

## Juvenile Justice Task Force

October 18, 2012 - 9:00 am-12:00 pm  
JAC Center, Lakewood, CO

**Attendees:**

Regina Huerter, Denver Crime Prevention and Control Commission  
 Karen Ashby, Juvenile Court Presiding Judge  
 Stan T. Paprocki, Division of Behavioral Health Office  
 Kim Dvorchak, Co. Juvenile Defender Coalition  
 Jeff McDonald, Jefferson County JAC  
 Don Quick, 17th District Attorney's Office (on the phone)  
 Beth McCann, House of Representative  
 Charles Garcia, Community at Large  
 Meg Williams, Division of Criminal Justice  
 Susan Colling, State Court Administrators, Probation Services  
 Michelle Brinegar, 8th District Attorney's Office  
 John Gomez, Division of Youth Corrections  
 Kelly Friesen, SB94, 14<sup>th</sup> JD/Grand Co. J.J. Dept  
 Bill Kilpatrick, Golden Police Department  
 Bonnie Saltzman, JJJDP Representative

**Staff:**

Ken Plotz, Consultant  
 Laurence Lucero, Division of Criminal Justice

**Task Force Members Absent:**

Linda Newell, State Senate  
 Julie Krow, Department of Human Services  
 Norene Simpson, Indigent Defense Counsel  
 Joe Higgins, Mesa County Partners

**Guests:**

Louanna Griffith, Juvenile Parole Board  
 Shawn Cohn, Denver Juvenile Probations  
 Kim English, Division of Criminal Justice  
 Matt Friesen, DYC and SB94  
 Joy Parrish, Diversion services, 18<sup>th</sup> JD  
 Amanda Bickel, General Assembly, JBC  
 Sarah Bastani, Juvenile Parole Board

<b>Issue/Topic:</b>	Regina Huerter welcomed the group.
Welcome/ Introduction	Charles Garcia moved for the approval of last month's minutes. Stan Paprocki seconded the motion. The minutes were approved by unanimous vote.
Approval of the minutes	<u>Sex Offender Deregistration and Escape recommendations.</u> Regi Huerter informed that the Sex Offender Deregistration and the Escape recommendations have been approved unanimously by the CCJJ.
Sex Offender deregistration and Escape recommendations	Following last month's JJTF meeting, the group decided to include a definition of the detention facilities rather than list all facilities. The approved language by the CCJJ defines such facilities as "state-operated locked facilities". Senator McCann proposed to carry the recommendations to the legislation. Charles Garcia thanked publicly this group in these efforts and especially Judge Plotz.
<b>Issue/Topic</b> Update on Professionalism	Regi Huerter indicated that the group that has formed under the Denver Crime Prevention Control Commission has started working with other agencies involved in the juvenile justice arena and assessed the curriculum and trainings efforts throughout the state. The goal of the group is to merge these initiatives and develop a series of trainings about juvenile justice professionalism. Regi added that the OJJDP has also undertaken similar efforts and both groups will be working collaboratively. Meg Williams specified that the next OJJDP/Professionalism committee meeting will be on 10/24, 9:00 am at 710 Kipling St. Lakewood.

