

Juvenile Justice Task Force

March 5, 2014 - 9:30 am-12:30 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
 Regina Huerter, Denver Crime Prevention and Control Commission
 Susan Colling, State Court Administrators , Probation Services
 Sarah Ericson, 18th Judicial District
 Kim Dvorchak, CJDC
 Norene Simpson, Indigent Defense Counsel
 Michelle Brinegar, 8th Judicial District (on the phone)
 Hal Sargent, CDAC, 1st District Attorney’s Office
 John Gomez, Division of Youth Corrections
 Jacob Eppler, Attorney at Law
 Stan T. Paprocki, Division of Behavioral Health

Task Force Members Absent:

Beth McCann, Co. House of Representative
 Karen Ashby, Denver Juvenile Court
 Charles Garcia, Community at Large
 Steve Brittain, La Plata Youth Services
 Bill Kilpatrick, Golden Police Department
 Ann Gail Meinster, 1st Judicial District

Guests:

Anna Lopez, Division of Criminal Justice
 Jim Gault, Third Way Center
 Kim English, Division of Criminal Justice
 Doug Wilson, Office of Public Defender’s Office
 Sara Tafoya, Golden PD/Rocky Mountain Children Law Center
 Merrit Linke, Grand County Commissioner

Staff:

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

<p>Issue/Topic:</p> <p>Welcome, Introductions/ Review of minutes</p>	<p>Welcome, introductions, reviews of minutes of 12/06/2013 and 02/05/2014</p> <p>Kelly Friesen welcomed the group. Members and guests introduced themselves. Jacob Eppler is welcomed as a new member of the JJTF.</p> <p>Julie Krow moved for the approval of minutes of meeting on 12/06/2013. John Gomez seconded the motion. The minutes were approved by unanimous vote.</p> <p>Kim Dvorchak moved for the approval of minutes of meeting on 02/05/2014. Susan Colling seconded the motion. The minutes were approved by unanimous vote.</p>
<p>Issue/Topic:</p> <p>Action Plan Format</p>	<p>Introduction to the Action Plan Format for Working Groups</p> <p>Kelly Friesen and Jeff McDonald introduced an <i>Action Plan</i> document to be used as a tool for working groups in an effort to follow up on progress and timelines. The Action Plan should clearly determine the tasks assigned by the Task Force, implementation activities, identifying the resources needed to accomplish the tasks and who is responsible and participating in the work and the timelines.</p> <p>This document will also serve to provide regular updates of the JJTF work to the CCJJ and Kelly Friesen reminded that CCJJ has the discretion to re-direct the work of Task Forces.</p>

	<p>ISSUE: Action Plan Subcommittee Members:</p> <table border="1"> <thead> <tr> <th data-bbox="428 201 630 226">TASK</th> <th data-bbox="630 201 831 226">IMPLEMENTATION ACTIVITIES</th> <th data-bbox="831 201 1032 226">NEEDED RESOURCES</th> <th data-bbox="1032 201 1234 226">WHO IS RESPONSIBLE</th> <th data-bbox="1234 201 1432 226">TIMELINES</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>The topics and progress listed on the Action Plan will be revisited as working groups move forward with the work and the Action Plan updated accordingly.</p> <p>It was suggested to add two additional columns “Action Taken” and “Date”.</p> <p>The JJTF members approved the use of the Action Plan.</p>	TASK	IMPLEMENTATION ACTIVITIES	NEEDED RESOURCES	WHO IS RESPONSIBLE	TIMELINES					
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<p>Issue/Topic:</p> <p>Working Group Presentations</p>	<p>1. Age of Delinquency, Kelly Friesen</p> <p>The JJTF group agreed with renaming the working group: Age of Delinquency/Detention.</p> <p>A draft of a new statute 19-2-508 is handed out for discussions and Kelly commented that the intent of the draft is that “juvenile under the age of 12 years, may not be placed into a state operated detention facility unless:</p> <ul style="list-style-type: none"> (a) The juvenile is alleged to have committed a class 1 or class 2 felony; or is alleged to have committed a sexual assault that is a crime pursuant to section 18-1.3-406(2), C.R.S. (b) If a juvenile under the age of 12 years is screened pursuant to section 19-2-507, they may be eligible to participate in a pre-adjudication service program established pursuant to section 19-2-302. <p><u>Group Discussions</u></p> <p>It was agreed that keeping younger offenders out of detention is best practice but it may not address the problem entirely. In most cases, the reasons the younger offenders are detained not necessarily because of the charge but because the courts have determined that there are situations that prevent young offenders from going home such as being a threat to themselves, to others, or family environment. It was suggested adding a more prescriptive recommendation encouraging the courts to designate a “collaborator entity” (CDHS, SB-94, pre-trial supervision etc...) to explore further why the young offenders are in detention in the first place and investigate alternative placements.</p> <p>It was proposed to add “alternative services”.</p> <p>The Department of Youth Corrections used to have placement criteria check lists that included placement to DSS but this system no longer exist.</p> <p>It was noted that C.R.S. 19-2-508 requires that youths that are screened to detention and do not require physical restraining be placed in shelters. However,</p>										

