



**Colorado Commission on Criminal and Juvenile Justice**

**Minutes**

June 13, 2014

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

**Commission Member Attendance**

Kathy Sasak, Interim Chair	Steve King - <b>ABSENT</b>	Steve Hager (for Rick Raemisch)
Doug Wilson, Vice-Chair	Judy Rodriguez (for Julie Krow)	Brandon Shaffer
Jennifer Bradford	Evelyn Leslie	Pat Steadman
Theresa Cisneros	Beth McCann	Alaurice Tafoya-Modi - <b>ABSENT</b>
Sallie Clark - <b>ABSENT</b>	Jeff McDonald - <b>ABSENT</b>	Mark Waller - <b>ABSENT</b>
Matthew Durkin	Norm Mueller	Pete Weir
Kelly Friesen	Kevin Paletta	Meg Williams- <b>ABSENT</b>
Charles Garcia	Joe Pelle - <b>ABSENT</b>	Dave Young
Kate Horn-Murphy	Eric Philp	Jeanne Smith, <i>Ex Officio</i>

Guest Speakers: Regina Huerter (Denver Crime Prevention and Control Commission), speaking on behalf of the Juvenile Justice Task Force and Kim Dvorchak (Colorado Juvenile Defender Coalition), speaking on behalf of the Juvenile Justice Task Force.

**CALL TO ORDER AND OPENING REMARKS**

Kathy Sasak, Interim Chair, called the meeting to order at 12:43 p.m. and invited members to introduce themselves. Brandon Schafer moved and Pat Steadman seconded the motion to approve the May 2014 Minutes from the previous meeting. The motion passed and the Minutes were approved unanimously. Ms. Sasak reviewed the day's agenda.

**JUVENILE JUSTICE TASK FORCE – PRELIMINARY RECOMMENDATIONS**

Kelly Friesen, Co-Chair, Juvenile Justice Task Force and Task Force member Kim Dvorchak presented a proposed recommendation, FY15-JJ #2: Age of Detention. Following this presentation and discussion, Task Force member Regina Huerter presented another proposed recommendation, FY15-JJ #3: Professional Standards of Juvenile Practice.

**FY15-JJ #2: Age of Detention**

Ms. Friesen offered the following points about the preliminary work on this recommendation by the Age of Detention Working Group:

- Work began with a study of the age of delinquency in Colorado.
- Based on the study of brain development research and a review of historical changes to the Children's Code, there was no consensus regarding modifications to the age of delinquency designations.

- However, this study did lead the group to the conclusion that children under the age of 13 should not be held in detention.
- Using data from the Division of Youth Corrections (DYC) on this specific “under 13” population, the group began to develop possible revisions to statute.

Ms. Dvorchak referred to the “Age of Detention Fact Sheet” that was provided to Commission members as background for her discussion points:

- The fact sheet presents general information on the use of secure detention and national research on the harm of secure detention to this age group.
- Secure detention for this age group should not be the standard protocol, but only used for those children who pose the most serious risk.
- Based on the data from DYC, the group found that 10-12 year olds do not spend a significant amount of time in secure detention.
- Children who are 10 or 11 can only be committed in very rare circumstances and none have been committed to DYC in the past three years.
- There were seven 12-year olds committed during that same period.
- The primary consideration of the Task Force is not in regard to secure confinement as a disposition, but is in regard to the practice of detaining children primarily for the purpose of access to juvenile services.

Ms. Dvorchak continued by detailing aspects of the recommendation:

- In order to avoid the potential traumatic effects of secure detention, the task force is proposing to eliminate the option of detaining children at the outset of their entrance into the system with the goals to promote healthy development and to avoid potentially harmful effects.
- Exceptions will be made for children who are charged with
  - any Class 1 Felony,
  - any Class 2 Felony, or
  - a Class 3 Felony for crime of violence or crime against persons.
- These exceptions are similar to the commitment restrictions that are common to the same age group.
- This age group does not represent a significant proportion of the juvenile population, but it is a significantly vulnerable portion of the population for whom the task force felt it was important to restrict the use of detention.

Ms. Friesen briefly reviewed the proposed statutory modifications comprising the recommendation (bold caps indicate additions to statute), the related changes applicable to the Detention Criteria of the Senate Bill 94 Advisory Board, and the request to the Advisory Board to create a provision to allow children, if they are screened with the Juvenile Detention Screening and Assessment Guide, to maintain eligibility for SB-94 pre-trial services.

*[Note: Senate Bill 1991-94 provides state funding for locally-administered programs that offer a continuum of youth services that are commensurate with the risk to the community. There is a Senate Bill 94 Statewide Advisory Board that coordinates the program by allocating juvenile detention beds, allocating funds and developing the criteria for youth detention and commitment. Each of the 22 judicial districts seats a local S.B. 94 juvenile services planning committee that manages its services, detention beds, and allocated funds.]*

The following is the text of the proposed recommendation:

**FY15-JJ #2 Restrict the use of detention for children under the age of 13**

**Recommendation FY15-JJ #2**

Amend C.R.S. 19-2-507 and 19-2-508 to provide that children under the age of thirteen not be placed in a detention facility unless the child is alleged to have committed a class 1 or 2 felony or, a class 3 felony crime against persons or crime of violence. Specifically, C.R.S. 19-2-507, 19-2-508, and 19-1-103 should be amended to include the language in bold, below. Further, the Division of Youth Corrections' SB-94 State Advisory Board should amend the Detention Criteria to state that a child between the ages of 10 and 13, screened for detention is eligible to receive SB-94 services.

