

## Juvenile Justice Task Force

March 1, 2013 - 1:00 pm-4:00 pm  
JAC Center, Lakewood, CO

### Attendees:

Regina Huerter, Denver Crime Prevention and Control Commission  
Karen Ashby, Denver Juvenile Court  
Stan T. Paprocki, Division of Behavioral Health Office  
Kim Dvorchak, Co. Juvenile Defender Coalition  
Meg Williams, Division of Criminal Justice  
Susan Colling, State Court Administrators, Probation Services  
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, JJDP Council Representative  
Norene Simpson, Indigent Defense Counsel  
Ann Gail Meinster, 1<sup>st</sup> Judicial District Court  
Debbie Rose, Juvenile Parole Board  
Michelle Brinegar, 8th District Attorney's Office  
Charles Garcia, Community at Large (on the phone)  
Julie Krow, Department of Human Services  
Linda Newell, Colorado State Senate  
Jeff McDonald, Jefferson County JAC

### Staff:

Ken Plotz, Consultant  
Laurence Lucero, Division of Criminal Justice

### Task Force Members Absent:

Beth McCann, Colorado House of Representative  
Joe Higgins, Mesa County Partners

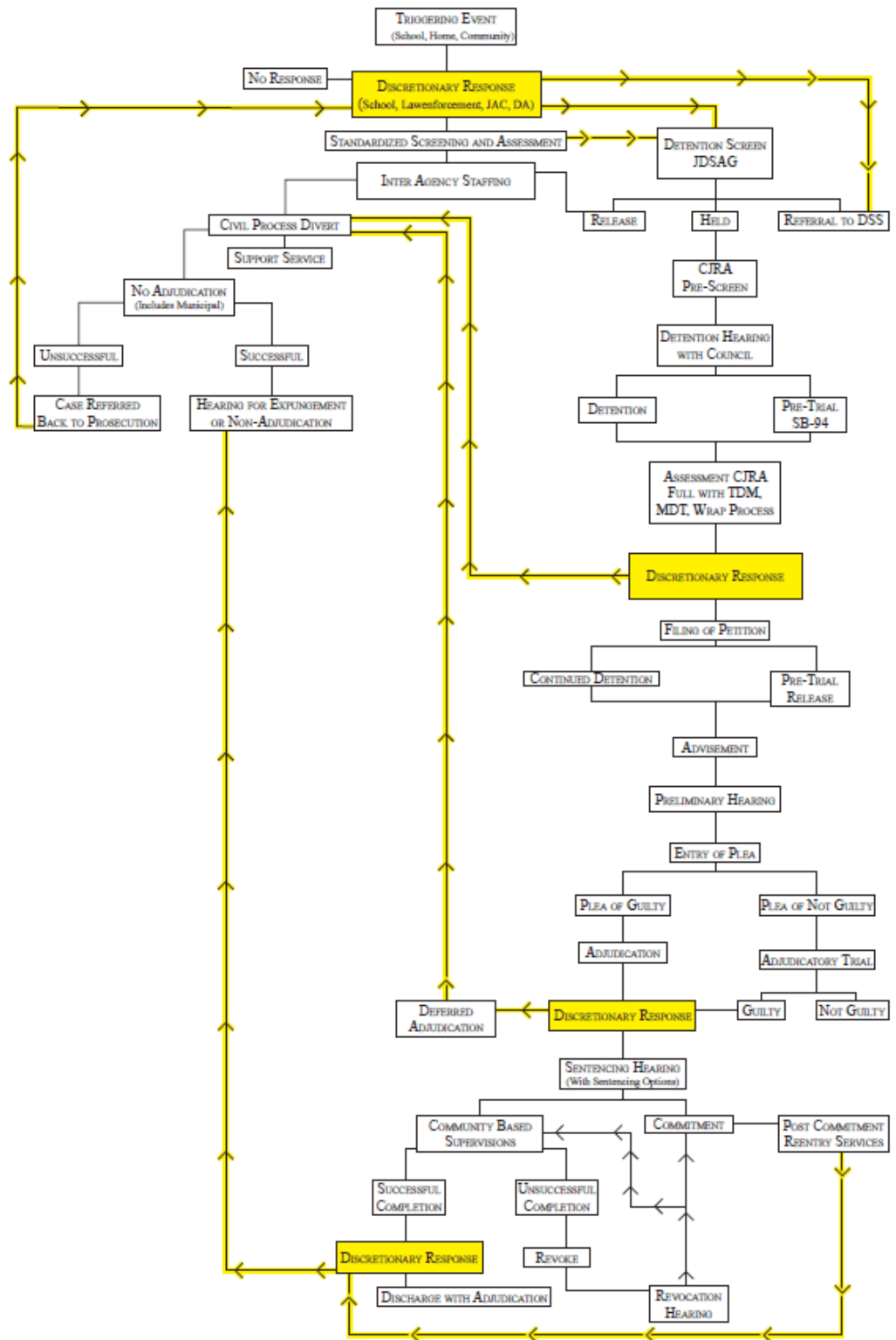
### Guests:

Kim English, Division of Criminal Justice  
Katie Hester, City and County of Denver (OEDYS)  
Tom Raynes, CDAC  
Katie Wells (on the phone)

Issue/Topic:	
Welcome and Introductions	Bonnie Saltzman announced that Regina Huerter will be arriving late at the meeting. Bonnie welcomed the group. Members and guests introduced themselves.
Approval of Minutes	Debbie Rose moved for the approval of minutes of meeting on 02/01/13. Meg Williams seconded the motion. The minutes were approved by unanimous vote.
Update on truancy and education bill	<u>Update on truancy and education bill</u>  Meg Williams indicated that H.B. 13-1021 – Truancy, GED and Education in Detention will be presented at the House of Appropriations Committee today, Friday 03/01/2013 and reminded that, following a meeting with stakeholders last month, the pieces related to the tracking of absences and the implementation of a multi-disciplinary team have been removed. Stakeholders agreed to continue working on these topics outside of legislation process. Meg also reported that her office recently conducted a compliance study for OJJDP showing decreases in the numbers of truants statewide with some judicial districts seeing a substantial increase.

<p><b>Issue/Topic:</b></p> <p><b>Sex Offender Deregistration</b></p>	<p><u>Sex Offenders Deregistration</u></p> <p>Norene Simpson reminded the group that, at the JJTF meeting in August, the group approved the amendment of C.R.S. 16-22-113(1)(e) regarding the deregistration of juvenile sex offenders. The amendment of the statute would allow deregistration from the sex offender registry if the person was younger than eighteen years of age at the time of the commission of the offense, after successful completion of and discharge from a juvenile sentence or disposition, and if the person prior to such time has not been subsequently convicted or has a pending prosecution for unlawful sexual behavior.</p> <p>The proposed language is being reviewed by the Legislative Office and the JJTF group is asked to confirm that the intent of this language is to make the proposed amendment retroactive. Norene specified that the Judicial working group along with the SOMB were not opposed to make the amendment retroactive.</p> <p>Is it the JJTF's intent to make the proposed amendment retroactive? There is no opposition and the group approved. Norene Simpson will report back to the Legislative Office.</p>
<p><b>Issue/Topic</b></p> <p>Update of the Assessment Working Group</p>	<p><u>Update of the Assessment Working group and what to expect next month, Jeff McDonald</u></p> <p>Susan Colling informed that the Assessment Working Group met last Tuesday and will meet again in March to discuss next phases after the guide is complete (the Assessment group's first task). The working group has reviewed the screening tools used across the state and will discuss what would be the next steps. How to use the instruments, how to utilize the information, who should have access to the information?</p> <p>The Assessment working group will present at the next JJTF meeting in April.</p> <p><b>Group discussions:</b></p> <p>Will the presentation to the JJTF include which instruments are used at which stage of the system? Will there be recommendations of which instruments to use across the state? A matrix will be presented showing instruments at all stages but no recommendations will be made. There are standardized instruments used across the state (for example CJRA).</p> <p>Is there information on how these instruments are used, and who has access to the information? The Assessment working group will be discussing how to utilize the information gathered in the instruments and what will be the next phases.</p> <p>It was noted that the work of this group will now become particularly important in light of the JJTF's efforts to screen and assess youths who commit lesser offenses so that a civil adjustment rather than a formal proceeding can be used.</p>
<p><b>Issue/Topic</b></p> <p>Realignment and framework of the juvenile justice</p>	<p><u>Continuing discussion on developing the realignment and framework of the juvenile justice system</u></p> <p>The <i>Discretionary Response Flowchart</i>, the <i>Juvenile System Key Components</i> and the <i>2011 Montana Data Report Card</i> are handed-out to the group.</p> <p>The <i>Discretionary Response Flowchart</i> has been revised and includes changes that have been discussed at last month's meeting.</p> <p>Kelly Friesen presented and commented the Discretionary Response Flowchart.</p>

# Juvenile Justice Discretionary Response Continuum



## **Group Discussions**

It is commented that the “Discretionary Response” yellow box should be underneath the “Entry of Plea” rather than under “Adjudication”.

