



JOHN W. HICKENLOOPER
MAYOR

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER SHERIFF DEPARTMENT
DENVER COUNTY JAIL
P.O. BOX 1108
DENVER, COLORADO 80201

April 8, 2009

Re: Juveniles housed in County Jails due to "Direct Filing"

To Whom It May Concern,

Please be advised that the Denver Sheriff Department is certainly in favor of allowing juveniles who are direct filed on to be housed in juvenile detention centers during the pre-trial stage of their cases and not held in County Jails as is currently mandated. We absolutely agree that there are cases where some juveniles need to be housed with us and not in juvenile facilities but the decision regarding their housing should be left to the judge and the court familiar with their individual case.

I begin by giving you a snapshot of the twelve juveniles housed with us today.

We have one 14 year old and the others are evenly divided, either 16 or 17 years old.

The 14 year old is charged with possession of a weapon by a previous offender and has a \$25,000 bond.

We have four with \$100,000 bonds, three charged with aggravated robbery and the other with arson.

Five have bonds of \$250,000 or more and have charges such as aggravated robbery, multiple sex assaults and crimes to at-risk adults and one murder. One also has a hold for Parole.

Two have no bonds; one charged with sex assault to a child and the other with murder (he also has a hold for Division of Youth Services).

Now that you have a better picture of who we are talking about, you can see that at least one could be helped by the change you propose. Let me also say that our juvenile population changes. A few months ago, we housed seven juveniles, three of whom were charged with vehicular homicide. In each of those circumstances, alcohol was involved and the passenger killed was their very dear friend. Imagine the psychological problems involved for these teens!

We are tasked to house the juveniles "out of sight and sound" of adult inmates. They are housed in two-man cells and due to their cases or problems with each other, have been separated into two groups. The Denver County Jail was never designed to house juveniles at all, so we've made do by securing the corridor in order to take the juveniles to the gym, one group at a time, four days per week. It seems a small problem, but that time takes away from adult groups who could be going to the gym and takes twice the staff time. We believe that it is absolutely critical that they receive as much exercise as possible, both for their health and for better management.

They are required to attend GED but again, must be divided into two groups. This results in the instructor having to do double work, an officer having to be provided twice and takes away from time for adult groups. We also are beginning a "group meeting" for them next week. This will be conducted by a psychologist who specializes in juvenile issues. Because there are two groups, the library has to be shut down so that there is no



contact with adult inmates and of course, that takes away from adult library sessions. We must have an officer stand by to ensure behavior and the safety of the instructor and of library property.

They are provided with access to educational television and with appropriate reading material.

Another important issue to consider is that currently, these youngsters are required to be housed with us for the duration of their trial. The more serious or complicated charges result in them being here for a year or more. That time is a year taken away from the time they should be interacting with many other people their own age instead of just the few in their "group" here. Our fourteen year old for example, is in the position of learning very bad things from others in his "group" who may very well be housed appropriately with us. From dealing with their court situation and their housing and peers to dealing with the results of their crime, these kids experience things that they are not equipped to handle psychologically. It also follows that many had psychological issues that got them into trouble in the first place – or, was it youthful mischief that went terribly awry?

Logistically, properly housing and transporting these youngsters is difficult and time consuming. They have to be separated and guarded during visits, activities and when they are transported to court. At court, they require the same attention.

As the Sheriff Department, we are tasked to carry out the orders of the court. All we ask is that the judges have the authority to decide on a case by case basis where these youngsters are most appropriately housed.

If you need further information, please contact me.