**Proposed Statutory Language**

**C.R.S. 19-2-507**

**(1.5) NO CHILD UNDER THE AGE OF 13 SHALL BE PLACED INTO A DETENTION FACILITY UNLESS THE JUVENILE IS ALLEGED TO HAVE COMMITTED A CLASS 1 OR 2 FELONY OR A CLASS 3 FELONY CRIME AGAINST PERSONS OR CRIME OF VIOLENCE.**

(2) The juvenile shall be detained if the law enforcement officer or the court determines that the immediate welfare or the protection of the community require that the juvenile be detained. In determining whether a juvenile requires detention, the law enforcement officer or the court shall follow criteria for the detention of juvenile offenders which criteria are established in accordance with section C.R.S 19-2-212. **THIS SUBSECTION (2) DOES NOT APPLY TO CHILDREN UNDER THE AGE OF 13 YEARS.**

*[NOTE: The underlined elements in the last sentence of subsection (2) were suggested during the discussion reported below.]*

**C.R.S. 19-2-508**

**(3) (a) (II.5) NO CHILD UNDER THE AGE OF 13 SHALL BE PLACED IN A DETENTION FACILITY UNLESS THE JUVENILE IS ALLEGED TO HAVE COMMITTED A CLASS 1 OR 2 FELONY, OR A CLASS 3 FELONY CRIME AGAINST PERSONS OR A CRIME OF VIOLENCE.**

**(3) (a) (D) THE REBUTTABLE PRESUMPTION OF DANGEROUSNESS DOES NOT APPLY TO JUVENILES UNDER 13 FOR OFFENSES OTHER THAN CLASS 1 OR 2 FELONY, OR A CLASS 3 FELONY CRIME AGAINST PERSONS OR A CRIME OF VIOLENCE.**

**C.R.S. 19-1-103 (106)**

“Temporary holding facility” means an area used for the temporary holding of a child from the time that the child is taken into temporary custody until a detention hearing is held, if it has been determined that the child requires a staff-secure setting. Such an area must be separated by sight and sound from any area that houses adult offenders. **A CHILD CAN ONLY BE HELD IN A TEMPORARY HOLDING FACILITY FOR 48 HOURS EXCLUDING WEEKENDS AND HOLIDAYS.**

## Questions / Comments:

- Ms. Sasak reminded members that the current presentation was preliminary and no vote is scheduled to be taken on the recommendation. The recommendation will be subject to a vote at a subsequent meeting of the Commission.
- It is important to understand the distinction between those who are *committed* and those who are *detained* for a very short period of time. It is extremely rare for children of this age to be *committed*, although there may be a small number who are *detained*.
- Comments were offered that the proposal does not address other potentially, very dangerous situations.
  - It is not good practice to place those under 13 years of age with juveniles who are 15 to 17, but, for the safety of the community and given the lack of viable alternatives for detention placement, there may be some extraordinary circumstances that require consideration of the detention option.
  - By limiting this option to only Classes 1 to 3 Felonies, offenses such as second degree assault, possession of a loaded gun on school grounds, and threatening others with a gun on school grounds would not be included in the offenses to make one eligible for the detention option. The proposed language affords no flexibility to alter the eligibility for the detention option in these or similarly serious instances. Language that prohibits the option for this age group would not be good public policy. There should be some provision that, under the appropriate circumstances, the court has the authority to determine that a child should be detained.
  - Under this statutory change, another concern is that there may be no alternative for the placement of these children, other than the existing detention option. Until appropriate alternatives are identified and available, this change does not appear to be practicable. Long-term detention may not be a good answer, but short-term detention provides the opportunity for child services and legal experts to determine an appropriate placement and course of action.
- Is there a definition of “detention facility?”
  - C.R.S. 19-1-103(40) states that detention “means the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution or a court order for placement or commitment.” [*Note: This section in statute was accessed online and displayed to members.*]
- Does that definition encompass jail as a detention facility?
  - Such facilities refer to a secure, locked facility specifically for youth. There are a total of 9 such detention facilities - one in Grand Junction, one in Durango, and seven along the Front Range located from Greeley to Pueblo.
- Is the phrase (on p. 2 under “Discussion” of the Preliminary Recommendation handout), “Alternatives to detention should be in place throughout the state...,” intended to be an aspirational statement or a declarative statement that such alternatives do exist?
  - It is a declarative statement that each of the 22 judicial districts has an alternative-to-detention option within the existing S.B. 94 programs. The hope is to expand the four temporary holding facilities for children that would keep them in their community and allow the development of a release/treatment plan, if that is required.
- Is there a list of these temporary holding facilities?
  - There is one such facility in Durango, one in Boulder, and two in the 14<sup>th</sup> Judicial District (Moffat, Routt and Grand Counties).

