criminal legal system. As the report notes, some of the current features of YOS are ineffective, harmful, and run counter to research.

The report describes Colorado’s current YOS system, a specialized sentencing provision that applies to youth that was created almost two decades ago. It provides information about the overall process (from the beginning to the end), caseloads, and demographics.

Most importantly, the report provides **21 recommendations** for improvements to practices and policies. These include:

- Re-consider eligibility
- Individualize
- Provide positive incentives
- Dispose of the boot camp model
- Use trauma-informed care and increase mental/behavioral health services
- Institute gender-responsive practices
- Tailor community supervision and limit conditions
- Allow record expungement
- Extend juvenile confidentiality provisions
- Increase “circle of care” involvement
- Ensure appropriate education
- Connect youth with mentors and mentees
- Provide an array of developmentally appropriate programming
- Collaborate with the child welfare system
- Ensure safety
- Use developmentally appropriate responses to rule breaking
- Pursue the least restrictive option and protect due process
- Smooth the transition when exiting YOS
- Track, assess, respond to, and report out on data
- Solicit youth input
- Conduct a YOS statutory cleanup

To implement many of these recommendations, legislation will be required. The DOC has demonstrated a strong and commendable commitment to designing and implementing reforms, but the system *as a whole* needs to be reconsidered.

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## INTRODUCTION

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The legislation requested the Department of Corrections (DOC) to:

...consult with one or more external experts to conduct a study of the effectiveness of the current youthful offender system, as designed by the enabling statute and as implemented by the department of corrections. The department shall consider all relevant research on effective programming for young adults and alternative management and program models for the youthful offender system. Additionally, the study must assess the potential expansion of the youthful offender system to serve offenders up to the age of twenty-five years who commit felony offenses, including the offenses which currently make a younger offender eligible for youthful offender sentencing by the court, and how that expansion could be implemented. (Colo. Rev. Stat. § 18-1.3-407 (14))

This report, drafted by the Emerging Adult Justice Project (EAJP) at the Columbia University Justice Lab, seeks to respond to this request and, in cases where relevant information and data may be lacking, identify what data should be collected and analyzed in the future.

Since the creation of the Youthful Offender System (hereafter referred to as “YOS”) in 1993, there has developed a new field, most commonly called “Emerging Adult Justice,”<sup>1</sup> which focuses on youth transitioning into adulthood, from ages 18 to 25. The EAJP, which was created in 2016, has seen a remarkable increase in interest in this field as well as the design and implementation of innovations that have sprung up across the country. The recent policy innovations include: raising the upper age of juvenile justice jurisdiction over the 18<sup>th</sup> birthday (Vermont), expanding hybrid systems that combine elements of the juvenile system (e.g., confidentiality) with the adult system (e.g., Washington D.C. and Michigan), creating specialized parole or resentencing provisions (e.g., California, Illinois, and Washington D.C.), and enacting expungement provisions for youth, including emerging adults (e.g., Massachusetts). Recent practice innovations include: specialized diversion (e.g., Philadelphia’s District Attorney’s Office) and re-entry (e.g., Massachusetts). The most common forms of practice innovations are courts, probation departments, and correctional units specializing in emerging adults. These topics were explored by the Emerging Adult Justice Learning Community, hosted and lead by the EAJP over a three-year period, consisting of experts (researchers, practitioners, policy makers, and advocates) from around the country, and resulted in three reports that give guidance to jurisdictions considering creating or reforming their practices.<sup>2</sup> The report on specialized corrections is particularly relevant to Colorado’s YOS system and has helped shape the EAJP’s work on YOS, including this report.<sup>3</sup>

**The reasons for this increasing interest in improving the justice system’s response to emerging adults is, first and foremost, public safety.** Emerging adults have the highest rates of

recidivism of any age group. Responding to emerging adults in a more effective way can reduce reoffending and thereby protect others from victimization.

The following is a brief summary of the research and experiences that guide the field of emerging adult justice reform:

- A robust body of research, especially in the fields of neurobiology and developmental psychology, that shows that the human brain continues to develop into a person's mid-20s, far later in the lifespan than was previously thought.<sup>4</sup> Like adolescents, emerging adults are more susceptible to peer pressure, prone to risk-taking, and impulsive than adults, especially in emotionally charged settings.<sup>5</sup> The process of maturing from a dependent child (emotionally, financially, and practically) to a fully mature adult now takes even longer than it did in previous generations.<sup>6</sup>
- Sociological research which shows that the vast majority of youth will “age out” of crime by their mid-20s, maturing and desisting naturally from law-breaking behavior as they mature.<sup>7</sup> This is particularly true if they are given the opportunity to complete their education and occupy adult roles like being a partner, parent, and breadwinner.
- Most emerging adults in the criminal system have been victims of violence,<sup>8</sup> and suffer from underlying mental, behavioral, and substance use disorders.<sup>9</sup> Toxic environments, such as adult jails and prisons, further traumatize young people and cut off the opportunities and supports that are crucial to their ability to grow into healthy and productive adults. Support from family and mentors, safe and nurturing homes, education, and job training are vital to the healthy development of emerging adults. Yet these supports are absent from, or harmed by, incarceration and involvement in the criminal legal system. Addressing the trauma that justice-involved youth have experienced is essential to protecting others from victimization and trauma.
- Adult criminal records have a cascading effect, creating barriers to future employment, housing, and education, which often contribute to re-involvement in the criminal legal system. The American Bar Association has catalogued over 45,000 federal and state statutes and regulations that impose collateral consequences as a result of an adult criminal conviction.<sup>10</sup> While these obstacles can be challenging for any person, they are oftentimes insurmountable for emerging adults who have yet to begin their career path or establish the foundation of an adult life. The struggle to find safe and stable housing is just one example of the hurdles faced by youth with adult criminal records that directly worsen their outcomes. Since 1987, U.S. federal housing policy has restricted people with felony convictions, and convictions for certain other crimes, from receiving subsidized housing benefits. This “one strike and you’re out” policy, signed into law in March 1996, has provided a legal basis to evict not only a person with a criminal record, but all members of their household as well—regardless of their lack of involvement in the crime. This means that youth penalized by the adult justice system are unable to move back home with their families without causing their whole family to get kicked out of public housing. Further, a 2005 survey conducted by one of the three main professional

associations for rental housing in the private sector found that 80% of its members screened applicants for criminal records.<sup>11</sup> This compounds the already high rate of homelessness among emerging adults in the general population: A study found that 1 in 10 emerging adults had experienced homelessness in the United States over the course of a year.<sup>12</sup>

- The detrimental effects caused by the criminal legal system’s traditionally harmful environment impact emerging adults more than fully-grown adults because they are more vulnerable to negative influence.<sup>13</sup> This is evidenced, in part, by national rates of recidivism—emerging adults have the highest recidivism rates of any age group, cycling back into prisons the soonest and most frequently. A study of 30 states found that 3 out of 4 emerging adults released from a correctional facility in 2005 were rearrested within three years.<sup>14</sup> Moreover, during the current opioid epidemic, poor outcomes for this age group include higher mortality rates from overdoses. For example, one of the Justice Lab’s reports found that emerging adults released from incarceration in Massachusetts were approximately 10 times more likely to die from opioids than people released from incarceration ages 45 and older.<sup>15</sup> This is in addition to the high risk of opioid-related death for formerly incarcerated persons, which in the United States was found to be 129 times higher than the rest of the adult population.<sup>16</sup>
- The experiences in other countries have shown that the youthfulness of emerging adults can be effectively recognized by the legal system. In Europe, three out of five countries provide either the application of educational measures/rehabilitation provided by juvenile law *or* special rules concerning specific sanctions for young adults in the general penal law. In Germany, for example, the age of youth justice jurisdiction spans from the 14<sup>th</sup> to the 21<sup>st</sup> birthday, and since 1953, 18-, 19- and 20-year-olds have been treated in the youth justice system.<sup>17</sup>

Colorado is at an advantage compared to many other states, as it has already identified emerging adults as a distinct population that warrants a special sentencing provision, and YOS has been operating for almost two decades. Furthermore, Colorado has explicitly sought data and information to consider alternatives and other effective programming and is contemplating an expansion of the system to serve more system-involved emerging adults.