Sincerely,

Major Victoria Connors
Denver County Jail - Operations
720.913.3714 office
303.435.1114 cell

Cc: D/C E. Diggins
Director W. Lovingier





Kirk M. Taylor Sheriff
J.R. Hall Undersheriff

Charlene Graham
Bureau Chief
Law Enforcement

Mark A Mears
Bureau Chief
Emergency Services

Darlene Alcala
Bureau Chief
Detention

April 9, 2009

Ms. Kim Karn
132 West "B" Street
Pueblo, CO 81003

Dear Ms. Karn,

Per your request, I would like to take this opportunity to outline a few of the issues the Pueblo County Sheriff's Office currently experience in the housing of juvenile inmates. To preface this, however it is necessary to outline the functions of the Pueblo County Jail and the current admittance policy. The Pueblo County Jail was built in 1980 and originally built to house 189 adult inmates. In 2006, an expansion project of the current jail was completed in an on sight dormitory facility consisting of four direct supervision dorms to house adult offenders. The maximum population of the new dormitory is 320 adult inmates. The Pueblo County Jail is a felony facility and we do not accept misdemeanor offenders other than some contracted municipal offenders.

In the original design of the Pueblo County Jail, there were no plans to house juvenile offenders on a long term basis however, because of current criminal acts allegedly committed by juveniles in our community, we have been tasked with managing them. We currently house five male juveniles and have had up to nine juvenile offenders in the facility at once. Accommodations had to be made for sight and sound barriers for the juveniles from the adult offenders and we currently house them in what is known as the female special hold area. The cell block is roughly 50 feet long by 25 feet wide. It contains a common area with television, a shower and three 7' X 12' lockdown cells. This area was intended for females that had medical conditions or required lockdown.

While the Sheriff's Office is cognizant of the sight and sound barriers required in order to house juveniles, the possibility structurally remains that a juvenile could make eye contact with an adult offender while being transported to recreation or during movement for court proceedings. This is also possible during juvenile visitations. Other problems faced while managing juvenile offenders would be



April 9, 2009

medical conditions one of them might have. We have three medical cells in our facility and while we haven't had to "cross the bridge" with a juvenile inmate experiencing medical issues, this would create even more of a hardship in trying to managing medical needs given sight and sound restrictions.

