

Juvenile Justice Task Force

Full Day Retreat

February 5, 2014 - 9:30 pm-4:30 pm

JAC Center, Lakewood, CO

Attendees:

Jeff McDonald, Jefferson County JAC
Kelly Friesen, SB94, 14th JD/Grand Co. J.J. Dept
Julie Krow, Department of Human Services
Meg Williams, Division of Criminal Justice
Steve Brittain, La Plata Youth Services
Regina Huerter, Denver Crime Prevention and Control Commission
Charles Garcia, Community at Large
Susan Colling, State Court Administrators , Probation Services
Bill Kilpatrick, Golden Police Department
Ann Gail Meinster, 1st Judicial District
Sarah Ericson, 18th Judicial District
Kim Dvorchak, CJDC
Norene Simpson, Indigent Defense Counsel
Michelle Brinegar, 8th Judicial District
Bonnie Saltzman, JJDP Council Representative
Hal Sargent, CDAC, 1st District Attorney's Office
John Gomez, Division of Youth Corrections

Task Force Members Absent:

Beth McCann, Co. House of Representative
Linda Newell, Co. State Senate
Stan T. Paprocki, Division of Behavioral Health
Karen Ashby, Denver Juvenile Court

Guests:

Peg Flick, Division of Criminal Justice
Anna Lopez, Division of Criminal Justice
Kelly Kissell, 18th JD District Attorney's Office
Paul Herman, CCJJ Consultant
Kim English, Division of Criminal Justice
Doug Wilson, Office of Public Defender's Office

Staff:

Ken Plotz, Consultant to the JJTF
Laurence Lucero, Division of Criminal Justice

<p>Issue/Topic:</p> <p>Welcome, Introductions/ Preview of the work of the day</p>	<p>Kelly Friesen welcomed the group and the Task Force members and guests introduced themselves. Sarah Ericson was welcomed as a new member representing the District Attorney's Office in the 18th Judicial District.</p> <p>Kelly Friesen introduced Paul Herman as the consultant for the Colorado Commission on Criminal and Juvenile Justice and thanked Paul for facilitating the meeting.</p>
<p>Issue/Topic:</p> <p>Overview of the Colorado Commission on Criminal and Juvenile Justice</p>	<p>Paul Herman reviewed the agenda with the group.</p> <p>The Legislative Intent and the CCJJ Mission</p> <p>Paul presented an overview of the Colorado Commission on Criminal and Juvenile Justice. The Legislative intent, CCJJ Mission rules and protocols of the CCJJ, creation and mission of Task Forces and Subcommittees as well as working groups and study groups. All the elements related to CCJJ discussed are posted on the CCJJ website at www.coloradoccjj.org</p> <p>The mission of the commission is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources.</p> <p>The duties of the Commission are to conduct analysis and studies through the lenses of evidence-based science, to investigate cost-effective programs, produce annual reports, evaluate the outcome of the commission recommendations, and to</p>

	<p>work with established boards, task forces or commissions that study or address criminal justice issues.</p> <p>CCJJ’s mandate to the Juvenile Justice Task Force Paul provided a brief history of how the Juvenile Justice task force was created and indicated that a CCJJ Planning group met in 2010 to identify the problem areas on the juvenile justice system arena. The juvenile issues identified were the vision/mission, strategic alignment, the Children’s Code, information sharing, statewide inconsistencies, disproportionate minority contact, truancy, training and education, funding and prevention/intervention.</p> <p>The group commented on the progress and challenges in achieving the goals identified by the CCJJ and Paul Herman expressed that the CCJJ’s intent is to strengthen, guide and assist in providing greater focus and clarity in terms of the direction of issues addressed by task forces.</p>
<p>Issue/Topic:</p> <p>Process and Protocols</p>	<p>A document <i>CCJJ Process and Protocol</i> was handed out to the group.</p> <p>The Rules The By-Laws establish advisory committees, task forces and subcommittees and the roles of Chairs in identifying memberships, appointing members to the committees. The By-laws discuss structures, methods, processes and recommendation processes for task forces and sub-committees. The Commission identifies topical areas to address at the task forces and sub-committee levels.</p> <p>The Expectations from members; participation and collaboration. The CCJJ established policy regarding roles and responsibilities of members of the commission, legislators and task forces. This policy clarifies roles and responsibilities for members of the commission, task forces, subcommittees, working groups and study groups.</p> <p>The Collaboration Survey and discussion of the results. How can we improve collaboration as a group? A collaboration survey was sent prior to the meeting to the members of the JJTF group. This survey was developed by the Collaborative Justice Resource Center to assist in establishing, enhancing and sustaining effective long-term collaborative partnership among policymakers and key stakeholders in community. The purpose of the survey is to better understand the dynamic of the group and identify strengths as well as opportunities for improvement. The group commented on the results of the collaboration survey. Paul Herman acknowledged that strengths and weaknesses highlighted in the survey are common in many groups’ dynamics and suggested resources to strengthen group collaboration. The Collaboration Justice Resource Center established 8 characteristics of Highly Effective Teams which ties to the collaboration survey:</p> <ul style="list-style-type: none"> - <i>A Clear and Elevating Goal (Vision)</i> - <i>Result-Driven Structure:</i> There are 4 necessary features to team structures: <ul style="list-style-type: none"> • Clear roles and accountability, • An Effective communication system, • Monitoring performance and providing feedback,