### Further Discussions

In Denver, when law enforcement officers write a ticket to District court, a large percentage of youths go through the screening and detention process. How is the process handled in other districts? Is there a way to temporarily detain, screen and do a civil adjustment? How NOT to default to summons or alternate route unless there has been a decision process that determined that there is ground to detain? Is it a training issue? Law Enforcement should have that discretion upon the time of writing ticket. Is the code implemented as it was intended or as it is interpreted?

In Montana, 80% of youths are diverted. The informal process consists of Probation officers entering into agreements with parents and youths without going into the system. Resources can be saved and realigned to services.

It was reminded that this flowchart is a conceptual idea of a system and that the definition and the components of the discretionary response remain to be defined by the group. The determination of which entities would take on responsibilities should occur at a later stage of discussions while acknowledging that resources will be utilized. The group should focus on the overall structure and flush it out.

Michelle Brinegar stated that, when drafting statutory language to define this process, the group should keep in consideration that District Attorneys will want to have the power to override any decision made by an assessment officer or screening person to handle a case with a civil adjustment. It was commented/argued that in reality, at the outset law enforcement officers have great level of discretion on whether to file and that DA’s are usually not involved in the process unless there is filing. It was suggested more collaborative responses from entities at all stage of the system for better decision and outcome for youths.

It was later added that the reference that the police make decisions to file or not without consulting the district attorneys was not meant to be critical of the district attorneys.

Minor changes including these structural comments will be made to the flowchart and Bonnie Saltzman commended Kelly Friesen for preparing this document.

Is there consensus with a non-filing process? Does the group agree with the general concept of this system? There is no opposition and the group agreed.

*Discussions on this topic are on hold. The group engaged in Minor in Possession discussions, next topic on the agenda. Charles Garcia who could attend the meeting temporarily provided an update on the Amendment 64 Task Force recommendations.*

### Dividing up the work. What needs to be done by the Task Force and what should be done on a working group level

Regi Huerter indicated that the goal is to ensure that key components are covered or added up on the flowchart. Regi proposed to divide the group into sub-groups and review which components in Title 19-2, part 1, 3 and 5 would be impacted by the reformed juvenile justice system and determine whether statutory changes or practices will be

	<p>needed.</p> <p><b>Group discussions</b>  It was expressed that rather than engaging in a process of examining Title 19, we should develop a process for a “discretionary response” or civil adjustment procedure and then determine what changes are needed in the code.</p> <p>Can the group be trained on the Children Code or obtain a summary? Links to the Children Code will be forwarded to the group. A pocket guide is passed to the group, <i>“Pocket Guide to Colorado Criminal Laws”</i> by Pocket Press.</p> <p>It was suggested that a preview of the group’s work be prepared. Regi Huerter, John Gomez, and Kelly Friesen volunteered to draft a document of our legislative intent. Senator Newell expressed interest in this project but does not have the capacity to attend during this legislative time.</p> <p>Two sub-groups are formed to work on defining the Discretionary Response (yellow boxes):  <u>Civil response group</u>: (Chairs are listed in bold) Kelly Friesen, Norene Simpson, Jeff McDonald, Meg Williams, Michele Brinegar, <b>Gail Meinster, Ken Plotz</b>, Bill Kilpatrick, Katie Wells, Kim Dvorchak.  <u>Wobbler group</u>: John Gomez, Kelly Friesen, Kim Dvorchak, Don Quick, <b>Karen Ashby</b>, Bonnie Saltzman, Susan Colling.</p> <p>Members from other groups that have engaged in similar discussions may be invited to participate.</p> <p>Bonnie Saltzman, Regi Huerter and Ken Plotz will prepare 3 or 4 questions as topic of discussions and will forward to the group. Sub-groups will meet in March and report back to the JJTF in April.</p>
<p><b>Issue/Topic</b></p> <p>MIP Statute</p>	<p><u>Minor in Possession Statute; Discussions of how to proceed</u></p> <p>Charles Garcia indicated that Amendment 64 Task Force has concluded and that legislative language is being drafted including the recommendations made by the Task Force. It is anticipated that these recommendations be introduced to the legislature in the coming weeks.</p> <p>Amendment 64 Task Force is recommending that 1<sup>st</sup> time juvenile offenders possessing less than 1 oz of marijuana would be issued a civil summon to Juvenile court. This recommendation passed unanimously at the Task Force.</p> <p>Charles mentioned that a draft proposing “0” tolerance for DUID per se for youth under 21 years old was discussed and did not passed at the Task Force.  The group also discussed another draft proposing the removal of driver licenses for offenders providing marijuana to minors. The Task Force group agreed that legislation already existed for this offense and no further recommendation was needed.</p> <p>The position of the Task Force was to de-criminalize the offense of possessing less than 1oz marijuana for persons under the age of 18 years.</p>

**Group discussions:**

Were there discussions on Drug endangered child? Charles Garcia responded in the negative.

