Commission Members Attending:

James H. Davis, Chairman	Tom Clements	Ellen Roberts
Regis Groff	Jeanne Smith	J. Grayson Robinson
Peter Hautzinger	John Morse	Regina Huerter
Rhonda Fields	Don Quick	Debra Zwirn
Inta Morris	Steven Siegel	Charles Garcia
Michael Dougherty	Claire Levy	Michael Anderson
Alaurice Tafoya-Modi	Gilbert Martinez	Tom Quinn

Absent: David Kaplan, Bill Kilpatrick, Reo Leslie, Mark Waller, Reggie Bicha and Doug Wilson

Call to Order and Opening Remarks:

The Chairman, James H. Davis, called the meeting to order at 12:44 p.m. and reviewed the day's agenda.

Kim English, Division of Criminal Justice, briefly discussed and distributed the new *Crime and Justice in Colorado* report. In Section 6, entitled "Special Features," the Commission and its work is discussed.

CCJJ Legislative Outcomes:

Mr. Davis stated that the day's discussion would revolve around Commission bills that were introduced during the 2011 legislative session. The process for how CCJJ bills are presented and supported as they make their way through the legislative process will be addressed at the June or July meeting.

Of the eleven Commission bills, four were signed by the Governor, one is on the Governor's desk, two have received final legislative approval, two failed and two did not have a sponsor.

Disproportionate Minority Contact/Minority Overrepresentation – Small Groups:

Based on the work of the Minority Overrepresentation Committee as well as the MOR presentations given at the March and April CCJJ meetings, Tom Quinn introduced four areas of concern outlined in summary sheets. Commission members were assigned to one of four groups, with each group asked to discuss one area of concern.   Using a 3x3 grid (high/medium/low feasibility by high/medium/low impact) each group was asked to decide (a) which issues had feasible solutions; and (b) to what degree the solutions for this concern would impact MOR. Any new ideas could be added.

Feasibility was defined as:
- Can we do this in a year? More than a year?
- What is the cost (new resources, redirect resources, no change in resources)?
- In the current (political, economic, social) environment is there "will" to pursue this? Is there large or vocal opposition or, alternatively, is there strong support?

Note: If a change is VERY *impactful*, but *feasibility* is minimal, is it worth our effort?

Impact was defined as:
- If MOR is the issue, what affect will this issue have?
- If MOR is the issue, what effect or influence will this issue have?
- Will this issue affect a large or small number of individuals?

Note: If a change is VERY *feasible*, but *impact* is minimal, is it worth our effort?

Group 1 - Provide culturally relevant services: The Commission members in this group included Regi Huerter, Tom Clements, Charlie Garcia, and Michael Anderson.

This group had the highest number of issues to work through but felt that some areas overlapped.
1. Identify and fill gaps in prevention and early intervention services for minority juveniles and adults.
    a. The group felt it was more important to leverage the resources available than it would be to increase the number of resources.
    b. The group felt this idea would have high impact and medium feasibility.
2. Identify and fill gaps in diversion programs for minority juveniles and adults that address disparities in advocacy, re-entry, mentoring, and employment.
    a. District attorneys make the decision to offer diversion. However, not every DA has a diversion program or uses it in the same way.
    b. This idea was perceived to have high impact and medium feasibility.
3. Identify and fill gaps in advocacy programs for minority juveniles and adults that address disparities in re-entry, mentoring, and employment.
    a. The group looked at mentoring, employment, and reentry separately (items 4, 5, and 6, below). Advocacy is more reactive than proactive.
    b. It was felt this issue has medium impact and medium feasibility.

Group 1 - Provide culturally relevant services: (cont'd)

4. Identify and fill gaps in mentoring programs for minority juveniles and adults.
   a. Mentoring programs are typically considered important for juveniles, but the benefits for adults are often overlooked.
   b. The group felt this issue has high impact and medium feasibility.
5. Identify and fill gaps in employment services for minority juveniles and adults.
   a. Employment is huge. Offenders should re-enter the community employable and gain employment early upon re-entry.
   b. There were divergent views among the group members which, when averaged, would roughly fall into medium impact and low feasibility.
6. Identify and fill gaps in reentry programs for minority juveniles and adults.
   a. The group was quite split on this topic, but, on average, the group would label this issue as having medium/low impact and high/medium feasibility.

