

Juvenile Justice Task Force

September 6, 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 (on the phone)
 Susan Colling, State Court Administrators, Probation Services
 Bill Kilpatrick, Golden Police Department
 Debbie Rose, Juvenile Parole Board
 Kim Dvorchak, CJDC
 Stan T. Paprocki, Division of Behavioral Health
 Beth McCann, Co. House of Representative
 Meg Williams, Division of Criminal Justice

Staff:

Ken Plotz, Consultant
 Laurence Lucero, Division of Criminal Justice

Task Force Members Absent:

Charles Garcia, Community at Large
 Linda Newell, Co. State Senate
 Bonnie Saltzman, JJDP Council Representative
 Hal Sargent, CDAC, DA 1st JD
 Karen Ashby, Denver Juvenile Court

Guests:

Peg Flick, Division of Criminal Justice
 Anna Lopez, Division of Criminal Justice

Issue/Topic:	Kelly Friesen welcomed the group. Members and guests introduced themselves.
Welcome and Introductions & Approval of Minutes	Debbie Rose moved for the approval of last month's minutes. Susan Colling seconded the motion. The minutes were approved by unanimous vote.
Issue/Topic:	<i>Report of working group meetings of August 13, 23, and September 4, 2013 regarding data collection re: Consent Adjustment and other pre-filing system enhancement options</i>
Updates	<p>Kelly Friesen reminded the group that, at the JJTF meeting in August, the group voted on moving forward with the Consent Adjustment concept with the goal of exploring pre-filing options. A Data working group has been created and met on several occasions.</p> <p>Peg Flick from DCJ presented data on First-Time Juvenile Offenders from FY10-FY12. Peg explained the methodology used to gather the data presented. Denver County court data is not included in this presentation. One of the limitations of this methodology is that, if there is a typo in the name or DOB of offender, possible other cases of that same offender cannot be matched and therefore counted as a first time offense.</p> <p><u>Table 1</u>: Break down between County and District courts (Denver county court excluded).</p> <p><u>Table 2</u>: Break down between VRA and non VRA offenses (most serious charge).</p>

