

**COMPARISON OF COLODARO TEXAS AND MISSOURI JUVENILE
REHABILITATION PROGRAMS**

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Colorado, Texas and Missouri all claim to have exemplary youth correctional facilities in regards to the successful rehabilitation of severe youth offenders. A comparison of the three systems shows that there are similarities between the facilities, but there are also key differences. These key differences help define the different programs from each other, as well as their performance and success rates. This report looks at how the facilities operate, the operating costs, how the youth get placed there, who the youth typically are, and the recidivism rates of the different programs in comparison to the costs.

FACILITIES AND OPERATIONS]

To understand the difference in performance among the three states one must understand the different ways the state facilities operate. One of the main differences between the three states' programs, deals with the specific department jurisdiction of the rehabilitation program.

COLORADO YOUTH OFFENDER SERVICES

In Colorado the YOS program is operated by the adult correctional commission know as the Colorado Department of Corrections. The YOS program is only open to those youth who are adjudicated as adults and then meet the offense standards. Currently if a juvenile commits a class one felony or specific class two felonies, they are not eligible for the Colorado YOS program, and carry out their sentence in the adult prison system.

Kids who do enter the YOS system go through 4 phases. First, offenders are admitted to the IDO or the Intake, Diagnostic and Orientation Program where they spend the first 30 days learning how the entire program works, and developing certain behavioral skills similar to a basic training regiment of the armed services. There is also an assessment period where YOS evaluates the youth and assess what type of help the youth needs in relation to education, social skills, behavioral problems, gang security, etc...

When the offender graduates from the IDO phase, he/she enter phase 1. In Phase 1 an Individualized Program Plan is implemented. The Program Plan describes the goals and incentives for each individual that he or she must meet. The plan also sets tentative dates for future releases and graduations. This stage works to separate the youth from gang affiliations and promote a foundation of quality and socially acceptable behavior. The youth starts furthering their education and job skills as well.

After the youth has graduated from phase 1 he/she enters phase 2. This is a three month "pre-release" which supports the fundamentals that were established in phase 1. As explained by YOS administration, Phase 2 "provides intensive supervision and monitoring to enforce compliance to rules that are intended to control the offender's behavior and maintain strict discipline." Overall, phase 2 attempts to provide supervision and surveillance to improve compliance, use mentors who provide support and encouragement, and attempt to replace "thinking errors" with socially acceptable norms.

Phase 3 is considered the “Community supervision and Reintegration” phase. This phase helps reintegrate youth while still keeping a watchful eye and strict rules in place. Youth work in the community and gain additional freedoms and responsibilities helping to ease the transfer from a strictly enforced community like the YOS Phase 1 back into the real world.

The advantage of YOS operating within the Colorado Department of Corrections lies in the fact that it gives youth who would be facing adult prison time a second chance in a strict, rehabilitative environment. The downside however is that the youth must first be transferred to adult court and convicted before the child can be eligible for the YOS system. Therefore this type of system does not emphasize keeping youth within the juvenile system. Additionally, since not every child who is tried and convicted in adult criminal court, becomes placed within the YOS system, there are potentially more youth heading to the adult prison facilities in Colorado.

TEXAS YOUTH COMMISSION

The other two states make more of an effort to keep kids within the juvenile system for as long as possible. The Texas Youth Commission, run by the Texas Department of Juvenile Corrections has many different tiers of rehabilitative services, with the most severe holding felony 1 and 2 offenders at the Giddings School. Instead of sending many of the worst juvenile offenders to the adult prison facilities where recidivism rates are much higher, Texas attempts to rehabilitate the kids while treating them by what they are: youth. Texas Youth Commission operates a wide variety of housing options for the youth. Youth are placed in the most fitting facility, based off an initial assessment of the youth, along with their offense(s) record.

