



Colorado Commission on Criminal and Juvenile Justice

Minutes

July 10, 2015

Lakewood Civic Center – Employee Relations Training Rm
 480 S. Allison Parkway
 Lakewood, CO 80226

Commission Members Attendance

Stan Hilkey, Chair	Jeff McDonald	Pat Steadman
Doug Wilson, Vice-Chair	Norm Mueller	Scott Turner
Jennifer Bradford	Kevin Paletta	Dave Weaver
John Cooke - ABSENT	Joe Pelle - ABSENT	Michael Vallejos
Kelly Friesen - ABSENT	Eric Philp	Peter Weir
Charles Garcia	Rick Raemisch	Robert Werthwein - ABSENT
Kate Horn-Murphy	Rose Rodriguez	Meg Williams - ABSENT
Evelyn Leslie	Brandon Shaffer - ABSENT	Dave Young
Beth McCann	Lang Sias	Jeanne Smith, <i>Ex Officio</i>

Substitutes: Jennifer Wagoner for Brandon Shaffer, Parole Board/ Chuck Parkins for Robert Werthwein, Department of Human Services

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair

Stan Hilkey (Chair and CDPS Executive Director) welcomed everyone and thanked them for attending. He pointed out that this would be a short meeting but with a very full agenda. He also announced that there was one new commission member and two substitute members in attendance and therefore asked everyone to introduce themselves. New member Rose Rodriguez introduced herself and explained that she is the Chief of Operations for a private community corrections facility in Denver. Chuck Parkins added that he was sitting in for Robert Werthwein and Jennifer Wagoner was in attendance for Brandon Shaffer.

Mr. Hilkey noted a quorum had been reached for the current meeting but that, as a matter of housekeeping, there was not a quorum during the June meeting and therefore the April minutes had yet to be approved (there were no May minutes as the May meeting had been cancelled). With that said he asked for approval of both the April and June minutes. Mr. Hilkey asked for any additions, corrections or edits to either set of minutes and none were offered. He made a motion to approve both sets of minutes at the same time for the sake of efficiency. The motion was moved and seconded and the minutes for April and June were approved.

COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE: What do Crime Victims Have to do with it?**Nancy Lewis, Executive Director, Colorado Organization for Victim Assistance****Magistrate Robert Lung, 18th Judicial District, Arapahoe County****Kate Horn-Murphy, CCJJ Victim's Representative, 17th Judicial District**

Mr. Hilkey stated that the meeting will be comprised of three different presentations highlighting different aspects of the victim's experience of crime along with an in-depth explanation of victim services and funding for victim services. He invited Nancy Lewis, the Executive Director of the Colorado Organization for Victim Assistance to begin the presentations.¹

Ms. Lewis expressed that her hope is that Commissioners leave the meeting with a better understanding of crime victim's issues, an awareness of services provided to victims, and education regarding funding and funding streams. She began by explaining that after President Reagan was shot in 1982, he realized that he (along with all victims of crime) could not access information about his case. After the President healed he created the President's Task Force on Victims of Crime which held focus groups across the country to explore the rights and issues specific to crime victims.² One of the primary findings from the focus groups was that crime victims overwhelmingly agreed that if they were the victim of a crime again, they would prefer to NOT report the incident. Victims stated the reason being was because the treatment they received in the criminal justice system was worse than the original crime. One of the main recommendations from the Task Force was the need for a constitutional amendment to protect crime victims. The Victims' Rights Act (VRA) was created but did not pass in the 37 states needed to become a national constitutional amendment. As a result, the VRA movement progressed from state to state with constitutional amendments currently in 32 states. Colorado is one of the leaders working every year to attempt to get the VRA passed as a national initiative.

Ms. Lewis added that in 1992 the citizens of Colorado passed a constitutional amendment that created legislation for the Victim's Rights Amendment. She summarized that the VRA calls for victims to be treated with fairness, dignity and respect. The VRA also outlines requirements for victims to be notified about changes in their case and to be present and to be heard. Ms. Lewis noted that Colorado leads the United States in victim advocacy on a variety of fronts including conferences, education and the presence of victim advocates in law enforcement.

Ms. Lewis then led the group in an exercise to raise awareness about the impact of crime on a victim and a victim's loved ones. She emphasized that when someone is a victim of crime their life is never the same. She added that another major issue victims' face is that of trauma and the responses to trauma and bereavement. She referred to a handout entitled the Model of Psychological Responses to Trauma and Traumatic Bereavement and walked commissioners through the model. Ms. Lewis added that Magistrate Lung would be presenting more on that issue in particular.

¹ See the presentation slides at, cdpsdocs.state.co.us/ccjj/meetings/2015/2015-07-10_CCJJ_VictimExp_1.pdf.

² The Task Force report may be found at ovc.gov/publications/presdntstskforcrprt/.

