

Colorado Commission on Criminal and Juvenile Justice
Age of Delinquency Task Force

Minutes

February 7, 2018 11:30AM-2:00PM
700 Kipling, 4th floor Conference Room

ATTENDEES:

CHAIRS

Jessica Jones, Criminal Defense Attorney
Joe Thome, Division of Criminal Justice

TASK FORCE MEMBERS

Kelly Friesen, Grand County Juvenile Justice Services
Rose Rodriguez, Community Corrections
Meg Williams, Division of Criminal Justice
Tony Gherardini, Department of Human Services
Gretchen Russo, Department of Human Services
Molli Barker, 18th Judicial District
Jim Bullock, District Attorney's Office, 16th Judicial District
Tariq Sheikh, District Attorney's Office, 17th Judicial District
Melanie Gilbert, Juvenile Court Magistrate
Shawn Cohn, Denver Juvenile Probation

STAFF

Richard Stroker/CCJJ consultant
Kim English/Division of Criminal Justice
Peg Flick/Division of Criminal Justice
Germaine Miera/Division of Criminal Justice

ABSENT

Julie Rammer, Public Defender's Office
Bev Funaro, Victims' Advocate
Dan Makelky, Douglas County Department of Human Services
Representative Dafna Michaelson Jenet, House District 30

ADDITIONAL ATTENDEES

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion:</p> <p>Joe Thome, Task Force Co-chair and Colorado Commission on Criminal and Juvenile Justice (CCJJ) member introduced himself along with fellow CCJJ member and Task Force Co-chair Jessica Jones, and welcomed attendees to the first meeting of the Age of Delinquency Task Force. As part of the first meeting, Joe asked all group members to introduce themselves and to provide some background about their work and expertise. Following the introductions Jessica reviewed the agenda and asked if there were any questions, seeing none she began the meeting.</p>
<p>Issue/Topic: CCJJ Task Force 101</p>	<p>Discussion:</p> <p>Germaine Miera of the Office of Research and Statistics in the Division of Criminal Justice, and staff to the CCJJ presented a PowerPoint outlining the Commission and Task Force process including membership, roles and responsibilities, CCJJ guiding principles, processes and accomplishments. The PowerPoint can be found on the Commission website in the “Materials” section at colorado.gov/ccjj/ccjj-cADTF.</p>
<p>Issue/Topic: Age of Delinquency / Colorado Background</p>	<p>Discussion:</p> <p>Meg Williams, CCJJ member and Director of the Office of Adult and Juvenile Justice Assistance in the Division of Criminal Justice addressed the group and explained that the Task Force will be exploring issues in regards to the entire range of age of delinquency, both the starting age and top age.</p> <p>Meg began a PowerPoint presentation that provided a historical perspective of age of delinquency, a review of Colorado law and a look at Juvenile Justice Code Reform. The PowerPoint presentation can be found on the Commission website in the “Materials” section at colorado.gov/ccjj/ccjj-cADTF.</p>
<p>Issue/Topic: Colorado Data / Court Filings</p>	<p>Discussion:</p> <p>Peg Flick of the Office of Research and Statistics in the Division of Criminal Justice directed Task Force members to a handout in their packets titled Court Filings – Ages 10 – 25 for CY14 to CY16. She explained that the analysis includes cases extracted from district, juvenile delinquency, and county court for calendar years 2014 to 2016. Denver court filings were not available. The handout can be found on the Commission website in the “Materials” section at colorado.gov/ccjj/ccjj-cADTF and discussion points are included below.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> • Peg noted that Table 1 shows the number of cases for 10-25 year old defendants filed in district, juvenile delinquency, and county courts by age and calendar year. She pointed out that the numbers are fairly consistent year to year.

<p>Issue/Topic: (continued) Colorado Data / Court Filings</p>	<ul style="list-style-type: none"> • Peg explained that the numbers in Table 2 represent cases for 10 to 25 year old defendants filed in district, juvenile delinquency, and county courts for calendar year 2016, but broken out by race and ethnicity. • Judicial’s Hispanic category is not trustworthy because Hispanics are not properly tracked and are likely counted in the White category. Subsequently, the White category is likely over-represented as well. • Meg pointed out that the numbers clearly do show that kids in the Black category are indeed over-represented. • Richard noted that in Table 3 the numbers for misdemeanor assault are significant. Peg replied that the assault category probably includes instances of domestic violence, although kids are rarely charged with actual DV. Chances are this represents issues with a family member or school fights. • Shawn Cohn noted that some of the cases in the 22-25 year old category really could involve domestic violence with a partner. • Rose Rodriguez added it would be interesting to see how many of these kid’s parents are in the system. • Peg noted that Table 4 shows the raw counts of cases broken out by gender and age for calendar years 2014, 2015 and 2016 with males represented approximately three times that of females. • Table 5 shows the initial sentence (adjudicated or convicted) broken out by age.
--	---

<p>Issue/Topic: Research Review and National Trends Regarding Age of Delinquency</p> <p>Action:</p> <ul style="list-style-type: none"> • Task Force to review HB 18-1050 at the March meeting 	<p style="text-align: center;">Discussion:</p> <p>Kim English, Director of the Office of Research and Statistics in the Division of Criminal Justice directed Task Force members to a number of handouts in their packets that provide a variety of information about different age of delinquency issues. The handouts can be found on the Commission website in the “Materials” section at colorado.gov/ccjj/ccjj-cADTF and discussion points are included below.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> • The first document is from the Juvenile Justice GPS (Geography, Policy, Practice & Statistics) which is an online repository providing state policy makers and system stakeholders with a clear understanding of the juvenile justice landscape in the states. The document compares upper, lower, and extended age boundaries found in juvenile statutes to give a deeper understanding of how states define delinquency. • The second document outlines reform efforts in Massachusetts to raise the age of criminal majority to 19 years old. It includes arguments both for and against this initiative. • The third article is titled ‘It’s More Than Time to Raise the Age in Michigan’ and outlines a move there to raise the age of adult prosecution from 17 years old to 18 years old or higher. • The fourth handout outlines six facts about the teen brain including: many mental disorders appear during adolescence, the teen brain is resilient and that teens need more sleep than children and adults. Kim added that the Division of Criminal Justice evaluates the Youthful Offender System at DOC and that one of the recommendations a couple years ago was to give
--	--

