

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

**Minutes**

April 11<sup>th</sup>, 2018 11:30AM-2:00PM  
710 Kipling, 3<sup>rd</sup> 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

Gretchen Russo, Department of Human Services

Molli Barker, 18<sup>th</sup> Judicial District

Jim Bullock, District Attorney's Office, 16<sup>th</sup> Judicial District

Tariq Sheikh, District Attorney's Office, 17<sup>th</sup> Judicial District

Melanie Gilbert, Juvenile Court Magistrate

Shawn Cohn, Denver Juvenile Probation

Bev Funaro, Victims' Advocate

Cynthia Kowert, Attorney General's office

Jessica Meza, Public Defender's Office

Tony Gherardini, Department of Human Services

Dan Makelky, Douglas County Department of Human Services

**STAFF**

Richard Stroker/CCJJ consultant

Kim English/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

**ABSENT**

Rose Rodriguez, Community Corrections

Representative Dafna Michaelson Jenet, House District 30

Meg Williams, Division of Criminal Justice

**ADDITIONAL ATTENDEES**

Germaine Meehan, Douglas County Department of Human Services

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Welcome and Introductions</p> <p><b>Action:</b> Provide an update on Senate Bill 18-154 at the May meeting</p>	<p>Task Force Co-chair Joe Thome welcomed the group members and asked them to introduce themselves. He noted that the Task Force has a new member, Jessica Meza, and that she will be representing the Public Defender's Office. Joe reviewed the agenda and asked for any corrections or edits to the minutes. Seeing none the minutes were approved.</p> <p>Joe started the meeting with a brief review of current legislation and asked Tariq Sheikh to provide an update on House Bill 18-1050. Tariq explained the bill was a bipartisan effort, passed through the legislature and is now law. It concerns competency to proceed for juveniles involved in the juvenile justice system and essentially adds a definition of mental capacity and considers the functional understanding of a juvenile. He noted that the details of the law will take a long time to be fleshed out and fully implemented.</p> <p>Joe brought up House Bill 18-1319 for purposes of awareness only. The bill concerns the extension of services for a successful adulthood for former foster care youth who are between the ages of 18-21 years old. While the bill deals more with the foster care side of things the issue around age range synchronizes with this group's discussions.</p> <p>Gretchen Russo added that there are a number of bills this session on foster care. HB 18-1319 has to do with youth that leave the system at 18 but are not quite ready to be on their own. It deals more with support services rather than placement services. The next step for the bill is to go to the Senate.</p> <p>Dan Makelky noted that this bill will help provide a safety net but the big issue will be around funding. As of now Child Welfare has overspent by 20 million dollars and there are several bills being floated with large fiscal notes.</p> <p>Gretchen finished by noting that Senate Bill 18-154 requires local juvenile services planning committees to devise a plan to manage dually identified crossover youth. It went through the house judiciary last week and looks like it will be passed. Gretchen offered to provide an update at the next meeting.</p>

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Recap of March meeting outcomes</p>	<p>CCJJ consultant Richard Stroker offered a summary of the March meeting outcomes. The group received a presentation from Audra Bishop from the Children, Youth and Families Branch of CDPHE about juvenile brain development. The group also spent time discussing values but spent a majority of the meeting exploring potential issue areas. After a lengthy discussion the group categorized the issues down into three broad topic areas. Richard reviewed those issue areas as follows:</p>

