

**Juvenile Justice Task Force**

May 17, 2012 - 9:00 am-12:00 pm  
JAC Center, Lakewood, CO

**Attendees:**

Regina Huerter, Denver Crime Prevention and Control Commission  
 Charles Garcia, Juvenile Parole Board  
 Bonnie Saltzman, JJDP Representative  
 Norene Simpson, Indigent Defense Counsel  
 Bill Kilpatrick, Golden Police Department  
 Joe Higgins, Mesa County Partners  
 Meg Williams, Division of Criminal Justice  
 Karen Ashby, Juvenile Court Presiding Judge  
 Susan Colling, State Court Administrators  
 Stan T. Paprocki, Division of Behavioral Health Office  
 Kim Dvorchak, Co. Juvenile Defender Coalition  
 Jeff MacDonald, Jefferson County JAC  
 John Gomez, Division of Youth Corrections  
 Michelle Brinegar, 8th District Attorney’s Office

**Task Force Members Absent:**

Linda Newell, State Senate  
 Inta Morris, Department of Higher Education  
 Regis Groff, Retired State Senator  
 Beth McCann, House of Representative  
 Kirk Henwood, Montrose County SD RE-1J  
 Don Quick, 17th District Attorney’s Office  
 Julie Krow, Department of Human Services

**Guests:**

Jerry Adamek, Rite of Passage  
 Anna Lopez, Division of Criminal Justice, OAJA  
 Sierra Morales, Division of Criminal Justice, intern  
 Michele Lovejoy, Division of Criminal Justice, OAJA

**Staff:**

Ken Plotz, Consultant  
 Laurence Lucero, Division of Criminal Justice

<p><b>Issue/Topic:</b></p> <p>Welcome Introduction Approval of the minutes</p>	<p>Regina Huerter welcomed the group.</p> <p>Joe Higgins moved for the approval of last month’s amended minutes. Meg Williams seconded the motion. The minutes with amendment were approved by unanimous vote.</p>
<p><b>Issue/Topic</b></p> <p>Diversion</p>	<p>Regi Huerter proposed the JJTF members to split into smaller groups and engage discussions on who should be diverted from the system or have diversion instead of adjudication.</p> <p>1<sup>st</sup> group: Diversion is defined by the impact on a juvenile who has committed a crime. For instance, diversion could be at the point when a police officer decides not to arrest a juvenile. This group also discussed the word “diversion” and the perception that diversion is expandable and sitting outside of the system. Importance of setting standards by assessing and providing the right level of service.</p> <p>2<sup>nd</sup> group: Diversion means providing the right service to the right child at the right time. The more front end services provided the better impact on children. Diversion=pre-probation.</p> <p>3<sup>rd</sup> group: Appropriate services. Assessment should be required as there also services not appropriate for some juveniles. For instance, youth for which services are not effective due to brain development or other situations to be assessed.</p>

	<p>4<sup>th</sup> group: Discussed the School Resource Officers (SRO). Some believe that SROs have resulted in the criminalization of children and others argue that SROs attempt to find solutions and alternative resources that are not available. Youth are now charged with crimes that were considered normal behavior in the past. This group also discussed Minority Over Representation (MOR) issue due to the lack of resources.</p> <p>5<sup>th</sup> group: Diversion means pre-adjudication and how to keep status offender out the system.</p> <p>6<sup>th</sup> group: Definition of diversion varies by districts. In some districts, diversion means not filing charges and diverting youth from court and, for others, it means the filing of charges and the order of diversion for case dismissal. This group thinks that the population eligible for diversion should be low level 1<sup>st</sup> time offenders but recognized that there are youth who have committed more serious offenses who could be eligible based on risks and background. Discussions around SROs and their use by schools as disciplinary models. Define a system to develop to be parallel with. Discussion of financial constraints, lack of resources and not enough early services. Referring agencies and inconsistencies across the state.</p>
<p><b>Issue/Topic:</b> The history of diversion in Colorado</p>	<p>Joe Higgins handed out materials and presented on the history of the diversion in Colorado.</p> <p>Bill Kilpatrick asked if there were existing data on the effectiveness of diversion compared with counties that do not have diversion.</p> <p>Joe Higgins responded that, in the Mesa County, diversion means post-adjudication and service MOR children early in the system. The success rate for this county is 90% over a period of 1 year. Meg Williams added that her office is tracking the recidivism in the funded counties over a period of 1 year. There is no tracking of recidivism in counties that do not receive funding for diversion. Judge Ashby reminded of the issue of MOR for children placed in foster care as they cannot participate in diversion programs in some counties.</p> <p>Bonnie Saltzman mentioned a study recently released by the Journal of Clinical Analysis on the effectiveness of juvenile diversion and found that there was no significant impact on juveniles. Bonnie added that, out of the 28 studies conducted, the most common indicator measure was recidivism.</p> <p>Judge Ashby commented that we needed to be mindful of the type of population placed in diversion. A youth with low risks placed into intervention may negative impact. An assessment of risks and needs should be required to determine the appropriate intervention and prevent the negative impact for low risk.</p>
<p><b>Issue/Topic</b> Diversion discussion</p>	<p>Regi Huerter invited the group to look at definition of diversion. 19-1-103 (44) CRS and the group was dividing into discussion groups.</p> <p>Group 1:</p> <ul style="list-style-type: none"> <li>- Doesn't change what is in the Code.</li> <li>- Concept needs better definition</li> <li>- "...that results in specific official action...." yet part of sentence (avoiding specific legal action).</li> </ul>

Group 2:

- Post-Adjudication
  - Probation Services
- Services versus Needs. How are they addressed
- “Specific programs”? Is there a centralized agency, not sure what that means.

