

Juvenile Justice Task Force
 May 7, 2014 - 9:30 am-12:00 Pm
 JAC Center, Lakewood, CO

Attendees:

Kelly Friesen, SB94, 14th JD/Grand Co. J.J. Dept
 Jeff McDonald, Jefferson County JAC (on the phone)
 Regina Huerter, Denver Crime Prevention and Control Commission
 Kim Dvorchak, CJDC
 Norene Simpson, Indigent Defense Counsel
 Charles Garcia, Community at Large (on the phone)
 Bill Kilpatrick, Golden Police Department
 Ann Gail Meinster, 1st Judicial District
 Steve Brittain, La Plata Youth Services
 Sarah Ericson, 18th Judicial District
 Susan Colling, State Court Administrators , Probation Services
 Jacob Eppler, Attorney at Law

Task Force Members Absent:

Beth McCann, Co. House of Representative
 Karen Ashby, Denver Juvenile Court
 Julie Krow, Department of Human Services
 Meg Williams, Division of Criminal Justice
 Stan T. Paprocki, Division of Behavioral Health
 John Gomez, Division of Youth Corrections
 Michelle Brinegar, 8th Judicial District
 Hal Sargent, CDAC, 1st District Attorney's Office

Guests:

Doug Wilson, State Public Defender, CCJJ Vice Chair
 Kelly Kissell, 18th District Attorney's Office
 Hollie Wilkinson, 13th District Attorney's Office
 Donia Amick, Lakewood Police Department

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, review of minutes of April 2, 2014 meeting.</p> <p>Kelly Friesen welcomed the group. Members and guests introduced themselves.</p> <p>Ann Meinster moved for the approval of minutes of meeting on 04/02/14. Steve Brittain seconded the motion. The minutes were approved by unanimous vote.</p>
<p>Issue/Topic:</p> <p>Age of Detention Working group</p>	<p>Recommendation of the Age of Detention working group</p> <p>A draft of a recommendation from the Age of Detention working group was presented for discussion and vote.</p> <p>Kim Dvorchak indicated that the Age of Detention working group started as a study group to explore recent research about child and adolescent development and discuss the age of delinquency. The group could not agree on an age of delinquency and the discussions evolved into detention for young children in their middle childhood and under the age of 13 years old. The group reviewed development research and acknowledged the lack of programs and services for children in that age group and came in a general consensus that detaining children in detention facilities was very detrimental and not appropriate settings for younger children.</p>

