

Juvenile Justice Task Force

July 2, 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
Regina Huerter, Denver Crime Prevention and Control Commission
Norene Simpson, Indigent Defense Counsel
Steve Brittain, La Plata Youth Services (on the phone)
Sarah Ericson, 18th Judicial District (on the phone)
Susan Colling, State Court Administrators , Probation Services
Meg Williams, Division of Criminal Justice
Julie Krow, Department of Human Services
Hal Sargent, CDAC, 1st District Attorney's Office
Donia Amick, JJDP Representative
Michelle Brinegar, 8th Judicial District (on the phone)
Beth McCann, Co. House of Representative

Task Force Members Absent:

Kim Dvorchak, CJDC
Bill Kilpatrick, Golden Police Department
Ann Gail Meinster, 1st Judicial District
Stan T. Paprocki, Division of Behavioral Health
Charles Garcia, Community at Large
Jacob Eppler, Attorney at Law

Guests:

Kelly Kissell, 18th District Attorney's Office (on the phone)
Elise Logemann, CJDC
Ellis Linke, Grand County Juvenile Services

Staff:

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

<p>Issue/Topic:</p> <p>Welcome, Introductions/ Review of minutes</p>	<p>Welcome, introductions, review of minutes of June 4, 2014 meeting.</p> <p>Kelly Friesen welcomed the group. Members and guests introduced themselves.</p> <p>The group reviewed the minutes of June 4, 2014. The minutes will be corrected reflecting that Michelle Brinegar attended the meeting. Julie Krow moved for the approval of the corrected minutes of 06/04/14. Meg Williams seconded the motion. The minutes were approved by unanimous vote.</p>
<p>Issue/Topic:</p> <p>Review of Actions Plans</p>	<p>Professionalism</p> <p>The Professionalism recommendation was presented at the CCJJ on June 13, 2014. The CCJJ members had questions about who would be responsible for the implementation plan and how the plan would be implemented. Regi Huerter and possibly other JJTF members will prepare responses to these questions and present at the CCJJ August meeting.</p> <p>CDHS recently launched an online training on mandatory reporting with certificate of completion and it was suggested that this new training be added to the Professionalism plan.</p>

