

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

Minutes

November 7, 2018 11:30AM-2:00PM

700 Kipling, 4th floor training room

ATTENDEES:

CHAIRS

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

TASK FORCE MEMBERS

Kelly Friesen, Grand County Juvenile Justice Services
Molli Barker, 18th Judicial District (phone)
Jim Bullock, District Attorney's Office, 16th Judicial District
Cynthia Kowert, Attorney General's office
Dan Makelky, Douglas County Department of Human Services
Meg Williams, Division of Criminal Justice
Tariq Sheikh, District Attorney's Office, 17th Judicial District
Shawn Cohn, Denver Juvenile Probation
Sara Strufing, Public Defender's Office

STAFF

Richard Stroker/CCJJ consultant
Kim English/Division of Criminal Justice
Laurence Lucero/Division of Criminal Justice
Stephanie Waisanen/Division of Criminal Justice

ABSENT

Melanie Gilbert, Juvenile Court Magistrate
Bev Funaro, Victims' Advocate
Tony Gherardini, Department of Human Services
Gretchen Russo, Department of Human Services
Representative Dafna Michaelson Jenet, House District 30
Representative - Public Defender's Office

<p>Issue/Topic: Welcome and Introductions</p> <p>Action:</p>	<p>Discussion:</p> <p>Task Force Co-chair Joe Thome welcomed the group, reviewed the agenda and asked task force members and attendees to introduce themselves. Joe then asked CCJJ consultant Richard Stroker to offer a summary of the October meeting.</p>
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<p>Issue/Topic: Recap of October meeting outcomes</p> <p>Action:</p>	<p>Discussion:</p> <p>Richard noted that at the conclusion of the October meeting there was a fair amount of consensus in the following areas:</p> <ul style="list-style-type: none"> • Exploring opportunities to improve collaborative interactions with people who are engaged in providing services and oversight to juveniles (specifically 10-12 year olds) → possibly via strengthening of JSPC’s to help create better outcomes • The importance of Juvenile Assessment Centers and the advantage of having assessment information available to stakeholders at critical stages in the process, and exploring the possibility of expanding the availability of the use of JACs or assessment information • The value of restorative justice practices particularly for a younger population • Opportunities to expand pre-file diversion efforts <p>The next step today is to zero in on two topics and explore options to pursue possible recommendations. Those two areas are:</p> <ol style="list-style-type: none"> 1. Encouraging/improving collaborative interactions 2. Possible expansion of pre-file juvenile diversion efforts
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<p>Issue/Topic: Report Out: Areas of Potential Consensus</p>	<p>Discussion:</p> <p>Richard noted that a small group of task force members met between the October meeting and today to continue work on an approach to expanding collaborative interactions.</p> <p>COLLABORATIVE INTERACTIONS</p> <p>Kelly Friesen explained that she, Meg, Tariq, Tony and Jessica held a conference call to brainstorm and discuss ways to expand the responsibilities and role of the Juvenile Services Planning Committees (JSPC) in each of the 22 judicial districts. The current JSPC responsibilities are already outlined in 19-2-211, but the proposed would expand the responsibilities of the JSPCs and include a data driven plan for the full juvenile justice continuum in each JD.</p> <p>Meg Williams added that while a JSPC exists in each jurisdiction, the level of actual planning and/or how much data they use varies greatly. Most of the JSPC’s focus primarily on the detention continuum. The proposal would help create a process to ensure a much richer planning process. Meg directed task force members to a handout in their packet which calls for the creation of a data-driven, cross-disciplinary juvenile services plan in each judicial district that would</p>
