	Colorado Commission on Criminal and Juvenile Justice	
	Minutes (Retreat: Day 2) March 14, 2014 Boettcher Mansion 900 Colorow Road Golden, CO 80401	

Commission Members Attending:

James H. Davis, Chair	Evelyn Leslie	Brandon Shaffer
Doug Wilson, Vice-Chair	Beth McCann	Alaurice Tafoya-Modi
Jennifer Bradford	Jeff McDonald	Peter Weir
Theresa Cisneros	Norm Mueller	Meg Williams
Matthew Durkin	Kevin Paletta	Dave Young
Kelly Friesen	Joe Pelle	Jeanne Smith, *Ex Officio*
Kate Horn-Murphy	Eric Philp	
Julie Krow	Rick Raemisch	

Absent: Sallie Clark, Charles Garcia, Steve King, Pat Steadman, and Mark Waller

Guest Facilitator: Richard Stroker, *The Center for Effective Public Policy*.

WELCOME
James Davis, Chair of the Commission called the meeting to order at 9:11 a.m. The facilitator, Richard Stroker, recapped the information presented during the first day of the retreat on March 13, 2014 and provided an overview of the agenda for the second day.

Mr. Stroker oriented the group to two lists he had created based on the first day's presentation and discussion. He asked that Commission members append information to these lists as the day proceeds. One list was labeled "Broad Considerations" which represent general contextual factors, such as, acknowledging juvenile and adult differences, importance of employing evidence-based strategies, defining terms, using appropriate tools, defining the goals for the use of tools, sanctioning and the importance of immediacy vs. severity, awareness and sensitivity to culture and ethnicity, implementation and program design fidelity.

The other list is labeled, "Topics" and included such items as pre-trial jail populations, mental health issues in prisons and jail, the impact of sentencing on jail and prisons, alternatives to traditional prosecution in certain types of cases, importance of data in determining what works, data sharing, and re-entry considerations.

Mr. Stroker described that it's important to differentiate tasks that are completed from those that need further attention. If there are tasks remaining on old topics, what are the specific requirements to address the topic and what is the timeframe to complete the work. If there is a new topic, how is it defined, what is the objective or goal of addressing it, why are you interested in exploring the topic, what is the approach to address it and what are the expectations for a timeline to complete the work on the topic.

WHAT WORKS IN EVIDENCE-BASED POLICING
[Mr. Przybylski's presentation was continued from Day 1 of the Retreat.]

Roger Przybylski reiterated that "broken windows policing" and "community policing" are broad terms that are difficult to define, depending on the specific implementation of the approach, and that conclusive evidence regarding their effectiveness is difficult to obtain. However, there is no question that community policing is important to develop a relationship with the community. Citizens don't just comply with the law because they believe there is a moral responsibility to do so.

There is conclusive evidence that "problem-oriented policing" and "hot-spots policing" work. These deployment strategies are very effective. Problem-oriented policing focuses on problems and the underlying causes of crime rather than on specific incidents and response time to 911 calls. The SARA model (Scanning, Analysis, Response and Assessment) directs the use of data to scan the environment and assess problems. The use of data can sometimes provide a different perspective on problems and challenge assumptions about how best to address crime. Evidence-based responses are utilized and, after reviews, are evaluated for effectiveness. This model has been found to reduce crime and disorder in communities.

"Hot-spots" policing also works as evidenced by reductions in violent, property, drug and disorder crimes. This deployment model focuses on high activity crime locations by utilizing crime mapping technology. There is some feeling that this approach simply displaces crime from the current areas of focus to another area that is under less scrutiny. Research indicates this is not the case. In fact, there appears to be a diffusion of benefits to adjoining areas. The ideal contact period in the areas is about 12-15 minutes with longer patrol periods proving inefficient. Crime deterrence will last for several hours for the sort-term deployment periods. Limited evidence demonstrates that police legitimacy is not harmed by such an approach. Those living in such areas are reportedly supportive of this approach.

Problem-oriented approaches and community partnerships have been found to work across jurisdictions of a variety of sizes. Sacramento has experimented with such approaches and found them effective with no additional funding. Cumberland, TN has also employed these strategies and interestingly avoided arrest as the primary measure of effectiveness. Rather than conducting sweeps to initiate mass arrests, deterrence was the targeted outcome and this represents the philosophy behind these approaches. Drug markets can be more effectively disrupted with these community partnerships focusing on problem-solving rather than enforcement sweeps. The significant element is the collaborative partnerships that use tailored approaches, including civil remedies, to address criminogenic conditions.

