

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

Minutes

January 9, 2019 11:30AM-2:00PM
710 Kipling, 3rd Floor Meeting Room

ATTENDEES:

CHAIR:

Jessica Jones, Criminal Defense Attorney

TASK FORCE MEMBERS:

Kelly Friesen, Grand County Juvenile Justice Services
Molli Barker, 18th Judicial District
Jim Bullock, District Attorney's Office, 16th Judicial District
Dan Makelky, Douglas County Department of Human Services
Meg Williams, Division of Criminal Justice (on the phone)
Tariq Sheikh, District Attorney's Office, 17th Judicial District
Shawn Cohn, Denver Juvenile Probation
Sara Strufing, Public Defender's Office
Melanie Gilbert, At-large
Gretchen Russo, Department of Human Services

STAFF:

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

ABSENT:

Joe Thome, Division of Criminal Justice
Cynthia Kowert, Attorney General's office
Bev Funaro, Victims' Advocate
Tony Gherardini, Department of Human Services
Representative Dafna Michaelson Jenet, House District 30

GUESTS:

Matt Riede, Coordinator, Restorative Justice Colorado
Matt Friesen, Division of Youth Services
Jasmine Sandoval-Gutierrez, Office of Representative Gonzales-Gutierrez

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion:</p> <p>Task Force Co-chair Jessica Jones welcomed the group and announced that Co-chair Joe Thome was not able to attend the meeting as he is travelling to attend a board meeting elsewhere. Jessica reviewed the agenda and asked Task Force members and attendees to introduce themselves. Jessica then asked CCJJ consultant Richard Stroker to offer a summary of the November meeting.</p>
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<p>Issue/Topic: Recap of meeting outcomes</p> <p>Action: Staff asked to compile CSG materials from the December CCJJ meeting.</p>	<p>Discussion:</p> <p>Richard Stroker summarized that the November conversation touched on four different areas as follows:</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, JACs, assessments, dashboards and may require a juvenile system planner. • Improving collaboration between partners to develop the most effective individual case plans or approaches, matching individuals with appropriate services to improve outcomes. • The value to state funders of local data and information that provides a broad perspective of funding and program needs. • The need for resources to aid local jurisdictions in accomplishing goals. <p>The Task Force agreed that the Collaborative Interactions Working Group will continue working on the recommendation that will be presented today.</p> <p>Staff was asked to compile information from the Council of State Government’s presentation at the December CCJJ meeting and to provide to the Task Force.</p>
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<p>Issue/Topic: Collaborative Interactions Working Group</p>	<p>Discussion:</p> <p>Kelly Friesen stated that the Collaborative Interactions Working Group met during the regularly scheduled time on December 12th in lieu of the normal Task Force meeting. The Working Group focused on recommendations for a pilot program regarding expansion of the responsibilities of the Juvenile Services Planning Committees (JSPC). The group includes Matt Friesen, Jim Bullock, Kelly Friesen, Shawn Cohn, Meg Williams, Tariq Sheikh and Tony Gherardini.</p> <p>The draft recommendations (AD #01, #02, & #03) were included in the meeting materials and can be found below in <i>ITALICS</i> along with points of discussion.</p> <p><u>Recommendation FY19-AD #01.</u> <i>Creation of a data-driven, cross-disciplinary juvenile services plan in each judicial district that will be used for state funding application processes.</i></p>
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<p>Issue/Topic: Collaborative Interactions Working Group</p>	<p><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 needs of youth penetrating the state’s juvenile justice system, and ultimately contributing to improved local and state planning for addressing these needs.</i></p> <p><i>Expand the current Juvenile Services Planning Committee (JSPC) responsibilities under C.R.S. 19-2-211 to include development of a data driven plan for the full juvenile justice continuum in each judicial district. This plan would describe needs, current status, gaps and challenges in applications for state funding related to 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><u>Discussion</u> <i>Expanding the scope of JSPC’s and plan development through C.R.S. 19-2-211 has the following advantages:</i></p> <ul style="list-style-type: none"> <i>A. Uses an existing cross-disciplinary board</i> <i>B. Plans remain locally driven</i> <i>C. Plans become data driven</i> <i>D. Plans address the entire juvenile justice continuum</i> <i>E. Cross-disciplinary development of the plan reduces possibility of system shift</i> <i>F. Plan is used to identify services and current funding sources as well as needs and gaps, and could promote collaboration and cost sharing</i> <i>G. Plan goes to state Colorado Youth Detention Continuum Advisory Board (as is practice now for the CYDC Plan regarding the detention continuum) as well as other state funders since its increased scope can be more broadly used in decision making.