The program reinforces 3 main points to the offenders:

- It is a privilege to be a sentenced offender in TYC because you could have been certified an adult and gone directly into the adult system
- The court is giving you an opportunity to change
- To avoid going to prison after your time in the TYC, you must “earn your parole by changing internally”

After sentenced to TYC youth are sent to Marlin Orientation and Assessment Unit for 50-60 days. During that time they are given an extensive evaluation which helps the administration figure out the correct placement for these kids. 80% go into secure correctional facilities, 20% go to programs run by “contact providers”

MISSOURI DIVISION OF YOUTH SERVICES

The Missouri Division of Youth Services is a not one specific program or facility. The state has restructured their entire juvenile corrections procedure. The juvenile system’s emphasis lies within a rehabilitation process designed around small groups of offenders, and highly trained staff focusing on personal development and education, and/or job training. Missouri offers a wide range of programs to make sure a juvenile receives the correct treatment.

Case Monitoring Systems

The Missouri program has many options in place to help place an individual in the most productive and appropriate setting for his/her rehabilitation needs. The Missouri DYS operates a Case Management System which is used to enhance the assessment, treatment planning, and coordinate the correct services available to the youth. A Case Manager acts as the messenger and middle-man between the families and the courts. Their responsibility is to ensure that the court expectations regarding work, treatment, appropriate supervision etc. are met.

To assist with special cases, the DYS created the Intensive Case Monitoring Program. This program employs “trackers” who keep constant contact with youth in aftercare or community care programs. The Trackers are there to act as an additional, and more personal supervisor for the youth, as well as being someone the youth can turn to for help. As a DYS administrator stated, “beyond the clear benefits to the youth as a result of the frequent and constant contact, attention, guidance and mentoring, the trackers are a cost-effective means to enhance supervision of the youth while reducing demands on service coordinators’ caseloads.”ⁱ

Case Management handled 2,784 cases in 2003 while 834 cases were handled by the Intensive Case Monitoring System.

Residential Facilities

The MDYS operates many different levels and types of residential facilities to accommodate the different needs of different youth offenders. There are community-based programs, intermediate, and secure level facilities. However regardless of the security level, “there is an overall emphasis on meeting the individualized psychological, educational, vocational and medical needs of the youth in a dignified, structured, supportive, and therapeutic environment.”ⁱⁱⁱ Missouri based its juvenile corrections programs around the individual offender, because it is understood that each offender can have very specific, individualized needs which must to be addressed if they are to re-enter society successfully.

Unlike the old Missouri system, and many other youth corrections approaches around this country, their treatment targets communication and social skill development, problem solving, conflict resolution, substance abuse prevention, healthy relationships, esteem enhancements and victim empathy enhancement.ⁱⁱⁱ It strays away from locking kids up or taking other strictly punitive approaches towards rehabilitation.

Day Treatment Facilities

Day Treatment facilities and community care services are alternative options in the MDYS from locking kids up in 24-hour supervised environments. These programs also provide effective services for youth attempting to re-enter communities. These programs allow for offenders to begin experiencing the reintegration into society while still having some state regulations and supervision over their actions. Many of these programs also offer alternative educational programs.

MDYS has adopted the stance that the “medical well-being of the youth in its care is a primary concern.” If the medical needs of children are left unattended, other forms of

rehabilitative therapy are hindered. Extensive mental and physical evaluations of youth are administered to comprehend more in-depth and individualized help the youth need.

Missouri has no programs that were found that help youth who were convicted as adults. However, the system in Missouri is set up to deter the legal bodies from sending large amounts of youth into adult court in the first place. This was achieved by two combining factors. First, state statutes have been adopted which allow for the transfer of youth into the adult courts only after a certification hearing has commenced in front of a juvenile judge. During the hearing, the juvenile judge is allowed sole discretion over the decision to transfer the youth. This means it is much harder for a child to be transferred to adult court than in other states such as Colorado. The judges' decision in Missouri to keep more kids in juvenile systems has to do with the wide range of programs available to help even the most serious offenders. Judges have found large success rates with these programs and therefore have been more willing to find the correct mode of punishment/rehabilitation for these kids within the juvenile system.

CHILDREN IN PRISON

These three programs have different affects on kids entering the adult prison system. Because of Missouri judges' tendencies to keep kids within the juvenile system as long as possible, they recorded 41 youth under 18 transferred to the adult system, with 6 of those youth receiving juvenile sentences. Missouri recorded 29,941 adult inmates. So the youth population represented about .13% of the total adult population.

