

Pre-Trial Services in Juvenile Court



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Collaborative Purpose



- ❧ The General Assembly enacted the juvenile justice provisions to “protect, restore, and improve the public safety by creating a system of juvenile justice that will appropriately sanction juveniles who violate the law and, in certain cases, will also provide the opportunity to bring together affected victims, community, and juvenile offenders for restorative purposes.”
- ❧ The juvenile system considers the “best interests of the juvenile, the victim, and the community in providing appropriate treatment to reduce the rate of recidivism... and to assist the juvenile in becoming a productive member of society.”
- ❧ C.R.S. 19-2-102(1).



- ❧ “The juvenile shall be released to the care of such juvenile’s parents or other responsible adult, unless a determination has been made in accordance with subsection (2) of this section that such juvenile’s immediate welfare or the protection of the community requires that such juvenile be detained.”
- ❧ “The court may make reasonable orders as conditions of said release, which conditions may include participation in a preadjudication service program established pursuant to section 19-2-302.”
- ❧ C.R.S. 19-2-507(3)

Type of Supervision



- ❧ Periodic telephone communication, office visits, home visits by tracker;
- ❧ Periodic drug testing;
- ❧ Periodic visits to the school;
- ❧ Mental health or substance abuse treatment;
- ❧ Domestic violence or child abuse counseling;
- ❧ Electronic or global position monitoring;
- ❧ Work release or day reporting.
- ❧ C.R.S. 19-2-302(4)

Best Interests of Detention



- ❧ Detention can increase recidivism, negatively affect behavior, and pulls youth deeper into the juvenile and criminal justice system.
- ❧ Alternatives to detention can curb crime and recidivism better than detention.
- ❧ Detention can slow or interrupt the natural process of “aging out of delinquency.”
- ❧ Detention negatively affects mental illness and risk of self-harm.
- ❧ Holman and Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. Justice Policy Institute (2006).

Research on Effectiveness of Detention



- ❧ The PEW Charitable Trusts. *Re-Examining Juvenile Incarceration: High cost, poor outcomes spark shift to alternatives* (2015). A growing body of research demonstrates that for many juvenile offenders, lengthy detention fails to produce better outcomes than alternative sanctions, and many times can be counterproductive.
- ❧ Richard Mendel. *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation (2011).
- ❧ C.A. Mallett. *The Incarceration of seriously traumatized adolescents in the USA: Limited progress and significant harm*. *Criminal Behavior and Mental Health*, 25(1) (2015).

Success on Pre-Trial Release



- ❧ Communication is key! GAL, Defense Attorney, and pre-trial release officer should be in contact during the supervision.
- ❧ Explore presence of protective factors: home environment, parents, school, etc.
- ❧ Appropriate sanctions – look to type of offense, and cost of detention.
- ❧ Utilization of services – look to appropriate community support.

Conclusion



- ❧ Goal of pre-trial services is to identify risk factors in juvenile's life and to cure them, not to simply sanction the juvenile with detention.
- ❧ GAL and Defense Attorney are crucial in helping improve protective factors in juvenile's life and decrease risk factors.
- ❧ Collaborative purpose is to rehabilitate the juvenile and assist him to become a productive member of society – detention rarely helps!