**A CASE STUDY OF SEVERE CHILDHOOD ABUSE: The Impacts of Abuse, Effective Treatment & Effectuating Trauma-Informed Change
Magistrate Robert Lung, 18th Judicial District, Arapahoe County**

Magistrate Robert R. Lung introduced himself and explained that he has been on the bench for twelve years. He added that he has also presided over a wide range of cases and currently presides over dependency and neglect cases, which are child abuse cases brought by the Department of Human Services. Prior to his work on the bench Magistrate Lung practiced eight years of criminal law. He was also the City and County Attorney for the city of Broomfield and Deputy District Attorney for the 18th Judicial District.

Magistrate Lung began a PowerPoint presentation and explained that he would be discussing the issues of secondary trauma and self-care, the impacts of abuse, a case study of childhood abuse and a pathway to resilience.³

He began with a judicial disclaimer and explained that after preparing the PowerPoint he presented it to his Chief Judge and his District Court Administrator for approval. He shared that his presentation is based on his own research and that he is not representing Arapahoe County or the 18th Judicial District or the State of Colorado.

Mr. Lung referred to a slide entitled The Impacts of Abuse/Trauma, which detailed the science behind childhood abuse and/or trauma and the resulting impacts including but not limited to emotional issues, systematic disorders, behavioral conditions, pain, and other psychiatric (in the mind) and somatic (in the body) manifestations.

He explained that there is an ongoing (20-year) study created by the Centers for Disease Control (CDC) and Kaiser Permanente called Adverse Childhood Experiences study (ACE) which includes surveys of approximately 17,000 people on what types of trauma they were exposed to in their lives.⁴ The researchers defined trauma in approximately 17 different ways including physical, mental, social and psychological trauma along with things such as exposure to poverty, exposure to a family member with a psychological illness or a family member in jail. The longitudinal study examines what happens to victims of trauma over the course of their lives and researchers found that the more traumatic experiences someone had, the more likely they were to have negative life events later. For example, the higher the trauma score, the higher the odds for experiencing significant health problems such as cardiopulmonary disease, heart disease, liver disease, etc.

The slide entitled Neurological Impacts of Childhood Abuse/Trauma shows the brains of children subjected to chronic or complex abuse are modified by the trauma and may be biologically predisposed to develop emotional and psychological problems as adults. He summarized that, as is well documented in the research on children from Russian orphanages, if something is withheld during brain development (e.g., physical touch, human interaction) the

³ See the presentation slides at, cdpsdocs.state.co.us/ccjj/meetings/2015/2015-07-10_CCJJ_VictimExp_2.pdf.

⁴ See the ACE website at, cdc.gov/violenceprevention/acestudy/.

brain will be impacted. The same negative impact is true if a child's brain is *overloaded* with something like physical or emotional abuse.

Magistrate Lung went on to explain the role of "Fight, Flight or Freeze" danger responses and how the stress response system of a child subjected to complex or chronic abuse may be triggered to the "maximum response for life to all triggers all the time." He then described in detail the psychological and sociological impacts of childhood abuse and trauma (see further detail in the PowerPoint presentation).

Magistrate Lung moved onto the second part of his presentation and described a case study of severe childhood abuse. The Magistrate concluded the case study by offering that there is a lot of research available about the role of therapy in treating a child who has suffered abuse and trauma. The most effective therapy, according to the scientific literature, is cognitive behavioral therapy (CBT), dialectical behavior therapy (DBT), medication combined with interpersonal therapy, and Eye Movement Desensitization and Reprocessing (EMDR) therapy.

Magistrate Lung reminded commissioners that the original CCJJ enabling legislation specifies "ensuring public safety and respecting the rights of victims are of paramount concern for the citizens of Colorado." He shared that one possible action idea for the Commission would include a review of restitution law (specifically C.R.S. 18-1.3-601 and C.R.S. 16-18.5-104) to determine if and how it is working and if there is a better way to provide restitution to victims. He continued that another action item to consider would be the creation of wrap-around services for victims the same way wrap-around services are considered for offenders.

He thanked the group for their time and encouraged commissioners to find ways when working with offender populations, to also think about the other side of the equation and the victim impact as well.

WHEN A CRIME HAPPENS, WHERE DO YOU GO?

Kate Horn-Murphy, CCJJ Victim's Representative, 17th Judicial District DA's Office

Commissioner Kate Horn-Murphy presented a PowerPoint describing the process a victim goes through when a crime happens, including available services, funding available to assist victims of crime, and a description of the experience of the victim from a pragmatic and logistic point of view.⁵ Ms. Horn-Murphy thanked Nancy Feldman and Terri Livermore from the Division of Criminal Justice for their assistance with information for the presentation.