</i> <p>The group discussed the recommendation and suggested the following modifications:</p> <ul style="list-style-type: none"> - Clarify that the assessment tool is “established and validated.” - The JSPC approves the local plan and then submits to a statewide entity. - Clarify the oversight entity responsible to approve the plan. - Adding a deadline for the development of data-driven plan in each jurisdiction no later than each March 1. <p><u>Recommendation FY19-AD #02</u> <i>Expand the current responsibilities of the Juvenile Services Planning Committee (JSPC) under C.R.S.19-2-212 to include the development of a data driven plan format for the full juvenile justice continuum in each judicial district. This plan would be used to describe current status, gaps and challenges in applications for funding from state entities, 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. The Department of Human Services, Division of Youth Services, can shall provide technical assistance for districts as well as help identify additional funding sources and potential service sharing between communities.</i></p>
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<p>Issue/Topic: Collaborative Interactions Working Group (continued)</p>	<p><u>Recommendation FY19-AD #03.</u> <i>Request an additional one million dollars be added to the juvenile justice fund established in C.R.S. 19-2-310 to assist judicial districts with juvenile justice plan development and implementation, and to employ four juvenile justice planners at the Division of Youth Services for DYS regional offices.</i></p> <p><u>Discussion</u> <i>To support the implementation of the expanded data driven plans, it is recommended that the Juvenile Services Fund includes an appropriation for four "juvenile justice planners" to be placed within the Department of Human Services, Division of Youth Services' four regional offices. The role of the juvenile justice planner would be to assist local Juvenile Services Planning Committees in the development of the local juvenile services plans. This includes the collection of all relevant state and local data as well as an understanding of current evidence-based and best practices. The juvenile justice planners would be responsible for facilitating the development of juvenile justice plans by the local Juvenile Services Planning Committees that will include efforts to reduce or eliminate gaps in services and address disproportionate minority contact across each judicial district, and capacity development for services provision across the Division of Youth Services' Regions.</i></p> <p>The group discussed funding and it was suggested that part of the crossover youth money from the Marijuana Cash Fund could be used for this project. Funding is necessary to support planning activities which includes the hiring of planners.</p> <p>Richard Stoker summarized that the working group will finalize the recommendations to include today's discussions. It is anticipated that the recommendations will be voted on at the next Task Force meeting and presented at the CCJJ meeting in February.</p>
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<p>Issue/Topic: Council of State Governments: Pending diversion recommendations</p>	<p>Discussion:</p> <p>Kim English presented a handout including information from the Council of State Governments (CSG) presentation at the December CCJJ meeting. The handout can be found under "Materials" at the Age of Delinquency Task Force webpage (colorado.gov/ccjj/ccjj-cADTF) and highlighted points can be found below.</p> <p>In May of 2018, Governor Hickenlooper established the Colorado Improving Outcomes for Youth (IOYouth) Task Force in partnership with CSG Justice Center. The Task Force has now finalized its work and is in the process of seeking legislation to introduce in February 2019. (See, colorado.gov/cdhs-boards-committees-collaboration/colorado-improving-outcomes-youth-task-force)</p>
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<p>Issue/Topic: Council of State Governments: Pending diversion recommendations (continued)</p>	<p>The recommendations from the IOYouth Task Force include:</p> <ul style="list-style-type: none"> - Expand juvenile diversion programs in Colorado and establish a statewide policy and guidelines for diversion, - Develop clear criteria for detention eligibility, - Target DYS resources more efficiently by focusing resources on juveniles most at-risk of secure detention, - Select and adopt a validated risk and needs assessment tool, - Establish statewide standards for juvenile probation across Colorado, - Improve the effectiveness of community-based services for youth on probation and parole, - Expand the use of kinship care for juvenile justice involved youth in detention and commitment and under consideration for out-of-home placement. <p>The final report is now available and will be forwarded to the group (see the web links mentioned above).</p>
