



March 13, 2018

Colorado Representative Pete Lee
 Judiciary Committee

RE: HB 1156 "Limit Penalties for Juvenile Truancy"

Dear Pete Lee and members of the Judiciary Committee,

I would like to introduce myself to the committee. My name is Will Hays and I am the Chair of the Juvenile Justice and Delinquency Prevention Council (JJJPC). The JJJPC serves as the State Advisory Group (SAG) for Colorado. Our role is to advise the Governor on juvenile justice issues and ensure that Colorado complies with the federal requirements outlined in the Juvenile Justice and Delinquency Prevention Act. We are a multidisciplinary council with membership including all segments of Colorado's juvenile justice system, including families and system-involved youth. While my work schedule prevents me from attending this hearing in person, I would like you to consider the following when evaluating HB 1156 as originally submitted for committee review.

Colorado has the advantage of a highly evolved juvenile justice system. Our Youth Detention Continuum (SB94) is the envy of many states. Colorado is committed to using secure detention in instances where it is most justified and in the best interest of victims, the community, and offenders. This balanced approach has seen us lower our use of secure detention to primarily youth that are the most at risk of reoffending. The exception to this is for youth who have committed status offenses, specifically those who are determined to be habitually truant and those in violation of a valid court order (VCO). While I recognize that we have work to do to establish additional alternatives to secure detention for youth who are truant and those who are in violation of a VCO, the research is clear that secure detention for low-risk offenders and truants is associated with increased negative outcomes.

According to recent research on the impact of secure detention for truancy [1], truant youth who are sentenced to secure detention, as opposed to similar youth who aren't sentenced to secure detention are:

- More likely to be poor
- Be non-native speakers
- Qualify for special educational services
- Be youth of color
- Live in a Judicial District which uses secure detention more often
- Graduate at a rate that is 14.5 times less likely than truant youth not sentenced to secure detention.



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The fact that secure detention isn't applied equally or fairly should be enough to have Colorado eliminate its usage as an intervention strategy for youth determined to be truant. The goal of determining a youth truant should be to muster the resources needed to reengage that youth in his or her education. An intervention strategy should be eliminated if it is proven to reduce the likely hood of reaching the ultimate goal of intervening in the first place. I encourage the Committee to consider whether or not maintaining secure detention as a truancy intervention strategy should continue as a viable option in light of its unequal application and negative impact on graduation.

It is clear that youth who are habitually truant have experienced substantial life challenges. Those who can't be reengaged in their education face increased livelong hardships. Any intervention strategy should be focused on addressing previous challenges and setting youth up to achieve their potential, thereby reducing the burden on society and increasing their chances of success. The utilization of secure detention neither addresses past challenges or sets youth up for future success. I strongly encourage the committee to consider this when evaluating how to proceed with HB 1156.

Respectfully,

A handwritten signature in black ink, appearing to read "Will Hays". The signature is stylized and somewhat cursive.

Will Hays

Hilltop COO

Chair, JJDPC

Footnotes [1] The Impact of Secure Detention for Truancy on Educational and Juvenile Justice Outcomes: A Cross System Analyses in Colorado