SMART policing (Strategically Managed, Analysis and Research driven, Technology-based) and the variations in this type of approach are also promising. Research and data are used to find the best solutions. Philadelphia is using this form of policing and has been successful in reducing violent crime by 22% in high crime areas as compared to a control area. As part of the officers' training, they are instructed in data analysis to identify problems and to target solutions. Los Angeles also uses SMART policing, specifically crime mapping technologies to identify "hot spot" locations where violent crime is clustering and where high-rate chronic offenders lived. Deployment resources were targeted toward these "spots" with the goal of prevention and deterrence, but also to make arrests. The program was constantly monitored by measuring the dosage of deployment (the time officers spent in these areas). The program is currently being expanded to other L.A. districts. In 2011-2012, violent crime in Los Angeles was reduced by 19% and homicides were down by 56%.

Key themes in evidence-based policing include:
- the use of data to analyze problems and to assess police response.
- the use of partnerships and collaboration with the community, criminal justice and other governmental organizations, and
- to be effective, a range of investigative, analytic and intelligence techniques need to be used. This may also include innovative and cutting edge approaches that, using the skills to analyze ongoing interventions, may demonstrate the rigor necessary to be labeled, evidence-based.

Mr. Prybylski showed a video on the Racine, Wisconsin re-entry and policing program as segue to his next presentation on reentry and recidivism reduction.

VIDEO: Racine, Wisconsin Community Re-Entry (CR) Program
The program focus is to break the criminal behavior cycle of offenders. Participants are typically high risk offenders whose original crime was violent and most likely involved guns and drugs. Before offenders are released from prison, they are prepared for the transition to the community. The keys to the success of a re-entry program are
- pre-planning before prison release,
- a core team to steer the effort,
- a cross-section of agencies and partners, including the faith-based community, workforce development, corrections, and police, and
- a "360 approach" to accountability.
Law enforcement is accountable to the community; offenders are accountable to all the community partners and their support system; and community partners and the support system are accountable to law enforcement to help ensure the success of the offenders. Monthly meetings are held with the offenders, law enforcement and the community partners and the available services are explained as well as the consequences for criminal behavior.

In fragile neighborhoods, COP (Community Oriented Policing) Houses are established and they serve as a resource point for the offenders and for support systems and neighbors. Supervision agents are stationed in these houses where they can collaborate with offenders and law enforcement and address emerging concerns. Parole and police officers from the COP House conduct spontaneous site visits; employers and community partners share information regarding the performance of the offenders; and families and neighbors participate in the support of the

offenders. A critical component of the program is to keep offenders active in non-criminal activity and work is the biggest factor. The workforce development center provides specialized training that leads to jobs and life skills that enhance participation in the community.

Another critical element of the CR program is commitment. The program cannot be the first to go when budget circumstances become challenging. Also, there will be offenders who fail. The program must overcome the political and community pressures that can accompany an offender failure. The failure rate of the program is 22%, which is much lower than previous failure rates (66%) and the average failure rates around the country. The program is considered a success whether or not the outcome for a particular offender is positive. Everyone benefits when there is a success and there is intense monitoring for those who engage in criminal behavior. Law enforcement intervention occurs earlier in a criminal cycle. The program reports that none of those who have failed were arrested for a gun-related crime. The other benefit is that law enforcement is seen as a partner in supporting the success of offenders and in strengthening families, neighbors and communities.
[End of video]

DISCUSSION. David Kennedy created problem-oriented policing approach called Operation Ceasefire (the Boston Gun Project) that included some of these same elements in Wisconsin. There are many other "players" present in the Racine CR program representing the prosecution and courts. Standards for acceptable behavior are made very clear as well as the consequences for criminal behavior.   This is similar to the idea of "pulling levers." The community is there to support success, but the immediate response to any violations of the law will be swift and severe.

It seems a critical and challenging element in the re-entry program is the resources necessary to find jobs for offenders. Research indicates that the most important factor in desistence from crime is a job that pays a living wage. Many employers will hire ex-offenders, but finding them can be a challenge. Many employers are unaware of the federal tax credit for hiring ex-offenders. Workforce centers have specific programs for ex-offenders and try to maintain an inventory of "offender-friendly" employers.

Does the Wisconsin program address housing? It does, but much of the work on this element of re-entry occurs prior to the offender's release. The programs in prison are critical to setting the stage for successful performance in the community.