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<p>Issue/Topic: Possible upcoming legislation for 18-21 year olds</p>	<p style="text-align: center;">Discussion:</p> <p>Meg Williams shared that State Representative Serena Gonzales-Gutierrez reached out to this Task Force to gather information and feedback regarding extending the age of delinquency for older youth (18-21) involved in non-violent offenses and allowing them to be charged in Juvenile Court and receive juvenile services.</p> <p>Gretchen Russo added that Representative Gonzales-Gutierrez is exploring this issue and Gretchen is arranging a meeting between Mr. Jacobson from DYS and Representative Gonzales-Gutierrez.</p> <p>Meg commented that the Federal Juvenile Justice and Delinquency Prevention Act (JJDP) prohibits any contact between juveniles and adults (18+).</p> <p>Shawn Cohn indicated that Vermont was the first state to extend the age of delinquency. California also implemented a pilot program for “transitional adult youth” that allows those 18-21 to be housed in a juvenile detention facility instead of jail. More information can be found at https://sd13.senate.ca.gov/sites/sd13.senate.ca.gov/files/SB1004-FactSheet.pdf</p> <p>The group acknowledged Representative Gonzales-Gutierrez’ interest but is currently focused on 10-12 year olds. The task force will invite Representative Gonzales-Gutierrez to attend a future Task Force meeting. It was also suggested to add a DYS representative in this Task Force when this older population be discussed.</p>
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Issue/Topic:	Discussion:
Restorative Justice in Colorado	<p>Matt Riede, Coordinator of Restorative Justice Colorado, provided a handout of his presentation that can be found under “Materials” at the Age of Delinquency Task Force webpage (colorado.gov/ccjj/ccjj-cADTF) (see also, rjcolorado.org/).</p> <p>The Colorado Restorative Justice Coordinating Council was formed via House Bill 07-1129 (<i>Note: The RJ Council may be found at the RJColorado link above.</i>). Its mandate is to provide training, technical assistance and education related to restorative justice in Colorado, support the development of restorative justice programs, and serve as a repository of information for those programs.</p> <p>Restorative Justice (RJ) is based on a set of practical beliefs about crime:</p> <ul style="list-style-type: none"> • Crime is a violation of people and interpersonal relationships • Violations create obligations • The central obligation is to repair the harm caused by crime. <p>There are 5 Principles of RJ:</p> <ol style="list-style-type: none"> 1. Identify impact and resulting needs 2. Address responsibility 3. Involve relevant stakeholders 4. Use inclusive, collaborative processes 5. Central focus: repair harm to the extent possible <p>House Bill 13-1254 provided funding for eight pre-file Juvenile Diversion RJ Programs, and these are in the following Judicial Districts: 6th (LPYS), 8th JD (RJCC), 9th (Youth Zone), 11th (FCRJ), 12th (DA and CPR), 19th (DA and YFC), 20th (DA), and 20th (Teens Inc.).</p> <p>The process is as follows:</p> <p><i>Step 1:</i> Program referral (criteria: pre-file class 3, 4, 5, or 6 -felony, misdemeanor, petty or municipal offenses; excluding sex offenses and/or domestic violence offenses)</p> <p><i>Step 2:</i> Contact with primary parties (victim and family, juvenile and family)</p> <p><i>Step 3:</i> Pre-conference to determine if the offender:</p> <ul style="list-style-type: none"> • Does not pose a threat regarding re-victimization • Takes responsibility for his/her actions • Expresses the capacity for remorse/empathy and • Willing to repair the harm he/she is responsible for <p><i>Step 4:</i> Facilitated conference</p> <ul style="list-style-type: none"> • Juvenile relates what happened • Victim shares impact and harm • Group comes to a consensus on agreement to repair harm <p><i>Step 5:</i> Agreement completed, case closed</p>

<p>Issue/Topic: Restorative Justice in Colorado (continued)</p>	<p>The average duration of a case is about three months.</p> <p>Matt Riede continued his presentation with data about client participation, demographic information, short term outcomes for youth, recidivism rates (defined as new filing) and satisfaction reports from the youth, victims and community members (see the Handout link above).</p>
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<p>Issue/Topic: Next Steps and Adjourn</p>	<p style="text-align: center;">Discussion:</p> <p>Meeting outcomes and next steps:</p> <ul style="list-style-type: none"> • The working group will finalize the recommendation regarding Recommendation #3. The working group will meet on January 30 at 10am at 700 Kipling, EDO 3rd Floor Conference room, Lakewood CO). Gretchen will reach out to someone from CMP (Tiffany) to attend the working group. Funding scheme, discussion section needs example. • Kim, Jes, and Kelly will work on the small edits from Rec. #1
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Next Meeting

February 6, 2019

11:30am – 2:00pm

710 Kipling, 3rd floor conference room