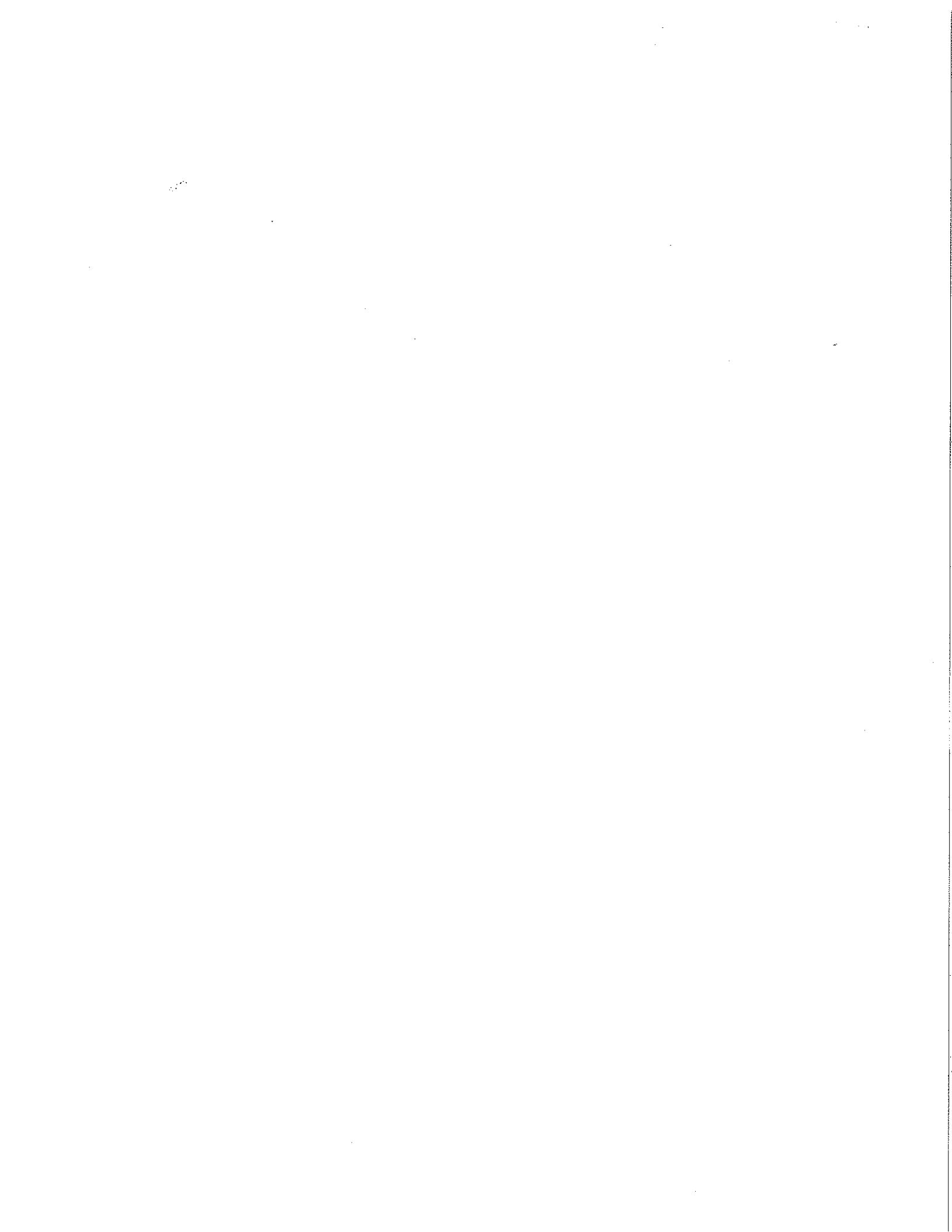
Another concern to bring forward is the management of a female juvenile(s) in the facility. Again we have been very fortunate in this area however this too is a problem we will have to face eventually. I would propose an off sight facility or perhaps a partnership with Pueblo Youth Center to house and manage the juveniles. While the Sheriff's Office strives to meet requirements and consistently do, the mere fact that this facility was not indented or designed to accommodate juvenile offenders presents daily issues.

Thank you for your time and please feel free to contact me if you have any questions or require any other clarification.

Sincerely,

A handwritten signature in black ink that reads "David J. Lucero". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