Texas' adult prison system is much larger than the Missouri system, holding about 125,655 inmates. 4,095 or about 3% of the Texas Inmate population are 20 years of age or under with 5 of those being on death row. Even though Texas has a stellar youth rehabilitation program, there are still many more kids transferred to adult facilities than in Missouri. (Texas only has numbers of those 20 years of age and younger. There are no other records kept that have more specific age identification)

Between 1995 when the TYC was created, and 2001 certifications of juveniles as adults has dropped about 76%. Because Texas judges and prosecutors have shown fewer reservations about sending kids into the adult circuit, the fact that the rate dropped showed added trust and commitment to the juvenile system. Obviously the judges and prosecutors want to make the community secure, and if that security can come through an intensive rehabilitative program, even Texas' perceived "tough on crime" stance will accept its success. The more successful our juvenile corrections programs are, the more faith our judges and prosecutors will have when deciding the offenders' fate.

Colorado must be looked at in a different manner. Sine the YOS program is a part of the adult Department of Corrections; those youth involved, are technically in an adult facility. Overall, the Colorado Department of Corrections holds around 250 youth under 18 and a total of 498 under 20. This represents about 2.1 % of the 23,348 inmates within the CDOC. Of the 498 youth, 265 or 53% are within the YOS system. There are only 9

out of 23,348 or .1% of the total population who are under 18 and are in an adult correctional facility. The remaining 233 youth within a correctional facility that is not part of the YOS system are 18 or 19 years old. (these numbers were included to show a comparison to the Texas numbers)

SENTENCING PROCEEDURES

Texas and Colorado have similar sentencing procedures compared to Missouri. Since Missouri has no special program, but specially tailored laws that promote rehabilitation, their sentencing procedures are not much different than that of other comparable states. In Missouri, the judge determines a sentence based on state statutes and mandatory laws and places the youth in the most appropriate environment.

Regarding the YOS program, there is a safety net in place in case the rehabilitative program is not working for the youth once they are placed in the YOS system. When a youth is sent to YOS, he/she is given two separate sentences. The first is a tentative YOS sentence consisting of a minimum amount of time that must be spent within the YOS program. The second is an adult prison sentence, which is implemented if the youth does not complete the YOS program in a timely manner; or if further legal problems arise. Therefore if a youth is given a second chance to escape adult prison time and does not show promising results, or is a threat to the community and environment he/she is placed in, there are further negative consequences. This creates an incentive based program to cooperate. It also protects the notion that a rehabilitative program like YOS is letting convicted felons off easy. Or that the state is being soft on crime. The state is attempting to help these youth get their life back on track so that they do not pose a threat to society or take up more tax dollars by requiring additional incarceration time.

** (see attached "blended sentencing" memo for all prosecutory options to transfer juveniles into adult court) **

In Texas there is a comprehensive sentencing system which was implemented along with the Texas Youth Commission. Similar to sentencing options in Colorado, when charges are filed, the probation official evaluates the case and reports before the judge. When a child is adjudicated delinquent, the judge either requires some form of probation or placement in private treatment facilities. Three percent of the youth referred to probation departments enter the TYC. The kids that end up there are usually considered the most problematic and violent youth. Youth entering the Texas Youth Commission enter with either a determinate or an indeterminate sentence.

Determinate Sentenced Offenders

The most serious offenders arrive with a determinate sentence implied by the courts under the Determinate Sentencing Law. These serious offenders arrive with a sentence of up to 40 years for capital and first degree felons, and 10 years for 3rd degree felons, with the first portion to be carried out within the TYC system. Prior to the youths 18th birthday, a hearing would be held to determine which of three routes to take with the youth. The first option the courts have is to grant parole to the youth and keep the

offender under TYC supervision until he/she is 21. The court could completely discharge the youth from TYC custody at that time. Or the court could transfer custody to the Texas Department of Criminal Justice for the remainder of the sentence.