There is a program in Chicago that adopted the name Ceasefire, but, to differentiate itself from the David Kennedy model, subsequently changed its name to Cure Violence (cureviolence.org). It was founded by Gary Slutkin, MD who views violence from an epidemiological and public health perspective. The three goals of the approach are to interrupt the spread of violence as if it was an epidemic or contagious disease, to identify and change the thinking of the high potential transmitters, and to change group norms. Former gang members are recruited to work for Cure Violence as "interrupters." They are familiar with gang culture and are willing to intervene when they identify a situation where a violent incident is likely to occur. Gang violence is often retribution for respect issues, so the individuals go in and work with known perpetrators/shooters to intervene before violence or further (retributive) violence occurs. The Cure Violence program has been implemented successfully in other communities.

It would be advantageous to look at the role of and options related to community corrections as a component of our overall re-entry strategy.

WHAT WORKS TO REDUCE RECIDIVISM
Mr. Przybylski's next presentation was on correctional topics, such as re-entry, and recidivism reduction. He referred to some of the themes that were present in the video.

Evidence concerning recidivism and desistance from crime:

1. Harsher sanctions, whether prison-based or community based, do not have positive impact on recidivism.

2. Supervision alone does not reduce recidivism. However, supervision integrated with services does have positive effects on recidivism and a positive return on investment.

3. The time period immediately following release from prison is the most critical period for recidivism considerations, specifically the transition services in the first few weeks.

   Work, marriage, and reduced consumption of drugs and alcohol are important factors in desistance. People who desist from crime are better integrated into pro-social roles in the family, workplace and community. Work and steady employment are extremely important to promote desistence.

4. It's also important to remember that desistance is a process, not an event.

   Re-entry is a long-term process characterized by ambivalence, progress, set-backs, hope and despair. Supportive relationships are critically important between offenders and their immediate social support system but also with probation and parole officers. It requires motivation and the acquisition of new skills and relationships that support a pro-social attitudes and lifestyle.

Re-examining evidence-based practice in community supervision (probation, parole, and community corrections):

1. There are multiple goals and purposes in probation, parole, and community corrections and they can conflict with one another. Is the goal recidivism reduction? There can be different emphases on ensuring compliance, punishment, and victim reparation.

2. Each goal requires different measures of success. The most important measure is recidivism reduction.

3. There are problems with the official statistics on recidivism because there isn't a consistent definition. It depends on the type of program and what you're interested in examining.

4. Desistance is a process that requires motivation to change. We must recognize that one may desist from crime in fits and starts. Short-term measures may only reflect primary desistence (avoiding criminal choices) and not secondary desistence (the internalized acceptance of desistence as a way of life). Tracking long-term measures of desistence and recidivism may tap into this process of secondary desistence and offer a different picture than solely tracking primary desistence.

Probation Council Report:

1. Public wants safety first. They also want value for the victim, the offender and the community. Given the responsibility for more offenders than any other system, probation is in the position to hold offenders accountable, but also for providing services that can change people's lives.

2. They must "own" recidivism and it should be one of the key measures of success.

3. Probation supervises probationers in the neighborhood therefore, probation has to work with and engage with the community.

How are you defining "recidivism?" What is your baseline?   There isn't a consistent definition, but what you're evaluating may determine the definition that is most applicable. There is no universal agreement, but maybe a conversation about standardizing the variety of definitions and each of their implications would be valuable. One definition is not better than another; each definition can have value depending on the circumstances and context.

Evidence-based sentencing:

1. The goal of every sentence should not only be punishment, but also recidivism reduction and public safety. A risk/needs assessment should be part of the sentencing process and all other aspects of the criminal justice system.

2. Criminal justice professionals should be required to consider offenders' habitation needs and risk for recidivism as determined by validated assessment tools when imposing criminal sentences.

3. Criminal justice professionals should be required to consider whether a proposed sentence or disposition is likely to reduce crime.

In October 2013, 41 different criminal justice organizations participated in a national summit for two days and concluded that all decisions should be evidence-based and that risk-needs assessment should be at the foundation of the criminal justice process. There must also be an emphasis on interrupting the "revolving door problem."

Recidivism can be reduced because effective interventions share common features, commonly known as the "8 Effective Principles of Correctional Intervention." Mr. Przybylski chose to highlight a few of these:

1. Risk principle: Focus on higher risk offenders.

2. Need principle: Target multiple criminogenic needs. Assess risk and need using valid, actuarial instruments.

3. Use intensive behavioral interventions.

4. Responsivity principle: Match style and mode of intervention to the offender's learning style and abilities. Offender characteristics must be taken into account to best tailor interventions.

Doug Marlowe has taken the Risk/Need/Responsivity work a step further by defining the types of supervision that should be in place for those who are high versus low risk.

