

# Juvenile Justice Task Force - *RETREAT*

March 17, 2011 8:30am-5:00 pm  
Jefferson County JAC 11011 West 6<sup>th</sup> Avenue, Lakewood, CO

## **ATTENDEES:**

### **CHAIR**

Regina Huerter, Denver Crime Prev. & Control Comm.  
Ken Plotz, Task Force consultant

### **TASK FORCE MEMBERS**

Meg Williams, Division of Criminal Justice  
Don Moseley, Ralston House  
Inta Morris, Department of Higher Education  
Stan T. Paprocki, Division of Behavioral Health  
Norene Simpson, Defense Attorney  
Jeff McDonald, Jefferson County Juvenile Assessment Center  
Kirk Henwood, Montrose County School District  
John Gomez, Director of DYC  
Bill Kilpatrick, Golden Police Chief  
Joe Higgins, Mesa County Partners  
Don Quick, District Att. 17<sup>th</sup> Judicial District  
Susan Colling, State Court Administrators Office  
Regis Groff, Retired State Senator  
Karen Ashby, Juvenile Court Presiding Judge  
Julia Johns on behalf of Linda Newell, Senator

### **STAFF**

Germaine Miera, Division of Criminal Justice  
Paul Herman, CCJJ Consultant  
Kim English, Division of Criminal Justice

### **ADDITIONAL ATTENDEES**

Hailey Wilmer for Steve Siegel  
Shawn Cohn, Chief Probation Officer/Denver  
Kim Dvorchak/Colorado Juvenile Defender's Coalition

### **ABSENT:**

Beth McCann, Representative  
Alaurice Tafoya Modi, Defense Attorney  
Charlie Garcia, Juvenile Parole Board