David J. Lucero
Operations Captain

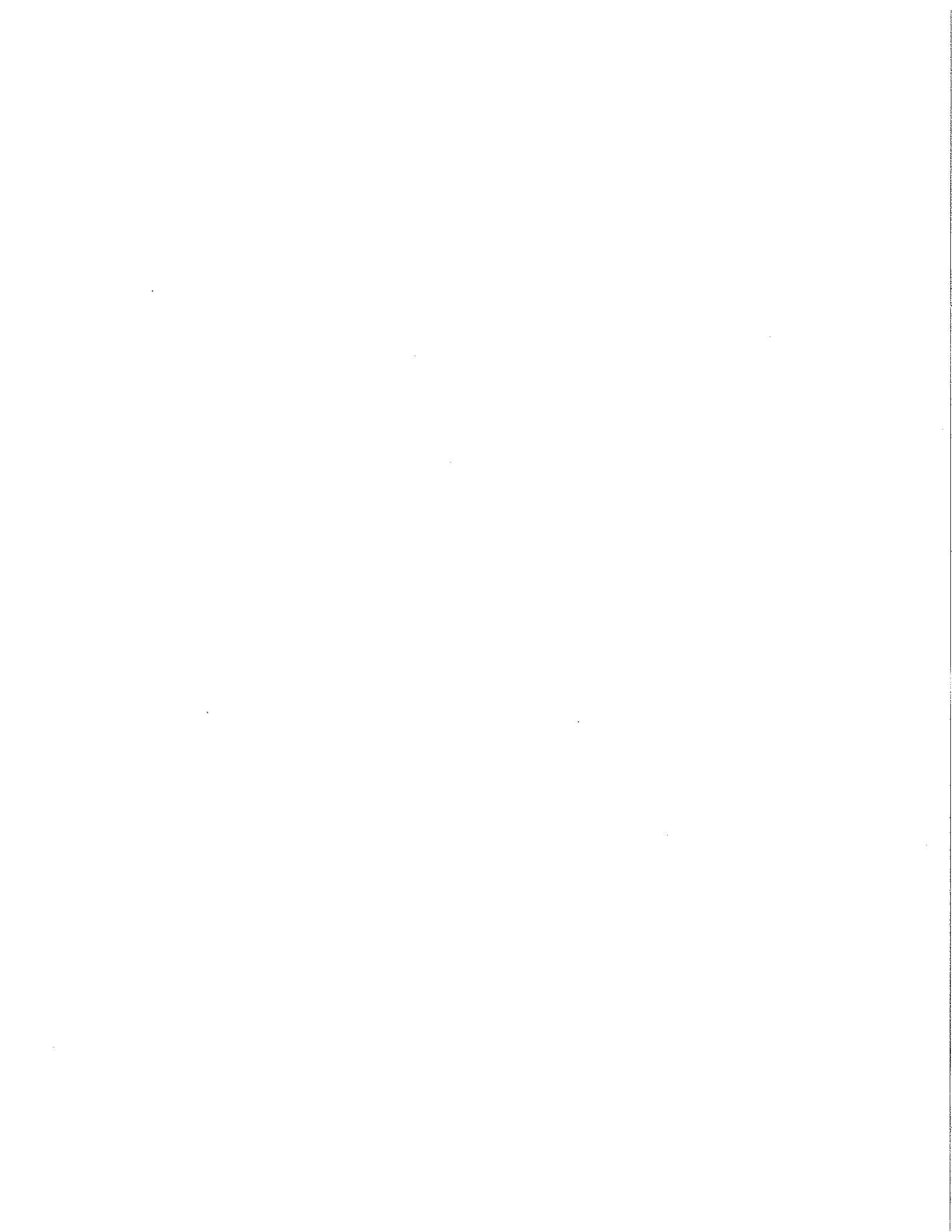


LOCAL ORGANIZATIONS ENDORSING H.B.09-1321:

ARC of Adams County
ARC of Aurora
ARC of Colorado
ARC of Denver
ARC of Mesa County
ARC of Pikes Peak Region
ARC of Pueblo
ARC of Weld County
Association for Community Living in Boulder County
Bell Policy Center
Center for Safe Schools
Colorado American Civil Liberties Union
Colorado Criminal Defense Bar
Colorado Criminal Justice and Reform Coalition
Colorado Juvenile Defender Coalition
Colorado League of Women Voters
Colorado Psychiatric Society
Denver University Law School Children's Legal Advocacy Group
National Association of Counsel for Children
The Pendulum Foundation

National Organizations Opposing the Detainment of Juveniles in Adult Jails:

American Bar Association
American Correctional Association
American Jail Association
American Psychiatric Association
American Public Health Association
Campaign for Youth Justice
Coalition for Juvenile Justice
Parent Teacher Association
National Association for the Advancement of Colored People
National Association of Counties
National Juvenile Detention Association



OVERVIEW

– (Washington Post, August 10, 2007)

Every day in America, an average of 7,500 youth are incarcerated in adult jails.¹ The annual number of youth who are placed in adult jails is even higher – ten or twenty times the daily average according to some researchers – to account for the “turnover rate” of youth entering and exiting adult jails.² Despite the life-altering consequences of incarceration in an adult jail, relatively little attention has been given to these youth. This report presents the latest research about the risks youth face in jail, the number and characteristics of youth incarcerated in jails across the country, the lack of state and federal laws protecting youth in jails, and concludes with recommendations for federal, state, and county policymakers.