	<ul style="list-style-type: none"> • Fact-based judgments. - <i>Competent Team Members:</i> - <i>Unified Commitment</i> - <i>Collaborative Climate</i> - <i>Standards of Excellence</i> - <i>External Support and Recognition</i> - <i>Principled Leadership</i> <p>More information can be found at www.collaborativejustice.org/how.htm.</p> <p>The group established standards and ground rules to enhance the collaboration of the group.</p>
<p>Issue/Topic:</p> <p>Highlights and Accomplishments of the TF to date</p>	<p>Jeff McDonald presented a powerpoint highlighting the accomplishments of the Juvenile Justice Task Force.</p> <p>Recommendations</p> <p><i>FY12-JJ#1 Educational materials provided to the juvenile detention facilities. CCJJ approved this recommendation and legislation passed H.B. 13-1021.</i></p> <p><i>FY13-11 #1 Amend Colorado Department of Education rules regarding age restrictions for the General Equivalency Diploma. CCJJ approved this recommendation. No known action taken by CDE. There is no outcome yet regarding the impact of this bill as passed last year. It was noted that there was a change of language in the statute from “GED” to “High School Equivalent”.</i></p> <p><i>FY13-JJ #2 Revise the Enforcement of Compulsory School Attendance statute to address issues including the definition of absence, policies and procedures regarding attendance, identification of at-risk students, truancy charges, and parental roles. CCJJ approved this recommendation and legislation passed H.B. 13-1021. This bill requires schools to engage with community partners and families prior to filing in Truancy court. If there is filing in Truancy court, the court should be provided with the list of initiatives and the outcomes (community and family engagements) prior to filing. Finally, if a trial is appropriate and should the court adjudicate a truant youth, detention as a violation to court order should be limited to 5 days. There is a tracking mechanism in place and information on court violation detentions will be collected and reported to the JJTF. It was mentioned that the JJDP Council funded 2 pilot projects (Durango and Pueblo) to evaluate the impact of H.B. 13-1021 on the number of truancy cases filed. Additionally, a truancy problem solving model is being developed for the youths with a truancy case filed in courts and several jurisdictions will be engaged to discuss the challenges of truancy.</i></p> <p><i>FY13-JJ#3 Revise the Sex Offender Deregistration Statute to allow a person who committed an offense while under 18 years of age to deregister as an adult after successful completion of the terms of the sentence. CCJJ Adopted the recommendation and legislation passed S.B. 13-229.</i></p>

	<p><i>FY13-JJ#4 Revise 18-8-208 Escapes to provide that an adjudicated juvenile who turns 18 while in custody, but not in custody in a state-operated facility, commits a class 3 misdemeanor rather than a felony if convicted of an escape.</i> CCJJ adopted the recommendation and the Legislation passed as S.B. 13-229.</p> <p>Colorado Reference Guide: Juvenile Screening and Assessments Instruments. The Reference Guide is the result of substantive revisions of the 2007 Colorado Reference Guide undertaken by the JJTF/Assessment working group. The Reference Guide was presented at the CCJJ August 2013 meeting. The Chairs of the JJTF recommended that the guide be adopted as a statewide reference manual for all approved screening and assessment tools. They also recommended that the Guide should be updated every two years to ensure that the information is current. The Commission approved the Reference Guide and agreed that the Guide be posted on the CCJJ website.</p> <p>Juvenile Justice Task Force Guiding Principles The mission and vision were adopted in January 2011 after the first few meetings of the Task Force. The JJTF spent several months achieving consensus and drafting its guiding principles. The principles are divided into two categories that set forth the ideal in structure and services of the juvenile justice system.</p>
<p>Issue/Topic:</p> <p>Reports and discussions of progress of Working and Study groups</p>	<p>Petty Ticket working group, Kelly Friesen and Jeff McDonald Jeff McDonald mentioned that the working group met on several occasions and is working on finalizing a petty ticket process recommendation. A draft document including a recommendation from the working group will be presented to the JJTF for discussions at the next JJTF meeting in March. At the March JJTF meeting, the group will be asked whether this concept should be presented to the CCJJ (including possible edits that will be discussed during the meeting) or whether JJTF will direct the working group to further explore the petty ticket concept. Paul Herman suggested that if the latter option is chosen, there should clear direction from the JJTF in terms of topics to be addressed.</p> <p>Professionalism working group, Regi Huerter Regi Huerter explained that, several years ago, the JJTF created the Professionalism working group to work on improving professional standards and training for those who work in the juvenile justice arena. The Professional working group was formed and combined with Denver Prevention and Control Commission and Juvenile Justice Delinquency Prevention Council (JJDP Council) since these two groups had initiated work on this issue. The document submitted to the JJTF group is a draft recommendation to present to the CCJJ. The recommendation is to adopt universal juvenile professional core training standards and include core standards as a part of staff development trainings.</p> <p><u>Group discussions</u> The group discussed changes to the document and suggested highlighting that this</p>