	<p>The three main issue areas:</p> <ol style="list-style-type: none"> <li><b>1. Mingling of kids of different ages</b> <ul style="list-style-type: none"> <li>-Trying to manage/help assist 10-12 year olds and 17/18 year olds at the same time?</li> <li>-Are risk/need assessments available/valid for 10 year olds?</li> <li>-What resources are available for the different age groups?</li> </ul> </li> <li><b>2. Absence of a systematic, therapeutic early-intervention approach to manage a younger population</b> <ul style="list-style-type: none"> <li>-Absence of resources?</li> <li>-Capacity to respond?</li> <li>-Lack of education at municipal level?</li> <li>-For 10-12 year olds, a void in early intervention or systematic approach?</li> </ul> </li> <li><b>3. Older juvenile offenders represent a different kind of population with different issues</b> <ul style="list-style-type: none"> <li>-Should they be in an Adult System or not?</li> <li>-Are we recognizing unique aspects of this population?</li> <li>-Which partners need to be involved in this work?</li> </ul> </li> </ol> <p>Richard explained that the group will revisit these three topic areas later in the meeting and determine best to address the work.</p>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Review of Articles</p> <p><b>Action:</b></p> <p>Check for outcome data from Florida youthful offender law</p>	<p>Joe directed Task Force members to a handful of articles in their packets and noted that a lot of good information has been circulated to the group over the past month. Rather than simply disseminating the information he added that he thought it would be beneficial for the group to discuss the importance of the information to help inform the work of the Task Force. A copy of the handouts can be found on the Commission website at <a href="https://www.colorado.gov/pacific/ccjj/ccjj-CADTF">https://www.colorado.gov/pacific/ccjj/ccjj-CADTF</a>.</p> <p><i>DISCUSSION</i></p> <p>Jessica Jones started the discussion by reviewing an article titled Young Adult Justice: A new frontier worth exploring. The article reviews trends with juveniles in the justice system and explores what's taking place in other states and countries. It emphasizes that the criminal behavior of most young adults peaks at 18 and that they 'age out' of their criminal behavior around 24/25 years old. The article also emphasizes that younger offenders are different from adults and that their consequences should include a focus on rehabilitation.</p> <p>The article concludes with five recommendations for a model young adult system as follows:</p> <ol style="list-style-type: none"> <li>1. Give courts discretion to process young adults in the juvenile justice system</li> <li>2. Create separate sentencing within the adult system for young adults</li> <li>3. Make addressing underlying risks and needs the top priority for justice-involved young adults</li> </ol>

4. Increase non-traditional processing for young adults, and
5. Expand expungement and record sealing for offenses committed by young adults

Jessica reminded the group that during last month's presentation on juvenile brain development they learned how the chemicals in a young person's brain are actually wired to make them feel good about risk-taking. The end of the article offers hope that the ripple-effects of rehabilitating a youth are extremely significant and that those changes can affect their own kids and their friends.

Cynthia Kowert responded that a 21-year-old who commits a gruesome crime needs to be punished appropriately and that a rehabilitative approach is not one-size-fits-all.

Jim Bullock noted that juvenile filings in the justice system are down significantly, but Shawn Cohn countered that those fewer youths are recidivating at a higher rate than ever before. 60% of the juveniles on probation are 18 or over and they are often failing because they are being supervised as adults, while their brains are functioning as a juvenile. Denver is struggling with that transition age and how to provide appropriate services for an 18-year-old. They either go to group with 15/16 year olds or 45-year-old seasoned offenders. The system needs to determine how to better serve that transitional age adult.

Dan agreed that the transitional age group is the hardest to work with and that federal partners also worry about the way Colorado comesling dependency and neglect youth with juvenile delinquent youth.

Molli Barker asked about a Florida program cited in the handout and whether there is any available data on the effectiveness of such programs.

Joe said the system needs to engage with this population differently and raised the idea of a 3<sup>rd</sup> system for young adults which would operate almost like a specialized (mental health or substance abuse) court.

Cynthia reiterated that it concerns her when people talk about violent crimes as something unusual for youth. There are a large number of violent crimes committed by 18-24 year olds and those offenders need to be punished appropriately. It's not a nuanced issue because there is a very large percentage of the youth offender population that are committing violent crimes.

Joe summarized that the main public policy questions and more difficult issues center around 18-24 year olds. They are 20 percent of those who commit crimes but account for about ½ of the recidivism rate.