Interactions between anyone in the criminal justice system and offenders are critically important. More specifically, interactions between the supervising officer and offender are as important, if not more important, as the content of programs. The need to enhance the offender's motivation to change is also important. The use of motivational interviewing is an example of how to address these needs. The balance of behavioral consequences is also a critical supervision factor. The ratio of positive to negative consequences at a rate of 4 to 1 has consistently shown beneficial impact in producing behavioral change.

Strategic Training Initiative in Community Supervision (STICS) is a program where probation officers are trained and coached to use Risk/Needs/Responsivity (RNR) interaction skills. Developing these skills helps to produce higher quality interactions between probation officers and offenders with the result of a lower offender recidivism rate. In Wyoming they use both sanctions and rewards and programs with a 4-1 reward to punishment ratio have been found to have the best outcomes.

Finally, the importance of implementation science cannot be understated. Adopting "what works" is only part of the challenge. The fidelity of programs to the models upon which they are based and evaluation of the programs can determine whether services will yield positive outcomes or not.

Take-away from Mr. Przybylski 's presentation:

1. The commission needs to revisit the definition of recidivism. Is our definition and understanding consistent and relevant to current research and practice? Do we have an understanding of the different definitions and when their use is necessary?

2. Access to data that supports our definitions of recidivism is critical. Information sharing is necessary.

3. We need an appreciation of the collateral consequences of conviction on re-entry.

4. In addition to the prosecutor and judge, the defense counsel should also have information on a defendant's criminogenic needs.

5. The importance of front line staff should not be ignored. The individuals who contact the offender first in the institution and the community is critical. The person with the most contact, especially initially, is the police officer. Correctional officers are also a major point of contact with offenders.

6. There is a disconnect between criminal justice and human services.

7. Family ties are also important in building pro-social connections. Frequently, offenders are behind in child support and are not allowed to see their children.

8. What we are doing now that is working and what isn't working? What does the data tell us? What opportunities can effect change?

COMMISSION ACCOMPLISHMENTS

What are some of the things we have done as a Commission? Kim English outlined a select list of accomplishments where Commission recommendations have had positive impacts. Ms. English reminded Commission members of the mission of the Commission and the focus of research efforts on such factors as avoiding collateral consequences of a conviction, removing barriers to work/job, emphasizing needs/risk assessments and treatment/services, justice/equity, and the costs associated with incarceration. She also reviewed the list of task forces that have worked on Commission topics and created recommendations. The follow is a list of 25 accomplishments. It's important to note that this list is not all-inclusive.

1. Elimination of statutes that require mandatory revocation or suspension of an individual's drivers licenses for a conviction of non-driving offenses (excluding the non-payment of child support). In FY 2009 10,746 licenses were revoked whereas in FY10, only 1055 licenses were revoked.

2. Clarified jail time credits such that jail inmates can be awarded earned time. In 2008, 7220 bed days were saved in Arapahoe County, resulting in a cost savings of $490,960.

3. Created a mandate that parolees receive credit for time spent in jail pending a technical parole revocation.

4. Both Probation and DOC established technical violation units. Probation has reduced technical violations from 1800 to 400 per year, on average. DOC created the Colorado Violations Decision Making Process to respond to parole violations.

5. Increased the age of eligibility to 19 for individuals to be sentenced to DOC's Youthful Offender System.

6. Introduced a structured decision making guide for use by the Colorado Parole Board which resulted in the Colorado Parole Board Release Guidelines Instrument. This is an actuarial scale to determine readiness for parole.

7. Expanded probation eligibility for selected individuals with multiple felony convictions.

8. Recommended legislation to require mandatory jail time for those with multiple DUI offenses.

9. Create processes for the sealing of some drug offenses.

10. Created the Correctional Treatment Board to consolidate and streamline funding and reporting for treatment funding streams that were previously controlled by three separate boards.

11. Exclude drug possession (2010) and walkaway "escapes" (2011) as qualifying crimes for habitual offense charging.

12. The Drug Policy Task Force determined that emerging science suggests a need to recognize drug abuse as a mental illness and that a primary omission from current law was a means of assuring prompt and effective treatment for drug offenders.

13. In order to shift to a public health perspective, treatment was paramount. The Commission recommended that the drug offender surcharge be doubled. This increased the amount of money going to Community Corrections for treatment beds and to

Probation for treatment. In addition, it was recommended that the persistent drug driver surcharge be increased for DUI evaluations.

14. Drug law reforms to recognize the difference between possession and distribution.

15. The new drug sentencing grid allows for a "wobbler" such that the court may vacate the felony conviction and enter a misdemeanor conviction once the defendant completes their community based sentence.

