



Commission on Criminal and Juvenile Justice

Minutes

February 8, 2013
Jefferson County District Attorney's Office
500 Jefferson County Parkway
Golden, CO 80401

Commission Members Attending:

James H. Davis, Chairman	Kate Horn-Murphy	Norm Mueller
Doug Wilson, Vice-Chairman	Regina Huerter	J. Grayson Robinson
Theresa Cisneros	Steve King	Debbie Rose
Sallie Clark	Bill Kilpatrick	Alaurice Tafoya-Modi
Tom Clements	Julie Krow	Peter Weir
Matthew Durkin	Evelyn Leslie	Dave Young
Kelly Friesen	Charles Garcia	Jeanne Smith, <i>Ex officio</i>
Eric Philp		

Absent: Henry Jackson, Anthony Young, Matthew Durkin, Claire Levy, Mark Waller, John Morse

WELCOME:

James Davis, Chairman of the Commission called the meeting to order at 12:42 p.m.

Tom Clements moved to approve the minutes from the January 11, 2012, meeting. Grayson Robinson seconded the motion. The minutes were approved by unanimous vote.

LEGISLATIVE UPDATE

Jeanne Smith presented an update on CCJJ recommendations currently undergoing the legislative process. The criminal omnibus bill includes two Commission recommendations. These recommendations are: a juvenile's ability to get off the sex offender registry list; and the charge of Escape for juveniles walking away from non-lock down facilities.

The Juvenile Task Force recommendation concerning improving school attendance included a section on the use of multi-disciplinary teams to deal with juveniles. That section carried a large fiscal note, so it was stricken. The remainder of the recommendation is proceeding.

Ms. Smith was asked how the bail bond recommendation is being drafted as it was conceptual and did not include specific statutes. What is the drafting practice that is anticipated? The

Legislative Sub-committee discussed this issue yesterday. The bill is being drafted by individuals who participated in the working group and is being reviewed by the Legislative Committee. Can the bill be reviewed prior to introduction? Timing is an issue. Ms. Smith will try to email out the recommendation as soon as it is written.

EUROPEAN /AMERICAN PRISON PROJECT UPDATE

Tom Clements made a presentation on Vera Institute's European / American Prison Project. Representatives from three states – Colorado, Georgia and Pennsylvania – were selected to participate. The project's focus is for participants to examine other correctional systems and see if there is anything being done elsewhere that would benefit their state. Participants will be going to Amsterdam and Germany next week. At the completion of the project, participants will make a presentation to both the House and Senate Judiciaries.

NATIONAL COUNTIES CONFERENCE / SMART JUSTICE UPDATE

Sallie Clark made a presentation on NACO's (National Association of Counties) Smart Justice Symposium. Participants toured the Los Angeles County jail which houses 18,000 prisoners at an annual cost of \$2.8 billion. The state contributes \$1 billion to house state prisoners in LA's county facility.

Topics of the Symposium included re-entry and re-integration projects; pre-trial justice projects, juvenile justice reform and juvenile sex-trafficking. The impact of the Affordable Care Act on local jails was also discussed.

When an offender comes under the care and control of the local jail, the county is instantly responsible for his/her medical care. If the offender is eligible for Medicare/Medicaid prior to booking, that eligibility is lost upon booking. Once an offender has been released from jail, he/she has to reapply for Medicare/Medicaid. During this transition time, drug and substance abuse treatment benefits are gone.

PERSPECTIVES ON POLICING PRESENTATION AND DISCUSSION

Denver Police Detectives Tyrone Campbell and James Gavin, and Lieutenant Daryl Miller presented information on Denver's cultural sensitivity training.

A team of seven Denver Police officers (from Patrol to Command level) received training on cultural sensitivity and racial profiling. The team now provides training on these topics to all DPD command staff. The training module is 10 hours and made of multiple sections.

