

Juvenile Justice Task Force

Colorado Commission on Criminal and Juvenile Justice

August 2, 2013 - 1:00 pm-4:00 pm

JAC Center, Lakewood, CO

Attendees:

Kelly Friesen, SB94, 14th JD/Grand Co. J.J. Dept
 Jeff McDonald, Jefferson County JAC
 Regina Huerter, Denver Crime Prevention and Control Commission
 John Gomez, Division of Youth Corrections
 Ann Gail Meinster, 1st Judicial District Court
 Norene Simpson, Indigent Defense Counsel
 Michelle Brinegar, 8th District Attorney’s Office
 Julie Krow, Department of Human Services
 Hal Sargent, CDAC, DA 1st JD (phone)
 Susan Colling, State Court Administrators, Probation Services
 Bill Kilpatrick, Golden Police Department
 Joe Higgins, Mesa County Partners
 Debbie Rose, Juvenile Parole Board
 Kim Dvorchak, CJDC
 Karen Ashby, Denver Juvenile Court (phone)
 Stan T. Paprocki, Division of Behavioral Health
 Bonnie Saltzman, JJDP Council Representative
 Beth McCann, Co. House of Representative

Staff:

Ken Plotz, Consultant
 Laurence Lucero, Division of Criminal Justice

Task Force Members Absent:

Charles Garcia, Community at Large
 Linda Newell, Co. State Senate
 Meg Williams, Division of Criminal Justice

Guests:

Hollie Wilkinson, DA 13th JD
 Norm Kirsh, Child Welfare Services, CDHS
 Margie Grimsley, Colorado Federation of Families for Children’s mental health
 Kristin N. Weissinger, Rocky Mountain Children's Law Center

Issue/Topic:	Kelly Friesen welcomed the group. Members and guests introduced themselves.
Welcome and Introductions	Kelly Friesen announced the appointment of Jeff McDonald as a new CCJJ member and the co-Chair of the JJTF.
Announcement	The minutes of the JJTF meeting on 06/04/2013 will be corrected with Mr. Joe Higgins not of attendance. Debbie Rose moved for the approval of the amended minutes.
Approval of Minutes	Michelle Brinegar seconded the motion. The minutes were approved by unanimous vote.
Issue/Topic:	Colorado Reference Guide Juvenile Screening and Assessment Instruments
Updates	<p>The Colorado Reference Guide on Juvenile Screening and Assessment Instruments was handed out to the group. The guide will be updated every 2 years. The guide will be posted on the following web pages:</p> <p>www.cdhs.state.co.us www.cdps.state.co.us www.coloradofederation.org www.courts.state.co.us www.jeffcosjac.org www.jeffersonmentalhealth.org</p> <p>The web links will be forwarded to the JJTF members as soon as posted.</p>

	<p>Bonnie Saltzman thanked the Assessment working group for this work and product. The guide will be presented at the next CCJJ on 08/09/13.</p> <p>Update on the Juvenile Defense Attorney Interim Committee</p> <p>Kim Dvorchak reported that the Juvenile Defense Attorney Interim Committee had its first meeting this week and next meeting is scheduled on Monday 08/05/2013. The Committee is to study the juvenile defense. All the meeting information, agenda, minutes and documents are available on the Legislative Council webpage at www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil. Significant changes around juvenile counsel are anticipated. The first issue discussed concerns the high rate of waivers involving about 50% of youths across the state. Kim will continue updating the JJTF group and encouraged any interested parties to attend.</p>
<p>Issue/Topic:</p> <p>Overview of a Consent Adjustment</p>	<p>Overview of a consent adjustment: What do we have? What does it look like?</p> <p>Kelly Friesen informed the group that the civil or consent adjustment has been re-named “Informal Adjustment” and announced there will be a vote at the end of the meeting on whether the group approves this concept.</p> <p>Jeff McDonald handed out a <i>Status Report</i> outlining the efforts of the 3 working groups, the <i>Vision, Mission and Guiding Principles</i> of the JJTF, 2 flowcharts (<i>2013 CJ-Criminal Justice and 2013 IA- Informal Adjustment</i>) and a <i>Draft of the Civil Adjustment of Informal System Response</i> defining an informal process.</p> <p>Jeff reminded the group that the concept that is being discussed is about the youths that are in the juvenile justice system. The juvenile justice system in Colorado is a dynamic system and often regarded as a model by other states. There has been substantial decrease of detention beds and less youths going into the system over the years. The work of the JJTF is to ensure that the right kid accesses services at the right time and at the appropriate place. He acknowledged credit for this phrase should go to DYC.</p> <p>How to intervene earlier in the system to prevent youths to go deeper into the system?</p> <p>One of the tasks of the JJTF is to identify informal processes in the Children code. Should the process be to examine be a “Promise to Appear” or a civil citation? Jeff mentioned Program Area 3 and 4e waiver from the Child Welfare and how these initiatives could impact such concept. While the Informal System Response is defined, the group should consider the impact on the system itself.</p>
<p>Group discussions</p>	<p>Kelly Friesen engaged the discussions and comments about the Informal System Response.</p> <p>Who would be responsible for the Informal Response System? This has not been</p>