It is extremely difficult to keep youth safe in adult jails. When youth are placed with adults in jails, youth are at great risk of physical and sexual assault. For example, according to U.S. Department of Justice Bureau of Justice Statistics (BJS) in 2005 and 2006, 21% and 13% respectively, of the victims of inmate-on-inmate sexual violence in jails were youth under the age of 18³ – a surprisingly high percentage of victims considering that only 1% of all jail inmates are juveniles.⁴

Recognizing the risks to youth in jails, some jailers separate youth from adult inmates. However, this is not an adequate solution either. Separating youth from adults in jail can reduce the physical or emotional harm that may result from contact with adult offenders, but unfortunately these youth are then often placed in isolation, a dangerous setting for youth. Youth in isolation are frequently locked down 23 hours a day in small cells with no natural light. Even limited exposure to such an environment can cause anxiety, paranoia, exacerbate existing mental disorders, and increase risk of suicide. In fact, youth have the highest suicide rates of all inmates in jails.⁵ Youth are 19 times more likely to commit suicide in jail than youth in the general population⁶ and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.⁷ Jail staff are simply not equipped to protect youth from the dangers of adult jails.

Jails do not have the capacity to provide the necessary education and other programs crucial for the healthy development of adolescents. Even though legally required to, few jails provide appropriate education to youth. A BJS survey found that 40% of jails provided no educational services at all, only 11% of jails provided special education services, and only 7% provided vocational training.⁸ As many as one-half of all youth transferred to the adult system do not receive adult convictions, and are returned to the juvenile justice system or are not convicted at all.⁹ Many of these youth will have spent *at least one month* in an adult jail¹⁰ and one in five of these youth will have spent *over six months* in an adult jail.¹¹ Without adequate education and other services, jails take youth off course.

Research conducted nationally by the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, and other organizations, has also found that placing youth in the adult criminal justice system increases their likelihood of re-offending. Physicians and criminologists agree that children who are prosecuted in adult court are more likely to be re-arrested more often and more quickly for serious

offenses. The Centers for Disease Control and Prevention Task Force on Community Preventive Services released findings that show that transferring youth to the adult criminal system increases violence and concluded that policies that send youth to the adult criminal justice system, including placement of youth in adult jails, are “counterproductive for the purpose of reducing violence and enhancing public safety.”¹²

Finally, the federal Juvenile Justice & Delinquency Prevention Act (JJDPA) enacted over three decades ago was designed to keep youth out of jails. However, there is a loophole – the law does not protect youth prosecuted in the adult criminal system even though the original intent of the federal law was to remove youth from adult jails altogether. Congress should fix this problem by amending the JJDPA to protect all youth, no matter what court (juvenile or criminal) they are in, from being placed in an adult jail. Similarly, states and counties should update their state statutes and policies to prohibit the placement of youth in adult jails.

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to keep youth safe in
adult jails.