- There appears to be a gap in the area of sexual assault. Often juveniles will perpetrate on family members or others with whom they have close contact. Where would youth under these circumstances be placed?
  - Based on data from this age group, the most common offense was assault (primarily, 3<sup>rd</sup> degree assault).
  - The Task Force did not speak specifically about sex offenses by juveniles. However, a preliminary analysis of case filings between FY 2010 and 2012 did find that sex offenses were the third-most frequent charge for 10- and for 11-year olds and the fifth-most frequent charge for 12-year olds.
  - In these cases, there are extensive safety plans with highly restrictive behavior provisions that require considerable supervision. Once these plans are in place, the public risk from this particular age group of children is minimized, if not eliminated.
  - Often, simply being caught is all that is necessary to stop these offending behaviors by children in this age group.
  - This recommendation is designed to force alternatives to the temporary detention of these children. Ultimately, these children are not committed for these offenses. Therefore, there should be better alternatives to the maximum possible 72-hour holds that occur “at the front end” of the process.
  - Even the 72 hours of temporary detainment can be traumatic...being processed, forced to undress, placed in a jumpsuit, and locked up in isolation overnight. This is still a “jail experience,” even though DYC does the best it can for kids in these circumstances. This should be avoided for these young and vulnerable children, if at all possible.
- Rather than prohibiting the practice of detention for this age group, was consideration given to a provision for a “special circumstance review” for the extraordinary situation?
  - This was discussed at the Task Force, but it was felt that creating an exception would potentially result in over-use of detention or, more importantly, would allow jurisdictions to avoid altogether the creation and use of these detention alternatives.
- It still seems as though there is a gap in community safety during the time it takes to assess the child and develop the security plan. Is there not still a need for the secure placement of some juveniles, both for their own protection and for the protection of their victims and for the purposes of the immediate investigation of the circumstances?
  - S.B. 94 screening will still happen immediately. No services are being denied. But, it’s very rare that the juvenile needs secure care.
  - FOLLOW-UP: There may still be the one case in 10 or even one in 100 where the extra level of security is warranted. The current language does not provide for this exceptional case. This one child could be a significant risk to their family or others. How can this exception, even if it’s only one in 1000, be addressed under this restrictive language?
  - The ages in question (10 to 12 years old) would be subject to the same mechanisms currently in place for the 9-year old who already cannot be detained. The Department of Human Services can address these 10-12 year olds in the same way as the 9-year olds who commit these types of offenses.
  - It must be remembered that while a child is in detention, even temporarily, the child receives no services. In the alternative-to-detention setting, the Department of Human Services can provide immediate services.

- FOLLOW-UP: The one thing that detention does provide is to keep the community safe and this is an essential part of our mission that must be kept in mind.
- In the context of the evolving views regarding the over-incarceration of adults, it seems obvious that we address the detention and commitment of juveniles. Our recent exposure to European practices makes obvious our over-use of incarceration at the adult level and, even more so, at the juvenile level.
- In addition to the mission to enhance public safety, the Commission is also charged to identify evidence-based initiatives to reduce recidivism. Achieving reductions in recidivism also enhances public safety. We must be cognizant of practices that would treat the 999 children by methods that are only necessary for that one child in 1000 who may represent a risk to public safety.
- Despite the same opposing arguments being offered at the Task Force level, members still approved the recommendation for Commission consideration. One of the primary reasons for this decision was that most members acknowledged that the over-incarceration of juveniles can be even more harmful than the over-incarceration of adults.
- The discussion should take into account the actual number of children who are being affected by the current detention policies. The meeting handout indicates that during the last three years of detention data, there were only 7 who were 12 years old and there were none who were 10 or 11 years old. These numbers seem to argue that the current discretionary practices are removing those children who do not require detention. In fact, the juvenile crime rate is simultaneously dropping, so it appears the current system of discretion is working. Why are we making more of this issue than seems warranted, given this data?
  - The previous comment was corrected by pointing out that the numbers recited from the handout were for *commitment and not detention*. Actually (as seen on the handout), during the 12-month period of fiscal year 2013, there were 15 10-year olds, 39 11-year olds, and 159 12-year olds *who were detained*. That is still 15 children at age 10 who were being placed in a potentially traumatizing situation.
  - Additionally, it should be noted that there are no risks/needs assessments for juveniles who are this young. The Colorado Juvenile Risk Assessment (CJRA) was not validated on this population of children.
- Of the children who were detained in FY 2013 (n=213), what were the crimes associated with these detentions?
  - The crimes and crime classes were not known.
  - FOLLOW-UP: In order to interpret these detention numbers, it is necessary to have the crime data to effectively assess why the detention occurred. It is impossible to draw conclusions about these numbers without having additional information.
  - FOLLOW-UP: It appears that, even with the limited data, the argument to reduce secure detention is made by the very small number of commitments that result from detentions. [Note: To aid in direct comparison, according to the 2013 DYC Management Reference Manual (FY 2011-2012), there were 824 detentions of 10-12 year olds for the three-year period between FY 2010 and FY 2012 and there were 7 commitments in this age group during this period.]
- A correction was suggested in the proposed statutory language that is necessary for clarity. In the last sentence of the proposed language for 19-2-507 (2), the phrase, “This section

does not apply...”, should state, “This subsection (2) does not apply.” This typo will be corrected prior to the next meeting.

