

Juvenile Justice Task Force

August 16, 2012 - 9:00 am-12:00 pm
JAC Center, Lakewood, CO

Attendees:

Regina Huerter, Denver Crime Prevention and Control Commission
Norene Simpson, Indigent Defense Counsel
Karen Ashby, Juvenile Court Presiding Judge
Stan T. Paprocki, Division of Behavioral Health Office
Kim Dvorchak, Co. Juvenile Defender Coalition
Jeff MacDonald, Jefferson County JAC
Lucia Waterman for Julie Krow
Don Quick, 17th District Attorney's Office
Beth McCann, House of Representative (on the phone)
Charles Garcia, Juvenile Parole Board
Meg Williams, Division of Criminal Justice
Joe Higgins, Mesa County Partners
Susan Colling, State Court Administrators
Michelle Brinegar, 8th District Attorney's Office
John Gomez, Division of Youth Corrections

Staff:

Ken Plotz, Consultant
Laurence Lucero, Division of Criminal Justice

Task Force Members Absent:

Linda Newell, State Senate
Bonnie Saltzman, JJDP Representative
Inta Morris, Department of Higher Education
Regis Groff, Retired State Senator
Kirk Henwood, Montrose County SD RE-1J
Julie Krow, Department of Human Services
Bill Kilpatrick, Golden Police Department

Guests:

Elizabeth Gillespie, Center for Juvenile Justice
Louanna Griffith, Juvenile Parole Board
Shawn Cohn, Denver Juvenile Probations
Kim English, Division of Criminal Justice

Issue/Topic:	Regina Huerter welcomed the group.
Welcome/ Introduction	Kim Dvorchak announced a change to the minutes of July 19, 2012. A typo is found on the last page of the minutes "No votes from: the Public Defender's Office (right to a jury trial) and the <i>Colorado Juvenile Offender Coalition</i> . The minutes should read "the Colorado Juvenile Defender Coalition".
Approval of the minutes	Joe Higgins moved for the approval of last month's minutes. Don Quick seconded the motion. The minutes were approved by unanimous vote.
Review of Education and Truancy recommenda- tions and discussion of GED recommenda- tions	<u>Review of Education and Truancy recommendations status and discussion of GED recommendation</u> A first version of the draft for the Education and Truancy bill is handed out. This unedited and unrevised draft is not for public distribution. Meg provided an update on the discussions that occurred at the CCJJ meeting in July. The recommendations had an overall good support and most of the discussions were about the use and time of detention for truancy. The CCJJ members voted on detention for truancy being limited to 5 days or less.

	<p>Group discussions</p> <p><u>Use of detention (page 9 of the draft)</u> Ken Plotz informed that he contacted Judicial to initiate discussions on these recommendations. The average detention time for truants in Colorado is 8 days. In most cases, judges use detention as a punitive vehicle when resources have been exhausted for youth out of control and there is no other proposed alternative. Don Quick expressed the concern that, with the proposed language, there could be unintended consequences of extending the use of detention for truancy: For example, a judge who would usually sentence truancy for 3 days may misinterpret the language and extend detention to 5 days. <i>Proposed change of language (page 9) to “of detention of No more than 5 days” instead of “of detention of 5 days or less”.</i></p> <p><u>10% of instructional school time (p3, Section 2 of the draft)</u> What is the marker? Is it by day in the school year, by month, by hour? Calculation varies by school levels (elementary, middle or junior high) There are also issues with private and online schools. Schools are required to follow CDE guidelines to calculate truancy.</p> <p>Another issue concerns unexcused or excused absences. The group discussed adding a section for children with medical conditions or unforeseen situations and when parents are working with schools to prevent the filing of truancy petition. <i>Proposed change of language (page 5) and adding at beginning of (IV): “if the school is not already actively engaged with the parents...”.</i></p> <p><u>Age (page 3, Section 2 of the draft)</u> Issue of age 6 years old. There should be a plan in place for young age group. The intent is to engage the parents and not to sanction for truancy.</p> <p>The Education and Truancy working group are meeting tomorrow, Friday, August 17, 2012 and will work on these issues.</p>
<p>Issue/Topic Social Impact Bonds</p>	<p>Regi Huerter followed up on the last month’s presentation on the Social Impact Bonds. What are the options of funding and how can we look at different ways to reinvest?</p> <p>The Sentencing Task Force met last week on Social Impact Bonds and discussed the possible cost saving reinvestment on diversion for juvenile.</p> <p><i>Group discussions:</i> Identify initiatives and including initiatives outside of the juvenile justice system such as behavioral, addiction, mental health etc. that could be funded differently and input on some of existing resources or implementation. Identify evidence-based diversion programs. Identify our partners: How do we work with communities (14-51) to invest into our juvenile justice system? How to ensure that Justice Reinvestment dollars stay in the justice arena? Prevention and early intervention to prevent children to end up in the system. Reinvestment in the front end to divert youth out of the system.</p> <p>The Juvenile Justice and Delinquency Prevention (JJDP) Council is working on identifying evidence-based practice diversion programs. The study will provide information on funding of diversion programs and the population being served. The data collection was completed in October 2011 and data is being analyzed with recidivism data over 2 years. The National Center of Juvenile Justice has conducted studies on diversion at the national level.</p>

