



Commission on Criminal and Juvenile Justice

Minutes

June 10, 2011

U.S. Dept. of Transportation
12300 W. Dakota Ave., Lakewood, CO

Commission Members Attending:

James H. Davis, Chairman	Tom Clements	Ellen Roberts (by phone)
David Kaplan, Vice-Chairman	Jeanne Smith	J. Grayson Robinson
Peter Hautzinger	Mark Waller	Regina Huerter
Bill Kilpatrick	Don Quick	Doug Wilson
Michael Dougherty	Steven Siegel	Michael Anderson
Rhonda Fields	Reo Leslie, Jr.	Tom Quinn
Alaurice Tafoya-Modi	Charles Garcia	

Absent: Inta Morris, Regis Groff, Reggie Bicha, Gilbert Martinez, Claire Levy, and Debra Zwirn

Call to Order and Opening Remarks

Jeanne Smith called the meeting to order at 12:42 p.m. and reviewed the day's agenda. Mr. Davis and Mr. Kaplan arrived late due to scheduling conflicts.

CCJJ Legislative Recommendations: Process & Protocol

Ms. Smith provided some suggestions of how CCJJ recommendations could proceed through the legislative process in the future. In prior years, the majority of CCJJ's legislative recommendations have passed in the form submitted by the Commission. She reminded the group that the work of the Commission involves more than developing legislation. Other recommendations have addressed business practices and policies within various criminal justice agencies as well as general principles and cost savings recommendations.

The questions to be addressed today are: What is the Commission's formal process? How can the Commission ensure that its intent is carried out when the bill works its way through the legislative process? When should individuals outside of the Commission lobby the CCJJ bills?

- Does the CCJJ Legislative Committee need broader representation? Should the Legislative Committee host a weekly or bi-weekly meeting during the legislative session at the Capitol to inform legislators of CCJJ's intent?

- CCJJ Chairman, Jim Davis (Executive Director of CDPS), will arrange a meeting with the Governor and CCJJ's Legislative Committee in November to update the Governor on the recommendations that will be submitted for the upcoming session.
- Should we have a brown bag lunch in January or February and invite key leadership from the legislature to discuss legislative recommendations currently being worked? This lunch could be used to clarify the CCJJ intent of each bill and the corresponding legislation.
- Should we establish a point of contact for each bill so that if there are questions that arise all parties know who to contact?
- In the future, Commission staff will to create a fact sheet to accompany each proposed bill.

Three years ago, when the Commission began, members agreed that once the CCJJ voted in favor of a recommendation members would not take a position against the legislation that followed. This principle was not followed this year. What happened?

- Discussions took place outside the Committee hearing rooms that undermined the appearance of the Commission's "unified voice."
 - a. Were the individuals participating in those discussions members of Task Forces or were they Commission members? Both.
 - b. Were members of the Task Force representing themselves as part of the Commission?
- The Commission currently has five members on its Legislative Committee. As a bill is worked through the legislature, questions may arise that have been addressed through the CCJJ. Who is responsible for contacting the Legislative Committee? Who will answer the questions? Additionally, it was noted that it is often difficult for legislators to remember which bills are labeled as CCJJ bills.
- This year the issues were more controversial than in previous years. Although CCJJ members developed trust in each other and can work through differences, this does not mean that the same thing will occur in the legislature. And, just because a bill is sponsored by the CCJJ does not guarantee that it will be accepted by everyone. It still has to go through the legislative process.
- During the past three years, the Democrats were in control of both the House and the Senate. That was not the case this year. It is important that a bill has the support of the Governor. If a bill is amended beyond the intent of the Commission, the Commission would then have the opportunity to remove their support.

What should we expect from the CCJJ Legislators? The following reflect comments made during the discussion but should not be considered policy positions:

- If a legislator has qualms with a bill they shouldn't sponsor it. If a CCJJ bill becomes so distorted from the original intent that the sponsor does not feel amendments can restore it, the bill sponsor should kill the bill.
- We need to reaffirm that we speak with one voice. That is why having the sponsorship of the Commission is so powerful. This includes a coordinated effort in working bills through testimony as well as hallway discussions. Our message should always be clear.
- The CCJJ Legislative Committee should respond to changes as CCJJ members, not as individuals or as Task Force members. As a Legislative Committee member, one's job is

to determine if the bill, as it currently appears, is still representative of the Commission's intent.

