



Commission on Criminal and Juvenile Justice
Direct File Subcommittee
Minutes

July 9, 2009
710 Kipling Street
3rd Floor Conference Room

Attending: Don Quick, Kathy Sasak, Bill Kilpatrick, Maureen Cain (by phone), Ann Terry, Doug Wilson, Ted Tow, Pam Wakefield, Sherry Stwalley, and Joe Thome

Call to Order and Overview:

Jeanne Smith called the meeting to order at 1:40 p.m. The purpose of today's meeting is to identify any unfinished business of the Direct File Subcommittee. Ann Terry gave an overview and history of the subcommittee. Two years ago, SB66 resulted in heated debate on the direct file issue. Representative Roberts suggested getting a small subcommittee together to discuss the issue which could not be fully vetted during the legislative session.

The subcommittee was convened to identify areas of agreement and areas that needed further work. Two bills came out of the subcommittee's work: expansion of the role of YOS and the security issues surrounding a juvenile's history. The goal of the subcommittee is to address issues and then disband.

The question before the subcommittee is, "Is there any unfinished business?" Maureen Cain asked the following:

1. Detention issues: Who is in detention and why? YOS juveniles versus DYC juveniles. Are they being sorted properly? Maureen explained Terri Dalton is doing her Ph.D. thesis at DU on DYC and juveniles in the criminal justice system. No one present was aware of her work.
2. Placement: HB1321 says that the district attorney has to consider the factors of placement for a direct-file juvenile. How many truants are in detention beds at any given time? If the juvenile is in detention for a long-time, how will that affect bed caps? Need to study who needs to be at DYC or detention and who needs to be in staff-secure beds. There is an issue to find funding for more staff secure beds.
3. Training: Joint training of judicial, defense and prosecution around juvenile issues. People need to know the options available in the system. This will help familiarize folks as to what people are doing at YOS and DYC. Can the Criminal Law Division join with the Juvenile Law section to look at the issue? You need to develop a model of how things would work and then do joint training.

4. Data Collection: There is a need to find out how many juveniles are going where. Is there any interest in that? Who would do the collection? If the defense bar does it, how accepted would it be? Judicial? Is there any way to gather data and track the relative success rate of juveniles that are pre-trial detained and go to DYC versus juveniles that are sent to detention and then sent to DYC or YOS? Joe Thome stated his division would have to do their own study – nothing is available right now.
5. Discussion continued around the timing of the direct file decision versus where you place the juvenile: Can the decision to direct file on a juvenile be delayed so a more information can be obtained on the juvenile? If you extend the time for the decision to direct file, where would the juvenile be placed while the decision is made? Can we find more secure staff secure beds?
6. Expedited disposition: There are certain juveniles that should be sent to DYC or DYC. Can you expedite their cases? Is this a training issue?
7. Don Quick asked about regionalization: Can there be a regional system for bed availability?

Jeanne asked the group, “Can we agree that there are kids sitting jail right now that can be better served in another facility?” Yes. How do we find a means to create other facilities or add beds to existing facilities? Can we work on funding for more staff secure beds?

The committee discussed placement decisions. Do we have the judges decide on the placement? Would the DA be comfortable to move the discretion of who gets direct filed on to the judges if a standardized risk assessment tool is formulated and everyone is trained to the tool? Ted Tow can take the issue to the district attorneys, but he cannot say if they would be in agreement with the concept.

If money was not an issue as far as DYC beds, is there an agreement that juveniles should be placed in DYC pre-trial? No. Current population of detention is inappropriate to be house with direct file juveniles. DAs are looking at a separated bed area for direct file juveniles.

Is there any information from any source that can be brought to this subcommittee that can be educational on the issue of pre-trial detention? Joe Thome can provide the committee the offenses of the juveniles in YOS, how they are screened, and create a profile of who is in YOS.

Can Joe also bring in an expert in DYC’s assessment process and explain their risk assessment tool? YOS does the risk assessment on the juveniles sent to them. The DYC facilities may use their own tool. YOS could not do the risk assessment for everyone.

Don Quick outlined the issues raised above and who would be doing further research.

1. What are the needs of the direct file kids? Joe Thome
2. What is the data on the individuals being direct filed on and what are the facilities? DA

3. Is HB 1321 being followed: DA
4. Expedited pleas – what other states are doing expedited pleas? Sherry Stwalley
5. Regional bed model: DA
6. Is there a possibility for DYC not to object to sentencing stipulations for juveniles? Joe Thome.

Wrap-up and Next Meeting:

Joe Thome will bring in one of his risk assessment managers to speak about their assessment tools at the next meeting. Jeanne will also ask a research person from DCJ to come as well.

The next meeting will be August 19th at 1:30 at 710 Kipling.

The meeting adjourned at 3:05 p.m.