

Juvenile Justice Task Force
Colorado Commission on Criminal and Juvenile Justice
Minutes

April 2, 2014 - 9:30 am-11:30 am
 JAC Center, Lakewood, CO

Attendees:

Jeff McDonald, Jefferson County JAC
 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
 Kim Dvorchak, CJDC
 Norene Simpson, Indigent Defense Counsel
 Michelle Brinegar, 8th Judicial District (on the phone)
 Hal Sargent, CDAC, 1st District Attorney’s Office
 Stan T. Paprocki, Division of Behavioral Health
 Charles Garcia, Community at Large
 Bill Kilpatrick, Golden Police Department
 Ann Gail Meinster, 1st Judicial District

Task Force Members Absent:

Beth McCann, Co. House of Representative
 Karen Ashby, Denver Juvenile Court
 Steve Brittain, La Plata Youth Services
 Kelly Friesen, SB94, 14th JD/Grand Co. J.J. Dept
 Sarah Ericson, 18th Judicial District
 John Gomez, Division of Youth Corrections
 Jacob Eppler, Attorney at Law

Guests:

Anna Lopez, Division of Criminal Justice
 Kim English, Division of Criminal Justice
 Hollie Wilkinson, 13th District Attorney’s Office

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 March 5, 2014 meeting.</p> <p>Jeff McDonald welcomed the group. Members and guests introduced themselves.</p> <p>Kim Dvorchak moved for the approval of minutes of meeting on 03/05/14. Julie Krow seconded the motion. The minutes were approved by unanimous vote.</p>
<p>Issue/Topic:</p> <p>CCJJ Retreat of March 13 & 14, 2014</p>	<p>Overview of CCJJ Retreat of March 13 and March 14, 2014 and the direction of the Juvenile Justice Task Force</p> <p>Jeff McDonald mentioned that the Colorado Commission on Criminal and Juvenile Justice held a retreat on March 13 and March 14, 2014 and asked Kim English to present an overview of the discussions and the direction of the Juvenile Justice Task Force.</p> <p>A document titled “CCJJ Retreat Outcomes/March 2014” was handed out to the group. Kim English informed that the CCJJ began to strategize by identifying priority areas of work for next year.</p> <ul style="list-style-type: none"> - The <i>Sentencing Task Force</i> and its <i>Sex Offense Working Group</i> will wrap up in the coming months and will go on hiatus after completion of the current work.