When a person becomes a crime survivor they can access community based services. In fact, if the survivor does not report the crime, community based services are the **ONLY** services available to them as a "non-reporting" victim. If a report is made through the criminal justice system a victim can then access system based services. For the remaining criminal justice based services the survivor must cooperate with law enforcement to access those services. Ms. Horn-Murphy also reiterated that, as stated by the two previous speakers, trauma effects continue throughout a lifetime, yet service availability is time-limited. Survivors that transition most effectively to 'thriver' are those that have access to strong family support, educational services

⁵ See the presentation slides at, cdpsdocs.state.co.us/ccjj/meetings/2015/2015-07-10_CCJJ_VicServSys.pdf.

and therapeutic services over a period of time. She emphasized that the most important take-away in the timeline of recovery is the component of *over a period of time*. Currently, most services for crime victims are centered on the time of the crime. Services that offenders may have access to over a period of time as they serve their sentence (dental care, health care, mental health care) are not available in the same way to crime victims. Most victim services are short-term and crisis oriented.

Ms. Horn-Murphy clarified that a victim of a crime that is not covered under the Victims' Rights Amendment (VRA) is not entitled to the statutory rights provided in the VRA. She added that funding for reporting victims falls off fairly quickly after the sentencing and disposition of a case. In order to provide seamless services to victims' providers need to work in partnership with private, for profit and non-profit agencies.

Some of the fundamental needs of victims include safety, information about the status of the case, access to services, support, providing a voice for the victim in the system, and access to a continuum of care. An important consequence of the VRA was that it established a forum for victims to have a voice as the case progresses through the system. Often what matters most to a victim is that they were heard and that someone in a position of authority took the time to listen to their story and treat them with respect and dignity.

Another thing that Colorado does very well with crime victims is provide a fairly seamless continuum of care, or a "soft hand off," from one service provider to the next so a victim does not feel that they were dropped. Standard services offered throughout the state include crisis shelter, transitional housing, criminal justice assistance (which addresses information access), civil/legal advocacy (protection orders, divorce, etc.), mental health options, and tangible emergency assistance (emergency rent, lodging, food, transportation).

In April 2015, the Office for Victims Programs⁶ in the Division of Criminal Justice, conducted a statewide survey looking at what services victims need. Of the 219 responses, some of the service needs identified by respondents included the following: trauma informed practices training, training on the VRA, services for victims of human trafficking, training on evidence-based practices in program evaluation, new strategies and domestic violence assistance in general, and legal wrap-around services. One of the top identified needs was around domestic violence shelters. There are a significant number of animal shelters in the state compared to the number of domestic violence shelters. Transitional and permanent housing are even scarcer. Sexual assault response services for children are also in need of improvement. Access to services in rural areas is also a challenge. Survey results showed the groups with the highest needs include victims of domestic violence, sexual assault, child abuse and human trafficking. Additional services are needed to address cyber-crimes, cyber-stalking and cyber-bullying. Other service areas where gaps exist include efforts to work with incarcerated victims, elder abuse, wrap-around services, shelters for men and shelters for LGBT individuals. Ms. Horn-Murphy also noted that one of the gaps in the field of victim services is around program evaluation and research.

⁶ See the OVP website at, dcj.ovp.state.co.us/.

Peter Weir asked Ms. Horn-Murphy to describe the process of victim advocacy in a case where a family may have lost someone to a crime such as murder. She responded that in an ideal situation a family will meet multiple times with a law enforcement victim advocate and the law enforcement investigator assigned to the case. The family would receive routine updates about the progress of the case so they understand the filing procedure with the district attorney's office. Ideally, the DA's office will then keep the family up-to-date on the progress of the case. At that point the law enforcement advocate would call the DA's victim advocate and there would be a meeting with the victim(s), the law enforcement advocate, the detective(s), the prosecutor and the prosecution's advocate. This gives the victim an understanding and a visual reference of who everyone is, what role the different parties play in the system. Ms. Horn-Murphy explained that oftentimes there is a need for basic education and information about what it means to file charges, what happens after the filing of charges, what bond means, etc. She added that one of the most important things a victim advocate does is to actually follow-up with updates when they say they will.

When asked to describe a 'not-ideal' situation Ms. Horn-Murphy responded that one of the worst scenarios is when a family or family member attends an advisement and nobody knew they were going to be present, so a victim advocate may not be present to assist. Magistrate Lung added that judges should also be required to receive training on the full VRA in order to better understand victim's rights.

Ms. Horn-Murphy noted that the intent of the VRA was to create balance in the system, not to take anything away from offenders. She said she hoped her presentation helped raise and enhance the Commissioners' awareness of various victim issues when making public policy decisions.

VICTIM SERVICES IN COLORADO: Funding **Kate Horn-Murphy, CCJJ Victim's Representative, 17th Judicial District**

Ms. Horn-Murphy presented eight questions to commissioners on a variety of funding issues ranging from victims' services and crime victim compensation to general fund allocations for victim and offender services.⁷ The complete list of questions and answers is attached in a PowerPoint at the end of these minutes.

Adjournment

Mr. Hilkey thanked the three presenters for their passion and excellence in their field and for the enlightening and informative presentations.

Mr. Hilkey asked the group for final comments. With no further business, Mr. Hilkey adjourned the meeting at 3:56 p.m.

⁷ See the presentation slides at, cdpsdocs.state.co.us/ccjj/meetings/2015/2015-07-10_CCJJ_VicServFunding.pdf