



COLORADO

Department of Corrections

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SB 16-180 STATUS REPORT JUVENILE AND YOUNG ADULT REINTEGRATION PROGRAM

A STATUS REPORT SUBMITTED TO THE
JOINT JUDICIARY COMMITTEE
JANUARY 1, 2024, PURSUANT TO C.R.S. 17-34-102(9)

PREPARED BY
OFFICE OF PLANNING AND ANALYSIS
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BACKGROUND

The United States Supreme Court has held in several decisions that juveniles are constitutionally different than adults for purposes of sentencing and should be given an opportunity for release based on demonstrated maturity and rehabilitation. Colorado Senate Bill (SB) 16-180, was signed in order to:

...implement a system that allows any inmate who committed a serious crime as a juvenile, was treated as an adult by the criminal justice system, and has served more than twenty or twenty-five calendar years of a sentence to the department of corrections, during which he or she has exhibited growth and rehabilitation, the opportunity to further demonstrate rehabilitation and earn early release in a specialized program in a less secure setting without compromising public safety.

This report is developed pursuant to C.R.S. 17-34-102(9), which states:

On and after January 1, 2018, during its annual presentation before the joint judiciary committee of the general assembly, or any successor joint committee, pursuant to C.R.S. 2-7-203, the department shall include a status report regarding the progress and outcomes of the specialized program developed and implemented by the department pursuant to this section during the preceding year.

STATUS REPORT

During the 2016 legislative session, SB 16-180 was passed. SB 16-180 addressed specialized programming for certain inmates who were convicted as adults for offenses they committed as juveniles. A key provision of this bill was to develop and establish specialized programs for any inmate “...who successfully meets the guidelines addressed in this bill.”

Additionally, during the 2021 legislative session, HB21-1209 was passed and the age for eligibility into the specialized program was raised to twenty years effective October 1, 2021. AR 650-08 was updated to reflect the changes.¹

As of October 10, 2017, the Colorado Department of Corrections (CDOC) developed and implemented specialized programming for juveniles at Fremont Correctional Facility and La Vista Correctional Facility. The specialized Independent Living program offers three phases of instruction; these phases are detailed more below (page 5). Phases of instruction provide a mastery-based instruction that covers the following topics: healthy living, life skills, career development, technology, and financial literacy. The three phases are taught through immersion-based instruction utilizing laptops, virtual reality, and instructor-lead, clinician-based, work-driven programming.

The CDOC developed specialized programming utilizing an evidence-based and best practice implementation that considered many factors of life skills and criminogenic factors to create goals and curriculum to address inmate needs in mental health, life skills, education, and work-related topics. Curriculum was developed based on promising practices from similar programs.

The CDOC developed policies, procedures, and application parameters implemented through Administrative Regulation (AR) 650-08 Juveniles and Young Adults Convicted as Adults Program (JYACAP) and posted operational rules. A tracking system has been developed through the Office of Information Technology (OIT) and in collaboration with the Colorado Department of Corrections’ Office of Planning and Analysis (OPA), Education, and Clinical Services to determine measurement outcomes and program accountability. The specialized programming curriculum is technology-based learning that creates a community of learning and mentorship in the daily living skills such as health, relationship, money management, global awareness, career development, social skills, time management, managing a home, and self-awareness.

¹Participants in the specialized program will be referred to as JCAP (Juveniles Convicted as Adults) if they entered the program for a crime committed prior to age 18; participants whose crime occurred between 18 and under 21 years of age will be referred to as JYACAP (Juveniles and Young Adults Convicted as Adults). The program is referred to as JCAP when referring to the program prior to the effective date of HB21-1209 and JYACAP when referring to the program after that effective date.

POLICIES AND PROCEDURES FOR PLACEMENT

The CDOC established policies and procedures to identify eligible inmates that may be placed in the program are described in Administrative Regulation 650-08. The eligibility criteria are as follows:

Inmates must meet all criteria outlined in C.R.S. 17-34-101, including the changes brought by HB21-1209, in order to petition for placement into the Juveniles and Young Adults Convicted as Adults Program (JYACAP) to include but not limited to:

- The offender is not serving a sentence of life without parole;
- Serving a minimum of twenty years of his or her sentence if the conviction was not murder in the first degree as described in C.R.S. 18-3-102;
- Serving a minimum of twenty years of his or her sentence if the conviction was murder in the first degree as described in C.R.S. 18-3-102 (1)(b) or (1)(d);
- Serving a minimum of twenty-five years of the sentence if the conviction was murder in the first degree as described in C.R.S. 18-3-102 but was not murder in the first degree as described in C.R.S. 18-3-102 (1)(b) or (1)(d);
- Serving a minimum of thirty calendar years of his or her sentence if the person was charged with murder in the first degree as described in C.R.S. 18-3-102, with the possible penalty of life without the possibility of parole, and the person was eighteen years of age or older, but less than twenty one years of age at the time of the commission of the offense and the person entered a plea of guilty to a lesser felony offense and received a determinate sentence to the DOC with the possibility of parole;
- Has not previously been released on parole;
- Has not been convicted of unlawful sexual behavior as defined in C.R.S. 16-22-102(9) and/or 16-11.7-102(3) or an offense that the underlying factual basis is unlawful sexual behavior, or an offense in which the underlying facts support the fact that the offender committed, participated in, or aided or abetted in the commission of a sexual offense even if the offender was not convicted of a sexual offense;
- Is not currently or has not been previously in a treatment program for a serious mental illness such, as a residential treatment program;
- Has obtained his or her high school diploma or equivalency exam as defined in C.R.S. 22-33-102(8.5);
- Has participated in required programs and is currently program compliant;
- Has demonstrated positive growth through maturity and sustained appropriate institutional behavior;
- Has accepted responsibility for the criminal behavior for which he or she was convicted;
- Has obtained approval through the Executive Director or Executive Director's designee review process.

PROGRAM CONDUCT POLICIES AND PROCEDURES

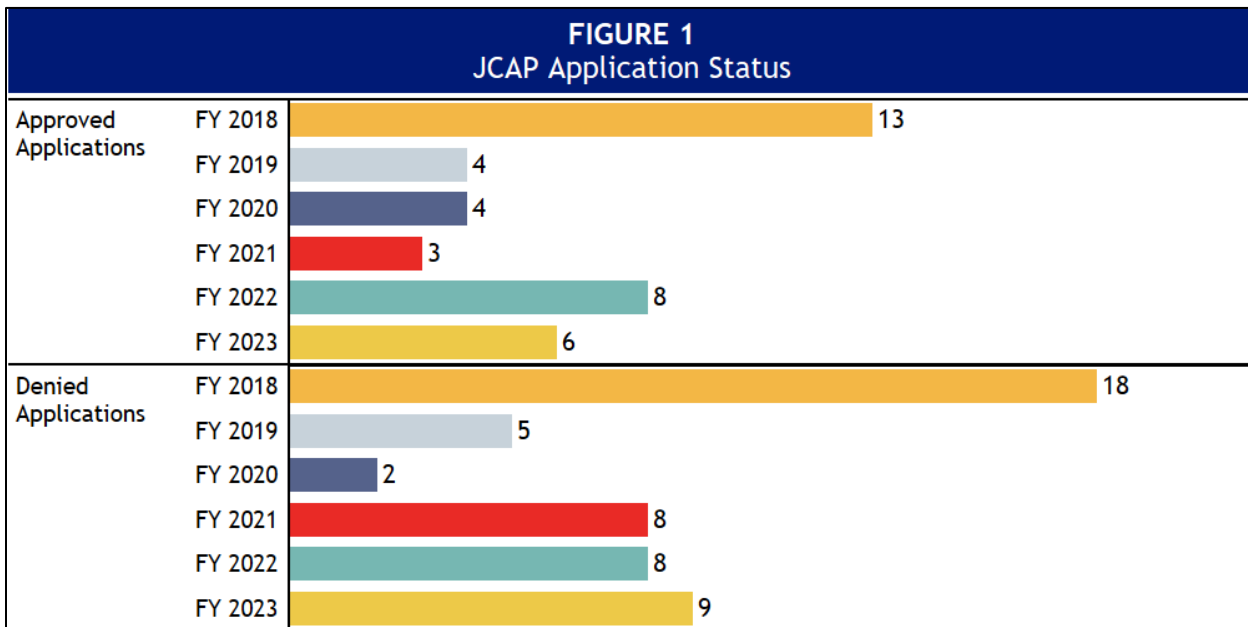
The policies and procedures developed by the department to address the conduct of participants are addressed in each facility’s posted operational rules (POR). Copies of the facility’s POR are provided to each inmate and outline facility expectations for inmate behavior in the living unit and in the classroom.

PROGRAM LOCATION AND BED AVAILABILITY

The program is designed to house both male and female inmates. Fremont Correctional Facility houses male inmates in an incentive living unit for medium custody inmates. Male participants can progress to Canon Minimum Centers during Phase III of the program. La Vista Correctional Facility houses female inmates in a reentry unit which consists of four pods with 24 inmates in each pod. It was decided that these living units are the most fitting for this program based on previously established amenities and resources.

PROGRAM PARTICIPATION, DENIALS, AND REMOVALS

The program is continuing to receive applications. Between July 1, 2017 and June 30, 2023, the CDOC reviewed 88 applications; of these, the CDOC approved 38 and denied 50 (Figure 1).



The denial reasons and count are as follows: in a treatment program for a serious mental illness (2); not a juvenile when the offense was committed (4); insufficient time served (9); on parole (1); nature of the offense (1); and institutional behavior exhibiting no positive growth (24); ineligible - adult consecutive sentence (6); ineligible - life without parole (3) (Figure 2).