16. Theft statutes have been restructured to now include an F6 level crime.

17. Juvenile justice reform clarified truancy and absence definitions. It also asked for multi-disciplinary teams in schools to help keep juveniles in school. However, the bill that was actually passed by the legislature was less in-depth than what was approved by the Commission.

18. Escape from a non-custodial facility for those 18 or above will now be charged as a misdemeanor, not a felony.

19. Legislation originating from a Commission recommendation allows juveniles who committed a sex offense to deregister as an adult after successful completion of the sentence.

20. Bail reform: Implemented evidence-based decision making practices which discourage the use of financial bonds for pretrial detainees. The use of risk-based instruments to decide who should stay in jail was also recommended.

21. Five nanograms or more of THC is now enough for a DUID (driving under the influence of marijuana).

22. Every case plan should be fully implemented and updated regularly. DOC is rolling out new automated case management system this spring.

23. Expansion of adult pretrial diversion resulted in a fiscal allocation of $390,000 to help prosecutors' offices expand.

24. Invest in evidence-based programs, expand judicial and probation officer training and support the EPIC program. Evidenced-Based Implementation for Capacity (EPIC) started out as a $2 million grant to the Department of Public Safety's Executive Director's Office on behalf of the Commission. They have trained over 4300 criminal justice professionals in mental health first aid and have coached and trained individuals on motivational interviewing. Last session the General Assembly allocated $740,000 to make EPIC a permanent part of CDPS.

25. Support the re-authorization of the CCJJ.

The success of the Commission is based on its ability to discuss controversial issues. It is also successful because of its emphasis on using evidence-based practices and using data to make decisions. Objectivity and collaboration of the Commission is central to its success. Another consideration is that members agree to undertake difficult deliberations with an open mind and a willingness to challenge prevailing assumptions.

STRATEGIC PLANNING AND TASK FORCE WORK

Strategic planning is a process that is employed to help an organization determine where it is headed and how it can best get there.

1. Where is the Commission trying to go? The Commission is working to create efficiencies and effectiveness in the system using data-driven programs while protecting and improving public safety.

2. Where are we now? As the Commission listens to the task force presentations, it should focus on what is important. Is the task force moving in the desired direction? Does the Commission understand the problem(s) being faced by the task forces? What are the barriers that keep us from realizing objectives?

3. Next we should develop a plan for moving forward with possible solutions.

Each task force chair will present information on task force membership and the topics their group is examining. The presentation will include a close examination of each topic, and a follow-up group discussion to determine priorities and next steps for each task force. These presentations are intended to give task forces direction. The Commission may be happy with the direction a task force is going or they may not want a task force to continue, or it may not want them to continue on their current path. Reports will be given from existing task forces but that's not necessarily where resources have to go in the future. As you listen to these reports, weigh the topics in light of the other issues that the Commission may decide are more important to prioritize.

Director Davis emphasized that the purpose of this meeting is to give direction to the task forces. The task forces are the working arm of the Commission, but the Commission is the driving force. Commissioners need to be comfortable with the direction they're moving and the topics they are addressing.

STRATEGIC PLAN: COMPREHENSIVE SENTENCING TASK FORCE

Goals: This group was charged with examining whether the current sentencing structure makes sense, if there are gaps, and if sentences were being applied consistently. The Task Force has also tackled extraordinary risk classifications.

The task force has identified four topic areas that they would like to continue to work on:

1. Sex Offense Issues Work Group.

    a. In January 2013, the CCJJ requested a group be convened to study the potential for creating a new determinate F4 sex offense and to assess the impact of the need and availability of treatment for sex offenders. Are too many people being sentenced to prison on an indeterminate sentence?

    b. They are also looking at the possibility of creating a legal remedy whereby an offender may work their way through successful supervision and become eligible for removal from lifetime supervision.

   a. There are pros and cons to this suggestion. The issue is controversial and polarizing. Is there a need for a Determinate F-4?

 c. Created four teams:

   a. Money - Where is the money being allocated? There may be funds being allocated but finding and maintaining qualified treatment providers is difficult.

   b. Crime classification - There are some sex offenses that already have a F4 classification.

   c. Front end issues (regarding police, victim services) - We're not sure what we can do here and don't yet have any recommendations. This is an issue of resources and local control.

   d. Data issues - This is an ongoing process at the Sex Offender Management Board (SOMB) and they are doing a lot to figure out what additional information is needed and to modify what is gathered.

 d. Original timeline was for this group to present a recommendation to the Commission in the fall of 2014. The Supreme Court has interpreted the law to say that an offender must complete their period of parole (10 or 20 years) before they can be discharged. There are 31 people who have completed their 10 years and have been discharged. If we can, the group would like to attempt to create an early termination option and possibly standardize a process or procedure for concluding probation.

 e. For the last 15 years, Colorado has used the indeterminate sentence for some sex offenders. The working group has volunteered to look at the sex-offender sentencing to see what this lifetime system has done. But, this would be a research project that will take several years to complete.

