



Colorado Commission on Criminal and Juvenile Justice

**Minutes
April 12, 2013**

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

Commission Members Attending:

James H. Davis, Chair	Regina Huerter	J. Grayson Robinson
Doug Wilson, Vice-Chair	Henry Jackson, Jr.	Debbie Rose
Theresa Cisneros	Bill Kilpatrick	Alaurice Tafoya-Modi
Sallie Clark	Julie Krow	Anthony Young
Matthew Durkin	Evelyn Leslie	Dave Young
Charles Garcia	Norm Mueller	Michael Dougherty for Peter Weir
Kate Horn-Murphy	Eric Philp	Jeanne Smith, <i>ex officio</i>

Absent: Kelly Friesen, Steve King, Claire Levy, John Morse, Mark Waller

Call to Order and Welcome

The Chair, James H. Davis, called the meeting to order at 12:41 p.m. Mr. Davis opened the meeting with a memorial to Commission member and DOC Executive Director Tom Clements. One of the reasons described by Mr. Clements for his choice to come to Colorado was the opportunity to take part in the work of the Commission. Mr. Davis asked members to rededicate themselves to the founding principles of the Commission in memory of Mr. Clements.

Henry Jackson moved to adopt the minutes of the February 8, 2013 meeting. Anthony Young seconded the motion. The motion passed by unanimous vote.

Legislative Update

Jeanne Smith provided an update on the legislative progress of bills derived from Commission recommendations.

1. Senate Bill 2013-007 - Concerning the Continuation of CCJJ: There may be two potential amendments to this bill. The first concerns assigning a legislative drafter to the Commission. The second concerns setting a sunset review date.
2. House Bill 2013-1021 - Concerning Improving School Attendance has had several amendment changes. Regina Huerter has worked to maintain the spirit of the CCJJ recommendation. The bill has been introduced in the Senate, but has not been scheduled for hearing.

3. House Bill 2013-1129 - Concerning the funding for the EPIC Project (Evidence-Based Practices Implementation for Capacity; www.colorado.gov/ccjdir/L/EPIC.html) passed through the House. It is one of many bills scheduled to be heard by the Senate Judiciary on April 15th.
4. House Bill 2013-1114 - Known as the DUID (Permissible Inference) bill, passed through the House and is scheduled in Senate Judiciary on April 15th.
5. House Bill 2013-1148 - The Aggravated Sentencing (or Extraordinary Risk) bill struggled to gain footing. The concept, though seemingly straightforward, proved to be problematic once the actual drafting of the bill was undertaken. The sponsor, Rep. Mike Foote, requested indefinite postponement of the bill on March 21st in the House Judiciary with the expectation it will return to the CCJJ for further work.
6. House Bill 2013-1156 - The Adult Diversion bill is scheduled to be heard in Senate Judiciary on April 15th.
7. House Bill 2013-1160 - The Theft bill is scheduled to be heard in Senate Judiciary on April 15th.
8. Senate Bill 2013-250 - The Drug Sentencing Grid bill was introduced late this session on April 1st and, at 70 pages, is quite lengthy. It is scheduled to be heard in Senate Judiciary on April 15th. There is a strong contingent advocating for the bill in the Legislature and so far there is no strong opposition.

Video: “What Works in Colorado”

Grayson Robinson spoke about a soon-to-be-released video entitled “What Works in Colorado” (Available at: www.youtube.com/watch?v=71nkHpY3AOc). The Colorado Criminal Justice Reform Coalition and the Colorado Criminal Defense Institute were approached by a media and social justice organization (Brave New Foundation; www.bravenewfoundation.org) in California that works to educate the public on issues and publicize reform efforts. They offered to produce a short video on the CCJJ drug bill (SB13-250) to demonstrate the multi-year process and multi-stakeholder involvement and support. The filming started in late January 2013 and features Commissioners Pete Hautzinger, Grayson Robinson, Tom Clements, Representative Claire Levy and Senator Steve King. The April meeting details on the CCJJ website will post a link to this video (See: www.colorado.gov/ccjdir/L/Meetings.html).

European / American Prison Project Update

As part of the European / American Prison Project, Commission members Theresa Cisneros, Tom Clements and Doug Wilson spent a week in Europe studying the prison systems in Germany and the Netherlands. Mr. Wilson anticipates holding a follow-up meeting in early May to debrief and develop a report. Mr. Wilson gave a brief overview of topics that were noted during the trip.

1. The German Constitution states prisoners are to be treated humanely. One difference from U.S. prisons is that prisoners in Germany do not wear uniforms and they don't wear a prison identification number. The correctional officers, prison guards and staff also do not wear uniforms. When walking through a German prison, visitors cannot tell the inmates from the

Corrections Officers. Because 98% of the inmates are expected to return to the community, the prison atmosphere is designed to emulate the “outside environment.”