- At what point does a bill lose the Commission's support? Although we want sponsors and we want a bill to be approved unchanged, changes will happen. What do we do when changes occur? How do we move forward?
- Is there a difference between a bill we oppose and a bill that we take no position on?
- Is it the responsibility of the Department of Public Safety (DPS) to provide a lobbyist? Should we rely on other interested parties to lobby for specific bills? What are the rules?
- The role of a CCJJ member who is a legislator is different than the role of a CCJJ member who is a district attorney. The DA representatives have the ability to go back to other district attorneys and explain that a bill may not be perfect, but it reflects the best that can be done at this particular time. A legislator may be a Commission member (and they may support a recommendation as a Commission member), but they also have constituents to represent as well.
- Were some of the problems this past year a result of CCJJ members who are legislators sponsoring a bill, but changing it in the process? Or, were the problems a result of legislators making changes to a bill as it worked its way through the legislature?
- The Commission has made plenty of recommendations that did not immediately result in legislation.
- The legislators in the room should commit to firmly backing the bills they sponsor.
- What happens if the CCJJ decides not to approve a recommendation proposed by a Task Force but another legislator takes up the concept? How should CCJJ legislators deal with that bill?
 - a. Legislators have the right to support anything they want.
 - b. Not all bills that deal with criminal justice issues need to come from the Commission.
- What is the commitment of CCJJ members who are legislators to a piece of legislation? Can there be a policy that specifically addresses the commitment of CCJJ members who are legislators? No, because the five legislators sitting on the Commission at present cannot decide a policy that would commit the actions of a legislator that may be appointed to the Commission in the future.

Losing the Commission's endorsement:

- There should be a system or process that tracks changes to CCJJ bills to determine when a bill would no longer maintain the intent of the Commission. How is the threshold defined when the Commission determines that a bill no longer carries its sponsorship? How will the Commission make this decision?
- In the past, after a bill had been drafted, it was the sponsor's bill. If, through amendments, the bill changed significantly the Legislative Subcommittee would contact the CCJJ Chair to determine what further action should occur.
- One thing a legislator should do before taking on a CCJJ bill is to review the "traps" the bill may contain as well their caucus' position on that issue so the legislator is aware of what they may face by sponsoring the bill.
- The Legislative Subcommittee will draft a policy to address these issues.

- Can we provide a “checklist” for each bill that would outline which portions, if modified, are “deal breakers?” In other words, could we note which sections of the bill, if changed, would result in the loss CCJJ sponsorship?
- When time is short, David Kaplan and Don Quick will try to work through the amendments to see what can be done. When more time is available, an email will be sent to Legislative Committee members outlining the changes and polling them on their opinions. In rare circumstance, a CCJJ meeting may occur before the bill is voted on and the matter will then be brought to the Commission as a whole.
- When do we withdraw our endorsement? When do we restore our endorsement?
 - a. There is a chance that a bill will be “killed” too soon. Things can happen in committee that may be reversed on the floor.
 - b. The Governor’s support can be a huge asset at this point.
- All bills should go to the Legislative Subcommittee. All changes should be voted on, regardless of whether they are “substantive” or “minor.” Does the Legislative Subcommittee have legislators as members? All the CCJJ members who are legislators should be on the Legislative Subcommittee.
 - a. A revised Legislative Committee membership list will be provided to the CCJJ at the next meeting.
- Mr. Quick asked that advance notice to the Governor’s Office be given for any substantive changes.

How can we better educate the legislature on bills from the Commission?

- Fact sheets can be prepared. The fact sheets would include the pros and cons discussed during the development of the legislation.
- Should the Legislative Subcommittee meet more regularly?
- Will the Governor allow DPS and its Legislative Liaison to orchestrate these bills? The Governor’s Office would have to approve each bill to be lobbied. The legislation that created the Commission designated the Division of Criminal Justice to provide staff support. Each CCJJ member is free to lobby a Commission bill if they’d like. By requiring DPS to lobby CCJJ bills, you are not affording DPS the ability to decide *not* to lobby for a bill.
- Sheriff Robinson expects the Sheriff Association’s lobbyist to support all CCJJ bills because they have supported all CCJJ bills in the past.
- If we don’t have the commitment of everyone, then we should not have the Commission. If the Governor’s Office doesn’t support a bill, why are we here? In the past, recommendations were brought to the Governor’s Office for his support. If the bill was not supported, it did not go forward into legislation. Mr. Davis will arrange to have a meeting with the Governor in November to review CCJJ recommendations. It was argued that decisions on changes to the criminal justice system should not be made based on the Governor’s support.
- The CCJJ is a Type II Board and there are statutory requirements on what it is and is not allowed to do.

What does the CCJJ want to do to support the bill through the legislative process? David Kaplan, Michael Dougherty and Charlie Garcia will develop a process to be presented at the next meeting. We should also look at the obligations of Task Force and Working Group members as

well in the CCJJ legislative issues. Mr. Davis will get better direction from the Governor's office on the role of the DPS lobbyist.

Performance Measures / Oversight Committee Meeting Outcomes

The Oversight Committee met on May 26th to revisit prior Commission recommendations and provide an update on their implementation. The 66 recommendations made in 2008 were discussed and a report prepared. The report entitled, "Status of the Commission's 2008 Reentry Recommendations", was distributed to members of the Commission.