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| <p><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p>Chair Regina Huerter welcomes the task force members and discusses the group's goals over the next two days.</p> |
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| <p><b>Issue/Topic:</b></p> <p><b>'Colors' workshop presentation</b><br/> <i>Susan Jones</i><br/> <i>Colo. Judicial Dept.</i><br/> (See PowerPoint presentation #1)</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> <li>• Susan Jones addresses the group regarding the Colors exercise completed by task force members individually prior to the retreat.</li> <li>• The 'Colors' system is a tool used to understand temperament theory, which is a methodology for helping people understand human behavior. Temperament theory helps people recognize, accept and learn to value the differences in others and is a tool to increase understanding and communication.</li> <li>• The task force is exploring this approach in the hopes of increasing the understanding of each other's personalities and work styles in order to be more productive in its work in the future.</li> <li>• Everyone has a primary color which signifies their main work/personality style, followed by three colors that play less of a factor.</li> <li>• People who work in institutional settings have bigger separation between their first and second colors.</li> <li>• Susan discusses the importance of utilizing strengths, how strengths come about and how to use those in conjunction with other people on the team.</li> <li>• See the PowerPoint presentation for a detailed description of each color.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p><b>Overview of Colorado's Juvenile Justice Strategy Framework</b><br/> <i>Meg Williams, Colo. Division of Criminal Justice</i><br/> (see handout entitled Colorado's Juvenile Justice Strategy Framework and State of Colorado Juvenile Justice System Flowchart)</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> <li>• Meg Williams heads up the Office of Adult and Juvenile Justice Assistance (OAJJA) within DCJ and her unit is tasked with mapping Colorado's juvenile system and compiling a strategic plan for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) every three years.</li> <li>• Meg describes the handout entitled Colorado's Juvenile Justice Strategy Framework and explains how the grid flows from children with problem behavior all the way to serious, violent and chronic offending.</li> <li>• During the retreat, the group will utilize this framework to look at the system from the back end to the front end, starting with kids in DYC and working back to early intervention and prevention opportunities.</li> <li>• The goal of working backward will be to try and uncover the intercept points where a kid is progressed through the system and hopefully uncover where the system could have intervened and what points the task force may want to focus on most.</li> </ul> |
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| <p style="text-align: center;"><b>Issue/Topic:</b></p> <p style="text-align: center;"><b>Institutional Confinement</b><br/> <i>John Gomez, Division of Youth Corrections</i><br/>           (see PowerPoint presentation #2)</p> <p style="text-align: center;"><b>Action:</b></p> | <p style="text-align: center;"><b>Discussion:</b></p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> <li>• Mr. Gomez pointed out that NYC is part of the Dept. of Human Services and not the Dept. of Corrections and that the distinction is important.</li> <li>• NYC is structured regionally.</li> <li>• All the cases of kids who come into the committed side are managed from a regional perspective.</li> <li>• Last year 743 kids were committed to the Division.</li> <li>• 2, 404 kids served (the numbers are higher because more kids cross over)</li> <li>• Kids stay an average close to 19 months.</li> <li>• After launching the continuum of care initiative in NYC in 2005/06 the population started decreasing.</li> <li>• Overall numbers have dropped with the introduction of SB94 and the Collaborative mgmt. program.</li> <li>• 87 percent of kids are male/13 percent are females</li> <li>• The population is overrepresented in terms of color/ethnicity.</li> <li>• Average age at commitment is about 16.5 years old.</li> <li>• Average discharge is close to 19 years old.</li> <li>• NYC starts on the child’s transition plan at the point the child is committed.</li> <li>• Most serious charge for commitments - 46% of kids committed on person crimes, 40% committed on property crime.</li> <li>• Local policy and practice drives all these numbers – driven by jurisdictions.</li> <li>• Colorado uses the CJRA (Colorado Juvenile Risk Assessment instrument) and started using it in June 2006 for all newly committed kids.</li> <li>• The CJRA has both static and dynamic factors – medical, education, mental health, substance abuse, family history, full battery of diagnostics.</li> <li>• NYC has legal custody of kids once they’re committed.</li> <li>• 93% of kids score out as high risk.</li> <li>• Females are lower risk but much higher need.</li> <li>• <b>SYSTEM ISSUE</b> – A judge will say “I really don’t want to commit this youth” or a police officer will say “I don’t want to arrest this kid” “but they will receive the best services if they are committed”. This happens everywhere in the system, even families don’t want to call the cops but they know their kid won’t get what they need unless they get committed.</li> <li>• If a kid gets a filing while with NYC they are followed for a year.</li> <li>• A far lower percentage of girl’s recidivate.</li> <li>• Girls lower risk, higher need.</li> <li>• Lower percentage of Hispanics and African Americans pick up a filing while in custody, higher percentage of whites pick up a filing while in custody.</li> <li>• Hispanics and African Americans pick up filings more when they return to the community.