	<p>Another limitation is that there may be other VRA charges but the data presented is about the most serious charge. If the most serious charge is not a VRA, it is then counted as a non-VRA offense.</p> <p><u>Table 3</u>: Law classification of most serious filing charge (with distinction VRA or not VRA).</p> <p>TIA: Traffic infractions. T1: Careless driving, careless driving causing injuries. T2: Reckless driving, reckless causing injuries. UC: Unclassified, mostly MIP.</p> <p>Jeff McDonald presented an update on the work of the Data working group. The group looked at the offenses that could be eligible for consent adjustment. The group recommended that VRA offenses be excluded but Petty Offenses (PO1 and PO2) and Unclassified offenses automatically eligible for the consent adjustment.</p> <p>Group discussions:</p> <p>Is there a general assumption that juveniles committing petty offenses and MIP are not handled appropriately in the current system and do not receive right services?</p> <p>All the cases presented today are of 1st time offenders filed in county or juvenile delinquency courts. These are all JD cases and most serious cases. The pilot would include UC, PO1 and PO2 for 1st time offenders. 2nd offenses would not be eligible for a consent adjustment at that point. The consent adjustment would offer a more uniform process and a tracking mechanism for low level offenses.</p> <p>It was reported that the CCJJ/Drug TF is planning on addressing the issue of MIP and marijuana offenses for 18-19 years old.</p> <p>How will the consent adjustment be implemented and who would be responsible for it? When implementing a new process using the legislation, questions will be asked about what justifies the implementation of a new system and what is not working in the current system. Is it because there is no consistency across the state in pre-filing diversion?</p> <p>It was suggested to create or amend statutes that mandate funding for pre-filing options to handle 1st time petty offenses in some uniform ways across jurisdictions.</p> <p>Information about dispositions of petty offenses and unclassified cases are requested by JD. The data could address the legislature questions on how disparately these cases are handled across the jurisdictions.</p> <p>Should diversion be an option for this issue as it is a pre-trial option and available in 15 state-funded jurisdictions?</p> <p>Diversion is a pre-trial option handled by the District Attorneys. The discussion is</p>
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	<p>about 1st time low-level class offenses that would be diverted out of the judicial system and up front of the system when there is contact with law enforcement officers.</p> <p>It was expressed that these discussions have occurred many times and arguments reiterated. The concept developed is to keep 1st time youth offenders committing low level offenses out of the judiciary system. The ideal process would be that law enforcement officers have immediate access to information (through a tracking computer system) to determine whether it is a 1st or 2nd time contact with a juvenile. As an alternative to this tracking device, juveniles could also be sent to Juvenile Assessments Centers. When a second time offense occurs, District Attorneys are involved and youth enters the system. How can dispositions about low-level cases be useful?</p> <p>Do law enforcement officers have discretion to do pre-filing diversion without involving the District Attorneys? Law enforcement officers have such discretion but in many jurisdictions, youths have to enter a guilty plea to receive diversion.</p> <p>It was mentioned the challenging issue of disorderly conduct cases in El Paso county (youths fighting or public insanity). It was suggested to gather information on the type of offenses in petty offenses category and misdemeanors.</p> <p>The 15 jurisdictions state-funded for diversion will be surveyed to determine whether pre-filing and post-filing diversions are offered per county.</p> <p>The Data working group will be working on collecting outcomes and the dispositions of Petty Offenses and Unclassified cases and also assessing which counties offer post and pre-filing diversion. The group will further discuss whether a consent adjustment process can be implemented in those counties that do not offer diversion to divert youths out of the system and more consistently across the state. The purpose of this data collection is to understand whether there is a different outcome for juvenile petty and UC offenders in the counties offering diversion than the ones where diversion is not available.</p> <p>What are the barriers for law enforcement officers to apply discretion and not taking youth to the District Attorneys? Chief Bill Kilpatrick explained that law enforcement agree that there should be consequences and accountability when the law is violated regardless of the level of offense. Currently, the only consequence available to law enforcement officers is the criminal justice system even for minor offenses. A long-term consequence stigma is placed on youths for relatively minor offenses. A restorative justice concept that could handle low-level risk juvenile offenders has already been discussed at the legislature. Currently, the juvenile justice system with its penalties is a criminal justice system. Youths are pushed into a system and are part of a process even for minor offenses: They have to present plea, receive sentences and possibly get cases dismissed or expunged if they comply with the process. Fees and legal representation are involved. The CCJJ has discussed and agreed on the principles of a concept allowing youths to be automatically diverted from the</p>
