

**Juvenile Justice Task Force**  
**Colorado Commission on Criminal and Juvenile Justice**

April 5, 2013 - 1:00 pm-3:00 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  
 Kelly Friesen, SB94, 14<sup>th</sup> JD/Grand Co. J.J. Dept  
 Bonnie Saltzman, JJDP Council Representative  
 Norene Simpson, Indigent Defense Counsel  
 Debbie Rose, Juvenile Parole Board  
 Michelle Brinegar, 8th District Attorney's Office  
 Julie Krow, Department of Human Services  
 Jeff McDonald, Jefferson County JAC  
 Joe Higgins, Mesa County Partners

**Staff:**

Ken Plotz, Consultant  
 Laurence Lucero, Division of Criminal Justice

**Task Force Members Absent:**

Beth McCann, Colorado House of Representative  
 John Gomez, Division of Youth Corrections  
 Bill Kilpatrick, Golden Police Department  
 Ann Gail Meinster, 1<sup>st</sup> Judicial District Court  
 Charles Garcia, Community at Large  
 Linda Newell, Colorado State Senate

**Guests:**

Denise McHugh, Spark Policy  
 Lou Griffith, Juvenile Parole Board  
 Kim English, Division of Criminal Justice  
 Hollie Wilkinson, 13<sup>th</sup> District Attorney's Office  
 Sarah Ericson, 18<sup>th</sup> District Attorney's Office  
 Norm Kirsch, CDHS-Division of Child Welfare Services

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| <p><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p> <p>Approval of Minutes</p> | <p>Regi Huerter welcomed the group. Members and guests introduced themselves.</p> <p>Debbie Rose moved for the approval of minutes of meeting on 03/01/13. Meg Williams seconded the motion. The minutes were approved by unanimous vote.</p> <p>Regi reminded that the JJTF group issued several recommendations and approved by CCJJ that were introduced to the legislation this year: 1) Truancy, GED and Education in Detention 2) Escape and, 3) Sex Offender Deregistration.</p> <p>Regi thanked publicly the JJTF members and guests who attended the working groups and acknowledged the work accomplished.</p> |
| <p><b>Issue/Topic:</b></p> <p>Update from the Assessments Working Group</p>            | <p>Jeff McDonald handed out to the group the draft of a Colorado Reference Guide, Juvenile Screening and Assessment Instrument.</p> <p>The JJTF/Assessment working group has worked on examining all the assessment tools used across the state and identifying validated instruments.</p> <p>The membership of the Assessment working group can be found on page 40 of the manual. The tools described in the manual are the tools identified as valid. Jeff highlighted that the manual includes in the first pages, definitions and distinctions between screening and assessment.</p>                                |

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|   | <p>This manual is intended to be a dynamic assessment guideline.</p> <p>The guide is submitted to the JJTF group for reviews and feedbacks and whether the group approves its use. Jeff invited the group to provide feedback before 4/23/13 date at which the Assessment Working group will meet to discuss how to utilize the information gathered in the instruments and what will be the next phases.</p>  |
| <p><b>Issue/Topic</b></p> <p>Update on Consent Adjustment Group</p> | <p>Kelly Friesen presented an update on the Consent Adjustment working group. The group met earlier this morning and a revised flowchart is included in today’s meeting materials. The flowcharts are dated.</p> <p>The concept envisioned is that law enforcement officers would have a civil citation ticket book with a promise to appear. There would be notification to District Attorneys. The intent is for juveniles to be provided same services across the board with a continuum of services available to all juveniles. The juveniles in the civil adjustment system would not receive adjudication and the case would be “removed” if juveniles are successful. The unsuccessful juveniles would be moved back to the formal system.</p> <p>There have been discussions that SB-94 coordinators are well prepared and already authorized throughout the state to take on this responsibility. There also have been discussions about exploring the expansion of diversion. It was suggested a blending of resources (HB-1451, SB-94, Diversion).</p> <p>Additional discussions were about the tracking of juveniles in municipal courts and how to define the juveniles qualifying to move from municipal to civil.</p> <p>The group decided to draft a rebuttable presumptive list of offenses falling under the civil adjustment process with override from District Attorneys or parents refusing to sign the consent.</p> <p>Victims’ rights representatives will be invited to participate to these discussions.</p> <p><b>Group Discussions:</b></p> <p>Would District Attorneys included in the decision-making in the first “Discretionary Response” box or are they just notified at this point of the system?</p> <p>District Attorneys would not be in the first “Discretionary Response” box. Law enforcement officer would write a ticket and sent to a Juvenile Assessment Center (JAC). The JAC officer would have the authority to enter into agreement with parents/child. The agreement would include Restorative Justice services, restitution, treatments. If successful, the juvenile would be released without a case.</p> <p>The JJTF group is encouraged to provide feedback to any member of the working group on the work accomplished at this point.</p> <p>It was suggested that the group include family representation.</p> |