</li> <li>• See PowerPoint presentation for more detail</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p><b>Community Confinement/Supervision Pretrial services? SB94/Detention</b><br/> <i>John Gomez, Division of Youth Corrections</i><br/> (see PowerPoint presentation #2)</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> <li>• John Gomez presents data on Pretrial services, SB94 and Detention</li> <li>• <b>SYSTEM ISSUE</b> - We need better alternatives for truancy than detention</li> <li>• The CJRA (outlined in the previous presentation) is also used on the detention side of things.</li> <li>• Detention has an even split of low, moderate and high risk kids (risk of re-offense).</li> <li>• The CJRA has not been administered at the time of detention.</li> <li>• Override and discretion is key in the juvenile justice system.</li> <li>• <b>SYSTEM QUESTION</b> - Are we doing the right filtering?</li> <li>• <b>SYSTEM ISSUE</b> - There are financially unstable providers right now, the only thing that keeps them afloat is referrals from Child Welfare and DYC. Provider network is narrowing.</li> <li>• Vast majority of funds are general funds</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p><b>Community Confinement/Supervision Probation</b><br/> <i>Susan Colling, Colorado Judicial Department</i><br/> (see PowerPoint presentation #3)</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> <li>• Kids in Denver receive far more PSI's than elsewhere around the state.</li> <li>• There were 24,000 DUI evaluations statewide last year.</li> <li>• Question - Are DUI's outside of system?_DUI's in Denver are handled through county court.</li> <li>• 50% of kids (boys) going into detention nationwide test positive for marijuana.</li> <li>• <b>SYSTEM ISSUE</b> - Adults and Juveniles being mixed in DUI classes</li> <li>• <b>SYSTEM ISSUE</b> - We need to look at DUI statutes for juveniles under a different lens</li> <li>• <b>SYSTEM ISSUE</b> - OUR NEW DUI STATUTE is flawed, it requires that on the 3<sup>rd</sup> offense there is a mandatory 60 days, but it doesn't distinguish for juveniles.</li> <li>• <b>SYSTEM ISSUE</b> - We need to have discussions around how to handle kids with regards to drinking.</li> <li>• Denver is the only jurisdiction with a specific juvenile probation division.</li> <li>• District Probation Officers are not specific to juvenile or adult as it varies depending on caseload and staffing model.</li> <li>• Caseloads size varies greatly.</li> <li>• Denver probation is moving toward 'family management' – same with Colorado but not as much.</li> <li>• Staffing model and workload values system determines caseload.</li> <li>• Going between juvenile and adult caseloads happens a lot more in smaller districts.</li> <li>• Caseloads continuing to go down.</li> </ul> |
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| Issue/Topic:   | Discussion:   |
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| <p data-bbox="107 212 519 275"><b>Small group discussions and small group report backs</b></p> <p data-bbox="168 281 457 312"><i>Paul Herman/Facilitator</i></p> <p data-bbox="269 390 358 422"><b>Action:</b></p> | <p data-bbox="561 212 802 243"><u>DISCUSSION POINTS</u></p> <p data-bbox="561 247 683 279">GROUP #1</p> <ul data-bbox="573 285 1495 793" style="list-style-type: none"> <li>• Mixing populations in residential facilities</li> <li>• Girls – Higher needs, yet lower recidivism</li> <li>• Traumatized kids – TBI, witnesses to trauma (should we treat them differently)</li> <li>• Engage families in probation system</li> <li>• How to reengage the family when kid is in NYC</li> <li>• Parental engagement after kid is sentenced</li> <li>• Problem with continuing funding streams after child leaves NYC (continuing Medicaid, etc.)</li> <li>• Transitional counseling</li> <li>• DUI – problem of placing kids in level 2 treatment with adults</li> <li>• DUI – treated as traffic case or delinquent case</li> <li>• Why are we trending DOWN in the three areas John Gomez said we were trending down regarding CJRA domains (Aggression, Skills, Criminal History)</li> </ul> <p data-bbox="561 835 683 867">GROUP #2</p> <ul data-bbox="573 873 1528 1959" style="list-style-type: none"> <li>• Trauma</li> <li>• Detention population (status offenders in detention, underage drinking)</li> <li>• DUI – clean-up</li> <li>• Juveniles and transition stuff, kids aging out (too old to be juvenile but too young to be part of adult system), 18-24 year old.</li> <li>• Data items (prob. To DOC, prob. To NYC)</li> <li>• Cross-over youth, juvenile justice vs. child welfare</li> <li>• 70% of kids at NYC had services at Dept. of Human Services (where does DHS fall into this continuum?)</li> <li>• Workforce – Assessing youth needs, the MAYSI-2, caseload values and ratio of P.O.'s to kids.</li> <li>• Issues around family, what should we do around the family system and engaging families?</li> <li>• ISP – who actually is on ISP? High risk/High need. Are you just supervising kids at a high level or treating them at a high level as well.</li> <li>• Specialty training – Gender, MOR, etc.</li> <li>• Technical violations.</li> <li>• Qualifications of supervision of juveniles.</li> <li>• Training around Axis 1 and Axis 2 issues</li> <li>• Ways to train the workforce to manage folks appropriately in the community</li> <li>• Information sharing</li> <li>• The impact of 1451's? We need a 1451 presentation at some point.</li> <li>• Revocation by attitude?</li> <li>• Look at probation data around CLSI data scores?</li> <li>• Alternatives, how do we infuse alternatives around these issues? Can communities manage high risk kids or do they have to go to NYC?</li> <li>• 5<sup>th</sup> and 6<sup>th</sup> grade competency level of offenders</li> <li>• Can we separate out younger kids from older kids?</li> <li>• Can we analyze the 'what works' issues as well? Can we study the successful kids?</li> </ul> |