2. Habitual Offenders. Significant inconsistencies exist across jurisdictions in the practice of filing habitual counts.

 a. There was a stark difference between judicial districts in the number of filings of habitual charges.

 b. Should there be some sort of relief valve? Currently, if you have three prior felonies in your life, then one is subject to a sentence that is four times the presumptive sentence with a habitual offender filing.

 c. Currently, there are no distinctions between violent and non-violent offenses when looking at either the underlying convictions or the triggering offense.

3. Impact on County Jails. Some past CCJJ recommendations have impacted the local jails.

 a. What do we do with DUI offenders who receive lengthy jail sentences? How are jails addressing the treatment of these offenders?

 b. The mental health populations in jails are increasing. Currently, 36% of the Boulder County jail inmates have mental health issues. That is triple the size of the population three years ago.

 c. Frequent front-end users are also an issue. These are the high-frequency users of the resources available in the jail. There is no solid plan in place to intervene in the

revolving cycle of re-offense and re-incarceration by these offenders. An advantage of addressing this problem is that it is a statewide issue. But, there are not a lot of alternatives for these individuals. The civil system is not equipped to handle the population of individuals with mental health issues. There are also funding concerns which include the acquisition of funds and that system changes would be required to funnel the funds to the local level.

    d. Also, there is a lack of statewide jail data. The processes are not in place that would allow easy and consistent entry of offender-related data. Each sheriff decides what data they collect, how they data is utilized, and whether the data can be shared.

4. Mandatory Consecutive Sentences: Are the procedures in place to allow the individualization of sentences where appropriate?   Mandatory consecutive sentencing results in less individualization and less discretion.

    a. Mandatory consecutive sentences are typically inserted into statute due to a particular attention-getting case. The task force believes it is worth exploring existing mandatory consecutive sentences, however other issues have always taken priority.

DISCUSSION

1. General comments: The Commission should provide more oversight regarding the number of working groups created within each Task Force. Over-extending the scope of work will not allow the Commission to effectively address so many topics. It is difficult for participants and Commission staff to support multiple working groups across all the task forces. We should identify the issues that are currently most important to us and then decide how we are going to pursue those issues. Are the current task forces the ones we want to continue or do we want to investigate new issues and authorize new task forces? We will have to prioritize because we don't want to dilute what we're trying to accomplish by doing too much at one time.

    a. Is the end goal to find areas where recommendations can be made by the fall and for introduction to the Legislature in 2015? We need to prioritize topics and then assign the work according to the appropriate timelines. Some issues can be addressed in the short-term; other issues would require long-term study.

    b. The purpose of the retreat was to examine the existing Task Forces and determine the issues the Commission as a whole wants to prioritize and examine.

2. Sex Offender Issues.

    a. The task force would like to gather data on the Determinate F4 issue.

        a. Remain on the table

        b. Long term topic.

    b. Explore the Lifetime Supervision Act and determine if there are problems.

        a. Remain on the table

        b. Long term topic.

    c. Elimination of criminal statute of limitations for sex assaults.

        a.   In the parking lot for now.

3. Habitual Offenders.

        a.   Continue examining the issue, given that some data has been collected to address the issue.

            i.   Remain on the table.

           ii.   Short term topic.

4. Impacts on County Jails.

        a.   Specifically define what a working group would examine.

            i.   Remain on the table.

           ii.   Long term topic.

5. Mandatory Consecutive Sentence.

        a.   Off the table.

STRATEGIC PLAN: COMMUNITY CORRECTIONS TASK FORCE

Goals: Utilize community corrections boards and the local community to identify appropriate individuals to be placed in the community and implement research-based policies to assist individuals to successfully function in the community.

The Task Force identified three topic areas:

1. There is a lack of clarity in the way community corrections boards represent and engage the community.

        a.   We don't really know how decisions are made. Are they using evidence-based decision making practices?

        b.   There are referral silos that send individuals to community corrections and these silos do not communicate with each other.

        c.   Board membership should represent the community itself and include people of color.

        d.   Community education is needed to describe the benefits of community corrections and to ease concerns about the placement of facilities.

2. Have the appropriate individuals been placed in Community Corrections?

        a.   Some programs do not have the ability to serve special populations.

        b.   The "one size fits all" model does not work.

        c.   Funding issues: Current practice requires offenders to find work immediately when research suggests that they may be better served by receiving services first.

