

CCJJ Minority Over-Representation Subcommittee

January 10, 2012, 10:00AM-12:00PM

710 Kipling St., Lakewood

Attendees

James Davis/Department of Public Safety
Michael Dougherty/Attorney General's office
Regi Huerter/ Denver Crime Prevention & Control Commission
Heather Wells/Department of Corrections
Alaurice Tafoya-Modi/Private Defense Attorney
Anna Lopez/Division of Criminal Justice
Paul Herman/CCJJ Consultant
Christine Adams/Division of Criminal Justice
Germaine Miera/Division of Criminal Justice
Jana Locke/Department of Public Safety
Karen /Denver Crime Prevention & Control Commission (intern)

Absentees

Reo Leslie/Private Therapist

Purpose of today's meeting

- Gather report backs from the individual 'teams' regarding the seven CCJJ recommendations discussed at the October meeting.

Recommendation Overview

Recommendation #1 (Policy) - Require comprehensive cultural competency training for all justice agencies and for all treatment and service organizations used by justice system agencies.

(Paul and Regi)

Discussion points

- *This recommendation is not just about training, but also about the larger educational learning process*
- *Discussed the potential of creating a **Toolkit** for organizations*
- *A toolkit would identify key issues in terms of overall competency training and include some narrative as well*
- *We need to frame the issue, why it's important, what we know about it*
- *In a toolkit, a series of questions would ask*

- *Do you have 'X' in place?*
- *Do you have 'Y' in place?*
- *That could then be rated by measurements such as 'fully engaged, just starting, etc.'*
- *It would basically look like 'Here are the key issues, and a checklist of 'where are we now''*
- *As this is a longer term issue, it will take some work and we still need to clarify the scope of work*
- *If we go forward with a Toolkit concept, the next stage would be to gather information from a variety of places, nationally, inside the CJ system and outside the CJ system, treatment providers and other organizations providing services*
- *There is some pretty good protocol already out there, nursing agencies, AIDS agencies, etc.*
- *Check in with national organizations and Colorado agencies too as far as training, etc.*
- *The goal is to, in Colorado, craft our own best practices models, be flexible with what the products might look like*
- *Cultural competency training has nothing to do with organizational structure – which is where the toolkit comes in. It's not a curriculum, it's a process for organizational structure*
- *We could rework this original recommendation from the Commission and propose that this recommendation enhance and support training around cultural competency,*
- *There are HR departments in every agency, maybe they would be the ones to sit in on this since they have the biggest knowledge*
- *HR departments from different justice agencies, judicial, CDPS, jails, sheriffs*
- *This is not in lieu of individual agencies, but maybe go to larger counties in terms of human resource folks*
- *Under CDPS, it could maybe be someone like Comm. Corr. to help roll out into facilities – have some actual practitioners on board*
- *Yes, makes sense to shift from training*
- *It's a lot about recruiting – need to have diversity friendly workforce environments*
- *This is both about developing the workforce and the workforce ability to deliver*
- *Recommendations out of Minnesota include talk around criminal records. Most people who read a criminal history haven't been trained in 'how' to read a criminal history*
- *We haven't created an organizational structure that really talks about what a diverse, inclusive organizational structure looks like. We need to back up and figure out the organizational framework first.*
- *We've never talked about 'What does a diverse organization' look like*
- *Therefore, when you're hiring, some organization won't hire prior felonies or misdemeanants' if the box is checked 'Have you ever been convicted'. In a 'felony friendly' process everyone would get considered off the bat regardless of their criminal history*
- *Are HR managers trained on reading a criminal history?*
- *Check out the NY times op-ed on expiration of criminal records from Jan. 10*

Recommendation #1 – Action steps (See handout /timeline for proposal)

- Timeline? This is long-term.
- It will take three months to accomplish implementation steps 1-3
 - Recruit initial core group members
 - Clarify scope of work
 - Gather and analyze info from National, State, Local organizations
- 2-3 months to accomplish 4-6
 - Assess current efforts in Colorado
 - Identify gaps between our current efforts and best practice models
 - Finalize goals
- Probably 4-6 months to develop the narrative and the questions
- The MOR committee needs to go back to the full Commission, review the original recommendation and propose the new changes (how the recommendation has morphed). Then ask the full Commission for their support, Maybe the Public Defender gives up someone, state judicial give someone, DPS, AG's office all assign someone, get all key HR stakeholders in the room
- Ask for Commission support and larger agencies to give us access to HR folks, then begin

Combine Recommendations #2 and #6

Recommendation #2 (Policy) - All justice agencies should track the racial and ethnic diversity of their staff. Every organization should actively recruit minority candidates for both job opportunities and as members of boards and commissions.