	<ul style="list-style-type: none"> - The Commission approved the continuation of the <i>Community Corrections Task Force</i> that has both short and long term timelines. - The <i>Juvenile Justice Task Force</i> was asked to complete its current work on the 4 ongoing projects: Pre-Filing Options, Petty Ticket, Professionalism and Age of Delinquency/Detention and present to CCJJ by this summer. Once the short term work is completed, the CCJJ will revisit the potential future areas of work that would be submitted by the JJTF. - The <i>Minority Over Representation Task Force</i> will be going on hiatus after completing its current tasks this summer. - Creation of a <i>Re-Entry Task Force</i>. A Re-Entry TF was created when the CCJJ was first in panel (2007-2008) and put on hiatus. The Commission members identified issues on re-entry as a priority. - Creation of <i>EBDM Task Force</i>. The National Institute of Corrections has been working with Mesa County and 6 other sites across the country to develop evidence-based decision making in their jurisdictions. Some representatives from Mesa County reported on their initiatives at the CCJJ retreat. The next stage for the NIC/EBDM initiative is to identify states and local jurisdictions interested in pursuing the EBDM framework and strategic planning process. CCJJ expressed interest in engaging local communities in this initiative. CCJJ is creating a Sub-committee or Task Force which will work with the NIC over the next 6-8 months. - Creation of a <i>Data Task Force</i>. The work of the Task Force will be around sharing of data and the ability to conduct research to better estimate the impact of the work of the Commission. <p>Kim English concluded that CCJJ recognized that the priorities of issues should be established due to staffing limitation and CCJJ members' availability to participate to the work of Task Forces and working group.</p> <p><u>Group Discussions:</u></p> <p>Among the 4 topic areas to conclude by this summer, it was expressed that Professionalism may appear over-complicated as presented. The principle of allowing professionals to participate in trainings that are already in place in state agencies can be easily accomplished with MOUs or inter-agencies agreements. While acknowledging the level of work produced by the working group, it was suggested that JJTF should re-consider forwarding this recommendation to the CCJJ.</p> <p>The Professionalism working group will present its recommendation at the next JJTF meeting in May and the concern mentioned above will be re-visited.</p> <p>Is the JJTF expected to present potential areas of work to CCJJ? Yes, once the 4 current works are completed, the JJTF should identify future areas of work and present to the Commission.</p>
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<p>Issue/Topic:</p> <p>Petty Ticket Report</p>	<p>Petty Ticket Report, Discussion and Vote</p> <p>A revised document dated April 2 is handed out. Jeff McDonald engaged the group to review and discuss the draft.</p> <p>The group discussed some changes to the document.</p> <p>Julie Krow made a motion to move forward the proposed recommendation with the amendments to the CCJJ. Judge Meinster seconded the motion.</p> <p><u>Group Discussions:</u> It was commented section 1) d) <i>“The prosecuting attorney does not object to the petty ticket or the contract upon review”</i>. In reality, law enforcement officers would not contact prosecuting attorney when engaging a youth in a petty ticket process.</p> <p>The intent of this concept is short term and easy process for minor offenses.</p> <p>It was expressed the concern that this process might create a parallel process for low level offenses to the work undertaken by the Pre-Filing Options working group. The Pre-Filing Option working group will be reviewing the Juvenile Justice section in the Children’s Code and better define the pre-filing options available and structure. Should this recommendation be integrated to the work of the Pre-Filing Option?</p> <p>This concept is for petty offenses and in practice mostly filed in municipal courts so the Children’s Code would not apply. There should be minimal impact on the work of pre-filing option group.</p> <p>The Petty Ticket concept would include municipal violations when the diversion statutes would not include municipal violations.</p> <p>The tracking and database issues were discussed. Jefferson County uses record checks and juvenile information entered in databases for both municipal and state records.</p> <p>It was suggested that discretion should be given to extend the contract to past 90 days based on unforeseen family circumstances. It was argued that this concept is intended to be short-term and if past 90 days, the DA would review the case and make determination based on circumstances. In reality, most of the contracts are completed within 30 days and the conditions are simple and can be achieved quickly.</p> <p>This process will be optional for jurisdictions to adopt.</p> <p><u>Vote:</u> 8 members supported 4 members did not support</p> <p>The motion to move forward the amended recommendation to the CCJJ was approved.</p>
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<p>Issue/Topic:</p> <p>Working Group Presentations</p>	<p>1. Pre-Filing Options working group, Hon. Michelle Brinegar</p> <p>The Pre-Filing Options working group will be meeting on Monday, April 7, 2014 from 9 am-12 pm at 710 Kipling St, Lakewood. It was reminded that dates and times of all CCJJ meetings, including all JJTF meetings and work group meetings, can be found at http://www.colorado.gov/ccjdir/Calendar/CCJJCalendar.html.</p> <p>The group is almost complete with re-writing the Diversion statute C.R.S. 19-1-103 (44) using the adult diversion statutes as a reference. A new juvenile diversion statute C.R.S. 19-2-704 will be written which will include language about the right to legal counsel, the ability to enter diversion while under DSS custody and, the ability for district attorneys to dismiss a case that has been filed and access diversion programs.</p> <p>A draft recommendation will be sent to JJTF members for review before presented at the JJTF meeting in May for consideration and discussions.</p> <p><u>Group discussions</u></p> <p>It was reiterated the concern about limiting diversion as a pre-filing option. A pre-filing option would limit the ability to adjudicate and divert out once in the system. Once a case has been reviewed, it is important that district attorneys have the ability to dismiss a case into a diversion type of process.</p> <p>The working group has not yet written the language and is intending to address this issue.</p> <p>Age of Delinquency/Detention working group, Kim Dvorchak</p> <p>A proposed draft of amended statutes C.R.S. 19-2-507 and C.R.S. 19-2-508 is handed out.</p> <p>Kim Dvorchak reminded that the Age of Delinquency was formed as study group to explore recent research about child and adolescent delinquency and raising the age of delinquency. The working group could not agree on an age of delinquency and the discussions evolved into detention. Research indicates that detaining younger children in detention facilities is very detrimental and not appropriate settings for younger children.</p> <p>The working group recommends that no child under the age of 13 shall be placed into a detention facility or temporary holding facility unless it is alleged that the juvenile has committed a class 1, 2 or 3 felony, crimes against persons and/or crimes of violence.</p>
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	<p><u>Group Discussions</u></p> <p>What is the definition of temporary holding facilities? The statutory definition of temporary holding facilities can be found in C.R.S. 19-1-103 (106). Temporary holding facilities are staff secure facilities and approved and monitored for compliance by DCJ and used until detention hearing (48 hours). There are 6 facilities across the state: Boulder county, Grand (2), Durango, Moffat and Craig. Temporary holding facilities are funded through the county with federal grant.</p> <p>Temporary holding facilities are one of the very few options in the state and there was concern that if those facilities are no longer an option, children may actually end up in detention facilities.</p> <p>Juvenile Assessment Centers are not considered temporary holding facilities as there are secured entrances.</p> <p>Temporary holding facilities are often in very close proximity of secured detention facilities and there is always the issue of younger offenders being in close contact with older offenders. Should alternative options such as staff placed or shelters be explored for these younger populations?</p> <p>It was suggested to designate Juvenile Assessment Centers as temporary holding facilities and approved by the state.</p> <p>The intent with the proposed language is to avoid secure detention and congregate care placement and leave discretion for counties to find alternative placement for juveniles under 13.</p> <p>Law enforcement officers often comment that they are limited in temporary holdings, even for few hours so alternative and appropriate placements can be found. More appropriate placements would include family, akin, friends, short term shelters, home settings etc.</p> <p>The group discussed the need to explore funding and alternative placement mechanisms to detention.</p> <p>It was suggested to remove the <i>Presumption of Dangerousness</i> for certain offenses rather than making the statement that children under 13 should not be placed into detention.</p> <p>The group largely supports the concept that juveniles 10, 11 and 12 should not be placed in detention facilities but agreed that the working group should redefine temporary holding facilities and explore other option facilities.</p> <p>It was requested to gather data on how many cases have used temporary facilities.</p> <p>The JJTF is asking the working group to continue refining the recommendation. Kelly Friesen will convene the working group and report back at the next JJTF meeting in May.</p> <p>Action Plan for the working group:</p>
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	<p>Writing background with data Further issues: Funding for other facilities Refine 19-2-508(3)(a)(II.5) Clarify options for facilities</p> <p>2. Professionalism, Regi Huerter The Professionalism working group will present at the next JJTF in May.</p>
<p>Issue/Topic: Next meeting</p>	<p>It was noted that a DYC conference will be held on May 7, 2014 and there may be conflict of attendance for some JJTF members.</p> <p>Next meeting is on May 7, 2014 at 9:30 am at the Juvenile Assessment Center.</p>