This report will explore the current state of YOS and offer concrete recommendations going forward. The goal is to ensure that YOS is fair, effective, and developmentally appropriate. Implementing these suggested changes in both practices and policies will help alleviate racial and ethnic disparities, improve youth outcomes, and increase public safety—a win-win for all citizens of Colorado.



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## HISTORY OF YOS

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Colorado's YOS was established through legislation (CRS 18-1.3.407) during a 1993 special session of the Colorado Legislature. YOS was envisioned as a sentencing option for cases involving violent charges under the "jurisdiction, direction and control of the Executive Director of the Colorado Department of Corrections," but distinct and separate from the adult prison system. The legislature articulated YOS as an alternate and "middle tier" sentencing option, designed as a "comprehensive model that delivers habilitation programs and services that prepare individuals for successful re-entry while providing for public safety." YOS was intended to provide a regimented environment and set of services that "affirms dignity of self and others, promotes the value of work and self-discipline, and develops useful skills and abilities through enriched programming."

YOS has been amended and expanded over the years.<sup>18</sup> But unlike some other "youthful offender" statutes that exist in other states (e.g., Alabama and Vermont), YOS is not a hybrid system combining elements of the juvenile justice system (e.g., confidentiality). It is a specialized sentencing provision for youth and emerging adults, who are tried and sentenced as adults, with their felony convictions becoming part of their permanent, visible criminal record.

Some of the language found in the YOS statute reflects the justice policy debates that occurred in the 1990's, often referred to the "super-predator era." Get-tough slogans such as "adult crime, adult time" were frequently raised in efforts to limit or eliminate separate juvenile justice systems that had been created in each state since the first juvenile court was established in Cook County, Illinois, in 1899. Furthermore, boot camps were popular and research showing their deleterious effect was not widely known.

Now, in 2022, we have the benefit of research in the fields of neurobiology, developmental psychology, and sociology, among others, and decades of innovation. The research can and should provide guidance on how to reform YOS.

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## YOS NOW

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YOS houses up to 256 male and female young people who were convicted of committing crimes sometime between the ages of 14 and 19 (and sentenced before the 21<sup>st</sup> birthday) or who were transferred to YOS from a regular DOC sentence before the age of 24 to access developmentally appropriate programming. The YOS facility is entirely separate from the adult prison. YOS programming is aimed at rehabilitation and is structured to teach self-discipline, problem solving, and “socially accepted attitudes and behaviors.” The types of programs that may be required are: education and social classes, including GED classes; business classes; anger management; sex offender treatment; cognitive behavioral therapy courses; and critical thinking/problem solving courses. Students can complete their GED at YOS, and there are also a number of vocational trainings offered.

### **YOS Sentencing**

YOS participants are sentenced as adults and three avenues are available: direct sentencing of individuals over the age of 18, direct file sentencing of individuals under the age of 18, or the transfer of an individual under the age of 18 to the adult criminal legal system. Individuals between the ages of 14 and 25 whose offenses were committed between the ages of 14 and 19<sup>19</sup> and who are being sentenced for F3-F6 cases (typically violent or weapons offenses) as adults prior to their 21<sup>st</sup> birthday are eligible for YOS consideration.<sup>20</sup> A judge, prosecutor, or defense attorney can recommend that an individual be considered for YOS. To be admitted, an eligible youth must undergo a Warden’s Determination prior to sentencing. The Warden will review the nature and circumstances of the crime, the age and criminal history of the youth, available bed space, and other considerations of criminogenic and logistical circumstances. This determination is returned to probation and, if deemed appropriate, the youth is sentenced specifically to YOS.

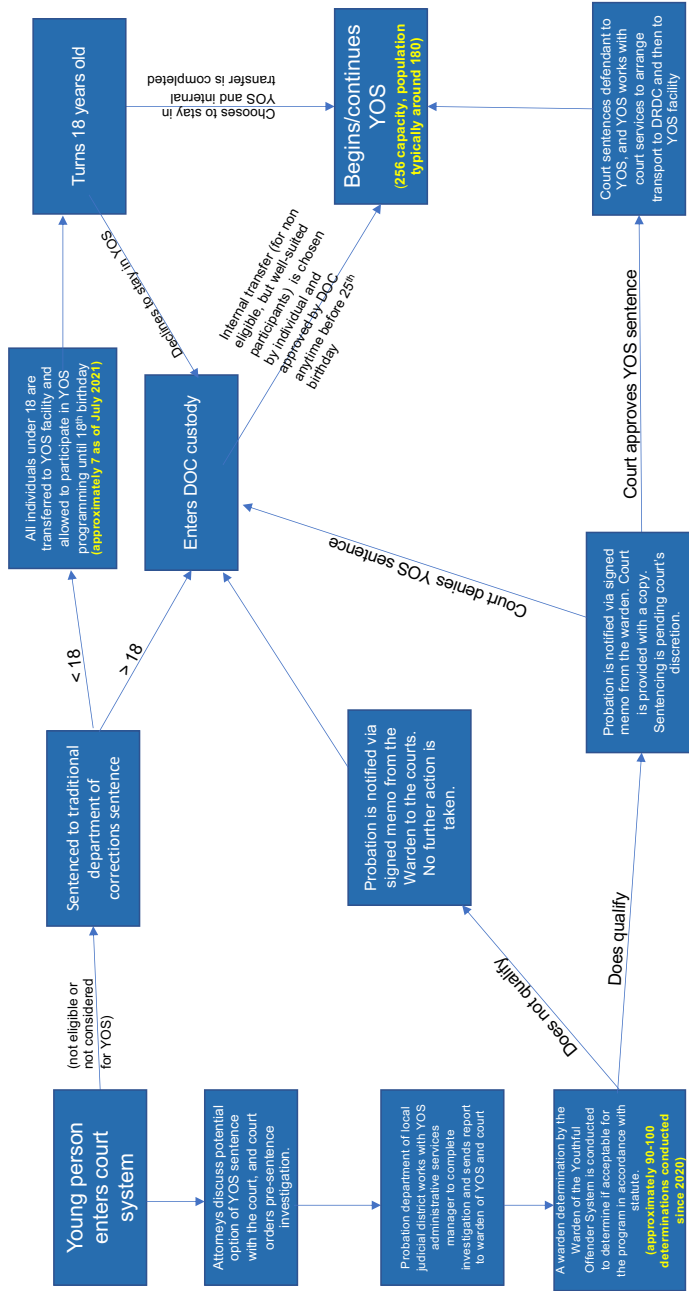
In imposing a YOS sentence, the court first imposes a full DOC sentence on the individual and then suspends that sentence conditioned on the completion of a YOS sentence. Typically, YOS sentences are between 2 and 7 years (determinate sentences *without* eligibility for good time/earned time or parole), and the suspended DOC sentences are 2-3 times greater. While most YOS admissions take place at the time of sentencing, there are some instances in which an individual under the age of 25 serving a sentence at the DOC may be transferred to YOS to participate in age-appropriate programming. While these individuals do not have a YOS sentence, they are subject to a screening process similar to a Warden Determination and must sign a behavioral contract to participate.<sup>21</sup>

### **YOS Eligible Offenses:**

According to the DOC’s annual report,<sup>22</sup> the following offenses are eligible for sentencing to YOS:

- Murder in the first degree, if during the commission of or attempt to commit arson, robbery, burglary, kidnapping, sexual assault or escape, resulting in a plea agreement to a class 2 felony;
- Crimes of violence as defined in C.R.S. 18-1.3-406, (formerly 16-11-309), including crimes against an at-risk adult or at-risk juvenile, first or second-degree assault, kidnapping, aggravated robbery, first degree arson, first degree burglary, escape, and criminal extortion;
- Felonies involving the use or possession and threatened use of a deadly weapon;
- Vehicular homicide and vehicular assault; and
- Criminal attempt, conspiracy, solicitation, or complicity to any of the offenses listed above is also eligible for YOS sentencing.
- Also, juvenile offenders with histories of delinquent acts which would constitute felonies and habitual juvenile offenders as defined in C.R.S. 19-1-103 are specifically identified in the statute as eligible for YOS.