	<p>The Age of Detention working group recommended statutory change to the Children’s Code to state that no children under the age of 13 shall be placed into a detention facility unless the juvenile has committed a class 1 or 2 felony, or a class 3 felony crime against person or crime of violence and that the presumption of dangerousness doesn’t apply for children under 13. Additionally, the working group added language in statutes C.R.S 19-1-103 (106) that children can only be held in temporary holding for 48 hours excluding weekends and holidays.</p> <p>The working group also recommended that the Division of Youth Corrections SB-94 Advisory Board (Working Group) amend the Detention criteria that are reviewed annually, so children between the age of 10 and 13, screened for detention can be eligible to receive SB-94 services.</p> <p>It should be noted that there are 15 children detained a year within the age group of 10 and 11 years old (number higher with the 12 years old). Even with these exceptions, there are about 250 children detained a year.</p> <p>At the last JJTF meeting, there were lengthy discussions about temporary holding facilities and the Age of Detention working group decided to remove temporary holding facilities from this recommendation so young children can still be held in a temporary holding facility available in some jurisdictions.</p> <p><u>Group Discussion:</u></p> <p>It was asked to clarify the recommendation to amend Detention Criteria for SB-94 services. Aren’t these services available today? The SB-94 services are not available unless children are screened to the DYC SB-94 State Advisory Board Detention Criteria. This is why the working group is recommending that the Detention Criteria be amended so a child of 10, 11 or 12 years old that is screened for detention can be eligible to receive SB -94 services.</p> <p>Was there consensus in the working group? Some working group members expressed that the felony class exceptions were not broad enough and should include class 4 felonies. There was general agreement that younger children should not be detained and the non-consensus was around the offense class and the alternatives to detention.</p> <p>The concerns in the working group were primarily expressed by district attorneys who disagreed with the exclusion of class 4 felonies and that the recommendation did not include discretion of the courts. Another concern was the shortened timeframe given to DHS to find suitable place for children released after 48 hours.</p> <p>It was argued that the recommendation would allow the officer to file D&N proceedings with focus on rehabilitation and services. In case of sex assault or incest, a restraining order can be filed and get the child out of the home and placed in a more appropriate placement.</p>
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	<p>The child can also be placed out of home if there is presumption of dangerousness. Public safety is paramount but best interests of the juvenile, victim and family need to be considered with focus on services. It was reminded that the age group discussed is children under 13. Research shows that detention for younger children increases criminogenic risk and is very detrimental.</p> <p>Should the group agree on a middle ground by allowing individualized determination by court for appropriate placement or detention?</p> <p>The disagreements in the working group were expressed by prosecutors and the rest of the group approved to move this recommendation forward to the JJTF. The intent is to create safety plans for younger children. These children cannot be committed so why should they be detained?</p> <p>The individual determination by a judicial officer is already in practice with the Dependency and Neglect system. Judges make individual determination for hold or protective order. Law enforcement officers can remove the child from home and there should be hearing within 48 hours. The judicial officer has the discretion to weight on whether there are appropriate services for that specific child.</p> <p>The current legislation also already provides for court discretion.</p> <p>It was mentioned the challenge of finding appropriate placement in rural communities and that communities would have increasing pressure with a 48-hour deadline.</p> <p>SB-94 screening teams are available in all jurisdictions and can address this issue within this timeframe.</p> <p>It was reminded that detention is a process not a placement. With this recommendation, the detention process will remain the same.</p> <p>It was suggested to clarify the language age group under 13 (13 years old being excluded).</p> <p>This Task Force was mandated to recommend changes for the best interest of the child. The numbers of the young offenders discussed are very small and the mission of this TF is to focus on a rehabilitative system more than a punitive system. Research shows that detaining children while on pre-trial when their brains have not been fully developed have significant detrimental effects.</p> <p>In summary:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><u>Pros</u></td> <td style="width: 50%; border: none;"><u>Cons</u></td> </tr> <tr> <td style="border: none;">Reduces numbers</td> <td style="border: none;">Lack of Flexibility</td> </tr> <tr> <td style="border: none;">Use D&N</td> <td style="border: none;"></td> </tr> </table>	<u>Pros</u>	<u>Cons</u>	Reduces numbers	Lack of Flexibility	Use D&N	
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	<p>Forces children into other system DHS won't have all cases Can't commit these children anyway Detention is a process Under 13 only Best interest of the child</p> <p>Jacob Eppler made the motion to move forward the proposed recommendation to the CCJJ. Kim Dvorchak seconded the motion.</p> <p>9 in favor 1 opposed</p> <p>The motion to move forward the recommendation to the CCJJ was approved.</p> <p>The recommendation will be presented to the CCJJ in June and will outline the discussions and include data. The age of detention will be clarified and amended in the first paragraph to say "under the age of 13".</p>
<p>Issue/Topic:</p> <p>CCJJ update</p>	<p>CCJJ update including status of Petty Ticket recommendation</p> <p>Jeff McDonald updated the group that the Petty Ticket recommendation was presented at the CCJJ on April 11, 2014 and will be voted at the next CCJJ meeting on Friday, May 9.</p>
<p>Issue/Topic:</p> <p>Professionalism Working group</p>	<p>Recommendation of the Professionalism Working group</p> <p>Regi Huerter handed out a draft of a recommendation and commented a powerpoint presentation.</p> <p>Regi started her presentation outlining that the recommendation is the result of collaboration efforts with members of the JJTF, DCPCC and JJDP's Council.</p> <p>Regi mentioned a concern that was expressed at the JJTF in April that the recommendation may be appearing over-complicated as presented and argued that the professionalism topic should be very specific and describing a sustained approach.</p> <p>The Professionalism working group recommends that this recommendation be presented to the CCJJ and that agencies within the Executive and Judicial branches of government and agencies involved in critical decisions of case processing and treatment of juvenile offenders commit to and participate in the creation, adoption and implementation of statewide juvenile professional development standards.</p> <p>This process consists in 2 phases:</p> <p>Phase 1: Commit and participate in the creation of statewide juvenile professional development, including core training standards, and an achievable implementation plan.</p>

	<p>Phase 2: Implement the plan and institutionalize core professional development standards in administrative practice. Similar to the approach Colorado’s Child Welfare system has used with its training academy, training offerings. It is not static and will continuously be informed by new knowledge.</p> <p><u>Group Discussion</u></p> <p>The group discussed the issue of reporting versus confidentiality, the attorney/client privilege and the statutory privilege and statutes that mandate the reporting.</p> <p>These issues seem relevant to the Children’s Code.</p> <p>Regi encouraged the group to review the recommendation and provide feedback, comments to Ken Plotz.</p> <p>The recommendation will be voted on at the JJTF in June.</p>
<p>Issue/Topic:</p> <p>Pre-Filing Options/ Diversion Working Group</p>	<p>Report of the Pre-Filing Option/Diversion Working group</p> <p>The group met in April and will meet next on May 22, 2014 from 12pm-3pm at 710 Kipling St. Lakewood.</p> <p>The group are working on 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. Sarah Ericson and Kelly Kissell are working on developing language for victims’ consideration.</p> <p>A draft recommendation should be presented at the JJTF meeting in June for voting.</p>
<p>Issue/Topic:</p> <p>Collaboration Survey</p>	<p>Results of Collaboration Survey from February JJTF retreat</p> <p>This topic is postponed to next JJTF meeting in June.</p>
<p>Issue/Topic:</p> <p>Next meeting</p>	<p>Next meeting is on June 4, 2014 at 9:30 am at the Juvenile Assessment Center.</p> <p>Meeting adjourned at 11:20 am.</p>