2. The Commission delegation also noted the level of intervention and re-entry preparation at the pre-release stage. The corrections system in Germany does not have a parole system. The reintegration process begins 18 months *prior* to an inmate’s release date. An offender has a job and any treatment programs set up prior to being released.
3. Commissioners also visited a maternity prison. In the U.S., a baby born to a female inmate is allowed to stay with the mother for six hours following the birth. In Europe, the child stays with the mother for three years to allow for a period of bonding. The maternity prison has a full-time social worker assigned to work with the mother, teaching her parenting skills before the baby is born. Judge Cisneros reported that she spoke with Kellie Wasko (Assistant Director of Clinical Services, CDOC) to whether DOC might use the European system as a model for Colorado’s maternity ward. The initial reaction from DOC is favorable.

Mr. Wilson reported that the project participants left Europe with the overwhelming feeling that the European system is designed to ensure that inmates are prepared to function in the outside world. The Europeans recognize that lengthy prison sentences don’t work. Another difference is that Germany has about a 1:1 ratio between inmates and staff or treatment providers.

Mr. Wilson was asked what he saw as the next steps. Are there initiatives the Commission should pursue or study as a result of the trip? Mr. Wilson stated that the project members will prepare a report with some recommendations.

By-Laws Revision: Vote

A copy of the revised By-laws was sent to Commission members for review prior to the meeting. Grayson Robinson moved to approve the revised by-laws. Sallie Clark seconded the motion.

Discussion: None.

This was a simple majority vote.

VOTE: Support - 19

Do not support- 0

The revisions to the By-laws passed (Available at www.colorado.gov/ccjdir/L/Bylaws.html)

Task Force / Subcommittee Updates

Juvenile Justice Task Force

Jim Davis announced that Kelley Friesen has agreed to co-chair the Juvenile Justice Task Force with Regina Huerter. Also, Kevin Paletta (Lakewood Chief of Police) has been selected by the Colorado Association of Chiefs of Police as Bill Kilpatrick’s replacement on the Commission and the Juvenile Justice Task Force.

Two and a half years ago, the Commission initiated its work on the juvenile justice system by seating the Juvenile Justice Task Force. Following this, the Juvenile Justice Task Force crafted a

mission, vision and guiding principles, seated several working and study groups, and produced recommendations targeted to specific issues. The Task Force continues its work on a systemic and comprehensive review of the juvenile justice system to identify whether there is a need for broad system changes.

The guiding principles include developing a continuum of care to address the needs of juveniles regardless of their location in the system. The Task Force is also exploring funding sources for comprehensive services and is researching evidence-based practices.

The Task Force made a commitment to DYC to look at the offenders in its facilities. There are juveniles who are truly high risk; however, there are juveniles housed in DYC who could be better served elsewhere. For example, females are often placed in DYC because they tend to pose a risk to themselves. DYC also houses offenders who have a substance abuse problem.

The Task Force is divided into several working groups on such topics as education, judicial issues, screening and assessment, professionalism, and strategic system alignment. A handout offered a summary of accomplishments of these groups. Examples of some of the work under the topic of "strategic system alignment" were highlighted:

1. Identifying ways the juvenile justice system can provide a consistent, least restrictive, and yet "right level" of response to youth. The use of civil citations and/or identifying discretionary options is being examined as alternatives in the current system. The goal is to reduce long-term, unintended consequences of juveniles' involvement in the system.
2. Focusing on the integration of screening assessments to identify appropriate responses based on safety, risk and needs.
3. In conjunction with assessment efforts, develop a continuum of appropriate and corresponding services regardless of level of involvement in the system.

The options regarding the management of juveniles entering the system is being explored by the Task Force and, thus far, can be summarized as follows:

1. First there is a triggering event that brings the juvenile to the attention of the criminal justice system.
2. The system then would have three options when dealing with the juvenile: Issue a civil summons; issue the standard promise to appear; or place the juvenile in detention.
3. If a civil summons is served, there is a screening and assessment process to identify issues. Based on the assessment, a consent adjustment can be created or the DA can choose to file charges.
4. If a standard promise to appear is chosen, a screening assessment process may take place, or the DA can make a charging decision.
5. If a detention screening process is chosen, the DA makes a charging decision and from there a formal adjudication may be a result.
6. Throughout the process at major decision points, discretionary options would be available, as appropriate, to shift the juvenile between civil (services only) or adjudicatory (services and judicial) responses.

Dave Young would like to bring this information to the CDAC to get their feedback on the proposal. By doing this, concerns of the district attorneys can be addressed.

Community Corrections Task Force

The Community Corrections Task Force met for the first time on April 11, 2013. The task force is co-chaired by Pete Weir and Theresa Cisneros. This group will continue to meet on the Thursday immediately prior to the monthly Commission meeting.