Below is a chart that shows how a young person enters YOS:



### **Statistics and Population Characteristics:**

Since FY 1994, 1,820 individuals have been admitted to YOS, and during FY 2020 (July 1, 2019- June 30, 2020), 47 individuals were admitted to YOS. Additionally, during FY 2020, 7 individuals transferred to YOS from the CDOC for a cumulative total of 68 YOS transfers (average age 19.2).

At the end of FY 2020, there were 213 young people at YOS. The average age of YOS participants is 19.2. The average age at admission has increased over time, from 17.1 in 1994 to 19.2 in 2020. The average sentence to YOS for FY 2020 was 5 years, with an average suspended adult sentence of 14.4 years. In FY 2020, 14 YOS-committed individuals were aged 17 years or younger at the time of their offense, while 33 were 18 years or older.

### **Recidivism:**

Overall, post-YOS recidivism rates appear to be relatively low. Since the establishment of YOS through FY 2020, 1,607 individuals have completed their YOS sentence. Of those individuals, 1,209 successfully completed and discharged their YOS sentence, while 326 negatively terminated/had their YOS sentence revoked. Sixty-one individuals received probation or reconsideration in lieu of YOS, and 11 died.<sup>23</sup>

In FY 2020, there were 54 total releases; 44 successful, 9 negative terminations/revocations, and 1 death. Recidivism rates are substantially lower than in general adult populations. Through FY 2020, the YOS pre-release recidivism (defined as new criminal activity taking place during a YOS sentence) was 6.2%. Post release, the 1-year recidivism rate was 4.6%, the 3-year recidivism rate was 18.6%, and the 5-year recidivism rate was 29.6%.

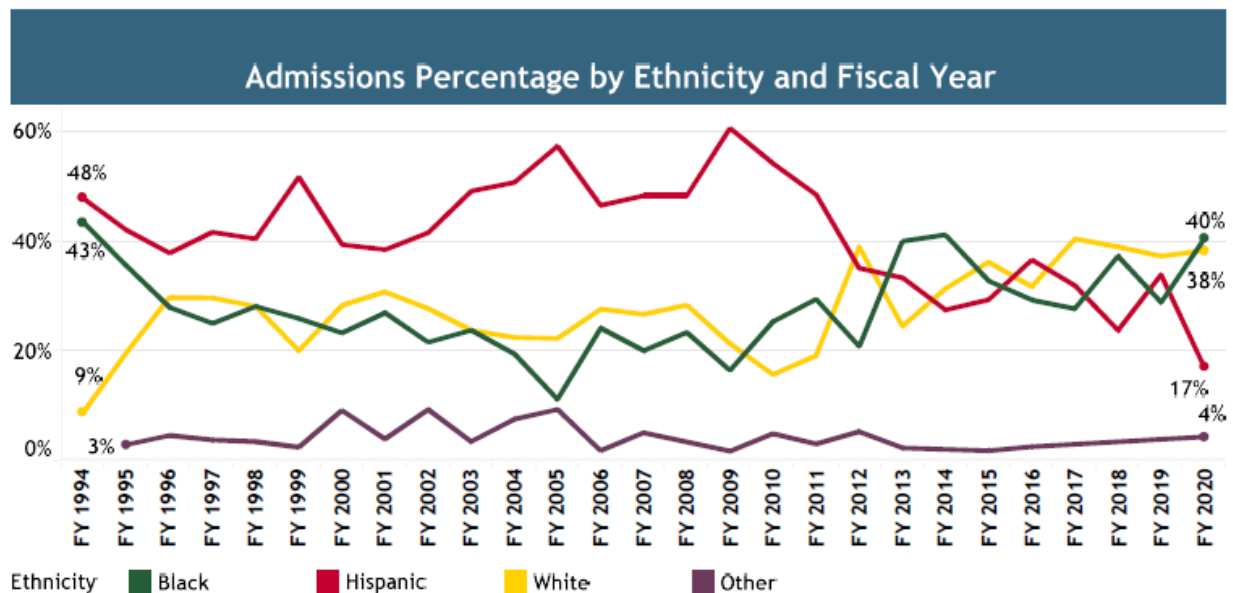
In comparison, in 2019, Colorado's 1-Year Return to CDOC rate for the general population was 17.3%, down from a high of 34.2% in 2014. In 2018, the 2-Year Return rate was 36.9%, down from a high of 42.1% in 2015. The recidivism rate, which the CDOC calculates as a 3-Year Return rate, was 44.9% in 2017, the most recent year for which there is data. That rate has declined from a recent high of 50% in 2013.

### **Racial and ethnic demographics:**

Because of the small number of admissions each year, the racial and ethnic composition of YOS participation can vary widely. In FY 2020, 36% of admissions were White, down from 40% in FY 2017, while the percentage who were Black increased from 28% to 40%. Over the life course of YOS's existence, the percentage of White youth has ranged from 9% in 1994 to 26% in 2016, the percentage of Hispanic youth has ranged from close to 61% in 2009 to below 32% in 2017, and the percentage of Black youth has ranged from 43% in 1994, to below 16% in 2009.

In comparison, according to the 2019 Census ACS, Colorado's general population is 68% White, 22% Hispanic, 4% Black, 3% "two or more races," 4% Asian, and 2% American Indian and

Alaska Native. Colorado’s under-18 population, according to 2018 ACS data, is 56% White, 31% Hispanic, 4% Black, 4% two or more, 3% Asian, and 1% American Indian.



Source: YOS FY 2020 Annual Report

### General Incarceration Demographics and Statistics

Colorado’s incarcerated population, from the Colorado Inmate Population tableau as of June 30, 2021 is 44% White, 31% Hispanic, 18% Black, 4% American Indian, and 1% Asian. Only 34 DOC incarcerated individuals (0% of total DOC population) are 15-19 years old. Twenty percent of the DOC population (3,033) are age 20-29, 34% (5,248) are 30-39, 23% (3,585) are 40-49, 14% (2,146) are 50-59, and 8% (1,272) are 60 or older.

### YOS Programming:

YOS is structured as a four-stage program.

#### **Intake, Diagnostic, and Orientation Stage**

The Orientation Training Phase (OTP) lasts for approximately 30-45 days of a YOS sentence and is known to be an extremely regimented and controlled environment (akin to boot camp) and no family visits are allowed. During the first 10 days of OTP, mental health and medical assessments (including clinical interviews, brief psychiatric ratings scale, mental health screening, and appraisal forms) are completed. DOC reports that all young people are also assessed and evaluated in the following areas: mental health/medical; substance use; violence/impulse control; interpersonal issues; developmental stage; degree of criminal involvement; gang affiliations; history of assaultive behaviors; history of escape; and educational

testing. Following the assessments, a multi-disciplinary staffing team meets within 10 days to discuss the information, set goals, and develop an individualized process plan for each participant. In 2020, the most common needs assessed during the OTP phase were vocational (21%), “assaultiveness” (83%), substance abuse (49%), academic (23%), mental health (35%), and special education (10.25%).

