

Juvenile Justice Task Force

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

Attendees:

Jeff McDonald, Jefferson County JAC
Ann Gail Meinster, 1st Judicial District Court
Norene Simpson, Indigent Defense Counsel (on the phone)
Michelle Brinegar, 8th District Attorney's Office
Julie Krow, Department of Human Services
Debbie Rose, Juvenile Parole Board
Stan T. Paprocki, Division of Behavioral Health
Meg Williams, Division of Criminal Justice
Bonnie Saltzman, JJDP Council Representative
Hal Sargent, CDAC, 1st District Attorney's Office
Karen Ashby, Denver Juvenile Court
Steve Brittain, La Plata Youth Services
John Gomez, Division of Youth Corrections
Regina Huerter, Denver Crime Prevention and Control Commission

Task Force Members Absent:

Kelly Friesen, SB94, 14th JD/Grand Co. J.J. Dept
Charles Garcia, Community at Large
Susan Colling, State Court Administrators, Probation Services
Kim Dvorchak, CJDC
Bill Kilpatrick, Golden Police Department
Beth McCann, Co. House of Representative
Linda Newell, Co. State Senate

Guests:

Peg Flick, Division of Criminal Justice
Kim English, Division of Criminal Justice
Kolony Fields, 1st Judicial District
Diana Richett, Alternate Defense Council
Kirsten Parks, Juvenile Defender Coalition

Staff:

Ken Plotz, Consultant
Laurence Lucero, Division of Criminal Justice

<p>Issue/Topic:</p> <p>Welcome and Introductions/ Approval of Minutes</p>	<p>Jeff McDonald welcomed the group. Steve Brittain was welcomed as a new member of the JJTF. Steve represents the Service Provider Organization from La Plata Youth Services in Durango. Steve is a former JJDP Council member.</p> <p>Members and guests introduced themselves.</p> <p>Jeff McDonald informed that Kelly Friesen was not attending and that he will be chairing the meeting.</p> <p>Debbie Rose moved for the approval of last month's minutes as presented. Julie Krow seconded the motion.</p> <p>Meg Williams disagreed with the statement made at the JJTF meeting in October that <i>"Families are often very resistant and it requires possible sanctions for non-compliance to have youths and families services. Majority of juveniles and families do not comply with diversion because these possible sanctions."</i> Meg suggested adding to the minutes that <i>"a majority of diversion cases statewide are actually successful and that statements made by members during group discussions may reflect opinions rather than facts."</i></p>
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	<p>Bonnie Saltzman suggested amending the minutes (in red herein-after) <i>“A Juvenile Petty Ticket document is presented to the group for discussions and approval.”</i></p> <p>Debbie Rose agreed with the proposed changes and moved for the approval of the amended minutes. Meg Williams seconded the motion. The amended minutes were approved by unanimous vote.</p>
<p>Issue/Topic:</p> <p>Update on refinement of petty ticket proposal</p>	<p>Jeff McDonald presented a power point presentation on the Informal System Response timeline. The purpose of this presentation is to outline the history and timeline of the discussions on the Informal System Response.</p> <p>The presentation will be sent to the members of the group.</p> <p>Group Discussions</p> <p>Confusion was expressed regarding the direction that the group is taking. It was initially agreed on the goals to enhance and improve the juvenile justice system and how to keep youth out the juvenile justice system by exploring options rather than creating a whole new system. The perception is that the primary agenda of the group has become the development of a new system and that other options were no longer going to be explored.</p> <p>Another perspective expressed was that the initial concept was not to create a new system or a new layer but to realign what currently exist to match that concept. Has the direction of this group deviated from its original concept?</p> <p>Discussions have been around both perspectives, some talked about realigning the system and others talked about creating a whole new system. It is argued that a new system was not been created but the existing system realigned and tweaked.</p> <p>It was expressed that, in order to realign the system, all pieces have to be examined and that the petty ticket issue is a small piece of the work. The group agreed to enhance pre-filing options and it was suggested to look at the diversion statutes and realign pre-filing ability so youths throughout the state have the same options available.</p> <p>The goal has always been to develop alternatives for youths other than entering the juvenile justice system while recognizing that there are juveniles that do not need to be in the juvenile justice system but yet have needs and how to address those needs. What would be the alternatives and how the needs of youths and families would be addressed in a civil process? The petty ticket doesn’t seem the answer.</p> <p>The Petty Ticket working group met last week to discuss the mechanics of such process. It was agreed that the petty citation is one of the many pieces but this process can be in place relatively quickly and concluded before moving on to broader topics.</p> <p>The juvenile justice system is working adequately. Why not constructing, tweaking with existing resources rather than creating a new process? It was understood that when the group took a vote and agreed to move forward, it was about continuing the</p>