<p><b>Issue/Topic</b></p> <p>Status Update on Systems Improvement and Advancement</p>	<p>Status update on Systems improvement and advancement, <i>Regi Huerter</i></p> <p>Judge Ashby mentioned that the Improvement System working group met on 10/17/12. The first initial discussions were to identify the following goals: 1) What should the best juvenile justice system look like? 2) What are the gaps? 3) What other existing models and structures are in place? 4) What is it that we are ultimately trying to develop or improve in the juvenile justice system?</p> <p>The next JJTF meeting on 11/15 will be a full-day meeting and Paul Herman will facilitate and assist with these discussions. Due to the anticipated number of participants, the JJTF meeting on 11/15/12 will take place at a different location to be announced shortly. <b>UPDATE: meeting will be held at 5440 Roslyn, Denver. (Denver Sheriff's Training Center).</b></p>
<p><b>Issue/Topic</b></p> <p>Senate Bill 94</p>	<p>A guide to Senate Bill 94, what it does and how it works, <i>Matthew Friesen DYC.</i></p> <p>SB94 is a statewide collaborative effort which focuses on the appropriate placement of youth in the detention continuum.</p> <p>Since 1972, juvenile detention has been the responsibility of the state through the DYC. Funds are allocated by judicial districts and local plans are approved by DHS. Decisions for placement are made locally and there are standardized criteria for placement. There is a statewide limit of 422 detention beds.</p> <p>In 1998 the juvenile population in Colorado was 482,000 with an ADP of 600 youth in detention (including boot camp). In 2012, the juvenile population in Colorado is 542,000 with an ADP of 237 youth in detention.</p> <p>Structure of SB94: Executive Director of DHS and the State Court Administrator and a Statewide Advisory Board.</p> <p>Funding for SB94 is based on juvenile population projection by district, juvenile arrest by judicial district, unduplicated new probation intakes and poverty factor. The bed allocation formula includes risk factor.</p> <ul style="list-style-type: none"> <li>• Local SB94 Coordinators: implement local SB94 plan, report to local juvenile services planning committees (JSPC) on progress and recommend changes, have oversight of local budget, manage judicial district detention bed allocation.</li> <li>• DYC: develop policies and administrative procedures for SB94 program. Develop scope of SB94 annual evaluation, provide programmatic and fiscal monitoring of local SB94 programs and provide technical assistance.</li> </ul> <p>Local districts utilize a multi-disciplinary approach to decision making known as MTD. The common services of SB94:</p> <ul style="list-style-type: none"> <li>- Screening and assessment</li> <li>- Case Management</li> <li>- Tracking/EHM</li> <li>- Residential and weekend work programs</li> <li>- Mentoring</li> <li>- Minority youth advocates</li> <li>- Substance abuse evaluations and treatment</li> <li>- Mental health services</li> <li>- MST, FFT, ART, MRT</li> <li>- Day reporting programs</li> <li>- Gang intervention</li> <li>- Temporary holding</li> <li>- Residential program</li> <li>- Restorative justice programs</li> <li>- Educational services</li> </ul>

The main program objective is to ensure:

- 1) Enrolled youth complete SB94 services without failing to appear in Court
- 2) Enrolled youth complete SB94 service without incurring new charges.

**Group discussions:**

*Detention* could be considered as an equivalent to adult jail. It includes pre-filing, pretrial, processing of new charge. Majority of youths are on pre-adjudication status but there are also post adjudication youths serving their sentence on probation, violating that probation and brought back to court. About 40-45% of detention population is probation violations.

*Commitment* could be considered as an equivalent to adult DOC. Youths are adjudicated and in legal custody of NYC in residential placement. They are serving their sentences plus 3 months on mandatory parole.

Under SB94 supervision, about 83% of the average daily population is in the community.

The average daily population rate is a challenging marker as the rate goes up and down the average line. There is a cap of 422 beds and data that should be considered is the number of beds closest to the cap.

When discussing detention bed needs, there should be discussions on the impact of direct filing and youths sent to detention.

Youths can also have a case in another county and SB94 coordinators are collaborating across counties to follow up on medication, child welfare placement, treatments etc. SB94 coordinators are also alert on "emergency release" especially before weekends so youths are not released on Saturday night.

The use of detention is not equal throughout the state. There are still some districts that use detention for truancy. The NYC board has provided standardized instructions but ultimately the use of detention is a locally driven function based on practices, policies. Statutorily only the youths that pose a risk to community or risk to self can be detained, but in some jurisdictions detention still occurs due to the limited access of appropriate resources.

Is there data on the override of screening and detention? With the CJRA tool assessing the risk profile, lower risk youths tend to get release quicker.

There are a significant number of low risk youths in detention. The CJRA screening instrument is a tool but not a definitive indicator on whether youth should be released.

Why is risk not included in the funding formula? The SB94 State Advisory Board has been working on this formula and determined the best factors to use for the allocation. The bed allocation formula includes risk factors. With risk factor included in formula, shouldn't Denver county be allocated a higher number of beds? One of the major drivers in bed allocation is population growth. It is likely that other jurisdictions have more significant growth in juvenile population.

The state Juvenile Justice and Delinquency Prevention Council (JJDP) is starting discussions on high need and low risks.

Should shelter care be part of juvenile detention continuum?

Are the numbers of detentions dropping equally (female and minority)?