After all assessments and initial programming are complete, the OTP group holds a graduation ceremony to mark the completion of the first phase. This ceremony provides an opportunity for family members to visit and reunify with the YOS participant, and YOS encourages continued family support in subsequent phases.

### **Phase 1 (Institutional):**

YOS participants spend the majority of their sentence in this phase of the program, completing a range of core programming, activities, treatment services, and educational and prevocational programs. The Phase 1 environment is highly structured and regimented and operates on a series of “status levels” that are determined through a system of merits and earned privileges (including access to televisions, radios, entertainment systems). Progress and behavior are reviewed in team meetings on a monthly basis; individuals who have exhibited “good behavior” at their current status level for a minimum of 28 days are eligible to be promoted, while negative behavior or a lack of progress can result in demotion.

During Phase I, DOC reports that all participants are required to participate in educational<sup>24</sup>/vocational<sup>25</sup>, cognitive intervention, addiction recovery, life/living skills, and a variety of other programming. Specifically, all participants must complete anger management, victim impact, Thinking For a Change,<sup>26</sup> substance use, pre-release, and Parents on a Mission<sup>27</sup> programming. YOS mental health treatment programming addresses mental illness, trauma, grief, and loss, as well as other concerns, and operates using CBT, DBT, and educational treatment modalities.

Before a participant moves into the next phase, a placement committee of various staff (including Phase III community supervision staff) meets with the participant to develop their community supervision plans and consider their progress, including highest status, completed programming, and continued needs.

### **Phase II (Pre-release):**

An individual moves into Phase II during the last 90 days of their period of institutional confinement. During this phase, individuals participate in pre-release classes, continue to engage in educational, community services, job readiness, life skills, and pro-social programming, and develop a solid foundation for a smooth transition to community supervision. Phase II activities often include: college planning (including admission/financial aid process and campus visits); community service outings; community placement plans; apartment searches; job applications; obtaining ID and social security cards; career and technical programming; and transitional meetings with family and community members.

Education: Upon arrival at YOS, on average, participants have obtained 10 high school credits. Given the average age of arriving participants and Colorado's requirement that individuals obtain 22 credits before age 21, educational programming geared towards high school graduation appears challenging at YOS. In 2017, YOS terminated its high school program and now exclusively offers educational services through GED programming.

Special Education: YOS offers special education services for qualifying individuals, designed to meet state and federal guidelines. According to the CDOC annual report, a "licensed diagnostician conducts an assessment with follow-up by a licensed special education teacher who assists regular classroom teachers."<sup>28</sup> In FY 2019, 14 individuals received special education services, which represented 16% of the academic enrollments.

Career and Technical Education (CTE): According to the CDOC, all YOS vocational and CTE programs are approved by the Colorado Community College System and are taught by credentialed and licensed instructors. All YOS career and technical instructors are credentialed in their specific trade, and individual certificate hours of Colorado Educational Center course work are transferable to a community college toward an Associate of Applied Science Degree. During FY 2019, 1,859 total transcript qualifying vocational education credit hours were earned by approximately 131 individuals.<sup>29</sup> The CDOC's FY 2018 annual report states that "YOS offers certificates in business, multi-media production, automotive, barber/cosmetology, graphic arts, mobile lab, welding, construction trades, OSHA, flagger course, Gladiator program, General Education College classes (quarterly) and re-entry classes."

### **Phase III (Community Supervision):**

The final 6-12 months of a YOS sentence are administered through community supervision during an individual's reintegration into life outside the prison. During this phase, an individual may live in transitional housing, with family, or in independent living. During Phase III, the intensity of supervision decreases gradually as individuals become connected to and established in the community. During FY 2018, (July 1, 2018 - June 30, 2019), 14 individuals were released to transitional housing, 24 were released to family and 1 was released to independent living. In FY 2019, (July 1, 2019 – June 30, 2020), 14 individuals were released to transitional housing and 28 were released to family. In FY 2020, (July 1, 2020 – June 30, 2021), 8 individuals were released to transitional housing, 25 were released to family, and 1 was released to independent living. Just like in Phase I, YOS participants gradually earn privileges and freedoms as they move through the community supervision phase but may face restrictions or regressions if found to be out of compliance.

Note, while it is similarly named, community supervision is not a form of community corrections or parole and is administered by the Director of Prisons.

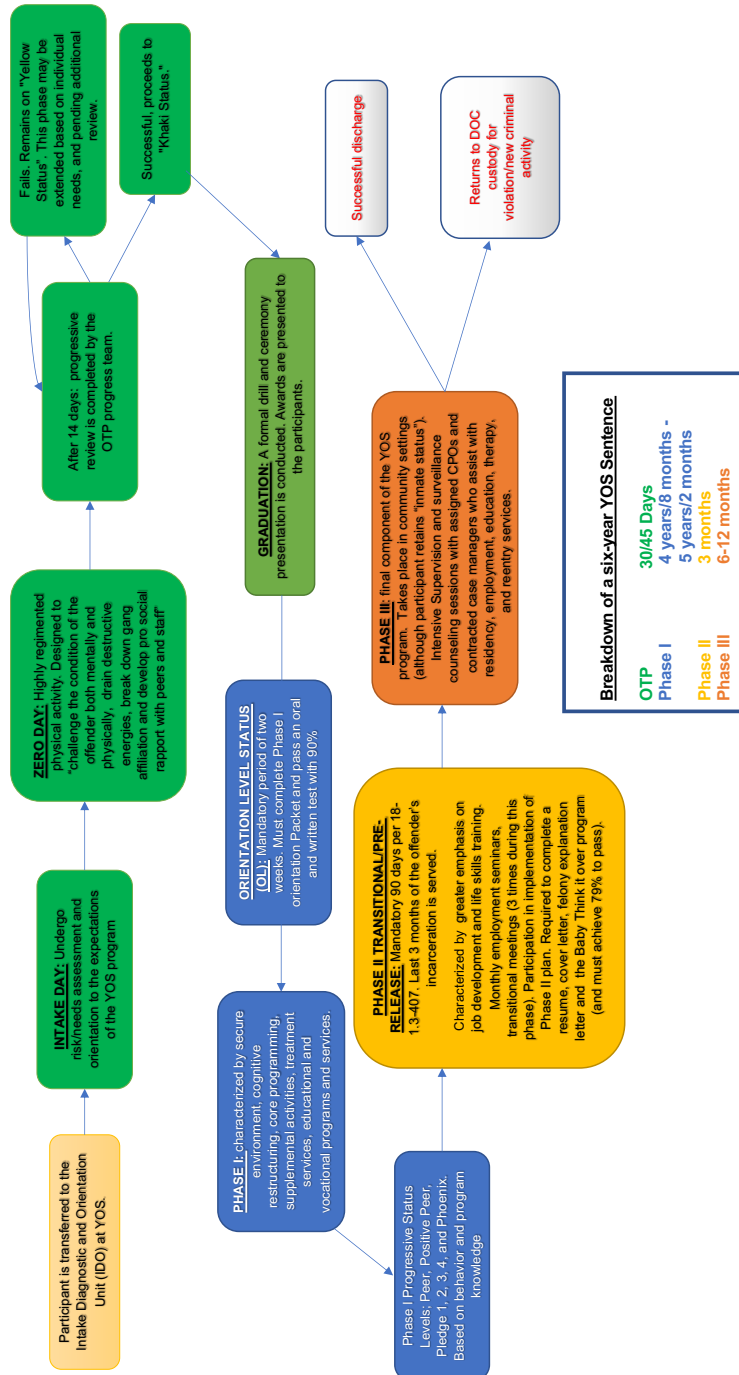
### **Revocation Process:**

When an individual successfully completes their YOS sentence, the suspended DOC sentence is considered complete. Those who do not successfully complete their YOS sentence or cannot comply



with the terms or conditions of the sentence are returned to the district court for revocation, at which time the court imposes the original suspended sentence, to be carried out in the DOC. This revocation can take place at any time during OTP, or Phases I-III.