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<p>Issue/Topic: Report Out: Areas of Potential Consensus (continued)</p> <p>Action:</p> <p>COLLABORATIVE INTERACTIONS The Collaborative Interactions Working Group will meet during, and instead of, the regularly scheduled December task force meeting to continue work on a proposal to expand the role of the JSPC’s via a pilot program(s).</p> <p>Action:</p> <p>EXPANSION OF PRETRIAL DIVERSION PROGRAMS Staff will compile information from the CSG presentation at the December CCJJ meeting and present it to the task force on January 9th</p>	<p>be used for state funding application processes.</p> <p>Meg reviewed the following draft verbiage for a possible recommendation: <i>Cross-disciplinary planning is a vital first step in identifying the risks and needs of the state’s juvenile justice population, allowing for a better understanding of the depth and magnitude of the juvenile justice needs of juveniles penetrating the state’s juvenile justice system and ultimately contribute to improved local and state planning for addressing these needs and risks.</i></p> <p><i>Expand the current Juvenile Services Planning Committee (JSPC) responsibilities under 19-2-211 to include development of a data driven plan for the full juvenile justice continuum in each juridical district. This plan would then be used to describe needs, current status, gaps and challenges in applications for state funding to include juvenile diversion, collaborative management, the detention continuum, and other funds that are made available to address the needs of the juvenile justice population.</i></p> <p>Meg then outlined the possible steps to expand the scope of the JSPC’s and plan development through 19-2-211:</p> <ul style="list-style-type: none"> A. Uses an existing cross-disciplinary board B. Plans remain local driven C. Plans become data driven D. Plans address the entire juvenile justice continuum E. Cross-disciplinary development of the plan reduces possibility of system shift F. Plan is used to not only identify services and current funding sources as well as needs and gaps but could promote collaboration and cost sharing G. Plan goes to state Colorado Youth Detention Continuum Advisory Board (as is practice now as it is CYDC Plan for the detention continuum) as well as other state funders because of its increased scope and thus can be more broadly used in making decisions regarding resources and funding needs <p>Meg clarified that bullet C. does not refer to individual data but rather aggregate data on things like the number of arrests, filings, number of individuals diverted pre-file, the number of kids committed, etc. This information would then be compared to what is taking place in the community. Having the availability to look at data from beginning to end helps paint a picture of what juvenile justice looks like.</p> <p>Meg then described proposed statutory language changes for 19-2-211 as follows:</p> <ol style="list-style-type: none"> 1) If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there may be created in the judicial district a local juvenile services planning committee that is appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, must include, but need not be limited to, a representative from the county department of human or social services, a local school district, A LOCAL
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<p>Issue/Topic: Report Out: Areas of Potential Consensus (continued)</p>	<p>JUVENILE DIVERSION PROGRAM, a local law enforcement agency, a local probation department, the division of youth services TO REPRESENT DETENTION CONTINUUM, COMMITMENT AND PAROLE/AFTERCARE, private citizens, the district attorney's office, and the public defender's office, and a community mental health representative, A COMMUNITY SUBSTANCE ABUSE REPRESENTATIVE and a representative of the concerns of municipalities. The committee, if created, shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. The committee is strongly encouraged to consider programs with restorative justice components when developing the plan. The plan must be approved by the state department of human services. A local juvenile services planning committee may be consolidated with other local advisory boards pursuant to section 24-1.7-103.</p> <p>2) THE LOCAL JUVENILE SERVICES PLAN DEVELOPED UNDER 19-2-211(1):</p> <ul style="list-style-type: none"> a) SHALL IDENTIFY THE JUVENILE JUSTICE POPULATIONS SERVED AT EACH STAGE OF THE JUDICIAL DISTRICT'S JUVENILE JUSTICE SYSTEM USING THE MOST RECENT DATA AVAILABLE, INCLUDING TRENDS THAT MAY BE OCCURRING; b) SHALL DESCRIBE THE PROVISION OF JUVENILE JUSTICE INTERVENTIONS WITHIN THE COMMUNITY TO INCLUDE LAW ENFORCEMENT CONTACT AND ARREST, JUVENILE DIVERSION, COURT, PROBATION, YOUTH DETENTION CONTINUUM, COLLABORATIVE MANAGEMENT (WHEN JUVENILE JUSTICE IS AN IDENTIFIED CMP POPULATION TO BE SERVED), DUALY IDENTIFIED CROSSOVER YOUTH, COMMITMENT TO THE DIVISION OF YOUTH SERVICES, AND PAROLE/REENTRY INTO THE COMMUNITY; c) SHALL DESCRIBE THE CHALLENGES FOR MEETING THE NEEDS OF THE JUVENILE JUSTICE POPULATION TO INCLUDE SPECIFIC TREATMENT NEEDS THAT ARE LARGELY UNMET, SHARING OF INFORMATION ACROSS SYSTEMS OR