GROUP #3

- The numbers are down now; let's start doing things better and smarter.
- Engage the family at all points.
- Only one dedicated JV court in the state is a problem.
- Looking at PSI's – should these be revamped.
- Access to MH and SA services. Right services, right time, right person.
- Services for Mentally Ill kids – the best services are at Sol Vista but they can only get there by having an adjudication.
- Who funds what? County vs. State.
- MOR.
- Sorting, who is in DYC, what percentage shouldn't be in there – clear ideas, philosophies and tools to sort people

DISCUSSION POINTS – WHAT JUMPED OUT AT YOU THE MOST?

- The issues are the same as they were 10 years ago.
- The figure that 70% of the kids have been involved in prior out of home placements.
- 70% Substance abuse/Mental Health
- TBI – 30% of the kids
- The complexity of the kids these days is very different – they come with a WHOLE lot of issues these days. Complexity of the families themselves, who is parenting, who is the non-drinker parent, etc?
- Now we have more assessments – we are sorting BETTER these days.

| Issue/Topic:   | Discussion:  |
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| <p data-bbox="120 1199 513 1367"><b>Judicial/Intermediate Sanctions Presentence Investigation</b><br/><i>Kim Biegger and Tim Griffith</i><br/><i>Adam's County Probation</i><br/>(see PowerPoint presentation #4)</p> <p data-bbox="272 1482 354 1514"><b>Action</b></p> | <p data-bbox="565 1199 808 1230"><u>DISCUSSION POINTS</u></p> <ul data-bbox="581 1234 1520 1988" style="list-style-type: none"><li>• Personal and family history is more extensive for juveniles than for adults.</li><li>• Fetal Alcohol Spectrum Disorder (FASD) - Kids in Adams are screened for this.</li><li>• Connections Screening Board, they screen cases once a week and make recommendations to the court for sentencing.</li><li>• <b>SYSTEM ISSUE</b> – Kid's need more mental health screens. If they are in detention longer than one day they get a MH screen in Adam's county.</li><li>• If the court orders an evaluation (psychological evaluation) then it gets done, however, PSIR folks can't order it on their own.</li><li>• If a kid goes to DYC the MAYSI-2 is done automatically.</li><li>• A majority of kids don't go to detention, so they don't always get the MAYSI-2.</li><li>• <b>SYSTEM ISSUE</b> – It should be practiced across the state that we're doing the MAYSI-2 on every kid. Kids currently only get MH screen if they go to detention.</li><li>• <b>SYSTEM ISSUE</b> - DA's council objects to mandated language for MH screen</li><li>• Any mandated MH assessment carries a large fiscal note (juvenile &amp; adult both)</li><li>• When a PSI is ordered it often depends on the specific judge. Ordering of the PSIR is a judge's preference.</li><li>• About 10% of kids have a PSI done on them.</li></ul> |

| Issue/Topic:  | Discussion:   |
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| <p data-bbox="120 247 513 420"><b>Judicial/Intermediate Sanctions<br/>Defense Council</b><br/><i>Norene Simpson</i><br/><i>Colorado Criminal Defense Bar</i><br/>(see PowerPoint presentation #5)</p> <p data-bbox="269 571 358 596"><b>Action:</b></p> | <p data-bbox="561 247 802 273"><u>DISCUSSION POINTS</u></p> <ul data-bbox="581 285 1529 1339" style="list-style-type: none"> <li>• State Dept. of Human Services – the sole provider of services to children and families.</li> <li>• DYC funds detention and commitment facilities.</li> <li>• <b>SYSTEM ISSUE</b> - Very few Public Defenders specialize in JV cases.</li> <li>• Colorado’s Public Defenders office is a statewide organization.</li> <li>• All funding comes from the same pot.</li> <li>• All of the state law’s are contained in the C.R.S.</li> <li>• Children’s code is referred to as Title 19.</li> <li>• Title 19 article 2 deals with juvenile law.</li> <li>• Everywhere except for Denver, JV courts are divisions of district court.</li> <li>• Most JV cases are heard in front of a magistrate.</li> <li>• Public Defender does NOT work in ‘the best interest of the child’. The defense attorney’s job is to speak for the child. The Public Defender says ‘This is what the CHILD wants’, whether it’s in their best interest or not.</li> <li>• PD advises child of advisement, juvenile procedure, inform child and parent about the evidence against them, what their rights are.</li> <li>• PD cannot talk about the facts of the case with the parent. They solely represent the child, not the family.</li> <li>• Info given to PD about the kid has to be kept in confidence.</li> <li>• Juveniles are only eligible for PD if there are indigent parents involved or any child in state custody (DHS).</li> <li>• 11,000 JV filings in Colo. Last year, PD’s office represented 68% of those kids filed on.</li> <li>• Number of juvenile filings is going down but number of families eligible for PD (indigent) is going up.</li> <li>• Economy has impacted PD’s work, much busier.</li> <li>• Careful when talking about addiction vs. behavioral issues.</li> <li>• <b>SYSTEM ISSUE</b> - Experts in the JV field need to know about kids, developmental challenges, resources, how to deal with them, mental illness.</li> </ul> |