Originally those offenders who were convicted of capital and felony 1 offences were the only youth eligible for the determinate sentencing option. However in 1995 the Texas legislature expanded those offences eligible for the determinate sentencing option to include: murder, capital murder, attempted murder, manslaughter, intoxication manslaughter, aggravated or attempted aggravated kidnapping, aggravated sexual assault, sexual assault, attempted sexual assault, aggravated assault, aggravated or attempted aggravated robbery, felony injury to a child, elderly or disabled person, felony deadly conduct, aggravated or first-degree controlled substance felony, criminal solicitation, second-degree felony indecency with a child, criminal solicitation of a minor, first degree felony arson, or habitual felony conduct.

About 7% of the TYC inmates are determinate offenders, and they take up about 15% of the beds since it usually takes these kids longer to complete the program.

Indeterminate Sentenced Offenders

Most youth arrive at the TYC system with an indeterminate sentence. The amount of time these offenders spend in TYC custody is left up to the administration, but must be released upon their 21st birthday. TYC loses jurisdiction and authority after 21 years of age. Each offender is also designated a minimum amount of time to be served based on the type of crime committed. The minimum amount of time served per offence is as follows:

- Type A violent Offenders—24 months
- Type B violent Offenders—12 months
- Chronic serious offenders, controlled substance dealers, firearms offenders – 12 months
- General Offenders—9 months
- Violator of CINS probation—no minimum length of stay

Once an offender has completed at least the majority of their minimum stay at the secure facility they can be released into other placement options such as a halfway house, a residential contact program, or even be directly released to parole. If a youth commits a major violation at any of these facilities, they can be returned to a secure environment. If a youth commits another offence while in TYC custody, they can be arrested and directly charged as an adult for that crime.

When a youth is released on parole, they are supervised by a parole officer and can continue to receive special “aftercare” services. If a youth continues to do well by completing community service hours, working or going to school regularly, attending required counseling, and promptly meeting with the parole officer, the youth can be discharged from TYC.

RECIDIVISM RATES

Colorado

In Colorado the YOS program produces low recidivism rates among its offenders. Throughout the 8 years of its existence, 342 members have been successfully discharged. Of those discharged, 106 (31.0%) have been reconvicted of an additional felony and 61 (17.8%) of those have been serious enough to have the offender returned to the adult prison system.

The three-year recidivism rate, which measures how many offenders are reintroduced into the adult prison system within three years of their release, is extremely good within the YOS program. Only 16.7% or 22 (out of the 61) offenders went back to an adult prison facility within 3 years of their release from YOS.

Comparatively, the success of these rates far exceed the national recidivism rates, as well as the Colorado Department of Corrections rates. The recidivism rates of inmates within other Department of Corrections Facilities can climb as high as 54% within 5 years of release (1998 release year), and range anywhere between 29.7% (1995) and 40.0 % (1999) within one year of release. The most recent was 36.7 % one-year recidivism rate in 2001. The three-year recidivism rate for the adult prison system is almost three times as high as the YOS, coming in around 51.7%.

Texas

Between 1999 and 2003, these specialized treatment programs have shown significant results in reducing recidivism rates. The Giddings School's capital and serious violent offender treatment program reduced the rate for being re-incarcerated for any offense by 55%. It also reduced the re-incarceration rate due to a felony offense by 43 percent.

Sex offender treatment reduced the recidivism rate of sex offenders being *re-incarcerated* for: a felony by 50 %; and *rearrested* for: a violent offense by 46%, a felony sex offense by 37%, a felony offense 29%, and rearrested for any offense by 28%.

Missouri

The recidivism numbers for Missouri youth programs are scarce. Of the records that kept, the state department measures how many juveniles enter the juvenile treatment facilities and then re-enter juvenile facilities. So they leave out youth who become tried as adults for their habitual offenses, and those who turn 18 and then commit offenses.

However the numbers Missouri keeps are impressive. The percentage of youth offenders who are discharged from juvenile centers and then return to juvenile centers before the age of 18 are less than 10 percent. In 2003 9% of youth entered a juvenile facility in Missouri who had previously been in a juvenile facility in the past 5 years. The percentage was as low as 6 % in 2002.