Group 2 - Improve cultural competence: The Commission members in this group included Pete Hautzinger, Regis Groff, Ellen Roberts, Rhonda Fields, and Jeanne Smith.

This group discussed the following five topic areas:
1. Improve cultural competence training for all criminal justice and service agencies utilized by criminal justice.
   a. Does training for all criminal justice agencies make sense? The group felt having training on a regional basis would be preferable to a standard state-wide training.
   b. This idea was perceived to have a high impact and high feasibility.
2. Collaborate with stakeholders from other agencies and invite them to develop an action plan.
   a. Asking for collaboration with shareholders would have a high/medium rating for both impact and feasibility. The trickle-down effect is significant. Additionally, this idea would not have a huge fiscal impact.
   b. Overall, it was decided that this would have a high impact and medium feasibility.
3. All criminal justice agencies should track the diversity of their staff and actively recruit minority candidates for job opportunities and to serve on community boards.
   a. Having criminal justice agencies track their staff and encourage recruitment of minority candidates, is a good concept. The more diverse a criminal justice agency, the better job it can do. However, the recruitment of minorities is problematic. How should diversity be defined? Would quotas be required? Quotas result in legal complications. How are diverse minority candidates best recruited? What kind of resources are necessary to attract minority candidates?
   b. Overall, the group felt this issue would have high impact and high/medium feasibility.
4. Create a demographics web page to enable representatives from localities, grantees and other interested parties to learn about MOR as well as the national requirements for monitoring disproportionate confinement.
   a. A useful demographics web page would require the presentation of appropriate resources and detailed information. A webpage that aggregates state-wide numbers would not have the same utility of a page that offered more specific information. It

Group 2 - Improve cultural competence: (cont'd)

> would have to be broken down into smaller sections, either by municipality or judicial district. Is the cost of the web page feasible?
>
> b. If approached with the caveats mentioned, the group felt such a website would have high impact and medium feasibility.

5. Create a Spanish-only DUI Court similar to Arizona's.
    a. The group did not like this idea and removed it from the list of recommendations.

Group 3 - System Change: The Commission members in this group included Grayson Robinson, Gil Martinez, Michael Dougherty, Claire Levy, Steve Siegel and Alaurice Tafoya-Modi.

1. Review and create legislative changes.
    a. Each member of this group had a different view of the impact of legislation. It has to be the right legislation at the right time. The group discussed having a racial justice act but expressed the need for caution if this idea is carried forward.
    b. On average, the group felt this issue had medium impact and low feasibility.
2. Modify decision-making bodies.
    a. The concept of modifying decision might be somewhat difficult but worth it.
    b. The group felt this issue would have high/medium impact and medium feasibility.
3. Encourage communication across agencies at all decision points of the criminal justice system.
    a. All members of this group believed that open communication across agencies is critical. Achieving this and finding the right audience and data set(s) is the challenge.
    b. Although all members of the group did not agree on a single placement on the priority grid, they felt the impact and feasibility was medium or higher.
4. Modify criminal justice practices that may aggravate MOR.
    a. DAs should already be doing this. Those modifications should be well considered and should have the expected outcome.
    b. The group considered this issue to have high/medium impact and medium feasibility.
5. The group added another area of concern. Specifically, it is important to look at early prevention and intervention.
    a. Early intervention should occur as soon as prenatal and early child health care and early education. In large urban schools, the drop-out rate is over 50%.
    b. The group rated this area as having a high impact and high feasibility.

Group 4 - Research: The Commission members in this group were Don Quick, John Morse, Inta Morris, and Debra Zwirn.

The group raised questions about some underlying assumptions made in the research discussion materials and, while addressing the materials, also generated a rich discussion surrounding the challenges of devising research around MOR issues.