Notes

- ¹ Calculations by the primary author using a ten-year average (1997 to 2006) of one-day counts taken on June 30th of each year as reported by the Bureau of Justice Statistics (BJS) in annual editions of the BJS publication, *Prison and Jail Inmates at Midyear*, available from <http://www.ojp.usdoj.gov/bjs/jails.htm>. Youth in jails can be held as “juveniles” or “adults.” Youth under the jurisdiction of juvenile court are protected by the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and can be held in adult jails in limited circumstances, most commonly because the jurisdiction lacks a juvenile detention facility. Of the 7,594 youth held in jails as “adults,” 81% are youth prosecuted in the adult criminal system and are not protected by the JJDPA.
- ² Juskiewicz, J. (2007, October). *To Punish A Few: Too Many Youth Caught in the Net of Adult Prosecution*. Washington, D.C.: Forthcoming study from the Campaign For Youth Justice.
- ³ Beck, A.J., Harrison, P.M., Adams, D.B. (2007, August). *Sexual Violence Reported by Correctional Authorities, 2006*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
Beck, A.J., Harrison, P.M. (2006, July). *Sexual Violence Reported by Correctional Authorities, 2005*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ⁴ Snyder, H.N., Sickmund, M. (2006). *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- ⁵ Mumola, C.J. (2005, August). *Suicide and Homicide in State Prisons and Local Jails*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ⁶ Calculations by the primary author comparing suicide rates published by the Bureau of Justice Statistics and the Centers for Disease Control. Mumola, C.J. (2005, August). *Suicide and Homicide in State Prisons and Local Jails*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
Office of Statistics and Programming, National Center for Injury Prevention and Control. CDC Web-based Injury Statistics Query and Reporting System (2007, July). *2000 – 2002, United States Suicide Injury Deaths and Rates per 100,000 All Races, Both Sexes, Ages 14 to 17*. Atlanta, GA: US Department of Health and Human Services, CDC. Available at: <http://www.cdc.gov/ncipc/wisqars/default.htm>.
- ⁷ Calculations by the primary author. McGowan, A., Hahn, R., Liberman, A., Crosby, A., Fullilove, M., Johnson R., Moscicki, E., Price, L., Snyder, S., Tuma, F., Lowy, J., Briss, P., Cory, S., Stone, G., Task Force on Community Preventive Services (2007). Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System: A Systematic Review. *American Journal of Preventative Medicine*, 32(4S), S7-S28. Estimates of suicide rates in the report were attributed to Memory, J. (1989). Juvenile suicides in secure detention facilities: correction of published rates. *Death Stud* 13:455-63. The specific rates included in the report are: 2041 per 100,000 for youth held in adult detention facilities; 57 per 100,000 for youth held in juvenile detention centers; and 12.4 per 100,000 for all those aged 12 to 24 in the U.S. population.
- ⁸ Harlow, C.W. (2003, January). *Education and Correctional Populations*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ⁹ Juskiewicz, J. (2007, October). *To Punish A Few: Too Many Youth Caught in the Net of Adult Prosecution*. Washington, D.C.: Forthcoming study from the Campaign For Youth Justice.
- ¹⁰ *Ibid.* Overall, 52.9% of all juvenile defendants prosecuted in criminal courts were detained. The statistics here are for detained youth.
- ¹¹ *Ibid.*
- ¹² McGowan, A., Hahn, R., Liberman, A., Crosby, A., Fullilove, M., Johnson R., Moscicki, E., Price, L., Snyder, S., Tuma, F., Lowy, J., Briss, P., Cory, S., Stone, G., Task Force on Community Preventive Services (2007). Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System: A Systematic Review. *American Journal of Preventative Medicine*, 32(4S), S7-S28.

NEWS RELEASE

AMERICAN PSYCHIATRIC ASSOCIATION

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For Immediate Release:

Feb. 27, 2009
Release No. 09-12

Incarcerated Juveniles Belong in Juvenile Facilities

ARLINGTON, Va. (Feb. 27, 2009) – Two high-profile murder cases involving young children have caught the public's attention this week. One involves an Arizona boy who was 8 when he allegedly shot his father and his father's roommate to death and the other one involves an 11-year-old boy accused of shooting his father's pregnant girlfriend while she slept. Both children were initially held in adult detention centers with tentative plans to try them as adults. Headlines about the cases indicate that the first boy, now 9, entered a negotiated plea in order to avoid prosecution in adult criminal court. The 11-year-old is described as being dressed in adult prison garb and in tears much of the time. Because the law requires that incarcerated children and adults be separated while pending trial, he has apparently been held in isolation because there are no juvenile detention facilities in the area.