	<p>the issue remains that such level of care is not available consistently across the state.</p> <p>The funding issue should be discussed for those urgent situations when there is no alternative placement available and the child cannot stay home. In these scenarios, detention is the only option and funding alternative placements would address this issue.</p> <p>It was mentioned that there is federal movement to eliminate funding for shelter care and other sources of funding should be considered.</p> <p>The issue is that there is limited response for alternative temporary shelters and services and jurisdictions should be encouraged to address immediate placement needs out of detention.</p> <p>The CDHS will be meeting in March with providers across the state to develop and establish better continuum of care and discuss aligning funding and services. Foster care homes could be an option for temporary care of children in these urgent situations.</p> <p>In recognizing that different communities have different resources, it was suggested mandating community partnerships, sharing of resources and finding an alternative placement collaboratively.</p> <p>The group discussed possible fiscal notes attached to this recommendation and possible savings. There may not be substantial fiscal note impact if it is possible to use existing treatment foster care, in-home services.</p> <p>It was expressed concerned about the length of time that young offenders stay in detention before court hearings and it was suggested to discuss mandatory hold and mandatory 5-days sentence for offenders under 12.</p> <p>A funding mechanism should be determined for immediate alternative to detention. It was reminded that S.B. 94 funding is available when a youth is screened to detention and allowing the creation of temporary holding.</p> <p>It was proposed that, for offenders under 12 years old who get screened to detention, CDHS be consulted for short term placement (foster care, shelter, home or kinship placement) if appropriate.</p> <p>All possible alternatives to detention should be explored but if detention to state-operated facility is retained there should be a limit to the amount of days in detention.</p> <p>In sum, the working group will be working on a recommendation stating that <i>no child under 12 shall be placed to detention and shall be screened and placed appropriately.</i></p>
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	<p>No Detention when all possible Create other options for screenings Create Community partners Set Maximum of days of detention Screened and Placed</p> <p>The Plan of action will be updated with the following tasks and presented at the JJTF meeting in April.</p> <p>2. Professionalism, Regi Huerter</p> <p>The Professionalism working group will be meeting on the afternoon of 3/5/14. Regi Huerter will use the Action Plan document and provide updates to the JJTF in April.</p> <p>3. Pre-Filing Options, Hon. Michelle Brinegar</p> <p>The working group reviewed the current definition of diversion in statutes C.R.S. 19-1-103(44) and proposed to shorten and clearly state that diversion is to take place before filing and/or adjudication. It is a pre-filing option.</p> <p>The working group also proposed to re-write C.R.S. 19-2-704 to state that district attorneys should consider allowing juveniles to participate in a diversion process as an alternative to petition to file. The adult diversion statute C.R.S. 18-1.3.101 was examined and some of the adult statute might be integrated into 19-2-704.</p> <p>Other diversion statutes are being reviewed for possibly revisions.</p> <p>Additionally, the group discussed adding sections in the statute that would state that juveniles under DSS custody would not qualify for diversion and allowing transfer of diversion between jurisdictions.</p> <p>Is there consensus to go forward with 1) re-writing C.R.S. 19-2-704 which will give direction that diversion can be used in different type of ways including pre-filing and 2) combining some language of the adult statute 18-1.3.101 to define diversion while identifying nuances applying to juveniles and then flushing out procedures?</p> <p><u>Group discussions</u></p> <p>It was expressed concern about limiting diversion as a pre-filing option only. C.R.S. 18-1.3-101 defines diversion as pre-filing and post-filing. A pre-filing option would limit the ability to adjudicate and divert out once in the system. Is the intent that the pre-filing stage is the only option to divert out?</p> <p>The suggestion is to use the term diversion in statute C.R.S. 19-2-704 as a diversion process where there would not be an existing court case. In the example that a district attorney charges a youth and then after investigation decides that a diversion program is most suitable for the youth, the district attorney could dismiss the case and initiate a diversion process. It was acknowledged that many</p>
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	<p>jurisdictions across the state have programs that are called “diversion” occurring after the juvenile is charged. These programs may be part of deferred adjudication or pre-prosecution processes and would still exist in jurisdictions but should be renamed to another term than diversion as diversion will be defined as a pre-filing option. The intent is to encourage jurisdictions to develop or enhance pre-filing process that will be called diversion.</p> <p>It was expressed concern about the length of the period of screening and the condition that a juvenile has to be accepted into a diversion program before a case is dismissed by a district attorney. Another concern is that juvenile is required to enter a plea of guilty in court to be accepted in diversion. There are collateral consequences for the juveniles who enter plea of guilty.</p> <p>The intent is to encourage jurisdictions to set up a process out of the court with options offered to juveniles to participate in a true diversion process (pre-filing) without being supervised by court or without having to enter the plea of guilty.</p> <p>It is important that district attorneys once they review a case and after investigation to have the ability to dismiss a case into a diversion type of process. The accountability of the crime factor needs to remain in place and maybe a language should be added that district attorney have the ability to consider diversion as part of primary consideration for filing decision.