Recommendation #6 (Commission) - To serve as a model for its expectations of criminal justice agencies, the Commission should develop and implement a Commission-specific mentoring program for minority juveniles and young adults who are interested in working in the criminal justice system.

(Michael Dougherty, Jim Davis, Reo Leslie)

Discussion points

- *This working team looked at tracking and recruitments*
- *Looking at DA's offices alone – doing a better part of tracking is very important*
- *As far as tracking and reporting on the diversity of an office, just reporting will push a DA's office to start diversifying*
- *Diversity needs to happen in the office, support staff, entry level positions, etc.*
- *Michael is pushing for DA's to adopt the implementation of a tracking sheet*
- *Michael spoke with Paul Shultz about implementing the same concept in enforcement. Peace officer standards and training. With one email we could send this to all groups and track their diversity as well. Coming from POST this would have some value.*
- *Send DA tracking to DU and CU so students know where they might want to apply*

- *If you say to folks, 'we're making this publicly available', and even send to media, it might make an impact*
- *At police academies there are less options about where you're going to apply, Lawyers applying to DA's office have more options.*
- *Let's take the NAP form, tailor it, send it out to DA's offices*
- *Can we do this with treatment providers? Can we do it through Comm. Corr., probation and parole? This would have a huge impact.*
- *This is tracked and watched closely in sheriff, police and fire departments*
- *If there was a model around what you're tracking, including gender and age, that would be helpful*
- *How do we start PRE law school?*
- *The commitment to diversity is not enough, reporting is an important step but not enough, you can't just wait for people to get to law school. Must develop pipeline steps ahead of time*
- *Pipeline programs are labor intensive, focus on individual students when a young person develops interest.*
- *Diversity really has to happen in pipeline programs early on*
- *Some pipeline programs could come speak at CCJJ, haven't found one in Colorado. Someone from outside Colorado could talk to the Commission about how to accomplish this.*
- *The other area of focus was the 'residency requirement' for individuals working for state agencies in Colorado' – does this negatively impact us as a state. Yes.*
- *Is it practical to work on this, can we change this? – this has been the focus of CCJJ in the past but not sure it's a viable way to go*
- *E-verify is a free service through USCIS, to check whether the person you're hiring is in the country legally or not, would require private employers to run people through e-verify and not hire them.*
- *The focus is getting people of Colorado, Colorado jobs*
- *Is now the time for E-verify and do we want to take this on – we shouldn't limit ourselves to Colorado only applications, diversity shouldn't be limited to Colorado only people*
- *What is the mission of CCJJ in regards to practicality vs. attempt?*
- *The Gov's office is frustrated with residency requirements as well – but possibly not a fight worth having this year*
- *There is always the issue of taking on what's right vs. what can be done in CCJJ – we need some victories. It's hard to take on what's right if we can't do it. There's also a credibility issue here. CCJJ has credibility down at the capitol.*
- *The credibility now is tenuous*
- *There's always a balance between the right way to do things – and what can we do*
- *Often, we lean toward 'we can't do this so let's focus on other things' – but what about making substantial changes*
- *If not NOW, then when? Is this an issue that goes away? Or can we tackle this in the future?*
- *The residency requirement needs to be addressed at some point.*

- *Part of having a diverse workforce means recruiting from all areas. If the pool is limited the workforce is limited*
- *CCJJ as a body believes it is important to have a diverse workforce, can we take an ‘opinion’ now, get on the record without fighting the fight*
- *We should keep this as an open discussion, but working to get people from our communities build trust to go a long way with the populations we’re serving*
- *It’s not about ‘not’ doing something, it’s about removing barriers. It could be in your backyard, or it could be from someone else’s backyard.*
- *This working team also wanted to address recruiting mentees for CCJJ*
- *Possibly design a program where members of CCJJ report back on mentoring programs in their offices and their communities.*
- *Commissioners could include office interns in the CCJJ experience as well. Bring their office mentees to meetings.*
- *As far as mentorship, yes, bring folks to meetings, but it’s more about the whole relationship as well.*
- *We have to have some meaning to an internship.*
- *Intern and mentee are two different things*
- *It would be good to have feedback with interns and mentees on how you support the framework. How do we make that a part of the work?*
- *You need debriefing and the whole experience for an intern to make it meaningful*
- ***Let’s engage the whole CCJJ on this conversation – survey the commission members on do they have an intern? Do they have minority interns? Do you have intern? Mentee?***
- *One of the critical issues in devoting time and resources is having good structure in your internship program so they don’t fail. These fail easily without structure. There is a commitment of time and structure*
- *If you don’t delegate well, internships don’t do well without structure*
- *It’s hard to find meaningful work for an intern without making it menial work. It requires a lot of commitment.*

Recommendation #2 and #6 – Action steps

- Get a feel for community outreach being done by law enforcement with schools and in the community
- Possibly partner up with a particular school.
- Talk to other offices about what they’re currently doing and is this being done elsewhere
- Anna may have a line on this
- Engage Inta on this at community college level and Higher Ed sociology, criminology programs
- How are colleges currently working with high schools as far as what they’re putting out as far as possible careers?
- Dr. Steen can help with this too

Recommendation #3 (Agency policy/administrative rule/legislation) -State and local justice agencies should collect race and ethnicity information on the populations they serve.