	<p>will be a policy recommendation using existing training resources. Paul Herman emphasized that the recommendation should include specific information on the core trainings recommended and on how professional core standards will be implemented.</p> <p>It was mentioned that Colorado Department of Human Services and Probation Services propose trainings for their professionals and often have available training slots.</p> <p>The JJDP funded a research project identifying the trainings offered throughout the state and is continuing its work on the juvenile justice professionalism arena in examining research and best practices for trainings.</p> <p>Regi Huerter will include the suggestions of change to the document and will resubmit to the JJTF group for approval to move forward to the CCJJ.</p> <p>Pre-Filing Option Group, Michelle Brinegar</p> <p>The Pre-Filing Options working group met twice. There was a consensus in the working group that the definition of diversion in the statutes is very vague and diversion is used in very different ways throughout jurisdictions. Some jurisdictions use diversion for deferred adjudications, others use it for probation programs etc... Furthermore, there is no uniformity in the code in terms of how youths enter into diversion.</p> <p>The Pre-Filing Options working group proposes to re-define diversion to mean pre-filing diversion in the front of the system. In another word, diversion would mean no charge filed and no court process. It was mentioned that, in the current system, diversion funds are used for youths on probation which issue could be address if diversion was re-defined as a pre-filing option.</p> <p>Additionally, the working group discussed the juvenile code and proposed to re-organize the code to reflect a chronological justice process and create a new Part 2 to include the flowchart/framework of pre-filing diversion. The existing Part 2 would be moved to another part of the code to be consistent with the juvenile justice process. The goal of this scope of work is to create some uniformity and clear outlines in the Children Code of the options for juveniles who committed offenses. For example, 1) Pre-filing options (could include petty ticket, diversion as we define it and/or all other pre-filing options that would come forward in the future as pre-filing options), 2) Filings (adjudication, deferred adjudication, commitment to Department of Corrections).</p> <p><u>Group discussions</u></p> <p>Has the group looked at funding issues throughout the state for those jurisdictions which do not have diversion state funding? It was responded that the funding issues have not been discussed as considered larger conversations at the task force.</p> <p>The group discussed funding statutes 19-2-212 and it was suggested exploring possible funding sources coming from current legislation such as S.B-14-129.</p>
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	<p>The diversion statutes should clarify that DCJ solely oversees the part funded within diversion programs. In some jurisdictions, the funded part could be a non-profit agency and in some other jurisdictions the entire diversion program within a district attorney’s office or police department.</p> <p>It was expressed concern with the issue of district attorneys’ reluctance to use pre-filing diversion to have the ability to re-file a case. Juveniles may not be offered diversion due to district attorneys’ practices not supporting diversion. Michelle Brinegar responded that the working group is at the initial stage of defining diversion and setting a framework of pre-filing options. Jurisdictions would keep discretion in terms of practices and decision whether to use diversion.</p> <p>It was suggested that the working group examine the issue of Promise to Appear requiring filing. This issue could be an important barrier in pre-filing diversion.</p> <p>Michelle Brinegar summarized that the Pre-Filing working group proposes to pursue its work: 1) To unify the definition of diversion, 2) To create a new Part 2 in the Children Code to include a flowchart. Michelle asked direction to the JJTF group whether the scope of work discussed is approved.</p> <p>It was suggested that there should be 2 parts in the working group scope of work: the first part being the reorganizing of the Children’s Code to reflect a clearer flow in the juvenile justice process to be the least restrictive and the second part a revision of the Children’s Code to be up-to-dates with recent research elements.</p> <p>The revision of inconsistent parts may occur logically as the group go through re-ordering the Children’s Code.</p> <p>Cross-representation is needed in the working group. Members were encouraged to participate or invite interested parties.</p> <p>Is there approval among the JJTF group for the Pre-Filing working to continue its work? There was no objection expressed among the JJTF members for the Pre-Filing working group to continue its work.</p> <p>Michelle Brinegar clarified that the scope of work is not to re-write statutes. If the group finds inconsistencies while reordering the Children’s Code, those inconsistencies will be flagged back to the JJTF who will then decide whether to task the Pre-Filing Options working group to address the issues or create another group.</p> <p>Age of Delinquency Study Group, Kelly Friesen</p> <p>Kelly Friesen reported that the Age of Delinquency study group met several times and started with reviewing existing research on age of delinquency and examining Colorado data. The initial discussions about raising the age of delinquency from 10 to 12 years old didn’t reach consensus among the members of the study group but the group unanimously agreed that detaining pre-adjudicated 10 and 11 year olds was poor practice.</p>
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	<p>Kelly Friesen engaged the JJTF to discuss bulleted points (listed below) and asked the group to allow the study group to proceed as a working group to begin flushing out and propose changes based on the recommendation.</p> <p>Recommendation: Pre-adjudicated juveniles, ages 10 to 11, should NOT be placed into a state operated detention facility.</p> <p>Bulletpoints for discussion:</p> <ul style="list-style-type: none"> - Presumption vs outright ban. - Should it be offense based mirroring 19-2-909 (commitment)? - Alternatives to detention for this population. - Amendment of 19-2-508 to reflect this change. <p><u>Group discussion</u></p> <p>It was added that the study group agreed that detention for 10 and 11 years old was poor practice or policy but also recognized that there were funding issues and that funding streams should be identified.</p> <p>There is currently a state-wide push to move away from residential treatment centers and with the work that would result in limiting the use of detention for 10 and 11 year olds, what would be the alternatives of placement?</p> <p>The Colorado Department of Human Services is currently working on developing a full continuum of care and on reducing residential treatment centers and congregate care. Data on congregate care in Colorado is being collected and will be published on the CDHS website in the near future.</p> <p>Is it possible to have “Presumption” to include class 1 and class 2 felonies and other classifications included in the “Outright Ban”? Very few 10 and 11 years old pose a danger to the community and commit violent crimes. It should be clearly stated that detention is not intended to be a long term placement for class 1 and class 2 felonies. The length of placement should be based on the time needed to screen and assess risks and needs and find the appropriate service.</p> <p>Very few 10 and 11 year olds who pose community safety risks end up in detention and when it happens, there is some dynamics in the family that makes the situation worst. Shelter care and temporary holdings are options numerated in statutes but very few jurisdictions have those resources available. Shelter care and temporary holding are outlined as one of placement continuum of care.</p> <p>Is there approval among the JJTF group for the study group to proceed as a working group and continue its work? There was no objection expressed among the JJTF members. The group will change the name of the working group and will report back to the JJTF in March.</p>
<p>Issue/Topic: Next issues for the coming year</p>	<p>Mandatory representation at detention hearings</p> <p>Kim Dvorchak provided an update on bills: H.B. 14-1032 Concerning the Provision of Defense Counsel to Juvenile Offender and H.B. 14-1025 Concerning the Determination of Competency to Proceed for Individuals in the Juvenile Justice</p>