Below is a flow chart that shows how a young person progresses through YOS at the Department of Corrections:



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## RECOMMENDATIONS FOR IMPROVEMENTS TO YOS

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The EAJP has shared the below recommendations with the DOC leadership and has incorporated feedback. Some of the improvements included on the list of options may be achieved through changes to practice, while others will require legislation. We have marked those that appear to require legislative reforms with asterisks (\*), but others may as well.

### Options for improving YOS:

1. **Re-consider Eligibility** - With all justice reform initiatives, the goal is to ensure that the formal criminal legal system be reserved for only those who cannot be appropriately handled in an alternative manner and that there is no unintended “net-widening.” The YOS should be limited to those young people who are legally ineligible for less severe alternatives, such as those listed in Part 1 of Article 1.3 of Colorado’s Criminal Code (Title 18). Further:
  - a. Eligibility should remain limited to *serious* offenses and be used as a DOC diversion.
  - b. **\*Eligibility should be expanded to include *all* emerging adults** – As previously mentioned, a wealth of research has shown that emerging adulthood extends at least until a person’s mid-20s. Raising the age of eligibility to include youth up to or through age 25 would align the YOS with modern understandings of adolescent development.
  - c. Data on eligibility and admissions should be assessed and shared, particularly data on race and ethnicity, so action can be taken to eliminate racial and ethnic disparities and net widening can be prevented.
  - d. To ensure the health and safety of young people, and to implement gender-responsive programming, placements should be based on gender identity rather than by anatomy.
  
2. **Individualize** - Each emerging adult is unique, as is their path to adulthood. One-size-fits-all programming is not likely to suit every young person. Developing an individualized catalogue or menu of programming that each emerging adult can choose from in the early stages of the system and then tailor to their needs and goals can lead to greater buy-in from the start. Emerging adults also need to be able to exercise autonomy and make decisions for themselves as much as possible. Of course, as young people mature, their interests and goals will change, so it is important that the menu of programming be flexible and adapt over time.

3. **Provide Positive Incentives** - Research shows positive incentives to more effectively motivate behavior than negative consequences, especially for young people. While larger-scale incentives like expungement would require legislative change, smaller-scale rewards appear feasible within the current statutory model and therefore could be instituted sooner. Some other ideas to encourage young people by offering rewards include:
  - a. **Start young people at a higher point level** and give opportunities for success early on.
  - b. **\*Create Good Time/Shorten Sentences** - Creating “good time” within YOS would allow youth to work towards reducing the amount of time they are in confinement and/or supervision.
  
4. **Dispose of the Boot Camp Model** - Numerous studies of boot camp prison models have shown them to be ineffective and, at times, harmful.<sup>30</sup> Jurisdictions across the country are shifting away from use of such models. More importantly, the majority of emerging adults who are incarcerated have histories of trauma and victimization, and the boot camp model can be triggering. The YOS statute reads, “The system should include a daily regimen that involves offenders in physical training, self-discipline exercises, educational and work programs, and meaningful interaction, with a component for a tiered system for swift and strict discipline for noncompliance.”<sup>31</sup> Such “daily regimen” of “physical training” and “self-discipline exercises” could be interpreted to mean, for example, team sports, yoga, breathing exercises, and meditation, in lieu of boot camp methods.
  - a. \*The language of the statute could also be changed to clearly reflect a shift away from the boot camp model.
  
5. **\*Use Trauma-Informed Care and Significantly Increase Mental/Behavioral Health Services** - As mentioned above, most emerging adults in contact with the criminal legal system have experienced trauma and victimization. Being incarcerated is also a deeply traumatic experience. Young people who are behind bars are cut off from their systems of support and places of comfort. The YOS needs to therefore practice trauma-informed care and provide every young person regular, frequent access to quality mental health professionals.
  
6. **Institute Gender-Responsive Practices** – To best support the health and wellbeing of young people, their gender identity must be respected. As mentioned previously, this involves placing young people according to their gender identity rather than by their anatomy. It also includes providing regular access to quality health and mental health care (for example, gynecological care) and gender-responsive programming. Justice-

involved girls, for example, are more likely to be coping with trauma histories and histories of physical and/or sexual abuse.<sup>32</sup>

7. **\*Tailor Community Supervision and Limit Conditions** – A primary goal of the YOS is to prepare young people for their return to the community so they can be healthy, stable, pro-social community members. The statute should be amended so that young people who are ready to safely begin practicing living outside of the YOS facility can do so earlier than 90 days before the start of Phase III. This way the YOS team can support the young person through a wider range of situations to better prepare them. Ensuring diverse programmatic opportunities when a person is in the community will enable a tailored plan which will in turn make the young person more likely to engage and be successful.
8. **\*Allow Record Expungement** - Receiving a felony record during emerging adulthood comes with a slew of collateral consequences that can hold a person back for the rest of their life. Allowing young people to avoid the collateral consequences of a criminal record has been shown to reduce recidivism.<sup>33</sup> Providing opportunities for expungement following YOS would incentivize participation and would increase young people’s chances of developing into healthy adulthood.
9. **\*Extend Juvenile Confidentiality Provisions to YOS Youth** - Confidentiality of records protects young people from the stigma associated with legal system involvement so they have the opportunity to develop out of lawbreaking behavior. Extending the confidentiality protections of [CO Rev Stat § 19-1-304 \(2017\)](#) to emerging adults in the YOS would help protect them from public scrutiny.
  - a. Confidentiality should apply at least until there is a determination of guilt.
10. **Increase “Circle of Care” Involvement** - Emerging adulthood is a period of evolving relationships, as young people work on figuring out who they are, who they want to be, and where they feel comfortable and safe. Still, emerging adults, like their younger peers, rely on those around them for support. Their “circle of care” may be their immediate family, including their children, but it may also include mentors, teachers, aunts/uncles, cousins, and friends. Young people incarcerated in YOS need to be able to maintain connections with their sources of support who are most likely to help them readjust upon their release. They can work with staff to identify who is or could be in their circles of care, and, for example, figure out how to repair relationships as needed. The YOS needs to ensure there are no gaps in access to communication with circles of care, and that young people’s ability to communicate with the people close to them is not curtailed or denied based on which stage they are in or their behavior in the system. Circles of care

can provide aid and support to emerging adults both when they are in and when they return from incarceration.

**11. Ensure Appropriate Traditional Education & Special Education** - Free appropriate (traditional or special) public education must be provided until at least age 21 in Colorado, including for incarcerated youth. Young people need to have real access to high-quality, engaging education within the YOS system, in-person at least through the high school level. Expanding the opportunities for higher education, by continuing to develop connections with colleges and universities in Colorado, will open up more opportunities for healthy and productive futures. There is a robust body of research showing that education reduces recidivism.<sup>34</sup> Further, the DOC reports that only 16% of YOS youth receive special education services, but national data would suggest that closer to 30-60% would be eligible.<sup>35</sup> The decision to stop traditional high school education should be revisited, especially if YOS is expanded.

**12. Connect Youth with Mentors and Opportunities to Mentor Others** - Credible messengers, people who are able to connect with young people because they have been through similar circumstances, support and motivate young people to pursue a healthy, prosocial trajectory. Connecting young people to community mentors as early as possible could keep them focused and help motivate them to strive for success and can help them transition back into the community upon release. Community mentors should come in [at least one year] ahead of release to work on relationship building. Former YOS participants and people who have left gangs can also be invited to speak and connect with young people. Emerging adults also need to have opportunities to mentor others, as doing so fosters the transition to adulthood by empowering them and making them feel knowledgeable and successful.