- It is important to be precise when discussing detention and commitment. The decisions surrounding detention and commitment are very different. The purpose of detention for this age group is to provide a safe environment while juvenile professionals make a determination of the best placement for the child. Without a guarantee that there are detention alternatives that are appropriate for every case, the total prohibition of detention for this age group does not appear viable.
- Referring to the previous reference to European incarceration practices, members should not assume that the data from and experiences in other countries are applicable to the United States, given the differences in cultures and criminal justice systems. It may even be problematic to compare Colorado to other states.
- The Commission should focus its analysis only on Colorado. In Jefferson County, detention numbers are down, the number of children on probation is down, the number of filings is down, and the number of children being diverted is up. The county has initiated a program aimed specifically at this young age group to make sure the D.A.’s office is involved appropriately and that necessary services are provided consistently. The data does show that if we intervene appropriately that we can may a real difference with this age group.
- Without the necessary and appropriate options available to address the “1 in 1000 child,” we need more explanation why discretion is being removed from the court. Magistrates and judges are compiling information from all the expert stakeholders and it seems we could trust the court to determine whether the child should be placed in detention.
  - These are children who may be detained for 3-4 days before they are seen by a judge. Once seen in court, they are typically released by a judge. Therefore, this proposal addresses the period of time the child is detained *prior* to their appearance before a judge.
  - The view of the Task Force was that detaining these children is not placing them in a safe place. It’s not safe emotionally and it’s not safe developmentally. They may be safe from the outside world, but they’re being exposed to older youth and more deviant youth. Detention is not a benign experience and it can have a profound effect.
  - This is why the Task Force wants to limit the use of secure detention in the period before a child can be seen by a judge.
- Ms. Sasak interjected that there was time for a few more questions before moving to the next agenda item from the Juvenile Justice Task Force. She offered an observation about the discussion that it appears the possible 3-4 days of detention prior to a court appearance should be a focus of attention. Why is the focus of the solution on what occurs in those days where there appears to be no services for the child, rather than removing the detention option.
- A representative of the Department of Human Services offered that there are options available in the county departments (...of health and human services or social services) to craft child specific responses. If the decision of the Commission is to prohibit detention for this age group, these departments have the funding and capability to create environments where a child can be safe outside of the detention system.
- If the concern is the use of detention prior to an appearance before a judge, there may be a way to provide flexibility to a judge to order detention upon/after the court appearance, rather than a complete prohibition of detention.

- If the capacity currently exists to address this need by these county (human services or social services) departments, why hasn't this process to provide an alternative to detention been done already? Why does this alternative require legislation?
  - The default response is typically to detain the youth until the hearing occurs. It is not the standard protocol for law enforcement to engage the local human or social service departments. Although, there are some counties where the default is to contact the local human or social services departments first to find a non-detention placement until the hearing is held, this is not common practice.

### **FY15-JJ #3: Professional Standards of Juvenile Practice**

Continuing the presentations from the Juvenile Justice Task Force, Regina Huerter provided the background and information on this recommendation to address standards of professional practice in the juvenile justice system. Ms. Huerter observed that the previous discussion made several mentions of the many different agencies and individuals potentially involved in detention decisions (for example, any particular case may include contact with law enforcement, detention center employees, judicial officers, Senate Bill 94 staff, human services staff, prosecutors, defense attorneys, parents, guardians ad litem, school staff, mental health services, and substance abuse services). Currently, there are no uniform standards for core competencies to practice in the juvenile justice system and no standard training on child development issues. This recommendation addresses the creation of such standards.

Ms. Huerter displayed PowerPoint slides to accompany her presentation. While displaying the names of members, Ms. Huerter mentioned that the Juvenile Justice Task Force is very broad in scope with expertise from a variety of sources. Additionally, the work on this recommendation reflects the collaboration of the Task Force with representatives of the Juvenile Justice and Delinquency Prevention Council and the Denver Crime Prevention and Control Commission.

The underlying problem is that, as referenced earlier, there are multiple agencies working with and providing services to children involved in the criminal justice system. However, there is a lack of consistency, coordination and training for those providing services to these youth. There is also a lack of education to address child development across the disciplines that work with juveniles.

There are several factors that contribute to the complexity of working in the juvenile justice system:

- The Children's Code (Title 19, C.R.S.), defining a "child" as anyone under the age of 18, is separate from other criminal codes and is intended to focus on rehabilitation.
- Best practices suggest much more collaborative decision making and less adversarial case processing than in the adult system. This collaborative focus combines the victim's experience and considerations of the best interests of the delinquent child.
- Additionally, best practices suggest that developmental considerations are paramount in all decision-making affecting the case of a child.
- A child's case may involve both the juvenile justice system (in which the child is viewed as a delinquent) and the dependency and neglect system (in which the child may be seen as a victim).



- The existing training required of those working in the juvenile justice system covers a variety of areas such as variations in legal issues, case planning, working with families, working with juvenile females, understanding mental health issues, and working with professionals from a variety of systems and disciplines.

Staff who work with juveniles are often paid less in the juvenile system and working in the juvenile system can be seen as a “stepping stone” to work in the adult system. In larger jurisdictions there may be an opportunity to specialize in the juvenile system; however, this may not be possible in smaller jurisdictions where, for example, court professionals must juggle adult and juvenile cases.

In order to provide effective interventions, one must employ effective, targeted strategies that are designed around juveniles. This is especially true when cases must integrate the justice system processes with social services considerations which may include broader family and sibling concerns and with educational interventions and plans.

There are already collateral consequences for children and their families who are involved in the juvenile justice system and these consequences can be exacerbated by professionals who may be inadequately trained and may provide improper guidance. If these collateral consequences occur, the effects on the juvenile can be long-term, even continuing into adulthood.

With the goals of avoiding overly prescriptive standards, reducing duplication, and maximizing and enhancing resources, the Task Force attempted to identify very broad, core competency areas where standards would be advantageous. These include:

- Brain development and child behavior;
- Effective case management;
- Issues of consent, proper release of information, HIPAA (protected health information), FERPA (educational rights and privacy), 42 CFR (alcohol and drug abuse patient records), and confidentiality;
- Effective communication strategies across multiple system;
- Family engagement; and
- Behavioral health issues, including
  - Trauma-informed response and/or care;
  - Best-practices in supporting youth with mental health challenges;
  - Strategies for addressing vicarious trauma in providers working with justice-involved youth, and
  - Principles of substance abuse prevention, treatment, relapse and recovery.