So kids who enter Missouri youth centers generally do not get re-admitted; and since there are very low numbers of youth being transferred to adult court, that does show that a very low percentage are being re-admitted into state facilities in the youth or adult division.

STATE DEPARTMENT EXPENDITURES

Missouri

The Missouri Division of Youth Services acquires an annual budget of around \$57 million dollars. Of that, 48.4 or 86% goes to treatment services for youth. Only 4% goes to administrative and regional costs. The extra funding allows the state to hire highly qualified personnel to run the youth facilities, and make sure the youth have adequate resources to excel and better their lives.

The annual per bed cost for these facilities ranges anywhere from 38,889 for the Community Based Programs, to 41,411 for the Intermediate-Care Programs, and up to 51,420 for Secure-Care Programs. The higher staff to youth ratio is what accounts for the major increase of operations among the different facilities. Within the most secure Programs, the staff rate goes up, therefore increasing the costs.

Texas

The Texas budget is much larger with 2002 annual expenditures equaling \$273,760,457 dollars. It is hard to distinguish what money is used for administrative purposes compared to treatment services however, at least 78.3% of the budget goes to salaries wages and miscellaneous treatment costs. At least 6.7% of the budget is spent on administrative salaries. This comes out to costing about \$152 per offender per day in the state operated institutions, \$144 per day at halfway houses, and \$128 per day at Residential Contract Placements

Colorado

The Youth Offender System has about 250 youth within its system at any given time, and the DOC allocated 15,817,160 for the fiscal year 2002. Like Texas the complete Administrative costs were not apparent but by correlating numbers between "operating" costs and the "Central administration add-on" costs, the percentage of the budget the administration grabs is around 8.75%, the highest of the three states.

This also leads to the highest cost per inmate of the three states. The daily cost per inmate in 2002 was \$170.61 per day, or \$62,272 per year.

COST EFFECTIVENESS COMPARISON

In comparison with Texas and Missouri, Colorado could use some changes to its YOS system. It is costly compared to the two other states, has mediocre recidivism rates and does not even have to deal with the most violent youth offenders, since they are not eligible.

Colorado spends \$170 per day on about 250 YOS offenders, and retains a three-year recidivism rate of 16.7%. Of those 250 offenders, 41 will end up back in adult prison within three years. This is a good rate but we are spending much more for fewer results

compared to Missouri. Colorado also has around 240 “adult” inmates, age 19 or under, but, fewer than 15 of those 240 inmates are under 18.

The Texas Youth Commission spends \$18-26 less per-day, per-inmate, in similar facilities to Colorado’s YOS. Texas’ recidivism rates lag behind Colorado’s when comparing similar numbers. With regards to youth who completed the TYC system, 28.9% were re-incarcerated in adult prison within three years. However, the TYC takes on all types of youth offenders including those convicted of murder, kidnapping and other Class A violent crimes.

CONCLUSION

Texas and Missouri prove that the rehabilitation ability of a child has less to do with the severity of the crime committed, and more to do with the individual. Having widespread restrictions on who can be eligible for rehabilitation is not necessary. There are youth who are too dangerous for a YOS or TYC type program, but we need to put faith in our judges, juries and prosecutors to correctly assess what combination of rehabilitative and punitive treatment an individual offender needs to keep society safe in the future. With adequately funded rehabilitation programs, the state of Colorado can hit two birds with one stone. It will decrease the recidivism rate of offenders, reducing crime that repeat offenders would be committing, while leaving more beds open in our crowded prisons. It would also inflict proper societal behaviors upon people who would otherwise menace society. These people could then acquire sustainable jobs and contribute to our state’s income instead of driving up the expenditures by sitting in prison. Mandatory restrictions are inhibiting our corrections system here in Colorado. We waste money every year by keeping people locked up when some could be rehabilitated and then out contributing to society rather than economically draining our state’s budget.

ⁱ Missouri Division of Youth Services FY2003 Annual Report. P.11

ⁱⁱ Missouri Division of Youth Services FY2003 Annual Report. P.12

ⁱⁱⁱ Missouri Division of Youth Services FY2003 Annual Report. P.12