

Juvenile Justice Reform Committee (JJRC)
MEETING MINUTES
August 22, 2019

2nd Floor Conference Room
710 Kipling St, Lakewood CO 80215

Committee Members Attending: Carl Blake, Bob Booth, Alison Boyd, Kirsta Britton, Shawn Cohn, Stacie Colling, Sheri Danz, Hon. Beth Elliot-Dumler, Sarah Ericson, Anders Jacobson, Laurie Klith, Sen. Pete Lee, Elise Logemann, Dan Makelky, Rep. Hugh McKean, Lanie Meyers, Jenifer Morgen, Tariq Sheikh, Elaina Schively, Sara Strufing, Joe Thome, Hon. Doug Walker, Tobin Wright, Adam Zarrin

Staff: Nancy Arrigona, Yaël Coley-Greene, Kate Ferebee, Shanelle Johnson, Anna Lopez, Nina Salomon

Guests: Gary Fugo, Tom Harbaugh, Hannah Hayes, Ersaleen Hope, Debbie Oldenettel, Shelley Siman, Dana Wilks

Committee Process, Responsibilities, and Logistics:

- Approval of Minutes
 - Anna Lopez sent out the minutes from previous meetings for the committee to review. Senator Lee made a motion to accept the minutes. Carl Blake seconded the motion. Motion carried without opposition or abstention.
- Calendar of Meetings
 - The committee will meet every fourth Tuesday of each month for the next 2 years, from 1 PM to 3 PM at 710 Kipling Street, Lakewood, Colorado.
 - There is a Chief Probation Officer meeting that conflicts with the September 24 meeting date. In addition, the December meeting is scheduled for December 24, which may be a complication. Staff will look at the deliverables for January 2020 and may reschedule or cancel December.

Division Updates

Update from Division of Youth Services (Anders Jacobson):

Anders Jacobson reported that he did not have much of an update, other than what the Risk Assessment Working Group would propose later in the meeting. The next initiative DYS will undertake is the retooling of the JDSAG and the length of stay matrix, deliverables for which are not immediately due. The CYDC Advisory Committee and DYS will bring a recommendation for a detention screening tool to the JJ Reform Committee at a later date.

Division of Criminal Justice (Joe Thome):

Joe Thome explained the rationale for utilizing the state's sole-source procurement option (intense timeline) to contract for facilitation of the JJRC meetings and assistance to DCJ with the diversion tasks in 19-108. The state's sole source process allows for an appeal by any entity

that does not agree with the decision to sole-source. There were no objections (appeals) so there is now a purchase order in place for the Council of State Governments (CSG) assistance primarily with diversion and JJRC meetings. They'll assist the staff to this committee Anna Lopez, Kate Ferebee, Yaël Cole-Greene and the EPIC unit's staff from DCJ.

Update from Judicial (Tom Harbaugh):

The Division of Youth Probation will also collaborate with CSG staff, as well as their stakeholders and Probation Chiefs to accomplish the tasks related to SB108. The Risk Assessment tools were presented at the most recent Chiefs' meeting. The feedback from that meeting helped inform the recommendation about which assessment tool should be used in Probation.

Juvenile Diversion Working Group Update:

The most immediate task for the Diversion Working Group was to recommend to the JJDP Council for Colorado how to distribute the remainder of funding for this fiscal year. The group came to a consensus that it will recommend to award out the remaining \$600,000 to currently funded programs in order to make them whole for the rest of this fiscal year (Jan-July, 2020).

The group explored a few options about what to do with the remaining \$1.5 million that needs to be distributed to all 22 judicial districts. The decision wasn't made, but the group will explore several ideas: possibly customizing the ACTION database that's being updated by CDAC for use by diversion programs statewide, including community partners and state agencies. Sarah Ericson has already gotten a ballpark figure that she'll bring to the Working Group. They also discussed piloting a few risk screening tools throughout the state to try to help inform them when the risk screening tool for diversion is selected. Then distributing funds to the seven judicial districts that aren't currently funded by the state, especially the four that don't have a juvenile diversion program (the 3rd, 13th, 15th, and the 16th).

The next priority for the group will be establishing a funding formula for future allocation of diversion dollars. They discussed a number of different factors that could go into the funding formula. Matt Friesen with CYDC was on the call to talk about how that formula had been created, and some of the challenges faced. The factors that the group are looking at are juvenile age population, a weighting for poverty, as determined by eligibility for free and reduced lunch, and a weighting for geographical area. Nancy from CSG is going to help figure out how to do those weightings and come back to the group with a test scenario of what that might look like for different judicial districts. Also discussed was establishing a floor, or a meaningful minimum, to make sure that there's a base allocation for all judicial districts. There was some discussion about establishing a ceiling, or maximum allocation, but nothing was proposed.