	<p>System. Kim reminded that the Juvenile Defense Attorney Interim Committee formed in August 2013 to study juvenile defense and that the Bills presented are the results of the recommendations from the Interim Committee. The bills propose mandatory representation at detention hearings and determination of competency. Kim commented that some changes to the proposed legislations are to be expected.</p> <p>Next issues for the coming year The following topics were identified as possible issues for the coming year:</p> <ul style="list-style-type: none"> - Purpose of detention. - Developing appropriate continuum. What is the continuum today and what are the missing pieces? - Funding: <ul style="list-style-type: none"> • Current: What are the current funding streams? • Common source of funding potential/desired. Create new vehicle for our needs. How will this continuum managed? - Children’s Code: Big C. - Education/Information. - Group to look at immediate hanging fruit. <p><u>Group discussions</u> It was suggested that CDHS present on their continuum of care in the upcoming months.</p> <p>The report Reforming Juvenile Justice: A Developmental Approach from the National Academies of Science on reforming the juvenile justice system was mentioned and it was commented that normal adolescent behavior should not be criminalized.</p> <p>Should criteria of S.B. 94 be expanded for pre-filing youths? The group discussed at length S.B. 94 model and the need to identify alternative funding resources. It was reminded that H.B. 14-51 addresses collaboration among communities and should be explored.</p> <p>The group discussed the direction of the JJTF and the request for guidance from the CCJ in addressing the proposed topics.</p>
<p>Issue/Topic: Next meeting</p>	<p>Next meeting is on March 5, 2014 at 9:30 am at the Juvenile Assessment Center. Meeting adjourned at 4:00pm.</p>