	<p>Age of Detention The Age of Detention recommendation was also presented at the CCJJ June’s meeting. Kelly Friesen and Kim Dvorchak’s presentation at the CCJJ was publicly acknowledged. The concerns mostly expressed by the district attorneys were that the recommendation did not include discretion of the courts and the exclusion of class 4 felonies.</p> <p>Kelly Friesen is preparing a fact sheet in an attempt to clarify and answer these questions.</p> <p><u>Group discussion</u></p> <p>It was reiterated the concern expressed about court keeping discretion to put younger children into detention when there is a safety concern and the exemption of certain felony offenses (for example 2nd degree assault). What is the alternative to detention when there is no D&N case?</p> <p>There was general consensus that younger children should not be detained but it was suggested to discuss alternatives to detention to the recommendation.</p> <p>It was reminded that the issue relates to detaining younger children before detention hearings (instance of an offense committed on a Friday night and the child being detained several days before detention hearing).</p> <p>The group discussed possible use of S.B. 94 and mental health response funding to provide alternative to detention.</p> <p>Ms. Julie Krow proposed to coordinate a meeting with Colorado Commissioners (CCI) and the CHS county directors to discuss what is already in place or what can be easily implemented at the county level for alternative to detention for younger population.</p> <p>It was reminded that the recommendation is already discussed at the CCJJ level but that the JJTF group will have an opportunity to address some of the CCJJ members’ concerns at the August meeting</p> <p>Petty Ticket The Petty Ticket recommendation was voted and approved at the meeting on May 9, 2014. Rep. McCann proposed to sponsor and carry the bill at the 2015 legislative session and will participate in the legislative drafting process.</p>
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<p>Issue/Topic:</p> <p>Pre-Filing Options</p>	<p>Discussion of Pre-filing Option Working Group’s revision of diversion statutes.</p> <p>A draft of a recommendation from the Pre-filing Options working group was handed out for discussion.</p> <p>The recommendation includes 1) a revision of C.R.S. 19-1-103(44) which defined diversion and some mechanics of pre-filing diversion have been incorporated. 2) C.R.S. 19-2-704 have been revised and combined with C.R.S. 19-2-303 which define state funding diversion programs. The revised statutes describe the characteristics of pre-filing program and victims’ rights language has been added.</p> <p>Ken Plotz also engaged the group to discuss the language of the summary of the recommendation.</p> <p><u>Group Discussions:</u></p> <p><i>What is the intent of the recommendation and the issue(s) being addressed?</i></p> <p>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 and after the juveniles have been charged. The intent is to try to keep juveniles out of the legal system and avoid the filing of charges.. When applying for college, employment or accommodation, juveniles are often required to report whether they have been <i>charged</i> with a crime even if their cases were dismissed or even if they have received deferred adjudication. The intent of this recommendation is to provide the juveniles the ability to say “<i>no, I have not been charged with a crime or no I have not pled guilty to a crime</i>” and avoid long term collateral consequences.</p> <p>The recommendation uses the term diversion in statute C.R.S. 19-2-704 as a diversion process where there would not be an existing court case. The intent is to encourage jurisdictions to develop or enhance pre-filing process, out of the judicial system, that will be called diversion.</p> <p>The recommendation provides a clear definition of diversion, creates some uniformity and clearly defines that jurisdictions have the discretion to do pre-filing diversion.</p> <p><i>Definition excludes post-filed</i></p> <p>The definition of diversion in the draft recommendation contradicts (7) “<i>The District Attorney may dismiss without prejudice a petition filed under 19-2-512 in order for a juvenile to participate in a diversion program pursuant to 19-2-704</i>”.</p> <p>Should (7) be excluded from the recommendation or should the definition amended to include post-filed juveniles?</p>
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	<p>The group will further discuss this option at the next JJTF meeting in August.</p> <p><i>How would this recommendation impact funding S.B. 94 fund and discussions on other funding considerations</i></p> <p>Concern was expressed that with the recommendation defining diversion as only pre-filing option, some programs could possibly lose S.B. 94 funding. The Jeffco Fast-track program was described to explain the concern. In the Fast Track program, when a juvenile is taken into custody, he/she is assessed at the Jefferson Assessment Center (JAC) and placed on pre-trial supervision by S.B. 94. After several weeks and while the juvenile is under pre-trial supervision, the District Attorney reviews the assessment to decide whether to offer deferred judgment, Informal Adjustment (IA) or to continue adjudication. The concern is that the assessment and pre-trial supervision are ensured by S.B. 94 in the 1st JD and if diversion is redefined as pre-filing options, S.B. 94 funds could not be used for assessment and pre-trial and up front services might be cut out in the Fast Track Program. As a clarification point, S.B. 94 funds are not used for diversion programs but used to determine how to pursue with a case filing and to decide whether to divert or adjudicate a juvenile.</p> <p>It was argued that practices do not have to change with this recommendation but would need to be renamed as diversion would only apply for pre-filing options.</p> <p>The purpose of S.B. 94 is to offer a continuum of services for the juveniles at risk of detention and it was suggested to examine S.B. 94 statutes to possibly expand the scope of S.B. 94 to include pre-filing diversion.</p> <p>It was also suggested to examine C.R.S. 19-2-302 Pre-adjudicated Services program to address the issue described above and related to the possible impact of S.B. 94 funding for some programs such as Fast Track in the 1st JD.</p> <p>The funding consideration could be addressed in the statutes with funding incentives for pre-filing diversionary practices. Additionally, S.B.94 could be broadened to juvenile justice planning to allow more funds for earlier intervention and prevention.</p> <p>This recommendation could possibly affect state funding for post-filing programs as state funding would only be available for pre-filing options. Post-diversion programs would still be available but would have to be re-labelled as the term diversion would only be for pre-filing options.</p>
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	<p><i>Possible MOR as being not eligible for diversion</i></p> <p>It was expressed the concern that limiting diversion to pre-filing options could possibly reduce the number of juveniles offered diversion options.</p> <p>A recent study from DCJ shows that only 2% of African Americans are offered DA's funded diversion programs in Colorado. There is a substantial under representation of African Americans coming into diversion programs.</p> <p>The concern is that because of an extra step required to dismiss a case, the representation of African American in Diversion programs will continue to decline.</p> <p>There was a consensus on the intent to reduce the number of juveniles charged but is limiting diversion to pre-filing options the only way to achieve this effort?</p> <p><i>Changes in the draft document</i></p> <ul style="list-style-type: none"> - Sections 7) & 8) will be reordered and renumbered. - Section (1). A typo is found in the Legislative intent and should read (correction in red) "...as defined by 19-1-103(44)..." <p><i>Definition Not inclusive enough.</i></p> <p>It was commented that the definition was not inclusive enough and should include services, access to information, victims and juveniles.</p> <p><i>Expungement issue/ school records not expunged and collateral consequences.</i></p> <p>The group agreed to further discuss the expungement statutes and the issue of school records.</p> <p><i>Research</i></p> <p>It was believed that there is sometime benefit of filing charges as there are multiple entities and systems involved in the decision-making and process of services as well as parental involvement which lead to positive outcomes for juveniles and families.</p> <p>Research concerning the risk of exposing juveniles to the justice system and effects of juvenile court exposure on crime in young adulthood was requested. The following links were mentioned and additional research will be forwarded to the group.</p> <p>http://www.ncbi.nlm.nih.gov/pubmed/23009564 http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf</p>
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	<p>It was commented that research shows that the deeper the juveniles are in the system, the more long term consequences. When juveniles enter the system at all, at any level, they are more likely to stay engaged in the system. Kim English will forward additional research on this topic to the group.</p> <p>It was reiterated that the intent of this recommendation is to minimize the contact with the legal system.</p> <p>Should the group consider a recommendation prior to Advisement instead of filing?</p> <p>In Summary, the group discussed:</p> <ol style="list-style-type: none"> 1. Clarifying the intent of the recommendation, 2. Definition excludes post-filed on kids, 3. Impact on SB94 and other funding consideration, 4. Possible MOR, 5. Reorder section 7&8, 6. Definition not inclusive enough. Services/information/victims and juveniles, 7. Expungement issue/ school records not expunged and collateral consequences etc. 8. Research. 9. Concerns about working piecemeal when we should work on the whole Children’s code. 10. Limiting diversion to only children who have not been filed on or adjudicated may limit services available to them. <p>The group agreed that these conversations should continue at the next JJTF meeting in August.</p> <p>The Pre-filing Options meeting scheduled on July 7 is cancelled.</p>
<p>Issue/Topic:</p> <p>New Topics</p>	<p>Group Discussion of new topics for the Task Force This topic will be discussed at the August JJTF meeting.</p>
<p>Issue/Topic:</p> <p>Next meeting</p>	<p>Next meeting will be on August 6, 2014 at 9:30 am at the Juvenile Assessment Center. Meeting adjourned at 12 pm.</p>