	<p>discussions and exploring further options but not about developing a new civil adjustment system.</p> <p>Another perception expressed was that the emphasis was around training, education and expungement. Training is a key element of successful implementation of evidence-based practices in the juvenile justice system. Looking at these elements would address some of the concerns that juveniles are not treated equally throughout the state.</p> <p>Jeff McDonald summarized the conversations:</p> <ol style="list-style-type: none"> 1. Readjusting/Realigning versus new system, 2. Enhancing the system but not changing, 3. Diversion, 4. Should there be a new system? 5. Training, Education and Expungement. <p>Jeff McDonald believed that this task force has been working on exploring other options and that the petty ticket concept is one part of the options. Other options are explored through study groups such as Human Trafficking, Age of Delinquency and some concepts around Shackling. Another working group can be formed but with a clear focus and weighting the impact on the rest of the system.</p> <p>When the JJTF had a retreat 4 years ago, it was decided to examine the front end of the system and better align. If a juvenile is given a ticket, what does the process look like? This is how the civil citations discussions started. In the current system, youths are still arrested to get services. Would a civil citations/petty ticket process help identify earlier on those juveniles with needs or does it need to be through a formal process? The petty ticket is giving more options for law enforcement officers to identify youths with needs and referring to the right services as they are the first coming in contact with the juveniles.</p> <p>There was confusion when hearing that juveniles were still arrested to get services. It doesn't occur in all jurisdictions. Is there confusion in the way the statutes are written and should a working group be formed to either fix the statutes or create those alternatives in the statutes? Jurisdictions may use different practices due to structures, sizes etc. Is there something that can be created or fixed statutorily that can provide other options and also defining diversion as pre-filing? Looking at statutes C.R.S 19-2-502.</p> <p>The numbers of arrests and commitments have declined regularly over the past nine years. It is suggested to look at why the numbers have declined and what has worked. Have these numbers decreased equally across the state?</p> <p>It was added that crimes of violence and arrests have actually increased for the past two years.</p>
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	<p>Have crimes of violence and arrest increased in particular areas? Are there some effective programs in place that have impacted numbers to decline in the past years? What was the breakdown? It was suggested to collect and review information to determine what is effective and not effective? How to enhance or continue the effective programs?</p> <p>Jeff McDonald presented a Prospective Future Timeline for the work of the JJTF and its working groups. All working groups should have a targeted timeline and defined goals.</p> <p>Some members of the Petty Ticket working group recently attended a webinar on a model from Florida and now discussing whether some elements of this model should be integrated. The working group will meet again in November and present at the JJTF meeting in December. At the JJTF meeting in January, the working group will propose recommendations for vote and if the recommendations pass, the concept will be presented at the CCJJ meeting in March. This is a tentative targeted timeline.</p> <p>The Age of Delinquency study group will be meeting soon and present on their findings at the JJTF meeting in December. The JJTF will determine whether this group should pursue its work and what specific issues to address.</p> <p>There will be a presentation from Boulder on the Shackling in December. The JJTF will then decide if this is an issue the group would like to tackle.</p> <p>Jeff McDonald recommended that if a working group is formed to work on the Diversion statutes 19-2-502, there should be a focus and targeted outcomes with timeline to report to the JJTF.