FIGURE 2 JCAP Reasons for Denial							
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Total
Mental Illness	1	0	0	0	0	1	2
Not Juvenile Convicted as Adult	1	1	1	1	0	0	4
Time Served Not Met	3	1	1	1	1	2	9
Parole	0	1	0	0	0	0	1
Nature of Offense	0	1	0	0	0	0	1
Institutional Behavior, No Positive Growth	13	1	0	4	3	3	24
Ineligible - Adult Consecutive Sentence	0	0	0	2	4	0	6
Ineligible - Life without Parole	0	0	0	0	0	3	3

PROGRAM UPDATES

The program is implemented in a series of three phases. Phase I is structured around a combination of classroom and employment opportunities. In the classroom the standards aligned curriculum consists of foundations of independent living and provides education in career development, financial literacy, healthy living, technology, and life skills.

Phase II expands and focuses on advanced independent living skills. At this time the program assists inmates in developing and identifying short and long-term goals. Inmates continue to build experience and understanding of the outside world through the utilization of virtual reality and a driving simulator. Also, the inmates are introduced to basic life skills in areas of food, nutrition, and health in the JYACAP kitchen. The kitchen curriculum is delivered through lecture and hands on experience.

In Phase III, the schedule involves strong case planning. If the inmate has additional programming needs according to the reentry tool (RT) assessment, the programming will occur in this phase. Career Technical Education (CTE) classes, apprenticeship programs, and industry-recognized certifications identified in the inmate's long-term goals in Phase II will be implemented. This certification earned through CTE courses will provide the inmates with college credit and industry-recognized certifications rendering them job ready upon release. In addition, Phase III includes progression to a lower custody facility to provide more independence in daily living and opportunities, such as job assignments inside and outside the

facility. During FY 2022, three JYACAP inmates were moved to Canon Minimum Centers (CMC) for a total of 16 males who have progressed to a lower custody facility prior to applying for early release.

The JYACAP social worker III enhances the curriculum by identifying the mindsets and behavioral patterns that may hinder self-sufficient development in the classroom setting and conducts individual sessions, journaling, and the *Start Now* curriculum.

START NOW CURRICULUM

Start Now incorporates cognitive behavioral therapy, motivational interviewing, neurocognitive modifications, trauma-sensitive care, gender-specific guidance, focusing skills and functional analysis in a highly structured, nonjudgmental approach to social skills building.

Originally developed for correctional environments, it has been adapted for use in other settings that face similar resource constraints and extensive need for effective, reliable, manual-guided treatment for individuals living with impairments of impulse control, emotion regulation and management of interpersonal relationships.

Given this integration of approaches, the overall *START NOW* approach includes the following points, which are reinforced throughout the treatment protocol: 1) Reinforce personal responsibility for behavior; 2) Look for multiple opportunities to teach the connections between thoughts, feelings, and behavior, including the following key points: 2a) “Slow down and think before acting”; 2b) “No one makes you feel a certain way - it’s how you look at things”; 2c) “Your feelings don’t make you act a certain way - you choose how you respond to situations”; 3) Identify strengths & build on them; and 4) Appreciate and respect individual differences, capabilities and limitations.

PROGRAM STAFF

The program has four dedicated positions. The JYACAP administrator manages the applications and appointment of inmates to the program and assists with their life skills development. Two state teacher I instructors deliver the curriculum utilizing several different learning management systems, lecture, large and small group activities, and virtual reality. One staffed Social Worker I oversees the Start Now program, provides mental health services and has one-on-one meetings with JYACAP participants.

PROGRAM PARTICIPANT BEHAVIOR PATTERNS

Since the implementation of the program, criminogenic thinking patterns have been identified using the Texas Christian University (TCU) assessments, specifically the criminal thinking scale, engagement scale, psychological scale, and social scale. Additional measuring tools, including the generalized anxiety scale (GAD-7) to measure anxiety and depression, and the patient

health questionnaire (PHQ-9), are completed by each participant to fully assess behavior treatment needs and to facilitate focused treatment for each inmate. Compliance with appropriate treatment plans is required for successful completion of JYACAP.

REFERRALS, EARLY PAROLE GRANTS AND COMPLETIONS

The parole board conducts interviews with each JYACAP participant who completes Phase III of the JYACAP program and subsequently meets as a group to make recommendations to the governor's office for each JYACAP participant.

In FY 2021, eight male JYACAP participants and one female JYACAP participant submitted JYACAP applications for Early Release and were submitted to the Colorado State Parole Board. All nine JYACAP participants were approved for Early Parole Release by the Governor.

In FY 2022, five male JYACAP participants submitted JYACAP applications for Early Release and were submitted to the Colorado State Parole Board. Four of the five JYACAP participants were approved for Early Parole Release by the Governor.

In FY 2023, four male JYACAP participants submitted JYACAP applications for Early Release and were submitted to the Colorado State Parole Board. One JYACAP applicant was a resubmission previously denied in FY 2022. All four JYACAP participants were approved for Early Parole, including the individual previously denied.

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