- a. \*The statute does not seem to explicitly limit mentors to YOS staff, but it might be advisable to add statutory language to clearly expand the scope to include non-staff and peer mentors in YOS programming.

**13. Provide an Array of Developmentally Appropriate Programming** - Young people need to be stimulated and engaged as they learn and grow. Providing a range of developmentally appropriate programming will ensure that emerging adults in the YOS can spend their days engaging in activities that are interesting and meaningful to them. This could involve engaging community program providers from emerging adults' communities to provide programming within the facility. This way, young people may be more likely to continue engagement with the providers upon their release. Given that they may not be in close proximity, it is important to think creatively about service provision. For example, community providers could incorporate a virtual component to more

frequently engage the young people and do in-person programming on a weekly basis (or as frequently as possible). Both male and female emerging adults are incarcerated in the YOS, and it is therefore important to offer gender-responsive programming to females to ensure their distinct needs are met.

**14. Collaborate with the Child Welfare System** – Young people in contact with the justice system oftentimes are or were involved with the child welfare system. For example, one study found 67% of juvenile justice system involved-young people in King County, Washington had histories with the child welfare system.<sup>36</sup> The DOC should determine which YOS youth were child welfare involved and coordinate with the child welfare system to access resources for these youth whenever possible.

**15. Ensure Safety** - To best achieve the goals of the YOS, it is imperative that all young people and staff are safe. Oftentimes young people participate in gang activity, which some of the participants of Emerging Adult Justice Summit (held in October 2021) mentioned is increasingly occurring in the YOS, because they are in search of community and safety. Gathering information from young people (e.g., using a survey, holding regular circles with staff and youth to create a safe environment for dialogue), is often not pursued in traditional corrections, but can be helpful to better understand the issues. Some important steps include:

- a. **Training Staff** – Educating YOS staff in the realities and needs of the emerging adults in their charge makes them best equipped to serve young people. For example, participants in the EAJP-led Summit expressed that the educational sessions expanded their understandings of young people and opened them up to new ideas. Educational programming for staff should include (but not be limited to) trainings on learning de-escalation skills, adolescent development, positive youth development, racial equity and inclusion, and serving other vulnerable populations.
- b. **Considering best or promising practices including those related to housing, and adopting models that have been used effectively in youth corrections** (e.g., Collaborative and Productive Solutions used in two Maine youth correctional facilities).<sup>37</sup>
- c. **Working collaboratively with mentors and credible messengers** – As specialized corrections for emerging adults has become more common in recent years, a model promoted by the Vera Institute of Justice and others has been implemented in facilities around the United States. The Restoring Promise model pairs young people with older mentors to improve the culture within correctional facilities.<sup>38</sup> The YOS has already begun working with the Vera Institute to implement this program.

- d. **Proactively Managing Gangs** – As mentioned above regarding “safety,” gangs appear to be one of the *biggest* challenges for the DOC. As one community provider explained, “it’s hell in there.” The DOC needs to move from a “reactive” mode, relying largely on suppression and lockdowns, to a proactive one, and should contract with experts in the community to provide programming on a frequent basis (at least 3 times per week) to build trust and reduce conflicts and violence. Colorado is taking steps to include older mentors in YOS, to live with and support the youth, a model supported by the Vera Institute of Justice. This will be helpful, but it needs to be supplemented with programming from gang experts and other credible messengers.

**16. Use Healthy, Developmentally Appropriate Responses to Rule Breaking** – Ensuring effective responses to acting out or rule breaking can be another important way to increase safety of youth and staff at YOS. The responses must be developmentally appropriate, focused on causes of the rule breaking and aimed to get young people back on track rather than punishing them. Negative consequences should not interfere in family visits, outdoor time, exercise, or any other aspects of the confinement that are essential for mental and physical health. Also, responses to acting out or rule breaking should eschew the use of segregation and should only separate young people if they are an imminent risk of harm to themselves or others, and only for the time that they pose such a risk. A possible model to consider is the discipline procedures used by the Massachusetts Department of Youth Services, which uses a “time out” approach that has proven to be effective.<sup>39</sup>

- a. \*The YOS statute should not prescribe the strictness of responses to “noncompliance.” Instead, a positive youth justice model should be instituted.<sup>40</sup>

**17. \*Pursue the Least Restrictive Option and Protect Due Process** – Prior to revoking an emerging adult’s YOS sentence, meaningful opportunities for restorative justice methods should be utilized to guide the young person through a process of making reparations. When restorative justice methods are deemed to have not worked and a young person’s sentence to YOS is getting revoked, whether they are still in the facility (stages 1-3) or in the community (stage 4), they will face a longer period of loss of liberty. There should be a range of responses to a young person’s conflicts or issues within the YOS. Also, prior to seeking to revoke a young person from YOS, the YOS should be required to certify that there are no lesser sanctions or approaches available to remediate the issue. The statutory language should explicitly state a right to an evidentiary hearing in case of a potential revocation, at which any violations must be proven beyond the preponderance of the evidence. In revocation hearings, the court should have the discretion to impose less than the full suspended sentence, especially when there is not any new felonious conduct, and the court should have the authority to return a young person to YOS.



- 18. Smooth the transition when exiting the YOS facility** - To ensure the best possible outcomes for the transition out of the YOS facility, a survey of gaps in the reentry system should be conducted and any gaps should be addressed. Based on statements made at the EAJ Summit held in October, 2021, halfway houses should be improved and halfway houses specifically for YOS emerging adults should be established. Also, providing opportunities to make and save money while in YOS could help young people feel successful while setting themselves up financially to ease their transition upon reentry.
- 19. Track, Assess, Respond to and Report Out Data** – Expanding the scope of the data currently collected about YOS and the young people in it could help improve YOS operations and young people’s experience in the YOS. Regularly collecting and analyzing data would allow the YOS to be more responsive to young people and help prevent issues. The DOC could conduct anonymous surveys of young people to incorporate their perceptions of their experiences in the YOS.<sup>41</sup> In addition to the data currently collected, data collected should include:
- a. The amount of youth who were involved in the child welfare system,<sup>42</sup> and
  - b. Data that enables a comparison of outcomes (e.g. education achievement, vocational achievement) between YOS-involve emerging adults and emerging adults in other parts of the DOC.
- 20. Solicit youth input** - During emerging adulthood, young people feel an increased need to exercise agency and independence, and respect is very important to people in this developmental stage.<sup>43</sup> Letting the emerging adults in the YOS provide input on how to improve it, and soliciting their feedback on a regular basis, is a way to meaningfully involve them in making healthy decisions about their lives. Options could include confidential surveys and open discussions during a safe and well-facilitated circle discussion.
- 21. Conduct a YOS Statutory Cleanup** - The YOS statutory cleanup can include the potential statutory changes listed above. It should also include:
- a. Removing the punishment-oriented framing, including removing any hint at the boot camp model;
  - b. Renaming the system;<sup>44</sup> and
  - c. Removing the biological sample section (11.5)(a)(I).

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## ASSESSING THE POTENTIAL EXPANSION OF YOS

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The CO Legislature requested an assessment of “the potential expansion of the youthful offender system to serve offenders up to the age of twenty-five years who commit felony offenses, including the offenses which currently make a younger offender eligible for youthful offender sentencing by the court, and how that expansion could be implemented.”

In terms of the research on emerging adults—their distinct developmental stage and the opportunity to support their growth and maturity to become healthy adults—extending the age to twenty-five makes great sense. Referred to as the “age of opportunity,”<sup>45</sup> emerging adults are malleable and respond well to positive peers and experiences. By providing them individualized, rehabilitative, and developmentally appropriate services, programs, and opportunities, Colorado can support healthy communities and increase public safety.