</p> <p>It was suggested to form another working group to look at the system from a different lens: Are the right youths enter the juvenile justice system (committed and coming in the juvenile courts) and are the right youths kept out the system? Some states have adopted initiatives in terms of partnership with state and local entities in finding alternatives to commitment.</p> <p>It was commented to start at the beginning of the process and are the right kids coming into the front end of the system and how do they earn their way to commitment? What could have been done differently to get them off that path?</p> <p>When discussing 10, 11 and 12 years old juveniles who enter the juvenile justice system, what are the options for the younger siblings who are likely to follow the same path? How to ensure to address the needs of families when a youth of a family gets committed?</p> <p>It was reiterated that a working group can be formed with the approval of the JJTF group and that the working group should have a defined time-limited existence to report, clear goals and topics to address. If the creation of a working group is approved by the JJTF, Ken Plotz will assist the group in providing staff support and coordinate research requests to DCJ.</p>
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	<p>Concern was expressed in regards to the creation of additional working groups and suggested to finish the work of the working groups already existing before creating new ones so the JJTF can have recommendations to present to the CCJJ.</p> <p>It was agreed there should be caution with creating another working group. Discussions should remain focused and narrowed. Other alternatives to the Petty Ticket or Civil Adjustment concept should be explored by changing and clarifying some diversion statutes and authorizing District Attorney’s officers to do pre-filing options. This alternative would not only affect petty offenders but misdemeanors and even low level felonies. In sum, it is believed that if another working group is created, it should be to focus on alternatives to the civil tickets.</p> <p>Bonnie Saltzman made a motion to not have a working group on Shackling. Bonnie added that other initiatives are working on this issue and that legislation is expected.</p> <p>It was requested that the outside groups working on the Shackling issue be identified. Several jurisdictions such as Jefferson county and Boulder county have initiated work on this issue. Boulder was going to present today but is now postponed to the JJTF meeting in December. It is also believed that the CJDC is working on proposing legislation on this issue.</p> <p>Jeff McDonald reminded the group that the Shackling as the Age of Delinquency are study groups in the process of gathering information and will present their findings to the JJTF in December. The JJTF will then decide whether either of these topics should be undertaken by the task force.</p> <p>Bonnie Saltzman withdrew her motion.</p> <p>Norene Simpson would like to bring 3 statutory issues to discuss at the JJTF meeting in December. Norene will send these issues in writing to Jeff McDonald and Ken Plotz who will forward to the group for pre-view before discussions at the December’s meeting.</p> <p>It was requested clarification on the Shackling and the Age of Delinquency groups. These groups are study groups and will present their findings to the JJTF in December. The JJTF group will then decide whether these topics should be addressed and whether working groups be formed.</p> <p>The Petty Ticket is a working group as approved by the JJTF. Recommendations will be presented to the JJTF for vote.</p> <p>Jeff McDonald presented and commented a “Juvenile Justice Flowchart” that can be found at http://dcj.state.co.us/oajja/3YearPlan/2013%20Three-Year%20Plan.pdf The flowchart presents the system into categories (referred as “buckets”). The categories in the flowchart are: Arrest – Screening – Pretrial – Sentencing – Post Sentence and Transition – Case Filing – Adjudication – Pre Sentence.</p>