	<p>discussed nor determined at this point. The vote that will occur today is on the concept.</p> <p>There is an Informal Adjustment statute but it requires the filing of charges. It is very different from the intent of this concept.</p> <p>It was believed that this concept was already formally approved at previous meetings and that the group agreed to move forward.</p> <p>What is the volume of the youths that are targeted in this system? Juvenile commitments, probation, arrests and detentions have decreased substantially across the state. Colorado is seen as a model across the nation. Some hesitation was expressed regarding this concept due to the lack of data that drives the decision.</p> <p>It was agreed on what the group is trying to accomplish but unsure about the way to accomplish this concept. Creating a new system might be very cumbersome for all impacted organizations and could have a fiscal impact. Should defining diversion and pre-filing diversion (or named Informal Process) be better defined in the statutes? Possibly, expanded the role of S.B. 94? Can pre-filing diversion be accomplished in collaboration with the Department of Human Services instead of creating a new system?</p> <p>The intent is not to develop a new system but rather a concept to look at the juvenile justice a different way and built up the front end of the system. This can be accomplished by revising the Children’s Code and making an informal adjustment system consistent and applicable throughout the state. In our current system, a youth who commits an offense in a particular jurisdiction doesn’t get the same opportunities than another youth committing the same offense in another jurisdiction (example of rural counties and metro area). In some counties, youths are getting filings in court when in other counties municipal citations. There are large disparities among the jurisdictions and the intent is to standardize low-risks, low-needs youths throughout the state so they are treated equally across the state. It was acknowledged that funding is always an issue but reallocation of funding should be considered due to decrease of commitments and probation.</p> <p>Should strengthening S.B.94, H.B. 1451 and diversion be explored? How to ensure that diversion is properly funding across the state?</p> <p>It was suggested to collect data on the numbers of youths involved in the process and on why the numbers of filings and commitments dropped. If this because of services, then what are those services? It is challenging to implement significant changes without the back-up of data. One of the major issues in the rural areas is the services for youths in parole or probation but counties are becoming very creative in the way they handle juveniles.</p> <p>Earlier interventions could be one of the main factors explaining decreasing in commitments. How to break down the silos or how to link these silos so they systematically work together? How to put this concept in practice given the current</p>
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	<p>juvenile justice structure? Data collection should also include municipal courts. In some counties, a juvenile with 3 tickets would be adjudicated but in other counties, the juvenile would receive pre-filing diversion and no adjudication. Not all the jurisdictions have municipal courts. Disparity among jurisdictions.</p> <p>The idea of not creating a new system but rather building on what really works with our existing system and utilizing resources from the collaborative management program and a more effective realignment was approved.</p> <p>The belief was expressed that, in many ways, the system is not working as well and has many issues and that there are other entrenched perspectives that are protective of the system. This Task Force should continue working on the concept of diverting low-risks youths out the juvenile justice entirely and explore all the possibilities. S.B.94 been mentioned as an alternative in this concept but it was argued that S.B. 94 programs handle high-risks juveniles and therefore should not be tied to the discussions of low-risks youths. Options should be made available to communities. This process is understood as a civil adjustment. This concept should be flushed out within the system that currently exists.</p> <p>With the S.B. 94 pilot project in 1993 and the Collaborative Management program (H.B. 1451), communities created Local Planning Committees. Those committees have set detention screening criteria, so more serious juvenile offenders are in detention and less serious out of detention. Local multi-disciplinary teams and families have been involved in this decision process and as a result of those collaborative efforts, more services (including restorative justice) were provided at the community based-level. How to utilize juvenile diversion, collaborative management and S.B.94 funds and collaborate with local planning groups? This concept is not perceived as a new system or a new program but rather as a way to best utilize what has been learned from S.B.94 and funding sources so less youths are adjudicated. It was mentioned that most of the juveniles do not even need services and often, SROs deal and mediate with cases directly on campus. With the Child Welfare Differential Response, services are moved earlier in the process and out of the court system for 1st time offenses.</p> <p>What is actually happening in courts and what this group is trying to accomplish is very different. For example, in the 4th Judicial District, District Attorneys are no longer allowed to do pre-diversion for sex offenders.</p>
<p>Public Discussions</p>	<p>Hollie Wilkinson brought the rural perspective to the group. Last year, Sedgwick county filed on 10 juveniles. There is no diversion program in Sedgwick because it was unfunded. There are only 2 options available: "Lecture and Release" or filing of charges. If L&R, there are no services provided. Hollie agreed with the idea of cleaning up the diversion statutes as not clearly directed in the statutes, possibly mandate the funding of diversion and examine best practice models for pre-filing.</p> <p>Norm Kirsh informed that there is a section in the Collaborative Management statutes which permits State Human Services to identify outcome areas for participating counties and to focus on specific issues. The juvenile justice is very broadly defined in the statutes, and if the State identifies a juvenile justice issue as a priority, the</p>