(Alaurice and Anna)

Discussion points

- *Alaurice and Anna talked about surveying entities to see what data they currently collect*
- *What are they collecting now, how is it collected, in what format, are they collecting race only? Race and ethnicity together? If not collecting race or ethnicity what are the barriers?*
- *They set up a potential survey, need a little more help to flesh this out, maybe a DCJ person and a CBI person*
- *Should we do survey monkey or actual interviews?*
- *The survey should be sent out by someone who has a relationship with the agency in order to get a good response rate*
- *Are there any additional questions that should be asked?*
- *Do we want to ask if there are any limitations on the data that can be collected? Are there any restrictions? How much money to get your data bases up and running*
- *Maybe ask if there are policy barriers?*
- *Are there any policies that SUPPORT doing this? Are they implemented or overseen?*
- *Does your data system have a field for race, but are they using it? What's the policy? How many cases have missing data with this field?*
- *Define population you serve. People you prosecute, people in the community, etc.*
- *Define race and ethnicity too*

Recommendation #3 – Action steps

- This is a short-term issue (to gather appropriate info, long-term possibly to implement)
- Anna and Alaurice will shepherd this issue.
- They'll keep plugging along

Combine Recommendations #4 and #7

Recommendation #4 (Legislative) - Develop a mechanism that requires a specific review of proposed justice legislation to determine whether the legislation will have an adverse impact on minority over-representation. Some states refer to this as a Minority Impact Statement.

Recommendation #7 (Commission) - The Commission's Sentencing, Drug, and Juvenile Task Forces shall review recommendations to ensure those proposals do not have a negative impact on minority over representation.

(Chrissy and Jana)

Discussion points

- *There is not an actual draft for Colorado yet*
- *This working team talked to leg. council and sent them the Iowa fiscal note to get feedback*
- *Initial feedback was that the amount of info in Iowa's template is fairly boiler plate, if more info or analysis is required, that would be more labor intensive*
- *To simply going through and providing the same info about current populations in DOC and Comm. Corr. etc. would be fairly easy to do*
- *If the Iowa model would fit, or if they need more detail, return to leg. council with more direction*
- *Is there a boilerplate minority impact statement that's utilized to create fiscal notes for grant applications*
- *Regi recommends that first, we request Minority statement in JAG grants*
- *Second, CCJJ legislation should also include this legislation*
- *Third, let's make a recommendation that all legislation passed have an MOR impact statement*
- *There's a common grant application used by most Colo. nonprofits. Let's have the conversation with them on whether they'd be willing to do this as well. Daniels fund, Colorado trust, etc. Would they be willing to talk about this?*
- *Can CCJJ staff report back in our reports on the racial impact of all our recommendations? That would be an interesting piece.*
- *Could we add this to the performance measures as well?*
- *We could include this in the jail time/earned time discussions, etc.*
- *Can we do this with the escape proposal recommendation coming forward now?*
- *This is an important consciousness raising exercise*
- *It becomes the basis for outcomes of our work for down the road*
- *This gives us the grounds to start tracking data and outcomes*
- *This will be similar to the bill supported by Claire Levy last year, but with no extra cost to leg. Council.*

Recommendation #4 – Action steps

- Next step, let's get more feedback.
- Chrissy and Jana - Should we take this back to CCJJ for further approval.
- Look at what can and can't be included in reports
- It would take legislation to change the fiscal notes
- Chrissy and Jana to write a recommendation for Friday's meeting

Recommendation #5 (Commission) - The Commission should develop and maintain a disproportionate minority representation web site to promote recognition and understanding of this problem. The site should have local, state and national data and link to educational resources.

(Chrissy and Peg)

Discussion points

- *This recommendation and the website is in process right now at DCJ. Chrissy and Peg are working on this.*
- *Chrissy will send this out to the group once it's closer*

Recommendation #5 – Action steps

- This is a short-term issue
- Chrissy to get with Peg at DCJ to see where we are on this
- Chrissy will send this out to the group as it progresses