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	<p>The discussions should be engaged and focused within categories. How would the process be impacted if diversion is moved up front the system? Currently, with the Petty Ticket concept, the focus is within the “Arrest” bucket. Are there other topics around the “Arrest” that should be explored? Where does expungement fit in this concept? Can Informal Adjustment get expunged?</p> <p>This Task Force started to look at such process several years ago. Another chart was developed with a traditional system and a civil system because the group wanted to look at the system structurally and asked if there was something in the way to accomplish some of the goals that were determined.</p> <p>There is a “Pre-arrest” section before the “Arrest”.</p> <p>In the “Pre-arrest” process, when law enforcement officers come into contact with youths, they can choose multiple options depending on the offense, prior history etc. 1) Lecture and Release, 2) Promise to appear in court on a certain date and if charges are going to be filed or there will be diversion, 3) Sending home and there will be investigation with the DA and the DA determine to a) not file charges and refer to Diversion, b) Not do anything because DA cannot prove case, c) File charges and send summons to families.</p> <p>In that pre-arrest process, the youths are never arrested. This process is not uniform throughout the state. Each jurisdiction has its own procedures.</p> <p>There are statutory mandates for Felony and Class 1 Misdemeanor requiring a formal process and youths to be booked.</p> <p>Should any of this “Pre-arrest” process be changed?</p> <p>The group agreed to enhance pre-filing options which would include pre-arrest and arrest category also. The process is not uniform and the diversion statute is not clear.</p> <p>Is it about fixing “the Case filing”?</p> <p>C.R.S 19-2-514 - Promise to Appear. This statute also mandates filing. These statutes should be revised if the goal is to create more options other than filing charges.</p> <p>The Informal Adjustment statutes require permission from courts.</p> <p>It is suggested to form a working group that would focus on cleaning up the Children’s Code: Informal Adjustment, Diversion, Deferred, Summons/Promise to appear.</p> <p>What would be the goals of statutory changes?</p> <p>The goals would be to create tools that do not exist and remove any legal barriers to good practice or create a tool that fixes problems in Diversion to remove statutory obstacle or confusion.</p>
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	<p>The goal is to enhance pre-filing options that are consistent across the state, or can be implemented consistently across the state. The options should be the same across the state and there should be incentives to local communities to make best decisions and produce anticipated results.</p> <p>It was echoed that jurisdictions should be incentivized through SB allocations, trainings and best practices.</p> <p>Michelle Brinegar made the motion <i>“to form a subcommittee to look at pre-arrest and arrest statutes, including diversion statutes (added during the discussions after the motion) and see which ones can be tweaked to better the juvenile justice system with the goals of keeping youths out of the juvenile justice system and create the opportunity for more consistency throughout the state.</i></p> <p>Second: Steve Brittain seconded the motion.</p> <p>All in favor: The motion passed.</p> <p>Michelle Brinegar will chair the Entry Into The System working group. Michelle specified that she may not be able to attend all meetings in person but will participate by phone.</p> <p>Members who volunteered to participate to the discussions are John Gomez, Hal Sargent, Bonnie Saltzman, Steve Brittain, Meg Williams, Regi Huerter, Jeff McDonald.</p> <p>Jeff McDonald summarized the JJTF groups:</p> <ul style="list-style-type: none"> - Shackling study group: there will be a presentation on Shackling in December and the JJTF will then decide whether to go forward. - Age of Delinquency study group: The group will meet in November and report on their findings at the JJTF in December. - Petty Ticket working group will continue to work on this issue. - Confidentiality working group working on the access to records and will report in December. - Entry into the system working group.
<p>Issue/Topic:</p> <p>Shackling of juveniles in court</p>	<p>Update on issue of use of shackling of juvenile in courts.</p> <p>The presentation for this topic is postponed to December’s meeting.</p>
<p>Issue/Topic:</p> <p>Presentation and discussion of white paper on</p>	<p>A document on Colorado Youth Workforce Development Enterprise is presented to the group.</p> <p>Bonnie Saltzman indicated that, about 18 months ago, the JJTF decided to focus on improving training and education for those who work in the juvenile justice and</p>

