

**Juvenile Justice Reform Committee (JJRC)**  
**MEETING MINUTES**  
**June 25, 2019**

**2<sup>nd</sup> Floor Conference Room**  
**710 Kipling St, Lakewood CO 80215**

**Committee Members Attending:** Michelle Barnes, Carl Blake, Bob Booth, Allison Boyd, Kirsta Britton, Shawn Cohn, Stacie Colling (via telephone), Hon. Beth Elliot-Dumler, Sarah Ericson, Sen. Gardner, Anders Jacobson, Laurie Klith, Sen. Lee, Dan Makelky, Representative McKean, Jennifer Morgen, Tariq Sheikh, Glenn Tapia (*ex-officio*), Joe Thome, Hon. Douglas Walker (via telephone), Tobin Wright

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

**Guests:** Debbie Oldenettel, Ersaleen Hope, Shelley Siman, Antonia Airozo, Heidi Borrego

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### **WELCOME AND INTRODUCTIONS**

Joe Thome welcomed the group and attendees introduced themselves. A quorum was established at 3:00 p.m. The minutes from the June 25 meeting were approved as written.

### **SELECTION OF CHAIR, VICE CHAIR**

Senator Lee nominated Joe Thome as Chair. Senator Gardner seconded the nomination. Shawn Cohn nominated Judge Douglas Walker as Vice Chair. Representative McKean seconded. Facilitation of the vote was turned over to Glenn Tapia, who was representing the State Court Administrator's Office. The motion carried without opposition; Joe Thome and Judge Walker abstained.

### **UPDATE ON RISK ASSESSMENT WORKING GROUP**

Carl Blake provided a summary of the presentation made by Gina Vincent from National Youth Screening and Assessment Partners to the Risk Assessment Working Group. The presentation covered the validity, reliability, and limitations on instruments based on feasibility/capacity in Colorado. Four tools (YASI, YLS/CMI, CJRA) were presented to the working group. The O-YAS and SAVRY will be discussed in comparison to the other tools at the next meeting, August 6 from 1-3 p.m. MST. That meeting will be a virtual meeting. Shawn Cohn said one of the most important tasks set out for the working group is to determine if one tool or multiple tools will be used around the state. The group will also have to grapple with issues such as potential racial/ethnic bias in assessment tools, whether the tool has been validated appropriately, and how "risk" and "need" are defined – whether criminogenic or social service oriented. Cost estimates will be put to the working group prior to their final recommendation to the JJRC. Another item discussed is how to make sure that tools used (if more than one) will relate to each other across systems (e.g., how to make sure the risk assessment used by probation can be understood by DYS). The group will need to ensure a cross-walk between tools exists and that they are not so different that it will cause users to disengage. They also need to understand what tool is being changed in Child Welfare so that they are not at cross purposes. In addition, a large consideration for the group will be selecting a tool(s) that is easy to use across disciplines for decision makers (e.g. judges). Committee members discussed at length the need for social services and juvenile justice systems to work together. Carl Blake also sits on the committee looking at statewide implementation of the CANS. He said it is not a risk assessment, but it complements a risk assessment tool. Most risk assessment tools are a comprehensive risk and needs assessment, as pointed out at the meeting. It was also noted that the

CAANS looks at “strengths” and not “risks.” Sometimes what seems to be a minor semantic change is significant.

Next steps:

Working group members will use the information gained from these presentations/discussions to speak with stakeholders in their respective communities. After the next two meetings of the working group, they will provide a recommendation (preferably a written recommendation similar to the CCJJ process) to the JJRC. The JJRC will then vote on what tool or tools will be used. It was determined there is no legislative mandate requiring a proposal to the General Assembly. Joe Thome closed the conversation by reminding Committee members that there is no interest in trying to force an agency away from something that matches their population, but carries an obligation to make sure the tools talk to each other.

### **UPDATE FROM DYS**

Anders Jacobson said that the detention criteria outlined in SB108 is being reviewed by the AG. It is somewhat confusing as to when it would go into effect. DYS is working with Judicial on this issue via a subcommittee out of CYDC. The subcommittee is looking at whether to look to the current Juvenile Detention Screening Guide (JDSAG) or work with a consultant to select a different detention screening tool. DYS is putting a treatment delivery model and risk assessment together in order to get juveniles through the system as quickly as possible. To assist in this effort they have hired a Bed Utilization Manager to look into why youth may remain in DYS after 12 months.