Risk Assessment Tool Recommendation:

The Working Group has met three times since July. All of those meetings were facilitated by Gina Vincent. This helped keep the Working Group focused on the key factors to consider when comparing different risk assessment tools. In addition to the Working Group meetings, there was a lot of outside committee work as well – members discussed the various tools with key stakeholders at their agencies and in the community and then brought that feedback to the

Working Group. Ultimately, in our last meeting, our focus was getting to a point of consensus to be able to come back with a recommendation. So this group, at all the committee members felt comfortable with and had some rationale behind why that those recommendations are coming forward. The Working Group tried to find a tool that met the needs of the agencies using it and is easily administered in a consistent way through structured manuals and administrative procedures. A big consideration for the Working Group was how they were validated for the population that they're intended to serve. The Group spent time discussing the merits of having one common tool for both Judicial and DYS. It was determined that the utility of the tool for one particular agency should not be sacrificed for the sake of finding one tool to be used by multiple agencies. Some Working Group members felt the tools that would be of most use in Probation would not meet the needs of DYS. Therefore, the Working Group recommended the use of the YLS-CMI for Probation and the YASI for DYS. The CJRA was not selected because of the potential for racial bias, since it is so heavily reliant upon criminal history and has not been validated. The CJRA would require validation, and it was the decision of the Working Group that this may cost too much time and money.

Shawn Cohn recently attended a national meeting with colleagues from Pennsylvania, who are using the YLS. They have developed a really nice case planning manual that could be used by Colorado. Another advantage for Probation to use the YLS is that the LSI is used in the adult justice system. The YLS is a version of the LSI specific to youth. Often in rural districts the same probation officer handles both adult and juvenile cases. Utilizing similar tools should increase efficiency and be an easy transition for those officers. An additional advantage to the YLS is the software can be built into the Eclipse system currently being used by Probation. The YLS does have norms that are used in a correctional setting, in addition to a screening tool that could be utilized pre-adjudication. The typologies Probation has already established in the LSI also would translate well to the YLS.

The recommendation of the Working Group is that DYS use the California version of the YASI for its assessment tool. DYS has piloted this version, and it seems to meet the agency's needs better than the other tools under consideration. DYS currently uses the CJRA. It is their belief that transition to the YASI would be easier since it's based on the same original Washington model as the CJRA.

The major concern for the Group in selecting the YASI is that several of the questions are based on official records and those items tend to carry with them racial bias. It is a web-based software and DYS has expressed their concern to the vendor, who said that the tool can be customized for Colorado populations so that results are not biased for any population. DYS will create an interface with their system so that workers would be logging into the DYS system, but then interfacing and accessing it, rather than building it directly into the system. A direct interface allows the potential for a change down the road. DYS piloted various tools (the CJRA, YLS, and YASI). While the YLS does have an instruction manual, some of the items are a little bit more loosely defined than on some of the other instruments. While training would compensate for that, the reviewers believed that the amount of training and re-training required would be unsustainable.

One major issue encountered by DYS was that the assessment done at intake are conducted by licensed clinicians but the reassessments are done by case managers. Any tool that requires expert interpretation could result in the same individual being assessed differently at various stages of commitment.

Risk Assessment Tool Vote:

The working group recommends YLS CMI 2.0 for Probation (and potentially others) and the YASI for the DYS. The vote carried 17 in favor; 6 opposed; 1 abstention.

Elise Logemann moved to amend the vote to require that every 6 months the JJRC committee will review any research into racial/gender bias of the tools and that the contracts with the companies state they shall report every 6 months any research planned and conducted around racial/gender bias. Jenifer seconded. During discussion, committee members noted that they could discontinue use/recommended use of the tool(s) if any bias is found in the research without defying statute. At such time, they said, they could make recommendations to the Legislature regarding the tool(s).

The amended motion carried with 23 yes; 0 no; 0 abstain. Those who originally voted in support of adopting the YASI can bring it back to the committee and ask for a reconsideration of the tool should the need arise. Those who voted in opposition cannot bring it to the committee for reconsideration. Those members in opposition were: Bob Booth, Sarah Ericson, Dan Makelky, Kirsta Britton, Elaina Shively, Lanie Meyers, Tariq Sheikh.

Next steps:

The Risk Assessment Working Group will break into implementation teams for DYS and Probation. The Diversion Working Group will take on the task of selecting a diversion screening tool.

There being no other business, the **meeting adjourned at 4:30 p.m.**