The JJTF group expressed concern that the issuance of civil summons to Juvenile court for 1<sup>st</sup> time offender could result in higher number of detention. Additionally, 1<sup>st</sup> time offenders would be mixed along with more serious offenders in district courts and result to unintended consequences for youths.

Were there discussions about municipal courts? Charles Garcia responded cases are not tracked in municipal courts. An offender could be in multiple municipal courts without being tracked. Another rational for recommending juvenile court is the inconsistency of treatment in municipal courts.

Most juvenile courts also handle civil cases and in some districts, law enforcement officers are encouraged to write tickets to Juvenile courts as more geared towards services. There are services and consequences that do not exist in municipal courts. The example is provided that in some districts, sex offense cases are separated from other dockets and have their own court rooms. It was suggested to consider the consequences of bringing a 1<sup>st</sup> time marijuana offender in district court. Marijuana offenders would demean the impact of their crime in comparison with other cases heard in District courts.

It was suggested that a legislative declaration be drafted stating that the JJTF is recommending referral to treatment without going before court. Not all youths, especially time 1<sup>st</sup> offenders need full assessments and treatments. Jefferson Assessment centers keep track of 1<sup>st</sup> time offense without involving treatments/services.

Ken Plotz asked how Amendment 64 Task Force felt about the JJTF working on a holistic system toward civil adjustment. Charles Garcia responded the Amendment 64 Task Force did not want to wait as the consequences of Amendment 64 for Juveniles are immediate and considered this issue should be addressed immediately.

Michele Brinegar reported that, if the JJTF agreed to an approach today, Tom Raynes from CDAC proposed to bring this recommendation to the CCJJ/Drug Task Force and include the recommendation into the Drug reform bill.

Bonnie Saltzman responded that the process required that CCJJ approve the recommendation prior to submitting to legislation.

Ken Plotz indicated that a revised draft of a MIP of marijuana statute is included in the meeting's materials. Ken reminded that the draft models the MIP of alcohol statute. A separate statute is proposed for the purpose of tracking marijuana separately and collecting data. The revised draft includes Amendment 64 Task Force recommended civil penalties.

	<p>The group reviewed the language and suggested the following changes: Changing “drug” to “substance use” throughout the document. Replacing “Shall” by “May” in paragraph 2 and replacing “substance abuse information course” by “substance use education course” in paragraph 2.</p> <p>The group discussed that providing complete screenings and treatments may result in putting juveniles into the system for a 1<sup>st</sup> offense and that focus should be on education.</p> <p>Should a new statute MIP of marijuana be drafted or should the JJTF take no action at this time in regards to Amendment 64 Task Force going forward with recommendations?</p> <p>In Colorado, MIP cases are either handled in juvenile courts or in municipal courts which vary by districts.</p> <p>The recommendations made by the Amendment 64 Task Force will be sent to the Governor and will then go through the legislation process. It was suggested the drafting of a “white paper” expressing JJTF’s position and concern regarding the implementation of the Amendment 64 Task Force recommendations. It was mentioned that, because MIP statutes are already in place, JJTF should continue working on a more holistic system. Katie Wells expressed the concern that the current MIP statute alone doesn’t allow the separate tracking of MIP of marijuana that would result in good data and funding of resources.</p> <p>Kim Dvorchak moved the motion that the JJTF submit a letter asking that the recommendation from Amendment 64 Task Force relating to Minor in Possession referred to juvenile courts not be implemented at this time as the JJTF continues working on this issue.</p> <p>Senator Newell amended the motion to explain the rational of the JJTF’s position and to express the concern that more youths would be adjudicated and detained if referred to juvenile courts as well as the tracking data. The group felt that the impact of these recommendations should be weighted cautiously as there would be unintended consequences for youths.</p> <p>The drafting of such letter needs to be submitted to CCJJ for approval. The CCJJ is not meeting in March.</p> <p>Senator Newell asked permission to the group to report this discussion to the Legislature and that the JJTF would prefer moving cautiously on this issue.</p> <p>Ken Plotz suggested that the group do not take vote on this issue but take consents and agreeing that Senator Newell report these discussions to the Legislature. The group agreed and expressed consent on this position. Kim Dvorchak withdrew her motion.</p>
<b>Issue/Topic:</b> Next meeting	Regi Huerter announced that Don Quick is returning as a JJTF member. Next meeting is on April 5, 2013 at 1:00 p.m. at the Juvenile Assessment Center. Meeting is adjourned at 4:00 pm