OTHER ISSUES AND CONCERN; d) WHERE POSSIBLE, SHOULD REFLECT THE SAME INFORMATION THAT IS REQUESTED BY THE STATE FUNDERS FOR JUVENILE JUSTICE PROGRAMS TO REDUCE THE NEED FOR DEVELOPMENT OF MULTIPLE PLANS; e) WILL BE DUE NO LATER THAN OCTOBER 1 OF EACH YEAR WITH COPIES SENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES FOR DISTRIBUTION TO THE DIVISIONS OF CHILD WELFARE AND YOUTH SERVICES, THE STATE COURT ADMINISTRATOR'S OFFICE TO BE DISTRIBUTED TO THE DIRECTOR OF PROBATION SERVICES, AND THE DEPARTMENT OF PUBLIC SAFETY TO BE DISTRIBUTED TO THE DIVISION OF CRIMINAL JUSTICE; f) THIS JUVENILE SERVICES PLAN INCLUDING ITS DATA ANALYSIS, REVIEW OF TRENDS, CURRENT SERVICES PROVIDED, AND ISSUES AND CONCERNS SHOULD BE USED AS A REFERENCE FOR APPLICATION PROCESSES REQUIRED FOR JUVENILE DIVERSION, COLLABORATIVE MANAGEMENT, DUALY-IDENTIFIED CROSSOVER YOUTH, AND DETENTION CONTINUUM PLANS AND OTHER FUNDING REQUESTS. <p>Kim noted that this type of proposed change sounds like system mapping and asked if JSPC's are staffed. Kelly replied that they each have at least one coordinator.</p>
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<p>Issue/Topic: Report Out: Areas of Potential Consensus (continued)</p>	<p>Joe explained that a few years ago the Juvenile Justice and Delinquency Prevention Council started to come together to address how to help JSPC's access appropriate information so they can do things like system mapping. Meg added that just a few weeks ago the Council unveiled and provided a tool to all SB94 coordinators and practitioners giving them the ability to undertake comprehensive cross-disciplinary planning.</p> <p>Shawn Cohn expressed concern about how this proposal fits in with the topic of age of delinquency. She added that she believes similar procedures/systems already exist in many jurisdictions. Kelly replied that a component could be added to the plan that calls for jurisdictions to identify, in regards to 10-12 year olds, what services are available and how they receive treatment. Meg agreed on the need to add verbiage specifically regarding this younger population.</p> <p>Richard summarized the conversation as touching on four different areas:</p> <ul style="list-style-type: none"> • The desire to improve local collaboration in developing broad juvenile justice system plans/ This might involve issues such as strategic planning, JAC's, assessments, dashboards → juvenile system planner • Improving collaboration between partners to develop the most effective individual case plans or approaches → matching individuals with appropriate outcomes • The value of the availability of data and information to state funders that provides a broader perspective on funding or program needs • The need for resources to aid local jurisdictions in accomplishing goals <p>A discussion was held about funding, money that gets returned to the state, and optimizing available financial resources. Joe noted it would be ideal to create a base to incentivize the reduction of 10-12 year olds (and maybe other kids in the system as well), to de-categorize leftover money instead of reverting it back to the state or DYS. Kelly suggested that instead of taking leftover Colorado Youth Detention Continuum (CYDC) money, it could go into a pot for an entire district to use for the next year – and that money wouldn't be attached to anything or anybody, resulting in more collaborative plans. Meg replied that this would also help locals hold each other accountable.</p> <p>Joe noted this could be similar to the RECLAIM Ohio concept, which is a funding initiative which encourages juvenile courts to develop or purchase a range of community-based options to meet the needs of each juvenile offender or youth at risk of offending. Through diverting youth from institutions courts have the ability to increase the availability of local funds.</p> <p>Tariq pointed out that JSPC's meet once every three months over a lunch hour and questioned if they are really the right people to be undertaking what this task force is proposing. JSPC's are *not* all the right people at the table, they're all the right <u>agencies</u> at the table. Even if an expansion of the JSPC's is warranted, is the JSPC -as it currently stands- the right entity to take on every aspect of the continuum to connect to the dollars that would be available.</p> <p>Joe pointed out that supporting a model like this would remove a lot of the obstacles that locals face when approaching funding entities. That's because</p>