- a. Introduction: The introduction segment explains that times have changed and policing has changed. For example, officers used to train on what to shoot at. Now, the training includes what you *don't* shoot at. The weapons used have also changed. The trainers recognize their audience is reluctant. The attendees are asked to participate in a self-examination. Through life experiences, personal background and economics, everyone brings their own biases to the job. How can those biases be changed? What are they doing? What can be changed to not fuel the fire?
- b. History. The history of law enforcement is then discussed, beginning with how it worked in the 1700's, through World War II and the Japanese internment camps, to current

- events. The training examines immigration and how it is handled in the state of Arizona, specifically by Sheriff Joe Arpaio. His stance has resulted in many lawsuits. They also examine the “stop and frisk” policy in Pennsylvania and how it resulted in a lawsuit alleging racial profiling. They ask, “What is the culture of your department? What is your perspective of your oath of office?” Once you stop someone legally, how do you treat them? With dignity and respect. 70% - 90% of all complaints against police are based on the officer’s inability to get along with people.
- c. Definitions: How do you define racial profiling? Officers may define it as stopping someone because of race. The community says relying on race whether in part or whole. How do people perceive you? When officer’s put on the uniform, others have an instantaneous impression of the officer. The use of social media and what is put on-line can be used by others in their perception of you. Criminal profiling v. racial profiling. Criminal profiling occurs when an officer acts based upon a known association between a set of an individual’s chosen action versus a acts based upon a person’s race. What you do may be legal, but is it necessary? When you see wrong-doing, does an officer have the responsibility to keep their partner in check?
 - d. Constitutional: The training then examines the 4th Amendment and the 14th Amendment. What is allowed under each and the protections of each.

Discussion:

1. A new version of the training is being created that will focus on treating the arrestee with dignity and respect. All command staff, from Sgt. on up, have taken the current training. The new version will start in March and will be mandatory for every officer, regardless of rank.
2. What is the culture in Denver now? Accountability is a crucial part of the department. Officers within the department know who should be fired and don’t understand why that hasn’t happened yet. When an officer sees someone do something wrong, what did the officer do? Did it get reported and dealt with immediately?
3. Can this training be moved to other agencies? One of the keys to the successful delivery of this training is the team that was put together. How would you develop a team in another jurisdiction? Denver is trying to copyright the training and then they could go out and conduct the training.
4. How big a group can be trained at one time? 20 – 30 individuals. The reason is because at some point the group is broken down into groups.
5. How will Denver track measurable differences? How will you know the training has been successful?
6. What is your mission statement and honor code? The mission statement is linked to every screen of the presentation. Additionally, the mission statement is printed out and posted prominently in the classroom.
7. The training is continually being updated through social media and legal decisions.

JANUARY MEETING FOLLOW-UP

By-Laws: Last month a revision of the by-laws was discussed. Today, a draft of changes to the by-laws was presented.

1. Does the draft include language concerning an attendance policy? Yes. It can be found in section 5.8.3.
2. The by-laws will be voted upon in the March meeting.

January Dots Outcome: Last month, Commission members were given an overview of work remaining in the Task Forces and asked to identify any new issues they felt should be examined. Voting on issues was done through dots. A matrix was prepared and presented today.

1. New areas of interest were identified: Re-entry (DOC/Jail/Parole); Sex offender – Determinate Sentences; and Community Corrections.
2. The Comprehensive Sentencing Task Force will continue its work on an alternative sentencing scheme for non-violent crimes. It will also take up one of the new areas identified – Sex Offender and determinate sentences.
3. A new Task Force will be created to discuss Community Correction issues. This task force will begin in the Spring of 2013.
4. A new Task Force will be created to discuss Re-entry issues that would begin in the winter.
5. The Juvenile Task Force will continue its work on the Juvenile code.
6. The Drug Task Force will refine information contained in its recommendations D-2 through D4 and observe the outcomes of its other recommendations.
7. Discussion: The area of treatment and prevention were topics of intense discussion in the Drug Task Force. Legislators and the Governor's office have seen the value of treatment for mental health and substance abuse. It is hoped that this issue is not forgotten. The sex offender – determinate piece – DOC has undergone an examination of this issue within DOC. Those findings will be available to the Sentencing Task Force.
8. Anyone who want to participate in a specific Task Force, please contact Germaine Miera. The plan will be to get the Chairs and Co-Chairs together on the Monday before the March meeting.

MARCH MEETING AND NEXT STEPS

1. The Commission has had prior discussions concerning outreach.
2. There will be a discussion on structure of the Task Force and Work Plan
3. There will be a discussion on the work plan for the Commission

Regi Huerter made a motion to adjourn. Sallie Clark seconded the motion. The meeting adjourned at 3:10 p.m.

ADJOURNMENT

Next meeting will be March 8, 2013 from 12:30 – 4:30.