Gretchen Russo reviewed an article titled Evolving the Standard of Decency / How the Eight Amendment Reduces the Prosecution of Children as Adults. She said she received the article when it was sent to the Juvenile Parole Board, of which she is a member.

This is similar to the article Jessica reviewed and looks primarily at the history of

	<p>Supreme Court Cases concerning juvenile issues and information about Colorado statutes. There is also information about sentencing guidelines and how other states are addressing similar issues. The article outlines the impact of juvenile sentencing reform in Colorado and who should be part of this process.</p> <p>Gretchen pointed out that while the article does not directly tie into the work of the Task Force, there are some pieces worth paying attention to such as “Are we asking the right questions when talking about youth and how they are sentenced.”</p> <p>Dan asked about the possibility of studying and comparing information from states with a Youth Authority system. Kim English replied that there is probably too much variation for a state-to-state comparison.</p> <p>Jessica Meza said it would be valuable to look at the length of DYS sentences when thinking about a youth and their ability to rehabilitate. She also noted that service delivery at YOS has been changing through the years and that it now serves an older population (avg. age 19), has eliminated its high school diploma program and is operating more like an adult prison.</p> <p>Tariq shared that the way in which this conversation is going to be structured will be important but that the DAs won’t be in support of an independent young adult system or a new sentencing scheme. He pointed out that the sex offender piece of the puzzle is interesting to consider if the recidivism rate is indeed very low for those offenders. Data is also a real problem when talking about effective programs. There needs to be reliable data to support good recommendations, not just ideas based on speculation. He agreed that YOS is Colorado’s model institution but that YOS operations are indeed changing.</p> <p>Jessica pointed out that when juveniles are direct filed on and receive lifetime supervision, they are often looking at a longer sentence than even homicide. It’s worth looking at the 36-to-life sex offender sentence.</p>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Identified Issue Areas</p> <p><b>Action:</b></p> <p>Data from Task Force members to be provided at the May meeting</p>	<p>Richard explained there is a flow to moving forward in groups like this. The first few meetings are structured to understand current processes and to gather people’s opinions and ideas about various aspect of the issue. When the group gets better informed the next question is about what others are doing, other states, and other efforts. Currently the group is moving into the third step which is determining where they want to focus their efforts.</p>
<p>The Task Force to address Issue Area #2 first and then Issue Area #3</p> <p>The work will be undertaken by the group as a whole</p>	<p>The trend for groups is to jump to solutions, but for now the Task Force needs to figure where they want to focus their efforts. If the group can determine that then it can delve into concerns and problems. The very last step is solutions. With this in mind Richard led the group members in a discussion about what they want to work on.</p>