The Task Force has found examples in Missouri and Florida where professional development standards are being implemented. Our goal would be to gather these examples and adapt the elements to fit our needs.

The benefits of implementing professional development standards include:

- Improved agency and cross-discipline coordination and consistency;
- Creating a common knowledge and framework across professionals when addressing youth and family issues;

- Reducing the likelihood that youth are pushed further into the juvenile justice and other systems when they fail due to their own actions or when it is impossible to meet the requirements of contradictory case plans;
- Expanded staff capacity and a more integrated approach to care;
- Enhanced working relationship through coordinated universal core standards;
- Reduced system costs and staff training, and
- Improved outcomes for youth families.

It will be important to prioritize the groups of people to be trained, but, in no particular order, the target audiences for this core competency training would include individuals from such agencies as:

- District Attorney's Offices and related Diversion programs
- Colorado District Attorneys' Council
- Department of Human Services
- State Office of the Public Defender
- Colorado Office of the Child's Representative
- State Judicial (Courts and Probation)
- Colorado Association of Family and Children's agencies (CAFCA)

There are precedents for implementing statewide professional standards of practice for those working with children and families in Colorado. For example, the Trauma Informed System of Care Plan and the Child Welfare Training Academy (both at the Department of Human Services) include extensive plans for training professional across the state in relevant core competencies.

The following rhetorical questions were posed:

- At what point are children not considered "children?"
- Is there an age threshold for juveniles in the justice system where dependency and neglect issues should not be taken into account?

The preliminary recommendation, inserted below, is a request to Commission members to endorse the development of these core competency standards and the related training effort.

**FY15-JJ #3 Develop professional standards of juvenile practice via a multi-agency collaborative**

**Recommendation FY15-JJ #3**

The Commission on Criminal and Juvenile Justice supports agencies within the Executive and Judicial branches of government, and agencies involved in critical decisions of case processing and treatment of juvenile offenders, committing to and participating in the creation, adoption and implementation of statewide juvenile professional development standards as directed by the state's Juvenile Justice and Delinquency Prevention Council. We recommend the following timeline for implementation:

- **Phase 1** (September 1, 2014 – September 30, 2015): Commit to and participate in the creation of statewide juvenile professional development, including core training standards, and an achievable implementation plan.
- **Phase 2** (October 1, 2015 – September 30, 2018): Implement the plan, institutionalize core professional development standards in administrative practice, and ensure that training content will be continuously informed by new knowledge.

Implementation of adopted professional development and core training standards include:

- Expansion of organizational training offerings to better equip internal staff and contract provider staff with the competencies necessary to best meet the needs of the youth and families they serve.
- Institution of universal core standard trainings for professionals working with youth at entities such as, but not limited to, district attorney offices, the Colorado District Attorney's Council, the Department of Human Services, the Office of the State Public Defender, Colorado Office of Child's Representative, the State Court Administrator's Office, the Division of Probation Services, and Colorado Association of Family and Children's Agencies (CAFCA).
- Participation of agencies in exploring potential federal, state and local funding opportunities that support collaborative workforce development efforts.
- Assessment by Colorado's Executive, Judicial and administrative agencies and, when applicable, nonprofit agencies, of their ability to make the trainings that they currently offer available to outside professionals
- Partnerships with existing and natural training entities such as colleges and universities, juvenile assessment centers, and professional organizations, in adopting and expanding professional development opportunities.
- Standardization of trainings in recommended core competency areas.
- Commitment of youth-serving agencies to improving public and private cross-system knowledge and working relationships through coordinated universal core standard trainings.

Question/Comments:

- Much of this effort appears to be court-focused. Has anyone spoken to the Chief Justice about this proposal?
  - Ms. Huerter was unaware whether this had occurred.
  - FOLLOW-UP: A recent meeting of the Judicial Advisory Committee was mentioned where these same issues were raised. It was reported by Justice Hood that Chief Justice Rice had previously indicated that the Court would not be involved directly in these issues because it was her understanding that an interim committee had already been established by the legislature to look into these issues. It was suggested that someone should follow up to ascertain whether an interim committee had been established and, with that information in hand, determine the position of the Chief Justice.
  - FOLLOW-UP: An alternative interpretation of Justice Hood's comments was that there are several other groups already working on this effort (and not just because there may