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	<p>criminal justice process upon certain circumstances. The discussions are about 1st time juveniles offenders with minor offenses. The research shows that when youths enter the justice system, they are most likely to re-offend.</p> <p>Jefferson county and El Paso county require the plea of guilty to give access to diversion services.</p> <p>Data on the number of youths that failed post-filing diversion will be gathered.</p> <p>Pre-filing options are provisioned in the statutes but discretion is not exercised by officers due to the lack of resources. Should new legislation be added to reinforce and ensure that pre-filing options are available in all jurisdictions? Legislation has to clearly state that youths committing petty offenses should not go in the system and be diverted up-front.</p> <p>There are provisions in the statutes for pre-filing diversion but the issue is that practices differ with District Attorneys. Since District Attorneys are elected officials, practices change every time District Attorneys change. The concept is about equalizing opportunities and more so reducing the long-term consequences of having a juvenile record.</p> <p>The same dynamic exists with the 22 Judicial Districts. There could be very different outcomes for similar circumstances between Judicial Districts. The system was set up to allow discretion.</p> <p>The issue remains that youths committing low-level offense don't have the same opportunities across the state depending upon the judicial discretion.</p> <p>Should the appropriate entities (DAs, Social Services etc.) involved in the juvenile justice system get together and discuss on how handling these processes differently?</p> <p>It was responded that the youths eligible for the consent adjustment wouldn't need a lot of services, possibly pay fines and participate to restorative justice services.</p> <p>What is the purpose of the Juvenile Justice delinquency court? The data shows that 75% of 15,000 1st time offenders over a 3 year period were charged with misdemeanor or lower offenses and were processed through the system. These youths do not need to be processed in the juvenile justice system. Can the group agree that low-level offenses should not be processed through the system? The research shows that, when a juvenile enters the juvenile justice system and ends up with a record, there are collateral and long-term consequences for the youth. It is believed that the legislation should define policies about who belongs in the criminal justice system and who doesn't. We are investing too many resources in this system. The idea is to make pre-filing option an option for the police officer. The officers would give a different kind of ticket as an alternative to the criminal juvenile justice process.</p>
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	<p>Depending on the type of incident, a police officer is more likely to write a ticket than to Lecture and Release. It is observed that officers are at time concerned about possible consequences they may face by not writing a ticket. In some ways, writing a ticket is a protecting way against any possible consequences of not acting on an incident. This seems the easier course for an officer.</p> <p>In sum, the Data working group will gather the following data:</p> <ol style="list-style-type: none"> 1. Dispositions of petty offenses and unclassified cases by JD. 2. Name of offenses in petty offenses category and misdemeanors. 3. Pre-filing and post-filing diversion in the 15JD state-funded jurisdictions. 4. Number of youths that failed post-filing diversion. 5. Denver county cases.
<p>Issue/Topic:</p> <p>Other issues considerations</p>	<p>Other possible issues for consideration by this Task Force</p> <p>Kim Dvorchak reported that the Interim committee that studies the juvenile defense and access to counsel has created an expungement sub-committee. The sub-committee will be meeting twice to discuss automatic expungement. A proposal for such process will be submitted in 2014. Kim will send notification of the upcoming meetings to the JJTF group.</p> <p>It was reported that youths are still in detention for Truancy for longer than 5 days.</p> <p>Concurrent with the Data working group, several other working groups will be created to gather data and discuss the following issues:</p> <ul style="list-style-type: none"> - Raising the age of delinquency to 12 years old. Kelly Friesen, Regi Huerter, Meg Williams volunteered to participate to this working group discussions. - Shackling juvenile in courts. - Create safe harbor for child prostitutes - Safe harbor laws. - Truancy issue: This topic is on hold until the impacts of the Truancy bill that was in effect in August 2013 are measurable. - Protecting access to juvenile records. Regi Huerter volunteered to lead this group. - Drugs amongst juveniles: Marijuana and rise of use of heroin. The Office of Behavioral Health recently received a grant to address the issues of juveniles and substance abuse. - Sex offenses committed by young children. Kim Dvorchak volunteered to examine sex offenses statutes. <p>It was suggested to assess other groups' initiatives that are outside of this Task Force to combine efforts.</p>

<p>Issue/Topic: Announcements</p>	<p>Regi Huerter announced that the city of Denver has recently opened a Juvenile Assessment Center at 303 W. Colfax Avenue, Denver. There are 8 agencies co-located.</p> <p>Kelly Friesen announced that Judge Ashby was appointed at the Court of Appeals.</p>
<p>Issue/Topic: Working group meetings</p>	<p>Jeff McDonald will send possible dates for the Data working group to meet and Kelly Friesen for the Raising the Age of Delinquency working group.</p>
<p>Issue/Topic: Next meeting</p>	<p>Kelly Friesen proposed to explore other dates besides Fridays afternoon for the group to meet. Laurence Lucero will send a "Doodle" calendar to poll the JJTF members on their availability.</p> <p>Next meeting is on October 4, 2013 at 1:00 pm at the Juvenile Assessment Center. Meeting adjourned at 3 pm.</p>