| Issue/Topic:   | Discussion:   |
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| <p data-bbox="120 1526 513 1698"><b>Judicial/Intermediate Sanctions<br/>Adjudication and Sentencing</b><br/><i>Judge Karen Ashby</i><br/><i>Denver Juvenile Court</i><br/>(see PowerPoint presentation #6)</p> <p data-bbox="269 1778 358 1803"><b>Action:</b></p> | <p data-bbox="561 1526 802 1551"><u>DISCUSSION POINTS</u></p> <ul data-bbox="581 1564 1529 1812" style="list-style-type: none"> <li>• Six sections to the Children’s code – title 19, article 2 are all the delinquency statutes.</li> <li>• <b>SYSTEM ISSUE</b> - DA and PD have no idea about juvenile systems – they are not informed.</li> <li>• See PowerPoint for further detailed discussion points (sorry gang, have no idea how the rest of my notes for the judge disappeared – however, I do know she followed her PowerPoint extremely closely).</li> </ul> |

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| <p><b>Issue/Topic:</b></p> <p><b>Small group discussions and small group report backs</b><br/> <i>Paul Herman/Facilitator</i></p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p><u>DISCUSSION POINTS</u> (rather than breaking into small groups the large group discussed this as a whole)</p> <ul style="list-style-type: none"> <li>• Sentencing Alternatives – bring back community accountability program (for kids who needed something prior to DYC, between probation and DYC). This is in statute but not funded. Yanked in 2003.</li> <li>• More consistency in PSIR's. More uniform practice around PSI template and uniformity.</li> <li>• Multi-jurisdiction kid issues. County hop-scotching. Kids bounced back and forth between counties.</li> <li>• Information sharing and the school's piece. Is the school the parent, the nurse, the doctor, mental health, the cop? Multi-disciplinary staffing.</li> <li>• 1451/1274 legislation. 1451 not mandatory, 1274 is new - multi-disciplinary decision making team.</li> <li>• Would be great if judges saw their role as proactive.</li> <li>• Social services plan, treatment plan, juvenile PO plan, everyone surrounding the kid has 8 different plans for the kid. Kids need wrap-around.</li> <li>• Appointment of council and availability of council (public defender counsel). Gap in Colorado, most jurisdictions in Colo. The public defender is not involved in the kid's first court contact. Let's get data from Judicial on this.</li> <li>• Aggravated vs. direct file cases.</li> <li>• Municipal court and data. Kids go to municipal court more often than they used to. We need to get a handle on municipal numbers.</li> <li>• "Best interest of the child" – How do we apply this? Where is the adversarial process both helpful and harmful?</li> <li>• We need data regarding undocumented persons</li> <li>• <b>SYSTEM ISSUE</b> - Residential placement data– who is getting into these placements? Concern about sharing the same placement.</li> <li>• Tease out the number of kids coming OUT of placement with more offenses. Child welfare is collecting this data.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Adjourn</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p>The meeting adjourned at 5p.m. The group will meet back in this same room again tomorrow at 8:30am.</p> |
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**Future Meeting Dates:**

**Meeting Schedule Jan-June 2011**

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| April 21 <sup>st</sup> | 9:00am – 12:00pm | 710 Kipling St., 3 <sup>rd</sup> floor conference room |
| May 19 <sup>th</sup>   | 9:00am – 12:00pm | 710 Kipling St., 3 <sup>rd</sup> floor conference room |
| June 15 <sup>th</sup>  | 9:00am – 12:00pm | 710 Kipling St., 3 <sup>rd</sup> floor conference room |