	<p>John Gomez indicated that SB94 is a unique model across the country with very positive outcomes for youths. With SB94, there is a coordinated system in Colorado. There are also other initiatives such as HB1451 and the key for collaborative efforts is the court. John Gomez suggested a merging of SB94 and HB1451 initiatives. There is a trend around evidence based practices and how to best intervene with youth sooner. John believes that, with SB94, Colorado is one of the lead precursors of juvenile justice reform.</p> <p>Kim English specified that SB94 came from a recommendation of the first Commission on Criminal Justice.</p> <p>John Gomez and Bill Kilpatrick commended the implementation of SB94 in the state of Colorado and the outcomes for youth population.</p>
<p><b>Issue/Topic</b> Juvenile DUI records</p>	<p><u>Expungement of Juvenile DUI records and proposed statutory changes</u></p> <p>Ken Plotz reminded that the group approved by vote a) the transfer to Juvenile Court for DUI and b) that after a period of 10 year and no subsequent offense, the juvenile DUI shall not be used as a sentencing enhancer.</p> <p>Ken reminded the group that the last piece of this proposal is the expungement of juvenile DUI records.</p> <p>Under current statutes, an adjudicated offense is eligible for expungement after 4 years. At the previous Judicial working group meeting, Steve Hooper from the Department of Revenue expressed the concerns that federal funding has strings attached to DUI and that the issue of record keeping (driving under revocation) could have possible fiscal impact. He indicated that the DMV does not expose DMV records to the public after a period of 7 years.</p> <p>Ken proposed two language changes:</p> <ol style="list-style-type: none"> <li>1. This language was drafted by Ken Plotz after last month's JJTF meeting at the direction of the Task Force: <b>(e) Ten years from the date of an adjudication for an offense under Title 42, Part 13 except that the Department of Motor vehicles shall not be prevented from using such records for administrative purposes.</b></li> <li>2. This language is proposed by Steve Hooper who commented that this proposed language would address all concerns of Department of Revenue/DMV in regards to expungement: <b>(e) Ten years from the date of an adjudication for an offense under Title 42, Part 13, so long as the juvenile has not violated any provision of Part 13 or Section 126 of Part 2, Title 42 C.R.S.</b></li> </ol> <p><b>Group discussions</b></p> <p>Bonnie Saltzman asked whether the timeline for eligibility of expungement has been set for 10 years or should 7 years be considered. Ken responded that the timeline as not been set but that the proposed language was drafted with 10 years for eligibility as it aligns with the sentencing enhancement provision.</p> <p>Michelle Brinegar asked how this proposal would apply with 2nd or 3rd DUI as juvenile. The sentencing enhancement would be used when a subsequent DUI charge(s) occurred within the 10 year period.</p>

	<p>Kim Dvorchak discussed that the initial intent of this proposal was to prevent children from being held in county jail, have parental involvement and appropriate treatment for juveniles. Kim expressed the concern that this proposal brings unintended consequences for juveniles such as losing the right to jury trial, DUI adjudications counted as strikes and limiting the ability the expungement of DUI juvenile. Kim considers this proposal more punitive for youths and asked for data and arguments against 4 years eligibility for expungement.</p> <p>Bonnie Satzman recalls that Katie Wells brought the data at the Judicial working group meeting showing that there were very small numbers of repeat offenders. Bonnie agreed with Kim Dvorchak regarding the initial intent of this proposal and expressed the same concern regarding unintended consequences.</p> <p>The issue is that juvenile DUI offenders are not getting appropriate treatment in county court and parents are not involved.</p> <p>Charles Garcia asked about the voting process and whether the 3 parts (a, b and c) of this proposal should be presented and voted on separately at CCJJ.</p> <p>Regi Huerter clarified the voting process. Parts a) and b) have already been approved by the JJTF in previous meetings. The proposal will be presented to the CCJJ as a whole but discussed separately.</p> <p>Part c) expungement has to be included in the proposal as there are two conflicting statutes with the transfer of DUI juveniles in the Juvenile courts (Title 42 and Title 19).</p> <p>Regi Huerter informed that if part c) of this proposal does not pass, the entire language will be brought to CCJJ as best efforts for the CCJJ to vote.</p> <p>Charles Garcia moved for approval of language in e) drafted by Mr. Hooper. Bonnie Saltzman seconded.</p> <p>Judge Ashby and Regi Huerter abstained from voting.</p> <p>Yes: 9 No: 3 This moves forward.</p> <p>Regi Huerter thanked publicly Steve Hooper and Ken Plotz.</p>
<b>Issue/Topic:</b>	Stan Paprocki informed that the Colorado Division of Behavioral Health will be presenting on Adverse Childhood Experiences study findings in the Ft Logan Auditorium on 10/25/12 at 8:30a.m.
<b>Issue/Topic:</b> Next meeting	Next meeting is on November 15, 2012 9:00 a.m. at a location to be announced. Meeting adjourned at 12pm. <b>UPDATE: meeting will be held at 5440 Roslyn, Denver. (Denver Sheriff's Training Center).</b>