3. The current referral system is inefficient and ineffective.

a. It is constrained by statute and administrative regulations. Information on referrals is inconsistent and often incomplete. Referral criteria are not evidence-based but seem to be time driven.

a. Improvements to the referral process could ensure that relevant population is being referred.

b. To improve the referral process, we also need to improve information sharing between the silos.

DISCUSSION

1. Group wants to gather more information and data before bringing forth any recommendations. Each of these issues would have a 12-month timeline.

2. How does the referral process work?

    a. Remain on the table.

3. Different boards use different criteria to determine who is accepted into community corrections.

    a. Remain on the table.

4. How are programs utilized?

    a. Remain on the table.

STRATEGIC PLAN: JUVENILE JUSTICE TASK FORCE

Juvenile Justice Task Force identified five topic areas:

1. Pre-filing Options.

    a. There is no clear distinction between diversion as a program and diverting juveniles from the system. This needs to be better defined in the juvenile code.

    b. Diversion should be used to keep juveniles out of the juvenile justice system.

    c. Although most jurisdictions have some form of diversion, these systems are not consistent throughout the state. The task force has begun to explore the statutory language of the adult diversion system to make the juvenile diversion system more consistent.

    d. Diversion should be used as a pre-trial alternative.

    e. We anticipate having a recommendation to the CCJJ by the summer of 2014.

2. Petty Ticket:

    a. This could be a mechanism for law enforcement to use as an alternative to repeatedly picking up a juvenile and offering verbal warnings.

    b. A problem is how this type of ticket would be tracked.

    c. Should have a recommendation to present by the April CCJJ meeting.

3. Professionalism.

   a. Professionals often lack expertise in the juvenile system because the juvenile system is usually a stepping stone for adult criminal work. Should we have a set of standards for juvenile justice professionals?

   b. There are no core competency standards of practice for juvenile justice professionals.

   c. There should be baseline training requirements for all professionals in the juvenile justice system. However, this creates a bureaucratic layer.

   d. A recommendation is already in the works and should be forthcoming in July 2014.

4. Detention and Age of Delinquency.

   a. Juveniles under twelve should be treated differently because placing them in detention has the potential to expose them to older and more serious delinquents.

   b. Keeping younger juveniles out of detention can decrease criminogenic effects.

   c. Alternative placements must be found.

   d. It's been difficult to move forward on this because both defense and prosecution representatives on the task force have not taken off their respective hats to work toward a consensus.

   e. A possible recommendation may be presented to the CCJJ this summer.

5. Re-ordering and Revising the Children's Code.

   a. The Children's Code is not in chronological order which results in confusion and some contradictions. In addition, some language needs updating and correcting.

   b. This will be a large and time-consuming undertaking which will require a specific work plan and the task force will need legislative drafting assistance.

   c. Because of the size of the task, task force members would like to complete some existing work before proceeding with this.

DISCUSSION

1. Should the Commission allow this Task Force time to finish the topic areas that are almost ready to present recommendations? Yes. These recommendations should be presented to the Commission this summer.

2. Does the CCJJ want the Juvenile Task Force to revise the Children's Code? Not until the first four topics are addressed. After this is done this summer, the Commission will decide if the Task Force should move forward on revising the Children's Code.

3. CCJJ Juvenile Task Force should be recognized as the experts in the juvenile justice field. Maybe the CCJJ should address a letter to the Governor stating this because it feels like bills have been proposed around the Task Force and Commission.

   a. It was explained that it's been difficult to get legislation through the Task Force because they don't move very fast (spent months just discussing their mission). Legislators have a limited amount of time in office and will move forward because they do not have the time to wait for the Commission.

4. The juvenile justice system used to focus on the "best interests of the child." Now it is focused on the safety of the community.

STRATEGIC PLAN: MINORITY OVERREPRESENTATION SUBCOMMITTEE

The Minority Over-Representation Subcommittee identified two topic areas:

1. Race and ethnicity data collection.

    a. There is no consistent method of data collection on race and ethnicity across the state. Different agencies have different systems.

    b. The federal UCR system does not provide ethnicity categories whereas NIBRS does. If we switch to NIBRS, crime data is reported differently and this may make local law enforcement nervous and resistant to change. Under UCR, a single criminal act is report as a single act. Under NIBRS, a single act is reported as several criminal acts (one for each crime charged)

    c. This Task Force would anticipate developing a recommendation by the summer of 2014.