<p>Issue/Topic: (continued) Research Review and National Trends Regarding Age of Delinquency</p> <p>Action:</p>	<p>young residents longer periods of sleep.</p> <ul style="list-style-type: none"> • Tony added that the Division of Youth Services is starting to make changes to length of sleep as well. • The fifth handout is from the European Journal of Psychotraumatology and includes a graph that shows justice-involved youth have typically experienced a significant amount of trauma. Kim added that the Division of Criminal Justice used to interview inmates admitted to DOC and conducted lengthy surveys about their life experiences and criminal behavior. One question on that survey asked about the worst thing that ever happened to the inmate. Many of those inmates mentioned losing grandparents or someone close, which is in line with the graph showing that bereavement and loss are the most frequent kind of trauma. • The sixth and final handout is a brief summary of the National Academy of Sciences book titled Reforming Juvenile Justice: A Developmental Approach. Kim added that each Task Force member also received a copy of the book in their packets. • The MacArthur Foundation also has a lot of information and supports juvenile justice reform in 40 states. • Molli Barker explained that the Office of Juvenile Justice and Delinquency Prevention has an entire website with information, national training opportunities and technical assistance. • Joe mentioned the Adverse Childhood Experience Survey provides a lot of information about the effects of trauma and noted that in Florida 52% of the population in the juvenile justice system recorded 4 or more traumatic events when surveyed, and that it would be remiss not to consider trauma during the process of this work. • Additionally, the Juvenile Assessment Center in the 18th conducts two trauma screens. <p>At this point in her presentation Kim provided a PowerPoint outlining the contents of the Reforming Juvenile Justice book that was provided to Task Force members. The PowerPoint can be found on the Commission website in the “Materials” section at colorado.gov/ccjj/ccjj-cADTF.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> • Tariq noted that a new competency bill was just introduced and is making its way through the legislature now. He offered to provide information on the bill at the next meeting to ensure this group doesn’t start down a path that someone else is already working on.
---	---

<p>Issue/Topic: Group Discussion / Values</p> <p>Action:</p>	<p>Discussion:</p> <p>Richard Stroker explained that this meeting is largely focused on simply trying to get smarter about the issue of Age of Delinquency. He then explained that he wanted to finish the meeting with a group discussion about values and things that individual members believe are important as the work gets underway. He added that during the discussion he would like to avoid looking at solutions, problems or answers but rather simply focus on personal values as the Task Force embarks on the work together.</p>
--	--

Issue/Topic:
(continued)
Group Discussion / Values

Action:

Richard explained that at the March meeting the group will revisit the list of values and start to identify problems and issues. After issues are identified the group will determine the most important of those topics and sort out what issues to pursue. He noted that oftentimes groups jump to solutions before identifying the problem.

Richard clarified that this group discussion will center on values as they relate to the issue of age of delinquency and not about the youth system as a whole. At the end of the discussion Richard summarized the group's values as follows:

Group Values

- Keep the juvenile justice system from traumatizing people further as they move through the system
- Do no harm, while balancing public safety
- Kids are kids – we must give kids opportunities, and sometimes failure will be part of it.
- Give opportunities for growth/development while managing public safety
- Have respect for different systems, work together to help people
- There are different levels of misbehavior and some have greater elements of public safety
- Be cognizant that victim trauma is real and it matters
- Keep in mind the importance of family even after the age of 18
- Accountability and consequences – consider appropriate consequences to effectuate change
- Trauma is not an excuse for a person's behavior, but it does inform how that behavior is addressed
- Responses need to be individualized - don't undervalue what an individual needs
- Early intervention is critical, behaviors often show at 4th or 5th grade
- Flexibility and integration of systems – develop the best response to the individual
- Refrain from pointing fingers
- Developing appropriate responses given all the factors → what's best for child, community and victim
- The juvenile system is geared toward rehabilitation but victims should have equal weight in the system
- Environmental factors matter → parents, peers, others
- Balanced public policy is important → personal liberty, interventions, right of the community
- The group should visit a housing unit/operational area to see how facilities are set up inappropriately → A housing unit can include a kid who wants to play with Legos and a gang member planning their next crime
- There is a systems obligation to equity, the system needs to act fairly
- Make sense of our options in an age appropriate way
- It's important to have healing opportunities
- Alternatives for this population are important

Issue/Topic:	Discussion:
<p data-bbox="175 247 456 275">Next Steps and Adjourn</p> <p data-bbox="269 317 362 344">Action:</p>	<p data-bbox="560 247 1529 384">Richard explained that at the next meeting the group would identify problems and issues and he asked Task Force members to give some thought between now and then to the research and information provided today. He asked everyone to come prepared next month to explore problems or issues.</p> <p data-bbox="560 390 1458 453">Additionally, at the March meeting the group will receive a presentation on adolescent brain development.</p> <p data-bbox="560 459 1430 556">Richard summarized that he believes the work of this Task Force will take approximately 9 – 12 months to identify issues, develop work groups and produce recommendations.</p>

Next Meeting

March 7, 2018

11:30am – 2:00pm 710 Kipling, 3rd floor conference room