- Five categories were developed to classify the recommendations:
 - a. No Further Action - Implementation complete or implementation is not feasible (e.g., no funds);
 - b. Passive Monitoring - Commission does not need to do anything at this time;
 - c. Active Monitoring - A support person has been assigned to follow up on the recommendation and report back to the Oversight Committee;
 - d. Pursue an Action Plan - More action is required on behalf of the Commission to fine-tune the recommendation;
 - e. Forward to a Data Sharing Task Force: The Commission is committed to obtaining data and sharing information. Further work needs to be done when the Data Sharing Task Force begins.
- The bulk of the report explains each recommendation, describes developments since 2008, presents any barriers identified which hinder its implementation, and details the Oversight Committee's decision as to what happens next.
- Mr. Kaplan asked Commission members to review the report before the next Commission meeting to see if recommendations were categorized correctly.
- Don Quick made a motion to require the Oversight Committee to meet at least once a year to review the recommendations and prepare a report. The membership of the Oversight Committee shall be comprised of the individuals listed in the current report.
 - a. Reo Leslie seconded the motion.
 - b. Discussion: None.
 - c. The motion passed by unanimous vote.

Disproportionate Minority Contact/ Minority Over-Representation

During the May CCJJ meeting, Commission members worked in small groups to discuss recurring topics surrounding minority over-representation. A chart was developed to compile this information and to group topics by their ratings on feasibility and impact. This chart, entitled "Prioritized Recommendation Concepts to Reduce Minority Overrepresentation in the Criminal Justice System," was distributed to members of the Commission. Paul Herman asked for those present to review the chart.

Note: CC = Cultural Competence, SC = System Change; CRS = Culturally Relevant Services; R = Research.

The following concepts were rated by the small groups as having high impact and high feasibility. Are these concepts correctly rated?

1. **(CC1) Improve cultural competence training for all criminal justice and service agencies utilized by criminal justice** – The group asked if the concept took into account different cultural competencies, depending on what area of the state you are in, is this where it belongs? Yes.
2. **(SC5) Early prevention and intervention** – When discussing early prevention and intervention are you looking at prenatal?
 - a. If you are looking at early childhood, then it could be assigned to the CCJJ: Juvenile Justice Task Force.
3. **(R1) Review current practices** – Probation and Parole are different. Probation has worked on this. Parole has not. This is too broad and should go on the list to be redefined.

The following concepts were rated as high impact and medium feasibility or medium impact and high feasibility. CRS1 through CRS6 involved six different categories and were discussed separately.

1. **(CRS1) Identify and fill gaps in prevention and early intervention services for minority juveniles and adults and (CRS2) Provide Culturally Relevant Services - Identify and fill gaps in diversion programs for minority juveniles and adults that address disparities in advocacy, re-entry, mentoring, and employment** - Can these issues be reviewed in the Juvenile Justice Task Force?
2. **(CRS4) Identify and fill gaps in mentoring programs for minority juveniles and adults.** – This should be addressed in the Juvenile Justice Task Force.
3. **(CC4) 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** - Could the Piton Foundation add this to their report?* Is the cost of a web page feasible? It is cost neutral. The information can be linked to the DCJ website and DCJ has the technical expertise to make it happen. (*The Piton Foundation provides support, data and information specifically for Denver and the Denver metro area.)
4. **(CC2) Collaborate with stakeholders from other agencies and invite them to develop an action plan** – This concept should be more specific. This idea recognizes that the Commission cannot solve all the problems in the criminal justice system. Sometimes its role is to raise awareness. Other groups can be asked to share what they are doing about minority over-representation. This should be redefined.
5. **(CC3) 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** – This is one of the most important things we can do. We must have a diverse workforce employed in the criminal justice system. There isn't a large number of minorities graduating from law school that want to work in the public sector. You cannot start with individuals in law school. You have to encourage individuals when they are in middle school. You also need to encourage criminal justice students because some of them will be working for the Department of Corrections. Does this issue belong to CCJJ in general? This should be done in conjunction with anyone in criminal justice to develop more diversity in the justice system. Don Quick recommended developing a subcommittee to see if there can be a more generalized approach to encouraging minorities to participate in public service.

6. **(SC2) Modify decision-making bodies** – Was there any thought to specific Community Corrections Boards? Can this concept be expanded to other boards and commissions? The concept, “Requiring all grant applications submitted to state agencies to include minority impact statements,” needs to be refined. Not all grants are criminal justice related.
7. **(SC4) Modify criminal justice practices that may aggravate MOR** –This recommendation does not belong here.

Mr. Herman suggested that DCJ staff rework this document and send it out via email for comments and suggestions.

- Mr. Herman asked that Commission members review the concepts to see if they could be directed to a specific task force or sent to an ad hoc group to resolve within a couple of meetings.
- The issue of Minority Overrepresentation will be an early agenda topic at the August meeting.

Other Business

- The Office of Victims of Crime in the Division of Criminal Justice is in the process of reviewing the current victim’s statutes. They would like to bring a report to the CCJJ for informational purposes and would like to invite any constituencies present today to participate in the review.
- The next meeting will be on August 12, 2011, from 12:30 to 4:30. The location for this meeting will be at Camp George West - **State Patrol Academy, Building 100, 15350 S. Golden Road, Golden, CO 80401** (Turn right onto Kilmer St. and proceed to the right to the Building 100 parking lot).

The meeting adjourned at 4:40p.m.