Nada L. Stotland, M.D., M.P.H., president of the American Psychiatric Association, strongly advises that young children accused of crimes should not be held in isolation or in adult facilities, nor should they be tried in the adult criminal system, which is not equipped to deal with them. Those who are ultimately incarcerated in adult jails are often the victims of violent assault and suicide, and are 34 percent more likely to be re-arrested than those retained in the juvenile system. Once juveniles have been arrested and accused of serious crimes, certain factors need to be considered:

- Juveniles age 15 and younger are significantly more likely than older adolescents and young adults to be impaired in ways that compromise their ability to serve as competent defendants in a criminal proceeding.
- Young children should not be questioned by police or courts unless a parent or guardian is present. They should never be allowed to waive their right to an attorney.
- Children accused of serious crimes should undergo full medical, including psychiatric, evaluation.
- Children who commit serious crimes are often the victims of neglect and abuse. In each case, there should be an inquiry into the child's history and circumstances to determine whether signs of abuse, neglect, and/or psychiatric problems were overlooked until the alleged crime occurred.
- Children should not be subjected to isolation, which is a form of punishment that is likely to produce lasting psychiatric symptoms.

It should be taken into further consideration that research demonstrates that many juveniles are not likely to understand the consequences of their actions (whether in committing a crime or in entering a plea), nor are they likely to understand their legal rights and the lasting impact of criminal conviction on their lives. Children who commit crimes are often victims, and treating them as adults, especially processing them through the adult criminal system, makes it harder for them to rebuild their lives.

The American Psychiatric Association

The American Psychiatric Association is a national medical specialty society whose more than 38,000 physician members specialize in the diagnosis, treatment, prevention and research of mental illnesses including substance use disorders. Visit the APA at www.psych.org and www.HealthyMinds.org.

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Who has cases filed in court?

Table 4.1: Juvenile filings (misdemeanor, felony, and direct file), FY00 - FY04

Colorado: Statewide					
	FY00	FY01	FY02	FY03	FY04
Misdemeanor juvenile filings*	8,125	7,127	7,200	6,938	6,709
Misd filing – deferred	610	567	544	592	739
Misd filing – dismissed	2,851	2,678	2,697	2,618	2,658
Misd filing – adjudicated	4,664	3,882	3,959	3,728	3,312
Felony juvenile filings	10,667	10,812	11,459	11,212	10,467
Felony filing – deferred	813	967	1,054	1,180	1,036
Felony filing – dismissed	4,502	4,432	4,636	4,479	4,461
Felony filing – adjudicated	5,352	5,413	5,769	5,553	4,970
Direct file to adult court**	280	198	217	231	202
Direct file dismissed	68	47	58	75	83
Direct file convicted***	204	146	156	152	118
Direct file convicted – Y.O.S.	37	63	66	69	54
Direct file convicted – D.O.C.	73	41	37	31	22
Direct file convicted – Probation	52	34	51	47	27

Notes: *Only filings in district courts are included. **Filings in criminal court of individuals under 18 at time of filing or identified as a direct filing based on case review. ***Balance of cases resulted in a deferral.

Source: Data was extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system and analyzed by DCJ's Office of Research and Statistics.

- Misdemeanor filings have been declining since FY00.
- In FY04, almost half (49 percent) of the juveniles who received misdemeanor filings were adjudicated.
- According to 19-2-517 Colorado Revised Statutes, juveniles may be filed upon in adult district court. If convicted they will be sentenced as adults.
- Juvenile felony filings have fluctuated over the past five years. During FY02, the number of juveniles receiving felony filings has continued to decrease. Of the 10,467 felony filings in FY04, 4461 of the felony filings have been dismissed and another 4970 were adjudicated.
- In FY04, 118 juveniles in Colorado were convicted as adults, and almost half of these offenders went to the Youthful Offender System (YOS). YOS is an alternative to prison. The offender receives a sentence to DOC that will be suspended on the condition that the offender will complete a sentence to YOS that includes a period of community supervision.
- A 2004 study of the Youthful Offender System by DCJ researchers found that juveniles who completed their secondary education while in YOS were over three times more likely to remain arrest-free upon release from the Department of Corrections.