Group 4 - Research: (cont'd)
  1. Review current practices.
      a. The group asked at what point does the research start? When someone enters the criminal justice system? Or, when an individual participates in risky behavior? Guidance is needed from the Commission on what exactly should be examined.
      b. The group felt, on average, that this issue was high in impact and feasibility.
  2. Collect relevant data and implement research.
      a. When requiring all state agencies to track race and ethnicity, there may be push-back. When collecting data, the quality of the collected data will be affected by perceptions and expectations regarding their use. Is the data being collected for informational purposes only? Or, will it be used to demonstrate that an agency is biased against minorities? Ms. Huerter suggested requiring all law enforcement agencies to ask race and ethnicity. Mr. Quick said that he does not have information about an offender's race on any of his filing documents because he does not want that to have an impact on his decision. Mr. Anderson said that the information should be collected at the police level and then disregarded at the court level. Do agencies really want to know if MOR exists? If you talk about MOR, you cannot fail to talk about the race/ethnicity of crime victims. The rates of MOR for Blacks, Whites and Asians are known. However, the information about Hispanics is often incorrect because Hispanics are often included in the White category.
      b. The group felt, on average, that this issue was high in impact and medium in feasibility.
  3. Create a racial and ethnic impact research task force to ensure the standardized collection and analysis of data on the racial and ethnic identity of offenders.
      a. The group ranked this concept's feasibility as low because it depends on how the system is approached. If you want to change how things are happening in the system, you must engage stakeholders and clearly demonstrate how the information will be used in a positive way.
      b. The group felt, on average, that this issue was low in impact and medium in feasibility.

General discussion about MOR:

Minority over-representation is more than a criminal justice matter. It is a systemic problem that involves other matters such as prenatal prevention, child welfare, education, health care and economic factors.

An area not often addressed is the dependence on criminal justice reports and how data is presented in these reports. There may be instances where data, intentionally or unintentionally, or other subjective information is presented that may bias the interpretation of information.

Do law enforcement agencies track race/ethnicity of individuals who are pulled over for traffic stops? Denver PD does. The State Patrol tracked it for four years, but has discontinued the practice.

Another issue is how the data will be used. For example, NYPD was mandated by the federal government to track stops on the street. Once the data was collected, it was stored in a database

and used as an intelligence tool to track the individuals who were stopped rather than as a tool to help alleviate disproportionate minority traffic stops.

Governor's Remarks:

Governor Hickenlooper made an appearance at the meeting to discuss the CCJJ and his expectations of the Commission. Jim Davis introduced Governor Hickenlooper.

In his State of the State address, Governor Hickenlooper outlined how his administration plans to work on issues in a non-partisan manner. The Commission is an example of how work can be done when putting partisanship aside.

Helping to make sure offenders succeed after incarceration is not always a popular idea. However, in the end, it means fewer victims and safer communities. In its work, the Commission has looked at the human side of criminals and the broader picture of crime. Substance abuse and mental health are imbedded in criminal activity. Programs and policy that support housing and jobs for offenders are the kinds of efforts that have real results.

The Governor knows that the Commission is addressing the issue of minority overrepresentation. It comes back to what data shows and how that information can assist in changing policy. The Governor expressed his thanks for the members' commitment.

Questions posed to the Governor:

Pete Hautzinger and Don Quick discussed the difficulty some CCJJ bills met during the recent legislative session. They both stated that they believe when the Commission was first created, it was largely perceived as the Governor's Criminal Justice Commission. There was a different dynamic in the legislature this year on Commission-approved bills. The Commission spent a great deal of time and effort on the bills which were radically changed or discarded by the legislature. For example the CCJJ bill concerning the 5 nanogram level of THC. The blood level was well researched and vetted through the work of the Commission. When that bill went to the legislature it was dissected, added to and subtracted from. When that happens, can the Governor step in and back the bill as initially written?

- One thing that changed from the last three years is the make-up of the Legislature. Additionally, the Governor is new to the Capitol and was not aware of the research and vetting process that CCJJ bills undergo. Regarding the 5 nanogram bill, a lot of conflicting information was disseminated by a variety of sources. The Governor's Office did not soften or change any CCJJ proposals. The Governor's office will work more closely with the CCJJ on their bills next year.
- Claire Levy noted that several issues addressed in past CCJJ bills were not as controversial as some of the issues addressed this year. In the last year and probably going forward CCJJ is addressing more difficult issues with a greater potential for opposition or backlash. In addition to the 5 nanogram level bill, the bail bond bill acted as a lightening rod. She asked the Governor to give thought to continuing the work of the Commission in the future (Note: The Commission has a sunset date in 2013).

Tom Clements mentioned that one issue is the different databases across agencies and the need to collaborate and/or combine this data. How can technology help us in the future? The Governor stated that there is technology out there (for example, cloud computing) that can be of assistance and he has hired staff who have expertise in this area. However, currently there is a limited amount of money to devote to large-scale technology projects.

The meeting adjourned at 4:07 p.m.

Next meeting: June 10th, USDOT