Furthermore, as noted earlier, the brain does not fully mature at least until a person’s mid-twenties, and evidence suggests that youth with mental illness or a history of trauma tend to require longer periods of adjustment to adulthood.<sup>46</sup> Other risk factors for slower or delayed development are common among justice-involved emerging adults and include experience with a justice-involved parent, poverty, traumatic brain injuries, and/or substance abuse in childhood/adolescence.<sup>47</sup> Involvement in the justice system itself can play a role in delaying maturity, as such involvement interrupts educational and social development and can itself be traumatic.<sup>48</sup>

The limits of YOS in the current statute are problematic: Youth are eligible for offenses committed under age 20 but must be sentenced before age 21. There can be many reasons why a trial and/or plea is delayed, many out of the control of the youth, and this is not a fair reason to exclude someone from YOS.

A recent count by the DOC identified 3,662 people aged 18 through 25 (to the 26<sup>th</sup> birthday) at sentencing who were not in YOS or had been in YOS but “failed.” The DOC was also able to determine that of the 18 – 24-year-olds (youth *under* age 25) in DOC custody, there were 272 people who were convicted of crimes that appear to have made them eligible for YOS. This number is higher than the number of youths who would be in YOS if the law was expanded but it provides at least a rough estimate of the potential increase in caseloads that could occur if the upper age of YOS eligibility were to be expanded. To provide a better estimate, data would need to be collected and shared by the judiciary to determine what percentage of eligible YOS cases actually result in a YOS sentence.

With the information currently available, it appears that the increase in caseloads could be manageable, especially if Colorado implemented the following practices and policies to help ensure a smooth and successful implementation:

- **Stagger the increase in the age of eligibility** over a number of years. So, for example, the increase could be to the 21<sup>st</sup> birthday in 2024 and then it could increase further in two-year increments. This would allow the justice system, and DOC in particular, to adjust and prepare;
- **Build and invest heavily in programs and services that can act as effective alternatives to incarceration** in the community and provide more effective supports once the youth returns to the community; and
- **Provide positive incentives** that can reduce the time that youth are incarcerated.

There have been many states that have either raised the upper age of their juvenile justice system (e.g., Connecticut and New York raised the age from 16 to 18) and/or their hybrid systems (e.g., Michigan and Vermont). In many of these cases, there were predictions that the systems would be overwhelmed but, in fact, these reforms were successfully implemented.<sup>49</sup> Again, staggering the implementation was helpful, as was finding alternative and effective ways to respond to more system-involved youth in the community rather than relying on incarceration.

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## CONCLUSION

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Colorado has an opportunity to improve YOS and provide fairer, more effective, and more developmentally appropriate services, programs and opportunities to system-involved youth and emerging adults. By grabbing this opportunity, Colorado can better support positive youth outcomes and increase public safety. YOS has been in operation for almost two decades and provides a solid base for reform. In addition, the DOC's leadership has shown both a strong and commendable interest and a commitment to learning about best and promising practices in the field, and designing and implementing tangible improvements. But the DOC must be properly funded in order to accomplish these important reforms, including a substantial increase in the quantity and quality of YOS programming.

The EAJJ has found that some of the current features of YOS appear to be out-of-date, ineffective, and even harmful. The recommendations for improvements need to be addressed, and quickly.

While Colorado institutes the recommendations made in this report, it should also expand YOS to include more emerging adults, including youths convicted of offenses that occur up to their 26<sup>th</sup> birthday, to include 25-year-olds, rather than to the 25<sup>th</sup> birthday, as requested for the assessment. Youth within this distinct developmental stage can be better served in a system that is designed to foster their maturation and support their desistance from criminal behavior.

It is important to note that the recommendations in this report go beyond practices and policies that the DOC can pursue independently or even with new statutory authority. As the EAJJ Learning Community noted in its most relevant report, *A Road Map to Reform: Key Elements of Specialized Correctional Units for Emerging Adults*,<sup>50</sup> one of the pitfalls to be avoided is limiting criminal legal system reforms to incarceration. **The system as a whole needs to be reconsidered** from the beginning stages (determining eligibility) to the end (supporting the re-entry process).

**We urge the Legislature to respond to all the recommendations, as we believe they will lead to better outcomes for youth and safer and healthier communities for everyone.**

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<sup>1</sup> Other terms used to describe the age group spanning from ages 18 to 25 are “transitional-aged youth” and “young adults.” The term “late adolescents” is also used, but generally corresponds to youth under age 21.

<sup>2</sup> The three reports can be found at <https://www.eajjustice.org/learning-community>.

<sup>3</sup> Emerging Adult Justice Learning Community. (2021). A ROADMAP TO REFORM: Key Elements of Specialized Correctional Units for Emerging Adults. Retrieved from:

<https://justicelab.columbia.edu/sites/default/files/content/Key%20Elements%20of%20Specialized%20Correctional%20Units%20for%20Emerging%20Adults.%20April%202021..pdf>

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- <sup>8</sup> Morgan, Rachel E. and Jennifer L. Truman (December 2018). "Criminal Victimization, 2017." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from: <https://www.bjs.gov/content/pub/pdf/cv17.pdf>; Velazquez, T. (May 2013). "Young Adult Justice: A New Frontier Worth Exploring." *The Chronicle of Social Change*. Retrieved from: <http://chronicleofsocialchange.org/wp-content/uploads/2013/05/Young-Adult-Justice-FINAL-revised.pdf>.
- <sup>9</sup> James, Doris J. and Glaze, Lauren E. (September 2006). "Mental Health Problems of Prison and Jail Inmates." Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>; Substance Abuse and Mental Health Services Administration (March 2, 2016). "Age- and Gender-Based Populations." Retrieved from: <http://www.samhsa.gov/specific-populations/age-gender-based>.
- <sup>10</sup> ABA National Inventory of Collateral Consequences of Conviction. Retrieved from: [https://www.americanbar.org/groups/criminal\\_justice/niccc/](https://www.americanbar.org/groups/criminal_justice/niccc/).
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- <sup>13</sup> Howell, J.C., Feld, B.C., Mears, D.P., Farrington, D.P., Loeber, R., and Petechuk, D. (2013). "Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know." Study Group on the Transitions Between Juvenile Delinquency and Adult Crime. Final report to National Institute of Justice (grant number 2008-IJ-CX-K402).
- <sup>14</sup> Durose, M.R., Cooper A. D., and Snyder H. N. (2014). "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. NCJ 244205. p. 12.
- <sup>15</sup> Siringil Perker, Selen, and Chester, Lael. (January 2018). "Combating the Crisis: Using Justice Reform to Address the Drug Epidemic among Emerging Adults." *Emerging Adult Justice Research Series*, Justice Lab, Columbia University. Retrieved from: <https://justicelab.columbia.edu/combating-the-crisis>.
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- <sup>17</sup> Matthews, Sibella, Schiraldi, Vincent, & Chester, Lael. (2018). Youth Justice in Europe: Experience of Germany, the Netherlands, and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System, *Justice Evaluation Journal*, DOI: 10.1080/24751979.2018.1478443. [https://justicelab.columbia.edu/sites/default/files/content/Youth%20Justice%20in%20Europe%20Experience%20of%20Germany%20the%20Netherlands%20and%20Croatia%20in%20Providing%20Developmentally%20Appropriate%20Responses%20to%20Emerging%20Adults%20in\\_0.pdf](https://justicelab.columbia.edu/sites/default/files/content/Youth%20Justice%20in%20Europe%20Experience%20of%20Germany%20the%20Netherlands%20and%20Croatia%20in%20Providing%20Developmentally%20Appropriate%20Responses%20to%20Emerging%20Adults%20in_0.pdf).
- <sup>18</sup> For example, House Bill (HB) 09-1122 expanded eligibility those accused of committing Class 3 through 6 violent felonies as 18- or 19-year-olds, if sentenced prior to the 21<sup>st</sup> birthday. Williams, Dean, et al. Youthful Offender System, Fiscal Year 2020, Annual Report. Colorado Department of Corrections. Retrieved from: <https://spl.cde.state.co.us/artemis/crserials/cr61internet/cr612020internet.pdf>.