	<p>participants in the collaborative management program would sign an MOU in order to receive incentives and address that specific issue. The CM statutes allow a focused guidance.</p> <p>Margie Grimsley provided perspectives from the families. In the criminal justice arena, there are youths assessed with low-needs and low-risks but many need mental health and substance abuse treatment. In the mental health field, the same youths would be assessed high-risks high-needs. Those youths are pushed in the criminal justice system and there is disconnect when schools call Law Enforcement for a behavioral act instead of calling the mental health support. The system needs to ensure that the mental health/substance abuse needs are met.</p> <p>Kristin Weissinger explained that, many youths at the Rocky Mountain Children’s Law Center score high-risks for reoffending but with a very low level type of delinquent acts. Because those juveniles are beyond control, there are no non-adjudicatory options available. The case is filed in court because services can be provided through diversion. The intent is not to file but there are limited options available to get services and in the current system, no other way to hold youth accountable.</p>
<p>Summary of points discussed today</p> <p>Discussions</p>	<p>Kelly proposed to deviate from the agenda and no longer vote on the “Informal System Response” but rather vote on whether the group agreed on these discussions being the direction the group would like to pursue and move forward.</p> <p>Kelly Friesen presented a summary of the discussions in bulleted points:</p> <ul style="list-style-type: none"> - Data and data collection - Review current statutes, policy and procedures for possible modifications - Evaluate existing programs/resources - Funding streams - Minimizing fiscal notes - How to utilize local planning boards - Diversion, S.B.-94, CMP-H.B. 1451, Program Area 2,3 and 4 (CDHS, Child Welfare) - Consistency/uniformity with flexibility across the State <p>Discussions:</p> <p>For clarification purpose, is a separate system ruled out while the group works further on examining the existing resources and possibly modifying the diversion statutes?</p> <p>It was responded that there is not enough data and information to vote on whether there should be a separate system, policies or procedures. Some of these issues should be flushed out to lead to the answer. Can these goals be accomplished by just modifying the current code with S.B.94 and diversion or should it be a separate system? The group should work on ensuring that services are realigned in the front end.</p> <p>It was agreed that the focus should be on strengthening the front end of the system. There are many back-end opportunities in each jurisdiction but not equal opportunities in the front end of the system. The concern was expressed that</p>