Group 3

- Start - Alternative of filing versus arrest

Group 4

- Individually designed services
- Assessment – Use or lack of / Diagnostic/evaluation should be mandatory
- Not soon enough
- Has to get to the Das level to get state funding.
- Person of authority: Some due process that needs to be uniformed
  - Individually designed services
  - “Put in System” for Diversion (divert versus diversion)
- Legislation was based on programs at the time code written.
  - Braid w/SB94?
  - Recreation activities?
  - Family therapy? – Levels/Availability

Group 5

- Assessment versus services based on needs. Diversion=right program for right kids
  - EBP so programs have requirements?
- Referenced/linked to 19-2-907.
- Restorative Justice = Probation
- Juvenile or child? – 19-3-505 “D&N”

Summary

- Who is coming into the system? Assessment.
- What should diversion be? Defining specific language.
- Is diversion really about setting aside or is it already in place and are we looking at developing a continuum?
- Diversion as a program and diverting from a system.
- Roles of SROs and do we criminalize behavior?
- Assessing and right service.
- Who is determining (Agency) diversion?
- Level of offense vs level of risk
- Not same legal representation
- Financial issue
- Lack of services of municipal kids

<p><b>Issue/Topic:</b> Legislation</p>	<p>2-2-701 – General Assembly. Bills regarding the sentencing of criminal offenders – legislative intent.</p> <p>Charles Garcia publicly thanked Judge Plotz who gathered the information and drafted a section to be added to the sentencing of criminal offenders. The intent of this language is that Legislative Council measures the effects of all bills written in Title 16 and Title 18 on Title 19 (Juvenile Code). John Gomez suggested including the Office of Legislative Legal Services in these discussions.</p>
<p><b>Issue/Topic:</b> Voting</p>	<p>Voting issue: Detention and Truancy- amended recommendation from April meeting. <i>Meg Williams</i></p> <p>a. Truancy and valid court orders</p> <p>Meg Williams indicated that this was a rule change and not a legislative. The group proposed adding “legal custodians” to c) in proposed language.</p> <p>Judge Ashby moved the motion to approve the amended recommendation. Joe Higgins seconded the motion. The recommendation was approved unanimous</p> <p>b. GED with amendments from April 19 meeting.</p> <p>Meg Williams explained that 10% is an <u>annual</u> absence rate. However, if we want to catch it earlier, can we define and looking at grading period?</p> <p>Jeff MacDonald commented that school settings should be considered based on hours and grade levels. Meg Williams suggested having schools addressing the tracking issue and added that the CDE had a matrix to track absences.</p> <p><u>Amendments:</u></p> <p><u>22-33-107</u> Enforcement of compulsory school attendance.</p> <p>(b) Remove “can” “<b>and with other agencies which can provide additional services...</b>”</p> <p>(V) Remove “excused” in 1<sup>st</sup> line.</p> <p><u>22-33-108</u> Judicial Proceedings.</p> <p>5) Add “Implemented” “<b>....multi-disciplinary staffing and subsequent plan developed and implemented....</b>”</p> <p>6) Add “the School” “<b>...may require the school, child or parent...</b>”</p> <p>(7) (a) “If the child does not comply with the valid court order issued against the child or against both the parent/<b>guardian/legal custodian...</b>” and add at the end of paragraph “<b>...., and the court may order the child to show cause why he or she should not be held in contempt of court.</b>”</p> <p><b>(b)</b> The court may include as a sanction after a finding of contempt <b>an appropriate treatment plan additional sanctions</b> that may include, but need not be limited to, community service to be performed by the child, supervised activities, participation in services for at-risk students, as described by section <u>22-33-204</u>, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.</p> <p><b>(c)</b> If the court finds that the child has failed to comply with the appropriate written multidisciplinary plan prepared by the child’s school district pursuant to 22-3107(3)(b), signed by the juvenile and his/her parent/guardian/legal custodian, and approved by the court pursuant to 22-33-108, the court may impose on the child as a sanction for contempt of court a sentence to incarceration to any juvenile detention facility operated</p>

	<p>by or under contract with the department of human services pursuant to section <a href="#">19-2-402</a>, C.R.S., and any rules promulgated by the Colorado supreme court.</p> <p><u>Discussions:</u></p> <p>Private schools: There are county schools who file truancy in private schools. Schools districts have no jurisdiction over private schools.</p> <p>Michele Brinegar agreed with this recommendation but expressed the concern of fiscal impact.</p> <p>Meg Williams will report these changes to the Education and Truancy working groups this Friday and re-submit the revised recommendations to the JJTF for an email vote.</p>
<p><b>Issue/Topic:</b> Next meeting</p>	<p>Next meeting is on June 21, 2012 at 9:00 a.m. at the Juvenile Assessment Center. Meeting adjourned at 12:05pm.</p>