- be interim group seated at the legislature on this topic). Either way, will there be collaboration across these different groups?
- Absolutely. As indicated early in the presentation, communication and collaboration between the Task Force and other groups working on this topic (the Juvenile Justice and Delinquency Prevention Council [JJJPC] and the Denver Crime Prevention and Control Commission [DCPCC]) has already occurred. Because this is already a part of the 3-year plan of the JJJPC, there would not be a continuing charge to the Juvenile Justice Task Force surrounding this effort. This would free up resources for the Commission to move on to its other priorities identified at the Commission's March 2014 Planning Retreat.
    - Additionally, contacts have been made with the Rocky Mountain Children's Law Center and the Office of the Child's Representative.
  - FOLLOW-UP: It would be important to connect with other agencies, like the Colorado District Attorneys' Council (CDAC) and the Office of the Alternate Defense Counsel prior to the expected August vote by the Commission.
    - These agencies would be stakeholders in the implementation of such an effort and they should be part of the conversation.
    - There is a working group of juvenile prosecutors within CDAC who will be meeting soon where this topic could be discussed.
  - The perceptions regarding a career in juvenile court have evolved. The juvenile system is not seen simply as a stepping stone. Due to the amount of interest in the juvenile system, open positions are scarce. In the 17<sup>th</sup> Judicial District, employment practices in the juvenile court are treated the same as employment for those working in the district court. A similar requirement for expertise and a similar degree of interest in working in the juvenile system is reported to exist in the 1<sup>st</sup> Judicial District.
  - Conceptually, prosecutors support this idea. They understand that their role is very different in juvenile court than in the adult system. The responsibility of the prosecutor in the juvenile system is to the community *and* to the best interests of the child.
  - Are there more details on the training curriculum? How will it be developed and what core concepts will be included? Will there be an opportunity for stakeholder input into the creation of valid components of the training?
    - At the moment, these core standards and how the training will be delivered have not been finalized. It is recognized that these aspects should be generated by the stakeholders who will participate in the creation process.
  - Does this recommendation require specific commitments in this effort by the Commission? Is the Commission involved in curriculum development or some other aspect of this training?
    - The Task Force is asking that the Commission join the other groups in supporting the general concept of this training. It would be very desirable if there was participation of Commission members or their representative groups to participate in the creation and discussion around these core standards and how the training will be delivered.
  - The Juvenile Justice and Delinquency Prevention Council (JJJPC) is coincidentally meeting all day today (6/13/14) and they have already reviewed the recommendation during their morning meeting session. The implementation of the recommendation would fall to the JJJPC. The Council was unanimous in their general support of the recommendation, but members did extensively discuss implementation concerns. This concept already has been

part of their strategic planning for a few years. The Council would like to encourage and offer assistance on the broad structure of the training and the collaboration between agencies, but they do not have the capacity to create the curriculum. The Spark Policy Institute has offered some advice on the training concept and it may be possible to devise a continuing role for this Institute to provide assistance. Those at JJDP do not want to be in the position to offer or to mandate the training.

- Should law enforcement be included among the target audiences for the training? It seems their inclusion would be important, given their potential first contact with juveniles on the street.
  - Yes, law enforcement, especially School Resource Officers, should be listed as potential participants in this training.
- Among the core competencies, shouldn't there also be training in victim engagement, effective communication strategies with victims, the identification of victims, and service to victim families?
  - Yes, training around victims would be an important element for inclusion in the core competencies.
- Is there any technical assistance, resources or curriculum available at the federal level (for example, from The Office of Juvenile Justice and Delinquency Prevention - OJJDP) to support this endeavor?
  - Juvenile justice funding from the federal level has diminished dramatically in the last few years. In some cases, the funding has dropped to zero. Although OJJDP still actively promotes juvenile justice reforms, their re-authorization is still pending.

Additional questions may be forwarded to staff prior to the final vote, tentatively set for August.

### **EVIDENCE-BASED DECISION MAKING (EBDM) INITIATIVE**

Jeanne Smith updated the group on the solicitation of interest surrounding the National Institute of Corrections, EBDM Initiative.

- At the March 2014 retreat, representatives from Mesa County provided the Commission an informational presentation on the implementation of the EBDM Initiative in their jurisdiction that focused on pre-trial incarceration and detention.
- In 2010, the National Institute of Corrections (NIC) initiated the EBDM effort in seven local jurisdictions around the country and is exploring the potential expansion of the initiative from these test sites to their associated states as a whole (See [ebdmoneless.org](http://ebdmoneless.org)).
- The Commission agreed to help explore this possibility in Colorado.
  - So far, a planning group has discussed the amount of study, data, and resources that were required in the existing local jurisdiction (Mesa County) and how to translate these requirements to jurisdictions across the state.
  - Additionally, the group has discussed how to recruit several more potential jurisdictions that might be willing to learn more about the meaning of participation as an EBDM site.
  - Potential sites need not repeat the pre-trial efforts undertaken by Mesa County, but, instead, may focus on any point in the system that is of interest and in need of improvement.
- Most available grants and technical support narrowly define the efforts and projects that are supported. The flexibility of this NIC offer to assist with any aspect of the justice system is

unique and advantageous, but, simultaneously, it complicates the effort to market and describe this offer to potential jurisdictions.

- The planning group is constructing a letter to local leaders that will describe the support the grant program could provide. The goal is to forward this letter later in June to the following groups for dissemination to their members:
  - CDAC, which has already committed to its dissemination,
  - The County Sheriffs of Colorado,
  - The Colorado Association of Chiefs of Police,
  - county criminal justice planners, and
  - Judicial Districts, in which Chief Probation officers and Chief Judges have already received some information on the EBDM Initiative from Eric Philp.

Those are some of the easily identifiable groups on the Commission's list for the solicitation of preliminary interest in the initiative.