	<p>The intent of these discussions will be on diversion before going into the system and a broader study of how it should be done.</p> <p>Regi Huerter announced that Mr. Paul Herman will be facilitating the JJTF meetings in October and November on realignment and reinvestment from a systematic point of view.</p>
<p>Issue/Topic Juvenile System</p>	<p><u>What other states are doing to improve the Juvenile Justice System – Bonnie Saltzman</u></p> <p>Bonnie Saltzman was not able to attend this meeting and this presentation is postponed to future meetings.</p>
<p>Issue/Topic Sex offender recommendation</p>	<p><u>Discussion and vote on Proposed Sex offender recommendation</u></p> <p>Under the current statutes, a person between 10-18 years of age charged with a sex offense and an adjudication occurring after the person turns 18 years of age is subject to adult registry. In many cases, the offense occurs while the person is under 17 years old but not discovered or disposed of after the person is over 18 years old.</p> <p>The Judicial working group passed the proposed language and the SOMB is not opposed by the changes proposed by Norene Simpson and Kim Dvorchak.</p> <p>Group discussions:</p> <p><u>Decision from the group and proposed changes in red</u></p> <p>16-22-113 (1) (e) “Except as otherwise provided in section (1.3)(b)(II), if the person was younger than eighteen years of age at the time of the commission of the offense, after the successful completion of and discharge from a juvenile sentence or disposition, and if the person prior to such time has not been subsequently convicted of or has a pending prosecution for of unlawful sexual behavior...”</p> <p>The proposed language will be submitted to Legislative Office to ensure alignment with the expungement Code. Rep. McCann proposed to assist in this project.</p> <p>Joe Higgins moved for the approval of the amendment, Norene Simpson seconded the motion.</p> <p>Do members of the Task Force support the amendment? Judge Ashby recused herself from voting. Yes votes from the remaining of the Task Force group. This moves forward.</p>
<p>Issue/Topic: Finishing Juvenile DUI, Denver County DUI data and sentence enhancer discussion</p>	<p>Regi Huerter reminded that the group agreed on the transfer to Juvenile Court for DUI and engaged in continuing discussions on prior juvenile convictions and expungement.</p> <p>Discussions on proposed amendment to 42-4-1307(9).</p> <p>This is an amendment to the traffic code.</p> <p>This language proposes that an adjudicated DUI offense cannot be used as a sentencing enhancement if the person has not been convicted of any felony or misdemeanor (including traffic misdemeanor) during a period of 10 years.</p> <p>Don Quick and Michele Brinegar expressed concerns of handling juvenile cases with multiple offenses the same as a first offense and believe that a prior conviction should be considered regardless of the time that has occurred between offenses. Don Quick suggested that the focus should be on prevention and education.</p>

	<p>Kim Dvorchak argued that juvenile DUI is the only charge that is not eligible for expungement besides aggravated assaults qualifying as violent offenses. The Administrative sanctions are excluded and remain available to the public. A case of driving homicide filed in Juvenile court can be expunged but a DUI that do not result in a death is treated more harshly than the one resulting in death.</p> <p>Ken Plotz clarified that DUI offenses would still be visible to Law Enforcement, judges and behavioral health for the purpose of treatment but could not be used as a sentencing enhancement. DMV records remain and cannot be expunged.</p> <p>Language change in red: “except that IF SUCH PRIOR CONVICTION WAS AN ADJUDICATION, any person that was adjudicated as a juvenile offender of FOR DUI, DUI per se...”</p> <p>Regi Huerter moves to accept language and John Gomez seconded the motion. 2 recusals 9 yes 2 no</p> <p>This moves forward</p> <p>Discussions on proposed amendment to 19-1-306 and to add (7)(e) This language proposes eligibility to expunge a juvenile DUI offense after 10 years if the person has not been adjudicated or convicted of any misdemeanor or felony subsequent offense. Under the expungement statutes, a person is eligible for expungement in 10 years after commitment to NYC or 4 years after adjudication. The proposed language would extend the expungement eligibility to 10 years.</p> <p>Joe Higgins moves to approve the amendment and Charles Garcia seconded the motion. 3 recusals 2 yes 8 no</p> <p>This amendment will not move forward</p> <p>Regi Huerter moved that we are not changing the expungement statutes. Kim Dvorchak moved forward and Norene Simpson seconded the motion. After discussions and reviews of the expungement statutes, Kim Dvorchak expressed the concern that, if approved, the proposed language would extend the eligibility to expunge to 10 years and Kim Dvorchak withdrew the motion.</p> <p>The DUI subcommittee will be invited to present on the discussions.</p>
Issue/Topic: Update on Professionalism	This item is postponed to next month’s meeting.
Issue/Topic:	Next meeting is on September 20, 2012 9:00 a.m. at the Juvenile Assessment Center. Meeting

Next meeting	adjourned at 12pm.
--------------	--------------------