<p>professionalism</p>	<p>developing network and interest to work with juveniles. The goal is to enhance knowledge for all part of the juvenile justice system, from Residential Treatment Centers to District Attorneys, Defense Attorneys, Case Workers, Probation Officers, Judicial Officers.</p> <p>The JJTF formed the Professionalism working group and combined efforts with the Denver Crime Prevention and Control Commission and the Juvenile Justice Delinquency Prevention Council (JJDP Council) which incorporated the issue on a Colorado’s Three-Year Juvenile Justice and Delinquency Prevention Plan (2009-2011).</p> <p>The Professionalism working group is presenting the white paper to the JJTF for discussions, comments and approval to present at the CCJJ.</p> <p>Bonnie Saltzman asked the group for feedback and comments. Is the Professionalism on the right track?</p> <p>Group Discussions:</p> <p>What are the main recommendations?</p> <p>Bonnie explained that the intent is not to re-create but to develop using already existing resources. DYC and Child Welfare have lots of resources and it is proposed to leverage those resources and create a common calendar for trainings.</p> <p>The group recommends that a basic and a more advanced curriculum be developed. The basic curriculum would ensure minimum knowledge and requirements for those working in the juvenile justice system. For example, knowledge on brain development, on how the juvenile justice work, on mental health first aid etc.</p> <p>A more advanced curriculum would include motivational interviewing (mini motivational interviewing for District Attorneys, Public Defenders, Defense Counsel and Judicial officers), standardized information sharing, use of psychiatric medications etc.</p> <p>These trainings could be also offered via webinars.</p> <p>It was commented that mini motivational interviews are not necessarily perceived as good practice and create more problems that they solve.</p> <p>Kim English indicated that recommendations with supporting documentation could be drafted out of the document presented and presented for the JJTF’s approval and if approved moved forward onto the Colorado Commission on Crime and Juvenile Justice.</p> <p>It was suggested to change the title of the document as it was first mistakenly understood as “job for youths”.</p>
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	<p>Does this proposal include certification? Bonnie Saltzman responded that certification was not included as it would add another layer of administration. Certificates could be provided for course completion and could be linked with the Child Welfare Academy.</p> <p>Is there an assumption that all trainings are beneficial regardless of the agency and roles of individuals within agencies and regardless of the type of trainings? Bonnie responded that there is assumption that there should be a minimum level of knowledge for all professionals in the juvenile justice regardless of the part of the system they are attached to. It was suggested that this statement be explicit and clear in the document and to add a section including that “Minimum basic training requirements for all professionals who work in the juvenile justice system.”</p> <p>With the requirement of minimum standards, a certification process would enable the tracking of these trainings. There are minimum standards required for all NYC staff to go through a training academy. Does this proposal integrate already existing trainings? Training slots are offered every year through Child Welfare and it was proposed that the remaining of slots not filled could be made available for this proposal.</p> <p>There are minimum requirements and more advanced. Suggestions have been made that the minimum requirements coincide with the expectations of NYC with their staff. Trainings, courses and materials from NYC have been examined. Other entities working with juveniles do not have any training academy and the proposals are geared towards other parts of the system.</p> <p>A core and mandated curriculum is provided by NYC because many of NYC staff work in direct contact with juveniles. These standards are different from those proposed for professionals working in the courtrooms. There has to be a delineation acknowledging what are the essential standards for someone in the courtroom to someone supervising juvenile in a residential program.</p> <p>In sum, the type of role of a professional working with a juvenile determines the type of training.</p> <p>It was clarified that if this proposal is disseminated across the state, individuals working in direct care of juveniles (such as NYC staff) should not assume that minimum standards have been achieved because it is how it is defined statewide and dismiss the minimum requirements set by residential facilities.</p>
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	<p>This proposal sets the floor for people working in the juvenile justice system but each entity should supplement with appropriate minimum standards according to needs and roles. A statement should be added to the document that this proposal doesn't set minimum standards for individual agencies, which may determine whether those standards are necessary based on their own curriculum, but to help people working in the juvenile justice understand that there are minimum expectations.</p> <p>Jeff McDonald thanked Bonnie Saltzman and groups for the work accomplished.</p>
<p>Issue/Topic:</p> <p>Other reports and issues from task force members</p>	<p>Jeff McDonald asked the members of the JJTF if they agree to have an all-day meeting on February 5, 2014. The group agreed and location will be announced.</p> <p>New dates for the JJTF meetings in 2014 will be sent via email to the group. All meetings are posted on the CCJJ Master calendar at www.coloradoccjj.org</p> <p>For the good of the order, Jeff McDonald engaged the group to share on their current activities related to juvenile justice issues.</p>
<p>Issue/Topic:</p> <p>Next meeting</p>	<p>Next meeting is on December 6, 2013 at 1:00 pm at the Juvenile Assessment Center. Meeting adjourned at 3:25pm.</p>