<p>Consider more Task Force representation from a rural community</p>	<p>Richard recapped that the group identified 25 topics at last meeting which have been categorized into the following three areas:</p> <p><b>Mingling of kids of different ages</b></p> <ul style="list-style-type: none"> <li>-Trying to manage/help assist 10-12 year olds and 17/18 year olds at the same time?</li> <li>-Are risk/need assessments available/valid for 10 year olds?</li> <li>-What resources are available for the different age groups?</li> </ul> <p><b>Absence of a systematic, therapeutic early-intervention approach to manage a younger population</b></p> <ul style="list-style-type: none"> <li>-Absence of resources?</li> <li>-Capacity to respond?</li> <li>-Lack of education at municipal level?</li> <li>-For 10-12 year olds, a void in early intervention or systematic approach?</li> </ul> <p><b>Older juvenile offenders represent a different kind of population with different issues</b></p> <ul style="list-style-type: none"> <li>-Should they be in an Adult System or not?</li> <li>-Are we recognizing unique aspects of this population?</li> <li>-Which partners need to be involved in this work?</li> </ul> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• The majority of placements are not necessarily separated out. 12 year olds are comingled. 60% of institutional congruent care is for juvenile delinquents.</li> <li>• Gretchen reported data on placements, probation sentences and revocations and offered to share more details of the data with the group at the next meeting.</li> <li>• Detention is detention and then there is treatment, 12 year olds are allowed to go to Rites of Passage with 19 year olds.</li> <li>• The 2<sup>nd</sup> issue is about whether there is a systematic early intervention approach. <ul style="list-style-type: none"> <li>-This 2<sup>nd</sup> issue could be addressed after establishing the age of delinquency.</li> <li>-School is critical for keeping kids busy during the day. What are the disciplinary actions of the school for this younger population?</li> <li>-A working group needs to look at 10, 11, 12 year olds. Jeffco has the Youngers Program which is a great tool. The problem with giving kids in this age range a ticket is that you hope the parent will intervene, but many won't.</li> <li>-This age range is where a lot of crossover kids fall and even adopted kids. Other states and the feds are looking at this as well.</li> </ul> </li> <li>• The 3<sup>rd</sup> issue is that older juveniles represent a different kind of population with different issues.</li> <li>• After further discussion Richard noted that the group appears to want to address Issue #2 first, and then Issue #3, and eventually come back to Issue #1.</li> <li>• The group agreed with the sequence of addressing the issues. With this plan in place Richard asked the group how they want to tackle the work, either in individual Working Groups or as a whole Task Force.</li> <li>• He pointed out that if the issues are addressed one at a time in the Task</li> </ul>
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	<p>Force the work will take a longer period of time and if the group splits into working groups the issues can be addressed in tandem with more flexibility.</p> <ul style="list-style-type: none"> <li>• Richard asked, given those two options, which is the better way to approach this work.</li> <li>• Many group members expressed that they are interested in both issues and would prefer the entire group address the issues together. They believe there would be more buy in if the entire group is involved.</li> <li>• It was noted that there isn't much rural representation (and no representation from the Western Slope) on the group and if Working Groups are established it will make it even harder to have a rural voice on each group.</li> <li>• The group debated the pros and cons of establishing two working groups to address the issues vs. addressing the issues one at a time as a whole group.</li> <li>• After an in-depth discussion it was determined that the issues would be addressed as a full Task Force and that the group would start with Issue #2 and then address Issue #3.</li> <li>• Richard expressed that by approaching the work in this way it will be important to have everyone in attendance at the monthly meetings in order to thoroughly dig into the issues as a full group. He added that this approach may involve some homework to make progress at each meeting.</li> <li>• A question was asked about why the age break seems to fall between 12 and 13. Germaine Meehan replied that it has to do with the service delivery piece and that there is different programming for those 12 and younger. There is also a cut off between 12 and 13 for a child's consent to adoption.</li> </ul>
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Issue/Topic:	Discussion:
<p>Next Steps and Adjourn</p> <p><b>Action:</b></p> <p>Task Force members to forward any data or information about the 10-12-year-old population to Germaine, including best or good practices</p> <p>Staff to establish an online repository for data and information</p>	<p>Richard explained that at the next meeting the Task Force would start work in earnest on exploring a systematic, therapeutic, early intervention approach to manage a younger population (10, 11, 12 year olds). He asked those with pertinent data or information to provide that to the group for next meeting. He also asked for any available written information on good or best practices for this age group. He requested group members send all data and information to Germaine before the next meeting.</p> <p>Kim added that data from the first meeting will be recirculated to the group in order to start the next meeting with a clear understanding of the numbers.</p> <p>Molli asked about the availability of municipal court data and Kim replied that there is no such repository. Shawn offered to provide data from Denver's municipalities. Tariq mentioned that maybe this group should think about a</p>

	<p>recommendation around data.</p> <p>Joe asked the Task Force about their preference for sharing data and information and whether they would like articles, etc. sent via email or would rather be able to access information in a repository such as google drive. The group replied that they would prefer a single repository and Joe offered that staff will establish that before the next meeting.</p>
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**Next Meeting**

May 9, 2018    11:30am – 2:00pm    700 Kipling, 4<sup>th</sup> floor conference room