### **UPDATE ON DIVERSION**

Kate Ferebee presented the current state of DCJ’s juvenile diversion program and Joe Thome called for volunteers to serve on a joint Juvenile Diversion Working Group, comprised of members of this Committee, members of the Juvenile Justice and Delinquency Prevention Council, as well as diversion program representatives. That group will become an advisory group for DCJ’s juvenile diversion grant program.

DCJ currently funds juvenile diversion in 7 community-based programs, 6 District Attorney’s offices, 4 County offices, and 1 City program. SB108 mandates DCJ to distribute \$3m to all 22 judicial districts via formula. The elements of the diversion formula are not spelled out in the legislation

Current state:

- Prior to passage of SB108 DCJ’s diversion funding period ran on a 3-year cycle, with each state fiscal year requiring a new application process. This is the 3rd and final year of the current funding cycle, which started July 2017 and would end in June 2020
- Per the old, competitive method, 18 juvenile diversion grants were awarded to 15 JDs totaling \$1,184,531 this past February
- 7 of those grantees received additional marijuana tax cash funding totaling \$340,000
- Due to passage of SB108, and because funding mechanisms were unknown at the time grant agreements were to be issued, in June DCJ decided to issue agreements for the first 6 months of FY20 (July – December, 2019). This leaves a balance of \$2.5m to distribute to all 22 judicial districts for the remainder of the year. Or, if all originally awarded dollars are distributed, a balance of \$1.8m will be remaining (this is DCJ’s recommended approach for this fiscal year).
- Approximately \$19,000 was requested and not awarded to this year’s grantees.
- No applicants from the following 7 JDs requested funding during the 3-year cycle: 1st, 3rd, 4th, 13th, 15th, 16th, and 20th

## Working Group:

The Diversion Working Group JJRC members include: Kirsta Britton, Stacie Colling, Sarah Ericson, Laurie Klith, and Elaina Shively. Once all members are determined, the joint Diversion Working Group will take on the following tasks:

- Work with members of JJ Council to create formula and process of disbursement  
Some things that may be considered: What amount of money would be needed to run a diversion program (at a minimum)? Should a meaningful minimum be distributed statewide prior to a competitive funding process? How does money get distributed nobody from a JD applies? Can money be redistributed if unspent?
- Update the program specific conditions for grants, based on new legislation.
- Work with members of the Risk Assessment Working Group to determine a Risk Screening Tool to be used when determining a juvenile's eligibility for diversion

## UPDATE FROM JUDICIAL

Glenn Tapia said that he has no strong feelings on the assessment tool and will rely on the Committee members from Probation's districts to help select the right tool. He asked that the Committee keep in consideration that there has been a lot of investment in the CJRA and any changes will require infrastructure. From the non-probation side of the house, Tapia said that the Chief Judges will need to be kept informed. The topic of validation of the CJRA and its potential cost was raised at the meeting. The statute requires validation of the tool(s) selected.

Shawn Cohn said that her department just started utilizing Judicial's Strategies for Behavior Change (SBC) which is a system that determines appropriate sanctions and incentives based on probationer's behaviors. She asked for it to be modified for youth and expressed her thanks to Tapia's staff for doing that.

Nina Salomon suggested to the Committee that they consider developing documents (for judges, DYS, key leaders/agencies) about how the legislation will affect them. Tapia said that Judicial already has that practice, but it doesn't resolve emotional and cultural issues related to changing. It was also suggested that a map of what each working group is tasked with would be helpful for local constituents to understand what is happening. Once the decisions are made, these documents will be helpful. The EPIC team in DCJ will also be able to help with implementation and communication strategies when the timing warrants it.

## CONCLUSION/NEXT STEPS

A list of Working Groups and their memberships will be sent to the Committee. Nina will discuss the idea of Gina Vincent presenting to the full Committee about the foundations of risk/needs considerations and key components of the assessments.

The next JJRC meeting will be held from 1:00-4:30 on August 22, to allow time for discussion of the Risk Assessment Working Group's recommendation.