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<p>Issue/Topic: Report Out: Areas of Potential Consensus (continued)</p>	<p>those entities often pull plans apart because they claim the plans <u>aren't</u> coordinated – but when locals can ban together and say we HAVE done the coordinated work around how these dollars should be spent → that carries weight.</p> <p>Richard brought the group back to the original discussion topic which was about trying to find some way to support better local juvenile justice planning in general, which would include specific reference to developing some approaches to managing the 10 to 12-year-old population. He noted that where the group has gotten a bit into the weeds is around how to fund such an initiative. With that said he asked if there would be any value in thinking about this in terms of a pilot project. If there was seed money for a juvenile justice planner, and there was something about being able to retain money instead of turning it in – would that be a way to think about how to get to better, more coordinated juvenile justice planning.</p> <p>Tariq shared that he would be much more in support of letting a couple jurisdictions work with a pilot program rather than laying out a new, sweeping initiative for the whole state. Joe pointed out that a similar behavioral health pilot program came out of another task force of the CCJJ, and it acts as a way to test an initiative to see if it's effective, and then to have evidence to bring the legislature if and when pursuing a statewide, funded proposal. Meg asked if additional funds would be needed for a pilot. Jim Bullock replied that \$2M was attached to the other pilot program and that each of the four participating DA's offices is receiving \$50K, with the rest of the money going to services. Kim added that it was the Governor's office that put aside a total of \$8M for a variety of behavioral health initiatives.</p> <p>The group discussed details of what a pilot program might look like, including whether a full-time juvenile system planner would need to be in place, or if someone could simply be available as an implementation specialist to provide technical assistance. Kim noted that a data-collection component would need to be included as well to systematically provide feedback.</p> <p>Kelly Friesen offered to pull the working group together again for a meeting to start to develop language around a pilot program. Kim offered to attend as well to provide staff support.</p> <p>Kim asked if the proposal would include flexible funding for pilot sites and if so, it would need to be a statutory proposal. Kelly replied that funding would need to be available somehow and wondered if DYS would agree to make some marijuana money available for the project. Kelly offered to fold Matt Friesen into the work as he has a good statewide perspective on how this might work. Shawn asked if HB 1451 should play a role as it is one of the areas that they are supposed to be looking at – although they're not in every county.</p> <p>Richard offered a recap of next steps as follows:</p> <ul style="list-style-type: none"> • The basis of this proposal is the notion that local jurisdictions don't engage in very good cross-system planning in general • Therefore, the goal is to develop a recommendation that embraces the idea of creating a pilot project that would encourage the development of
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<p>Issue/Topic: Report Out: Areas of Potential Consensus (continued)</p>	<p>more collaborative juvenile justice plans being developed by JSPCs to specifically address this population</p> <ul style="list-style-type: none"> • The hope with this idea of a pilot is to offer some resources to jurisdictions get started, whether that means resources to hire someone or resources to pay for assistance or personnel in order to get started • As part of this effort data will need to be collected in order to understand what happens when people are given more flexibility to use available resources • Outcomes from the pilot would show whether, with the addition of resources to access assistance with a planner or planning, there are better results in the management of this population <p>Richard summarized that over the next couple meetings this proposal will be reduced down to a specific recommendation that the task force can then consider.</p> <p>Kelly added Jim and Kim English to the list of working group participants and explained that they would try to meet the first week in December. After a discussion about scheduling Joe suggested cancelling the December task force meeting and allowing the working group to use that time to meet. Kelly agreed to pull the working group together on December 12th and then again one more time before the January task force meeting.