- In early July, there will be a web-based EBDM Initiative introduction and question/answer session to help local representatives better understand the project. The session will be hosted by Stan Hilkey, the incoming Executive Director of the Colorado Department of Safety who, as sheriff, was a participant in the Mesa County EBDM Initiative.
  - Representative from NIC will be in Colorado around August 21<sup>st</sup> or 22<sup>nd</sup> to provide an orientation on the Initiative to any interested local representatives.
- If, at that point, it appears that we have at least a handful of interested local jurisdictions, the state will submit an application, which is due in October, to NIC to expand the EBDM Initiative. At this point, the number of interested local jurisdictions is unknown and, obviously, it is unknown whether Colorado would be selected for expansion if it were to apply. The timeframe is pretty short for local jurisdictions to establish their stakeholder groups and to identify their areas of focus which must be forwarded to us in time to complete the application by the October deadline.
- Is there a "critical mass" in the number of local jurisdictions included in an application?
  - The NIC has mentioned that at least 5 jurisdictions will be necessary to qualify as a "statewide effort."
  - However, it is unclear how the definition of a "jurisdiction" may be met. For a court-related EBDM effort, it is unclear whether all the courts in a district must participate or whether the participation of a single court in a district would meet the definition of a "jurisdiction." Also, would a county satisfy the definition of "jurisdiction" rather than a judicial district, which may span several counties?
  - Given the uncertainty, the Commission will likely consider a "jurisdiction" to be any team of "locals" that represents some aspect of the criminal justice system, regardless of their scope.
- Based on his familiarity with the project, Paul Herman (CCJJ Consultant) mentioned that the definition of "jurisdiction" is conceived more flexibly. It may refer to a "formal" jurisdiction, like a judicial district or a county, or, because the local representatives choose the area(s) of focus, the "jurisdiction" may, in fact, be defined by the entity or entities connected to the criminal justice area targeted for intervention.

**CCJJ TASK FORCE STRUCTURE**

Paul Herman led the group in a discussion of the current and future structure and focus of work of the Commission. Mr. Herman directed members to the handout, "CCJJ Retreat Outcomes and Timeline / March 2014," which summarized the plans for the current and future task forces of the Commission.

- Existing Groups: (primarily the white or un-highlighted rows of the handout)
  - The Comprehensive Sentencing Task Force is on hiatus, awaiting any outcomes from the efforts by the Sex Offense Working Group. This group is meeting regularly on two primary topics - Determinate F4 Sex Offense and the supervision of "Lifetime offenders" - with an expectation of task completion by August or September.
  - The Community Corrections Task Force has continued to meet and is moving forward in their development of recommendations for review by the Commission. The Task Force has created several Working Groups that are studying specific community corrections issues and topics (for example, Community Boards, Service Populations, Referral Processes).
  - The Juvenile Justice Task Force was directed to address four specific topics, of which two recommendations are remaining to be presented for final review by the Commission (These were mentioned earlier in the meeting - Age of Detention and Professional Standards).
  - The Minority Over-Representation Subcommittee will be re-convened after incoming CDPS Executive Directive and Subcommittee Chair, Stan Hilkey begins his appointment.
- New/Continuing Groups: (the rows of the handout highlighted in gray)
  - The work of the continuing Community Corrections Task Force was described previously.
  - The Re-entry Task Force will look at reentry issues from both prison and jail perspectives. The initial task of this group will be to determine what efforts are currently ongoing on this topic and to identify the critical issues. The Task Force will then be asked to prioritize issues and create a scope of work. That scope of work will then be presented to the Commission to refine the scope and to guide and direct the Task Force to specific reentry issues.
  - The Data Task Force will follow a similar problem-identification process as the Reentry Task Force. The issues around this Task Force have haunted the Commission for seven years, mainly due to the immensity of the topic. The challenge will be to survey the broad "data landscape" and to devise a scope of work that is feasible and includes achievable goals. There are many groups across the state working on the topic and there are extensive needs associated with the topic. The task is fraught with the challenge to identify what would be most important to address as determined by an analysis of impact and feasibility.
- There are several preliminary tasks required to seat these new task forces.
  - First, the Commission leadership must identify Commission members who are interested in serving on these task forces. As a reminder, all Commission members are required to serve on at least one task force or subcommittee.
  - By June 30<sup>th</sup>, members are requested to submit task force preferences to Germaine Miera. Members should rank at least two preferences (#1 and #2) to allow the Chair and Co-Chair to make assignments based on interest and membership balance. From

the Commission members who volunteer, the Commission Chair and Co-Chair will select the individuals who will Chair or Co-Chair the new task forces. One may indicate preferences for any of the ongoing or continuing task forces (namely, Community Corrections, Re-Entry, or Data), but members are encouraged especially to volunteer for the new task forces.

- This process to assign members is slightly modified from the past in two respects:
  - Previously, members were automatically assigned to their preferred task force. In order to include good representation and relevant expertise on these task forces, the positions will require a more strategic assignment process.
  - Additionally, the new task forces (Re-Entry and Data) are very different in their scope of work, the needs for representation, and the required expertise. The Commission leadership may determine that the membership of these task forces may require reconstitution between the initial exploratory phase of work and the subsequent investigational (recommendation development) phase of work. Once the prioritized topics for each task force have been identified in the exploratory phase and approved by the Commission, this re-constitution will allow an opportunity to “fine-tune” the representation and expertise of the membership to develop recommendations to address the prioritized topics.
- A member expressed that, with respect to the Juvenile Justice Task Force topics on the handout, the Commission decided that the topic, “Re-ordering of the Children’s Code,” would be re-assessed as a priority at a future date. In other words, the decision to address that topic is still pending.
  - That observation was confirmed. The Commission members have a “limited bandwidth” and the DCJ staff can properly serve only four active task forces. The staff work incredibly hard to provide incredible service to the Commission and the Commission should not create a circumstance where members’ efforts or the efforts of the staff will be diluted by trying to accommodate too many task forces and topics.
- A member expressed the concern that the planned task forces have an adult focus and members should not neglect the “Juvenile Justice” aspect of the Commission on Criminal and Juvenile Justice. Those working on the proposed task forces should not lose sight of juveniles in the topics that are addressed.

#### **DEBRIEF AND DISCUSSION: APRIL/MAY 2014 TOPICS**

Ms. Sasak provided a reminder of particular presentations and topics from previous Commission meetings. Members were provided updates on five previous agenda items and had an opportunity for additional discussion on these items.