	<p>attaching the front-end with diversion would consolidate the control of the DA’s. The decision should involve a multi-disciplinary team possibly S.B.94, law enforcement, DAs, families etc. The data should be collected right away. H.B. 12-1345 mandates that law enforcement agencies and District Attorney’s Offices report on school-based Incidents and juveniles entering the juvenile justice system. There are still youths in detention on status offenses or juveniles pleading guilty without counsel. Regardless that the numbers are dropping, best practices and best policies should be defining our system and this task force can put in place a model that can be implemented statewide. It was also mentioned the concern regarding Amendment 64 and the number of juvenile arrests increase.</p> <p>Clarification was requested on whether the target population was “low-risks, low-needs”.</p> <p>It was commented that points discussed today (and on the board) appear to be the same to the ones created at the first meetings of Task Force. Review data, current statutes, policies and procedures, evaluate existing programs. It is challenging to legislate without data supporting systematic changes. Informed decisions and recommendations can be made to the CCJJ based upon data. Are there individual circumstances driving our discussions for change or is there real data that can be found across the state? One of the major issues in the state is that diversion has been de-funded in many districts. Many of those districts have intended to re-institute diversion in different ways, but not in a consistent way. S.B.94 programs have a consistent goal and policies that applies across all the 22 districts and there is a great deal of flexibility on how S.B.94 programs reach their goal. Local planning boards are involved in this decision process and individual circumstances are taken into consideration. Detention numbers have dropped significantly and S.B.94 programs have been important instruments to this success. The discussions today are about youths and families struggling with mental health issues and the issue of youths committed in order to receive services. It is unclear whether S.B.94 program could play a role in addressing these issues as we are lacking the data.</p> <p>The youths on the front end of the system who receive promises to appear, summonses generally don’t have S.B.94 programs involved in the process of their case. Those are the youths who could get diverted, or a “Lecture and Release” and maybe fit under differential response with Human Services, Child Welfare. There are at least 500 cases of juveniles a year for truancy going to detention in our state. Should we explore models counties such as Denver that has a “no-detention” policy for truancy and consider a uniform process across the state?</p>
<p>Motion</p>	<p>Michelle Brinegar moved that <i>“While we are not throwing the Informed System Response completely out of the window, the motion is that the group first looks at what we discussed today (which is up on the board) to decide the best way to reach the goals.”</i></p> <p>It was suggested that the goals be clearly stated. The group discussed the definition of the goals and agreed that the goals are to enhance pre-filing options.</p> <p>Bonnie Saltzman seconded the motion.</p>

	<p>Amended motion: <i>“While we are not throwing the Informed System Response completely out of the window, the motion is that the group first looks at what we discussed today (which is up on the board) to decide the best way to reach the goal of enhancing pre-filing options.”</i></p> <p>Motion clarified:</p> <p>The goal is to enhance pre-filing options for low-risks youths with low level offenses without systematic change identified at this point.</p> <p>Is this a rejection of a civil/consent adjustment process or is it still a possible option to consider in providing the pre-filing options?</p> <p>The vote today is about whether the group agreed on the list established today with the goal in mind to enhance pre-filing options for law enforcement and District Attorneys which may or may not include the civil/consent adjustment process.</p> <p>The group agreed unanimously and the motion passed.</p>
<p>Issue/Topic:</p> <p>Next Steps</p>	<p>Kelly Friesen asked the members of this group to discuss with the agencies they represent or their constituencies and identify the 3 top juvenile justice issues that they would like the group to address. Before the next meeting, Kelly will send an email to the members of this group and asking what other ideas/issues have been mentioned for the JJTF to address.</p> <p>An Informed System Response working group is created. The Legal, Assessment, Access to Services working groups are dispended into the “ISR” working group. Kelly Friesen encouraged at least 1 member of each former working groups to participate to the ISR working group discussions: Participants volunteering: Kelly Friesen, Jeff McDonald, Regi Huerter, Kim Dvorchak, Joe Higgins, Bonnie Saltzman, Michele Brinegar, Susan Colling, Debbie Rose, Hollie Wilkinson, Hal Sargent, Jeff McDonald, John Gomez (possibly), Ken Plotz.</p> <p>Ken Plotz will send notices of these meetings to the participants and the members of the Task Force.</p>
<p>Issue/Topic:</p> <p>Next meeting</p>	<p>Next meeting is on September 6, 2013 at 1:00 pm at the Juvenile Assessment Center. Meeting adjourned at 3:40 pm.</p>