Minority Over-Representation Subcommittee

The Minority Over-Representation Subcommittee is continuing its efforts on four of the seven provisional recommendations assigned to it by the Commission in September 2011.* James Davis, MOR Subcommittee Chair, offered an update on three of these along with information regarding a possible recommendation on Denver's "Perspectives on Policing" training (a summary of which was presented to the Commission in February):

- a) Provisional recommendation #4 (approved by the Commission as FY12-MOR#1) calls for a Minority Impact Statement to be prepared for all criminal justice legislation. This recommendation can be found in the Criminal Justice Omnibus bill (S.B.13-229). As an aside, there has been some discussion about attaching Jessica's Law to the Omnibus bill, which could result in the generally bipartisan bill not moving forward.
- b) Provisional recommendation #1 calls for the development of comprehensive cultural competency training for all justice agencies. Denver has already been working on a Racial and Gender Disparities Cultural Responsiveness Toolkit over the past several months. The toolkit addresses a wide variety of issues and next Friday, April 19, there will be an all-day meeting with multiple stakeholders for the first run-through of the training. After any glitches are addressed, the topic will be re-introduced to the CCJJ.
- c) Provisional recommendation #3 calls for state and local justice agencies to collect race and ethnicity data on the populations they serve. The MOR subcommittee created a statewide survey asking agencies if they collect race and/or ethnicity data. Sixty-three agencies responded to the survey. As a follow-up and in the hopes of collecting more data regarding this recommendation, Mr. Davis will send an email with the survey link to the ten largest agencies in the state asking them to complete the survey.
- d) As a follow-up to the Denver Police Department's presentation "Perspectives in Policing" at the February 8 Commission meeting, the MOR Task Force will possibly develop a recommendation for this training to be implemented statewide through POST. However, before a statewide recommendation can be made, the MOR group will work with Mr. Davis to explore a pilot program conducted in the Colorado State Patrol. This recommendation would complement provisional recommendation #1, mentioned above in (b).

* [Ed note: The seven provisional recommendations may be found in the FY 2012 CCJJ Annual Report on pages 8-9; http://www.colorado.gov/ccjjdir/Resources/Resources/Report/2012-12_CCJJAnnRpt.pdf. Development or monitoring continues on provisional recommendations #1, #2(staff diversity), #3, and #4 while implementation is complete on #5(DMC website), #6(mentoring), and #7(internally evaluate minority impact of CCJJ recommendations).]

Comprehensive Sentencing Task Force

Jeanne Smith summarized the next steps for the Comprehensive Sentencing Task Force. Next month, the Task Force will begin to study the issues raised during the legislative session regarding the “extraordinary risk bill” (HB13-1148) to determine whether concerns about the bill can be resolved. The non-violent sentencing scheme is the group’s next priority. Norm Mueller and Kate Horn-Murphy will head a sex-offender working group that will study determinate versus indeterminate sentences.

2013 Issues to be Addressed

Paul Herman, Commission consultant, offered a summary of a meeting that included Commission leaders regarding the topic of community outreach. During December 2012, the Chairpersons of each of the Task Forces met with Mr. Davis, Mr. Wilson and Division of Criminal Justice staff to discuss the direction CCJJ can take during the remainder of the year. One issue raised was the need for outreach: identifying ways to share the work of the Commission with a larger and possibly statewide audience and to provide more opportunities to gather feedback and perspectives on criminal justice issues. Mr. Herman asked Commission members for their thoughts and ideas concerning outreach.

1. Should the Commission meet in a location outside of Denver? Colorado Springs was suggested. Ms. Krow offered to look at DYC facilities across the state to see if they would be available for such a meeting. Other areas discussed were Grand Junction, Glenwood Springs, and Pueblo. What about the eastern plains? There is a fiscal consideration when traveling to other areas.
2. How can the Commission reach out to other groups? DCJ staff and task forces have tried to obtain input from other groups. Could the Commission go on a listening tour? HB12-1310 created a correctional board in each judicial district. Maybe the Commission could connect with those boards? Additionally, state criminal justice-related conferences and annual meetings may offer an optimal method to reach criminal justice professionals. For example, the Colorado Association of Victim’s assistance has 1,000 participants and it is looking for presenters for its conference.
3. Instead of the entire Commission and staff traveling to other locations, can a small team of people conduct outreach or listening meetings? At one time, the Commission prepared a PowerPoint presentation for use as an education tool. Maybe that tool could be revisited as an option, updated and shared with communities.

Adjournment

Anthony Young moved to adjourn the meeting. Sallie Clark Seconded the motion.

The next meeting will be May 10, 2013 from 12:30 – 4:30 at the Jefferson County District Attorney’s Office.

The meeting adjourned at 2:25 p.m.