</p> <p>Language to a new proposed C.R.S. 19-2-704 will be added to state that district attorney will still have the ability to dismiss the case into a diversion type of process.</p> <p>Should a new category including definition and mechanisms of pre-filing diversion be added rather than modifying existing one?</p> <p>The working group will discuss further this option and define the mechanisms of a pre-filing process that doesn’t require the filing of a case and addressing the issue of failure to appear.</p> <p>In sum, the working group will be discussing:</p> <ul style="list-style-type: none"> - Re-write the definition C.R.S.19-1-103(44) - Re-writing C.R.S. 19-2-704 / using language in adult diversion. <ul style="list-style-type: none"> - Limit diversion to pre-file. - Not limiting post-file divert out. - Adding a section into C.R.S. 19-2-704. <p>The group agreed with the scope of work described above. The action plan was updated.</p> <p>Next Pre-filing options working group meeting is scheduled on 03/07/2014 at 12pm and Sarah Ericson volunteered to participate to the work of the pre-filing Options working group.</p>
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	<p>The working group will provide updates at the next JJTF meeting on April 2, 2014.</p> <p>4. Petty Ticket Final Report, Jeff McDonald</p> <p>The draft of the recommendation presented includes feedback from the Task Force meeting in December.</p> <p>The intent of today’s meeting is to review the document and vote on the petty ticket concept and move forward to present at the CCJJ.</p> <p><u>Group discussions</u></p> <p>It was noted that the document presented contained clerical errors that will be corrected at the next JJTF meeting in April.</p> <p>In this concept, who will be keeping track of petty record tickets and who will have access to it? The working group is cognizant of the issue and the tracking of the records remains to be discussed.</p> <p>In some jurisdictions, the profile of youths eligible for such concept resemble the youths in diversion programs. Is this a concept about encouraging jurisdictions that do not have diversion programs to utilize? This concept is an option for law enforcement officers to use at their discretion.</p> <p>The group discussed the use of local juvenile services planning committee as an entity recommending screening team but in reality the Chief Judge of the district would be appointing a screening entity. JSPC will be removed and replaced with Chief Judge.</p> <p>Some jurisdictions have similar concept in place where police can use discretion and screen out cases. It was reminded previous discussions in regards to the limited options for law enforcement for minor offenses and this process would be an additional option proposed to law enforcement if jurisdictions choose to adopt this concept.</p> <p>Petty offenses do not fit the need for services. Research shows that services for minor offenses may be more harmful than helpful. According to the data collected, the number of youths eligible for this process is low and would not conflict with youths in diversion. This is another option for law enforcement officers possibly in smaller jurisdictions.</p> <p>What type of screening team is referred in this concept? Could it be any numbers?</p> <p>It was expressed the concern of MIP and marijuana. Currently youth offenders go to county court and immediately to treatment. There should be training to law enforcement to prevent confusion so MIP and marijuana cases are sent to the right place.</p>
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	<p>It was suggested adding a 90-days limit to the contract. The idea of such concept is for very minor offenses that can be handled very quickly in opposition to a diversion process where youths are placed under supervision for a lengthy period of time and receive services and/or placements. The intent for this process is to be very short and minimal.</p> <p>The group discussed removing “A valid statewide screening or assessment tool” in paragraph (a). In this concept, law enforcement officers make the determination to refer a youth to a petty ticket process without a statewide screening or assessment tool.</p> <p>In sum, the following will be added to the draft:</p> <p>Clerical errors to be corrected Taking out JSPC Adding 90-days limit Removing “A valid statewide screening and assessment tool” Add: What does this address?</p> <p>The working group will be meeting in the coming weeks and will re-submit an amended draft for vote at the next JJTF meeting in April.</p>
<p>Issue/Topic:</p> <p>Article 2 of the Children’s Code</p>	<p>Re-ordering Article 2 of the Children’s Code/Should we do this?</p> <p>At the pre-filing option working group meeting, it was acknowledged that the Children’s Code was not in chronological order of events. The Children’s Code should be updated to include recent research on brain development and modernized. Last updated was in 1996. The revision of the Children’s Code was a first mandate of CCJJ to JJTF.</p> <p>Doug Wilson shared that, three years ago, the Sentencing Task Force undertook the task to review and clean up the statutes that is still not completed at this time. The review of the Children’s Code would be a lengthy project and require an important amount of resources. Doug suggested bringing this topic to the CCJJ.</p> <p>The revision and re-organizing of the Children’s Code may be done as the Pre-filing working group is working at diversion. The group could divide in sections, re-order the Code and start working through the chronological order with pre-filing diversion, pre-adjudication, post-adjudication and evaluating section by section.</p> <p>It was believed that the Children’s Code needed more meaningful changes and be updated and modernized with decisions that include recent research on adolescent brain development.</p> <p>The group agreed to submit the topic at the CCJJ retreat in March and to conclude the existing working groups before re-visiting the revision of the Children’s Code in the summer.</p>

	<p>Julie Krow motioned to adjourn the meeting. Sarah Ericson seconded the motion. Meeting adjourned at 12:20pm.</p>
<p>Issue/Topic: Next meeting</p>	<p>Next meeting is on April 2, 2014 at 9:30 am at the Juvenile Assessment Center.</p>