</p> <p>In sum the group participants are Matt Friesen, Jim Bullock, Kelly Friesen, Shawn Cohn, Meg Williams, Tariq Sheikh and Tony Gherardini – along with support from Kim English and Jes Jones. The group will meet on December 12th in lieu of the normal task force meeting.</p> <p>EXPANSION OF PRE-FILE DIVERSION PROGRAMS</p> <p>Richard reminded task force members that at the last meeting they discussed the expansion of juvenile pre-file diversion programs, either in regards to expanding the number of them or in encouraging their use by additional district attorney offices. Richard noted that the group has touched on this topic multiple times and asked for feedback about where they might want to go next.</p> <p>Tariq replied that this is an area that is difficult to jump into currently as there are multiple diversion recommendations from other stakeholder groups that have recently been approved for legislation. Knowing that, and knowing the amount of work that's gone in on the current proposals, this group should wait to see what happens with the pending legislation before exploring new diversion proposals. Tariq noted diversion will look very different if and when pending legislation goes through. Richard clarified that Tariq is referring to recommendations created with the assistance of the Council of State Governments (CSG).</p> <p>Cynthia asked Tariq about the number of jurisdictions that currently have supervised pre-file diversion programs. Tariq noted that all but a couple jurisdictions have some sort of program but that he didn't know the specifics off the top of his head.</p>
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<p>Issue/Topic: Report Out: Areas of Potential Consensus (continued)</p>	<p>The group held a discussion about the multiple differences between pre-file and post adjudication diversion programs in terms of court time, cost, expungement and impact on the juvenile.</p> <p>Joe asked Tariq about the specifics of the recommendations from CSG. Tariq replied he doesn't know all the details but that there are elements concerning a risk assessment tool and how that would affect individualized programming. Shawn said she believes there's also a component about PSIR's and a recommendation for some form of a risk/need tool to determine length of sentence.</p> <p>Richard reminded the group that they had discussed things like expanding pretrial diversion to make it more specific to the 10 to 12-year-old age group and the nature of the crime. Tariq responded that DA's will not be in favor of using crime types to determine diversion criteria.</p> <p>Joe explained that CSG is scheduled to present information about work and resulting recommendations at the December CCJJ meeting. He asked the task force if they would find value in receiving the same presentation. The group agreed and Joe offered to share the PowerPoint from the CSG presentation (at the December CCJJ meeting) with this task force in January. Richard agreed that learning about what CSG is proposing will help inform whether there's something this group feels needs additional attention.</p> <p>Shawn noted that after hearing various presentations from CSG she believes there <u>is</u> some alignment between their work and the discussions in this group about formalized recommendations in the areas of risk assessment tools, certain standards, and the juvenile justice continuum.</p> <p>Richard summarized that the plan is to get more information about CSG's effort regarding diversion at the January meeting and look at that in light of what this group wants to pursue.</p>
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<p>Issue/Topic: Next Steps and Adjourn</p> <p>Action:</p>	<p>Discussion:</p> <p>Meeting outcomes and next steps:</p> <ul style="list-style-type: none"> • The Collaborative Interactions Working Group will meet during the regularly scheduled time for this task force on December 12th and work on their recommendation for a pilot program regarding expansion of the responsibilities of the JSPCs. • Staff will compile information from the CSG presentation at the December CCJJ meeting and present it to this task force during its January 9th meeting to then determine what direction this group wants to go regarding diversion recommendations.
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Next Meeting

January 9, 2019

11:30am – 2:00pm

710 Kipling, 3rd floor conference room