2. Cultural Competency Toolkit.

    a. There is a lack of understanding of cultural differences by professionals in the criminal justice system which can negatively impact people of color.

    b. Staff in all criminal justice agencies has a responsibility to be culturally knowledgeable and responsive to their client populations.

    c. The Denver Crime Prevention and Control Commission created a Cultural Responsivity Toolkit that could be used by state and local agencies.

    d. This kit will be presented to the Commission in May.

DISCUSSION

1. Both topics are close to completion and should be continued.

COMMISSION PRIORITIZATION OF WORK FOR 2014

Seven potential areas of focus for future work were identified from the previous presentations and discussions:

1. Sex offense issues: Determinate F4 and Lifetime supervision. Need to gather data and information. Identify problems in 6 months.

2. Habitual offenders: Short-term, 6 months "tiger team," to make recommendations

3. Impact on county jails: Frequent utilizers, pre-trial population, community corrections options; mental health impacts.

4. Community corrections: Referral process, decision making and program usage.

5. Data and data sharing: Is this appropriate for future discussion? Yes.

    a. What data is needed?

    b. What we can learn from the data?

    c. Identify data elements for analysis to determine effectiveness of programs.

    d. Identify, and possibly address, legal restrictions of data sharing.

    e. There are two broad data concerns: Evaluation capacity to answer questions like, are we being effective? Data sharing limitations that, for example, result in Parole not having case file information from the periods when offender are in community corrections.

6. Re-entry

    a. Collaborative partnerships to strengthen offender re-entry.

    b. Both jails and prison can be addressed.   Where should we focus?

    c. Impact of Parole and Probation on re-entry.

    d. Coordination of resources.

7. The NIC is looking for agencies that want to participate in the EBDM project. Will the Commission vote to sign a letter of interest? If we are included in the project, it will take a significant amount of commitment and work.

    a. The EBDM project is intended to take evidence-based decision making from the point of arrest through sentencing.

    b. What are the specific expectations of being a signatory? Will the Commission simply endorse the site expansion or play a larger administrative role? It has been promoted to determine if there are other local jurisdictions that would like the opportunity to participate in the project (Currently, six have expressed interest).

    c. Can we have input on policy? Are we a vehicle that simply delivers the program to the six interested jurisdictions or are we an entity that can have input on program design and implementation?

    d. Phase One is a determination by the state to see if it is in the position to undertake the project.

    e. If the state is awarded the project, a full-time staff position would be assigned. A full-time employee is required to work on the planning and implementation.

    f. At a minimum, state leaders in the criminal justice system would be exposed to all of the evidence-based research available.

Other topics discussed but not included in Task Force updates:

Statute of limitations

    a. Are there reasons to extend the statute of limitations for some crimes?

    b. For which crimes? More specificity from the Legislature is needed.

    c. Is the legislature simply asking for CCJJ input or for more extensive CCJJ study?

Victims' issues

    a. There are not a lot of CCJJ resources dedicated to victims.

    b. There is little data on the efficacy of victim treatment. What options are out there?

    c. There are eight judicial districts that place offenders in diversion prior to trial. In those districts, victim surcharges are not collected which has a negative impact on victim's funds.

    d. The Commission should be sensitive to the impact their recommendations will have on victims.

    e. This concern should be integrated in all CCJJ deliberations.

Commission members voted on which of the seven issues the Commission should address. Each member was allowed to endorse three topics they felt should be the focus of the Commission for the coming year. The topics with the largest number of endorsements would be selected for study.

Topics	Vote Total	Task Force / Working Group
1. Sex Offense Issues	4	
2. Habitual Offenders	0	
3. County Jail Impact	3	
4. Community Corrections	11	Task Force continues
5. Data and Data Sharing	9	Important – consider in all deliberations
6. Re-Entry	12	Create a Task Force
7. EBDM	12	Create a Subcommittee

How many of the topics can we address? What is the availability of staffing and what are the staffing demands for the different topics? The status of the Juvenile Justice Task Force and Minority Over-Representation Task Forces can be determined after they forward their pending recommendations to the Commission this summer.

Will the Juvenile Justice Task Force end in July? The Task Force feels there are still issues that can be addressed and juvenile justice is a part of the Commission's mandate. MOR considerations should be part of and discussed by every task force. The Comprehensive Sentencing Task Force can prepare a recommendation on the Sex Offender Determinate F4 classification quickly. Can staffing needs be evaluated in light of the potential conclusion of some task forces? Yes.

ADJOURNMENT

Next meeting will be April 11, 2014 from 12:30 – 4:30 at the Lakewood Cultural Center and not at the normal meeting location.

The meeting adjourned at 4:24 p.m.