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| <p><b>Issue/Topic</b></p> <p>Update on the Wobbler group</p> | <p>Judge Ashby presented an update on the work of the “Wobbler” working Group.</p> <p>The first part of the meeting consisted on reviewing and discussing the youths on the civil side. The group discussed that the “wobbler” concept in the adult justice system is a more defined concept as consequences are based on the level of offenses (misdemeanor/felony). In the juvenile justice system, the punitive consequences are more or less the same whether misdemeanor or felony offenses. However, juveniles face long-term consequences such as employment, expungement eligibility, military registration, housing etc.</p> <p>How could these consequences be addressed?<br/>         In order to address the long-term consequences of a record for a juvenile, one of the ideas advanced was to not categorize offenses committed by juveniles as felony or misdemeanor. The offenses could be referenced to non-designative.<br/>         If the youth is successful in the process, there could be legal provisions allowing the youth to respond that he/she has not been adjudicated. A record would still exist.<br/>         There have been discussions about destroying records but the group acknowledged possible push back from various entities involved in the juvenile justice system.</p> <p>There are provisions in the statutes regarding deferred prosecution but rarely used in our current system. For non-successful youth, there could be an admission used for prosecution.</p> <p>The statutes also provide for services throughout the Children Code. The group decided to gather a list of the provisions relative to services and possibly create new statutes combining all the provisions.</p> <p>The group will also consider ways of expunging the arrest record if the youth is moved into the civil adjustment system. The “Wobbler” working group will be reviewing the expungement statutes. The expungement bill in the legislature has been substantially amended this week.</p> <p>The group agreed that there should be continuum of services throughout the system.</p> <p><b>Group Discussions:</b></p> <p>Could the record be transferred to TRAILS rather than being destroyed? TRAILS data base is confidential and not available to public. Perimeters could be defined regarding access to information with possible statutory limitations. Judges could decide if this is the best interest of the child to allow access to LE.</p> <p>The CDHS are working on re-designing the TRAILS and on modeling to be a tool that tells a story about the child.</p> <p>In our current system, no juvenile record is available and it is a judicial determination to allow access to the information. To access a juvenile record of a now adult client, defense attorneys have to subpoena to court to request access which will be reviewed by prosecution. Defense attorneys feel that there is a risk of exposing client to prosecution.</p> <p>Regi Huerter summarized for the group and guests what the JJTF is intending to accomplish in regard to a civil adjustment system.</p> <p>The goals of the work of the JJTF are to ensure right services for right children along with due</p> |
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process.

It is recognized that there is judicial discretion and differences across the jurisdictions. Some jurisdictions may not have diversionary process; others may have a municipal system but there are inconsistencies across the state. There is inconsistency about access of services also. The JJTF agreed that some youths are appropriately placed in formal settings but there are also practices where youths are placed in formal and residential settings inappropriately (for example runaways). It is also acknowledged that there may be family issues but in our current system, the only way for juveniles to access services is to have JD case. There is no equity in the access to services.

The goals of the JJTF are to improve consistency around delinquency matters and ensure a continuum of services across system and address/prevent unintended consequences. The group recognized that there are instances when services do not work or it is in the best interest of the child to not intervene, but there are also other instances when services work and the juveniles should have a 2<sup>nd</sup> chance.

It was recognized that multiple districts and counties have worked around youth initiatives, for instance HB-1451, but not consistently across the state. The framework of our current system actually creates barriers that we are trying to eliminate. It is intended to map out a system and to fit into the current system framework. It is intended to build out youth initiatives into these efforts.