**Cyber Bullying.** Jeanne Smith briefly described the letter in which legislative leadership requested that the Commission review issues around cyber bullying [*Note: The Letter of Request is available at, [colorado.gov/ccjdir/L/Mandates.html](http://colorado.gov/ccjdir/L/Mandates.html). The request is related to the indefinitely postponed, House Bill 2014-1131*]. Subsequently, the Commission was asked to include “sexting” in this review. The following points were made on this topic:

- A short-term group of Commission members is required to review these topics and determine whether there are legislative recommendations the Commission might generate to



address any issues. Ms. Smith asked for interested Commission members to serve on a subcommittee to review these topics. Kelly Friesen and Kevin Paletta indicated their interest. Commission leadership will continue to solicit interest in this group.

- Staff has undertaken preliminary work to identify laws in other states on these topics and to review the background of the bill introduced in the previous session.
- Doug Wilson mentioned that it would be advantageous if Commission members who are also legislators might be available to serve on this subcommittee.
- Rep. Beth McCann recommended that the Commission contact Rep. Rhonda Fields who was a sponsor of H.B 2014-1131 [*and who is a former member of the Commission*].
- The Commission will contact the Colorado School Safety Resource Center (located in the Colorado Department of Public Safety) which provides training, has expertise and has compiled information on these topics.

**First Responder Protections.** Another topic for review described by Ms. Smith is whether enhanced sentencing for crimes against persons providing first-responder services should be broadened to include medical service providers. This legislative mandate was forwarded to the Commission via House Bill 2014-1214.

- It was suggested that the existing CCJJ Legislative Subcommittee will be assigned this review.
- Members of the subcommittee will receive an email in July to identify an initial meeting date on this topic. The discussion surrounding this issue will focus more on policy determinations rather than research findings, given the lack of research on this particular issue.

**Behavioral Health Issues.** The behavioral health topic is an outgrowth of Sheriff Pelle's comments at the March 2014 Commission retreat regarding the capacity of jails to serve the increasing number of offenders with behavioral health issues.

- Previously, Doug Wilson asked whether this issue would be the purview of the year-round legislative committee titled, "The Task Force Concerning Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems" (MICJS).
- Ms. Smith, who is a member of MICJS, described the Commission's concerns in this area at a recent MICJS meeting and MICJS members were very interested in the topic.
- Among the MICJS members are two sheriffs who the task force would like to take the lead on their study of this topic. They intend to create a committee lead by these sheriffs' representatives to flesh out the issues that jails face when attempting to house and serve this growing population.

Relatedly, a previous update to the Commission reported the delay in the \$20 million in funding for crisis intervention services that would potentially include a statewide crisis hotline, mobile services, round-the-clock stabilization centers, short-term residential services, and respite care. It was hoped that the services provided through these funds would relieve some of the demands on jails. Developments surrounding this delayed funding were reported in the media earlier in the week and were described to Commission members:

- This funding had been delayed by a lawsuit filed in response to the decision by the Colorado Department of Human Services (CDHS) to conduct a second bid process (following its

decision to rescind the bid award decision in the first bid process). On Tuesday, June 10, a judge lifted a preliminary injunction that prevented the second bid process.

- CDHS announced on June 11 that it was awarding contracts to four existing community mental health centers serving different quadrants of the state.
- This will allow the statewide expansion of the types of services being offered by Metro Crisis Services. It will be important for these agencies and law enforcement to build connections to help divert people at the front end of the justice system, when appropriate.
- Kevin Paletta reported that there is strong support for this effort at the Colorado Association of Chiefs of Police and the chiefs are anxiously awaiting these developments. It was reported that the sheriffs are eager for the implementation of the services as well.

**Racial and Gender Disparity Toolkit.** Ms. Sasak provided an update on the Racial and Gender Disparity Toolkit that was presented at the May 2014 Commission meeting.

- Regina Huerter (Denver Crime Prevention and Control Commission) was very appreciative for Commission members' feedback and her team is using the feedback to make improvements to the Toolkit.
- The Toolkit team will restore some of the elements from a previous version of the training that included experiences that were more engaging and elicited a more personal exploration of one's attitudes and perceptions.
- The Commission expects to receive an update soon on modifications to the training and the plans to make the training available to various parts of the justice system.

**Justice Reinvestment Initiative.** Concerning the Justice Reinvestment Initiative presented by PEW at the May 2014 meeting, Ms. Sasak indicated that:

- The Commission's efforts are somewhat ahead of the work PEW is doing in other states.
- Re-entry - one of the next big areas of focus by the Commission - is not one of the areas where PEW provides assistance.
- Given these facts, it doesn't appear that there is a good intersection of issues for the Commission to address with PEW.
- There was some confusion over the information PEW presented regarding whether they were or were not still involved with the state of Wisconsin, although the PEW/JRI website still claims Wisconsin as a "JRI state." There is also lingering concern over the methods by which PEW/JRI engages/interacts with states.
- With no dissent offered by Commission members, the Commission will continue with its plans made at the March 2014 retreat and not shift its focus to address the type of topics that would fit PEW's current JRI mission. The opportunity to work with PEW remains, if there are PEW resources that would support future Commission endeavors.

## **ADJOURNMENT**

Task Forces and Working Groups will continue their work next month. The general Commission meeting, previously scheduled for July 11, 2014, is cancelled. The Commission will next meet on Friday, August 8, 2014.

The meeting adjourned at 2:31 p.m.