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<sup>19</sup> Original legislation included individuals aged 14-17 at the time of offense, but amendment CRS 18-1.3.407.5 expanded eligibility for offenses committed by individuals aged 18 and 19 in 2009.

<sup>20</sup> Amendments to the YOS statute have altered the specific offenses that are eligible for YOS at different ages. For example, amendments have limited the offenses for which juveniles under the age of 16 can be considered for direct file into the adult system and YOS.

<sup>21</sup> While most YOS admission takes place at the time of sentencing, there are some instances in which an individual under the age of 25 serving a sentence at the DOC may be transferred to YOS to participate in age-appropriate programming. While these individuals do not have a YOS sentence, they are subject to a screening process similar to a Warden Determination and must sign a behavioral contract to participate.

<sup>22</sup> Williams, Dean, et al. Youthful Offender System, Fiscal Year 2020, Annual Report. Colorado Department of Corrections. Retrieved from: <https://spl.cde.state.co.us/artemis/crserials/cr61internet/cr612020internet.pdf>.

<sup>23</sup> This number is concerning and requires further inquiry. As noted in the recommendation section, data related to deaths of young people involved in the YOS must be tracked and assessed.

<sup>24</sup> “Limited” special education services are available.

<sup>25</sup> As of 2018, YOS no longer offers a High School curriculum, but instead offers GED programming to allow more time for vocational training and post-secondary education. All individuals who enter YOS without a high school diploma or GED are required to attend educational programming. In 2018, the last year for which there is data, 52% of individuals were released with a high school diploma or GED, and 84% were released with a career/technical certificate.

<sup>26</sup> For more information, see: <https://nicic.gov/projects/thinking-for-a-change>

<sup>27</sup> For more information, see: <https://parentsonamission.org/about-us/>

<sup>28</sup> Supra note 22.

<sup>29</sup> Williams, Dean, et al. Youthful Offender System, Fiscal Year 2019, Annual Report. Colorado Department of Corrections. Retrieved from: <https://spl.cde.state.co.us/artemis/crserials/cr61internet/cr612019internet.pdf>.

<sup>30</sup> For example, see MacKenzie, Doris Layton, David B. Wilson, and Suzanne B. Kider. 2001. “Effects of Correctional Boot Camps on Offending.” *The Annals of the American Academy of Political and Social Science*, 578:126-43. (“A meta-analysis found no overall significant differences in recidivism between boot camp participants and comparison samples.”)

<sup>31</sup> CO Rev Stat § 18-1.3-407(3)(b).

<sup>32</sup> For example, see “Gender Injustice Revealed in Groundbreaking Report on Juvenile Justice System.” (September 25, 2015). Boston College Law School Magazine. Retrieved from: <https://lawmagazine.bc.edu/2015/09/gender-injustice-revealed-in-groundbreaking-report-on-juvenile-justice-system/> (referencing report finding increased penalization and mistreatment of girls by the justice system).

<sup>33</sup> A study of Washington, D.C.’s Youth Rehabilitation Act showed that young people who had their convictions set aside had lower recidivism rates than those people whose convictions were not set aside. McCann, Ellen P., *The District’s Youth Rehabilitation Act: A Briefing Document*. Retrieved from:

<https://cjcc.dc.gov/sites/default/files/u65602/YRA%20Briefing%20Document.pdf>. (Referring to DC Code § 24-901(6)). The YRA automatically sets aside the conviction (similar to sealing). DC Code § 24-906.

<sup>34</sup> For example, Bozick, Robert, Steele, Jennifer, Davis, Lois, & Turner, Susan (2018). “Does providing inmates with education improve postrelease outcomes? A meta-analysis of correctional education programs in the United States.” *Journal of Exp. Criminology*, 14, 2018, 389-428.

<sup>35</sup> “Supporting Youth with Disabilities in Juvenile Corrections.” U.S. Department of Education, Office of Special Education and Rehabilitative Services Blog. Retrieved from: <https://sites.ed.gov/osers/2017/05/supporting-youth-with-disabilities-in-juvenile-corrections/> (Though precise figures are difficult to come by, it is estimated that the percentage of incarcerated youth with disabilities typically range from 30 percent to 60 percent, with some estimates as high as 85 percent.”).

<sup>36</sup> Felix, Savannah. (2016). “Improving Multisystem Collaboration for Crossover Youth.” *Advocates’ Forum*, The University of Chicago, Crown Family School of Social Work, Policy, and Practice. Retrieved from: <https://crownschool.uchicago.edu/improving-multisystem-collaboration-crossover-youth> (citing Halemba, G. J., & Siegel, G. (2011). *Doorways to delinquency: Multi-system involvement of delinquent youth in King County (Seattle, WA)*. Pittsburgh: National Center for Juvenile Justice.).

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- <sup>37</sup> Maine Division of Juvenile Justice Advisory Group. “Collaborative & Proactive Solutions™ (CPS).” Retrieved from: <https://www.maine.gov/corrections/jjag/CPS.htm>.
- <sup>38</sup> The Milpa Collective & Vera Institute of Justice. “Championing Dignity.” *Restoring Promise*. Retrieved from: <https://restoringpromise.vera.org>. The Credible Messenger Justice Center in New York has also worked with various organizations and agencies to implement mentoring programs. <https://cmjcenter.org>.
- <sup>39</sup> “Involuntary Room Confinement”, Policy #03.03.01(a).
- <sup>40</sup> Butts, Jeffrey A., Bazemore, Gordon, Saa Meroe, Aundra (2010). “Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development.” Washington, DC: Coalition for Juvenile Justice. Retrieved from: [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1411&context=jj\\_pubs](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1411&context=jj_pubs)
- <sup>41</sup> Surveys or circle discussion formats would be crafted by the DOC for DOC purposes.
- <sup>42</sup> This data is not currently available and may be obtained by cooperation or assistance from the Department of Human Services or by self report.
- <sup>43</sup> Fader, Jamie J., and Dijonée Talley. (2021). “*Respect: A Necessary Element of Justice Contact with Emerging Adults*.” Emerging Adult Justice Learning Community. Retrieved from: <https://justicelab.columbia.edu/sites/default/files/content/EAJLC%20Respect.pdf>
- <sup>44</sup> There is power in terminology, and the field of justice reform has been embracing more person-centric and less shaming names (e.g., “incarcerated person” rather than “prisoner”). The current name, Youthful Offender System, labels young people as “offenders,” defining them solely by their wrongdoing, and is outdated. Renaming the system to a title that reflects this distinct developmental stage, something like the “Young Adult System” or “Emerging Adult System,” would be more descriptive and appropriate.
- <sup>45</sup> Steinberg, L. (2014) *Age of Opportunity: Lessons from the New Science of Adolescence*. New York: Houghton Mifflin Harcourt Trade & Reference Publishers.
- <sup>46</sup> Davis, Maryann, and Ann Vander Stoep. “The Transition to Adulthood for Youth Who Have Serious Emotional Disturbance: Developmental Transition and Young Adult Outcomes.” *Journal of Behavioral Health Services and Research* 24, no. 4 (1997): 400–427; Davis, Maryann. “Addressing the Needs of Youth in Transition to Adulthood.” *Administration and Policy in Mental Health* 30, no. 6 (2003): 495–509.
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- <sup>50</sup> Supra note 3, at 1.