It was also acknowledged that there are discrepancies between rural and metro offenses and the way they are treated. The chart presented ensures more consistencies.

The numbers of juveniles in residential settings at the DYC are decreasing and the group is discussing how to coordinate these efforts. How to coordinate SB-94 and HB-1451 to provide more services?

The Children Code provides for such system but not used consistently across the state. The JJTF is working on accomplishing what the legislature intended to accomplish with the Children Code.

Should the group explore a statutory diversion program rather than a civil process? In 13<sup>th</sup> district, there is no diversion so with statutory implementation, diversion would be present across the state.

It was suggested to explore a share services model where entities providing services (probation, diversion, service providers) would be in a “hub” and resources blended.

It was mentioned the use of people resources in the judicial system and ensuring that families are assisted when navigating through the judicial system. The goal is to help juveniles to become productive individuals. The review of the system consists on looking at how the services are delivered and if they are delivered.

Will the Victims input be considered? Yes, they will be invited to participate in the discussions.

In summary, the group discussed:

- How to address record keeping and access,
- VRA, victims’ community input,

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|  | <p>- Family voice,<br/>- CDAC concern about DA override.</p> <p>It was agreed to remove the line from “Guilty” to “Discretionary Response” box in the flowchart.</p> <p>The group will also work on defining which entities should be part of the decision-making of the 1<sup>st</sup> Discretionary Response and on continuum share services.</p>   |
| <p><b>Issue/Topic:<br/>Professionalism</b></p> | <p>The Division of Criminal Justice has allocated funds to support initiatives related to Professionalism. Denise McHugh from Spark Policy Institute, Meg Williams and Bonnie Saltzman have been working on this issue. The Professionalism Working Group’s goal is to ensure that all stakeholders (prosecutors, probation services, case workers, defense attorneys etc.) involved in the Juvenile Justice system are educated on juvenile justice matters. The mission is to educate people about the type of trainings available across the state and merge trainings so no duplicated trainings are offered throughout the state.</p> <p>The Division of Criminal Justice and the Juvenile Justice and Delinquency Prevention (JJDP) Council have contracted with SPARK Policy Institute. The group has also combined efforts with the Denver Professionalism group. What should core trainings and advanced curriculum look like using SPARK Policy Institute?</p> <p>SPARK Policy Institute is drafting a 2-pages White Paper that includes the “WHO”, “WHAT” and “WHEN”. The White Paper will be submitted to members of the Professionalism group for review.</p> <p>Julie Krow mentioned that Child Welfare Services are also working on re-designing their competency curriculum and that a Training Skill Committee has been formed to ensure that competency training is provided at all levels of people working with children.</p> <p>Bonnie invited additional participation in these efforts and encouraged JJTF to support professionalism.</p> |
| <p><b>Issue/Topic:<br/>CCJJ</b></p>            | <p>CCJJ Next Steps.</p> <p>Regi Huerter indicated that an overview of the “Discretionary Response” will be presented at next CCJJ and invited members of the JJ Task Force to attend. The CCJJ meeting will meet at the Jefferson County District Attorneys on 4/12/13 at 12:30pm.</p> <p>Regi mentioned that the CCJJ members had limited term appointment and that her term will expire in June 2013. Anyone interested in filling Regi Huerter’s position at the Colorado Commission of Criminal and Juvenile Justice should go through an application process (<i>for more information, consult the Offices of the Governor, Boards and Commissions</i>).</p> <p>Regi Huerter announced that Kelly Friesen has been appointed as Co-Chair of the JJTF and will replace Regi Huerter as Chair of the JJTF after July 1, 2013. A Co-Chair (also member of the CCJJ) will be appointed for the JJTF.</p> <p>Do we have consensus on what we are doing? All agreed.</p>   |

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|   | <p>Kim Dvorchak reminded that the Escape and Sex Offender Deregistration bills are included in the "Omnibus bill". Kim proposed to testify and asked the group if they felt that the bills should be taken out of the "Omnibus bill"? Kim will testify (and the bills will remain in the Omnibus Bill).</p> |
| <p><b>Issue/Topic:</b><br/>Next meeting</p> | <p>Next meeting is on May 3, 2013 at 1:00 p.m. at the Juvenile Assessment Center. Meeting is adjourned at 3:00 pm for working group to meet.</p>  |