

**Colorado Commission on Criminal and Juvenile Justice**  
**Age of Delinquency Task Force**

**Minutes**

June 6, 2018 11:30AM-2:00PM  
700 Kipling, 4<sup>th</sup> floor conference room

**ATTENDEES:**

**CHAIRS**

Jessica Jones, Criminal Defense Attorney

**TASK FORCE MEMBERS**

Kelly Friesen, Grand County Juvenile Justice Services

Gretchen Russo, Department of Human Services

Molli Barker, 18<sup>th</sup> Judicial District

Jim Bullock, District Attorney's Office, 16<sup>th</sup> Judicial District

Tariq Sheikh, District Attorney's Office, 17<sup>th</sup> Judicial District

Shawn Cohn, Denver Juvenile Probation

Cynthia Kowert, Attorney General's office

Jessica Meza, Public Defender's Office

Dan Makelky, Douglas County Department of Human Services

Meg Williams, Division of Criminal Justice

Bev Funaro, Victims' Advocate

Tony Gherardini, Department of Human Services

Melanie Gilbert, Juvenile Court Magistrate (on the phone)

**STAFF**

Richard Stroker/CCJJ consultant

Kim English/Division of Criminal Justice

Laurence Lucero/Division of Criminal Justice

**ABSENT**

Joe Thome, Division of Criminal Justice

Representative Dafna Michaelson Jenet, House District 30

<p><b>Issue/Topic:</b> Welcome and Introductions</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Task Force Co-chair Jessica Jones welcomed the group and asked Task Force members and attendees to introduce themselves. Jessica then reviewed the agenda.</p>
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<p><b>Issue/Topic:</b> Recap of May meeting outcomes Report outs</p> <p><b>Action:</b> Meg Williams to provide state-funded diversion data for the 10, 11 and 12 year olds</p>	<p><b>Discussion:</b></p> <p>CCJJ consultant Richard Stroker offered a summary of the May meeting outcomes. The Task Force defined three areas of study and is now engaged in the first topic which is <i>“The absence of a systematic, therapeutic, early intervention approach to manage a younger population (10-12 year olds).”</i></p> <p>The following key elements were identified:</p> <ul style="list-style-type: none"> <li>• Apply research, information and data in an appropriate way (EBP),</li> <li>• Engage in early interventions in order to identify and address issues,</li> <li>• Understand and make the best use of available options,</li> <li>• Focus on prevention and accountability.</li> </ul> <p>As the Task Force expressed the desire to gain some additional information about the juvenile justice system, the group will hear today presentations from Meg Williams on State-funded juvenile diversion programs, from Kim English on the law enforcement contacts with students in the schools and finally from Kelly Schramm on the Juvenile Assessment Centers in Colorado and the services provided by the Youth and Family Connections in Weld County.</p> <p><b>State-funded juvenile diversion program</b></p> <p>Meg Williams directed the group to handouts included in the meeting materials. The full presentation can be found in the “Materials” section at, <a href="http://colorado.gov/ccjj/ccjj-cADTF">colorado.gov/ccjj/ccjj-cADTF</a>.</p> <p>Some highlights from the presentation are outlined below:</p> <ul style="list-style-type: none"> <li>➤ History of juvenile diversion <ul style="list-style-type: none"> <li>• Juvenile diversion was established in state statute during the mid-1980s and is funded with state general funds.</li> <li>• The funding was cut substantially during the Owens Administration.</li> <li>• In 2007 programs received half of the funding back and funding currently stands at \$1.2M.</li> </ul> </li> <li>➤ Current funding <ul style="list-style-type: none"> <li>• State-funded juvenile diversion</li> <li>• Marijuana Tax Funds for juvenile diversion programs (began in FY15/16)</li> <li>• JDP Council Title II Funds</li> </ul> </li> <li>➤ State-funded juvenile diversion programs in FY17 summary: <ul style="list-style-type: none"> <li>• 2,550 youth were served</li> <li>• 19 state-funded juvenile diversion programs within 18 JDs: Seven programs located within District Attorneys’ Offices, 4 county-based programs, 1</li> </ul> </li> </ul>
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	<p>municipal program, and 7 community-based programs.</p> <ul style="list-style-type: none"> <li>• CDAC reports 18 of 22 District Attorney’s Offices have formal diversion programs for juveniles</li> </ul> <p>➤ Evaluation of state-funded juvenile diversion programs In 2010 the JJDP Council began funding the evaluation of state-funded juvenile diversion. The purpose of the evaluation is to gather data to assist DCJ, the Council and the grantees in making decisions regarding program effectiveness and improvement.</p> <p>➤ July 2014 - June 2017 - Key changes in grant requirements</p> <ul style="list-style-type: none"> <li>• Programs were required to screen youth for mental health and substance use issues beginning in FY2014-2015</li> <li>• Removal of two short-term outcomes at the end of FY2014-2015: Decision Making and Future Aspirations</li> <li>• Addition of three short-term outcomes at the beginning of FY2015- 2016: Connection to Adults (Familial Adults and Non-Familial Adults) and Stress</li> <li>• Across all three years, pre and post-surveys collected from more than 80% of all youth participating in DCJ Funded juvenile diversion</li> <li>• In the preliminary dataset, three years of pre and post-surveys and 2 years of recidivism data. Only one year of recidivism data for youth with data captured on the 3 new outcomes</li> </ul> <p>➤ Changes in Youth Served</p> <ul style="list-style-type: none"> <li>• Decrease in referrals from district court probation - decrease in post-adjudicated youth</li> <li>• Increase in referrals from law enforcement</li> <li>• Increase in petty offense referrals</li> </ul> <p>➤ Short-Term Outcome Statistically significant change from pre- to post survey was observed for all short-term outcomes in the desired direction: Connection to community (increase); Self-esteem (increase); Locus of control (increase); Sense of accountability (increase); Risky behavioral intentions (decrease); Connection to family/non-family adults (increase); Stress (decrease).</p> <p>➤ Services Predictive of Recidivism</p> <ul style="list-style-type: none"> <li>• Supervision associated with increased recidivism; More supervision services associated with increased recidivism</li> <li>• Restorative services marginally associated with reduced recidivism</li> </ul> <p>➤ Recidivism Study</p> <ul style="list-style-type: none"> <li>• The recidivism data set included individuals who were accepted into the diversion program, had successfully or unsuccessfully completed a Diversion program during the 2014-2015 fiscal year, and exited from the program for at least one year as of June 30, 2016.</li> <li>• Individuals with missing or ‘neutral’ outcomes (n=14) such as having chosen court, moved to a different area, or been transferred, are not included.</li> <li>• The total sample size for this subset of youth was 1222 individuals.</li> </ul>
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- Definition of recidivism for diversion
  - A filing or filings for a new offense (criminal, misdemeanor, or juvenile delinquency) either while the juvenile was in the program or up to one year after they exited the program.
  - Differs from the definition used by judicial or DYS which uses adjudication for a new offense instead of filing.
- Recidivism findings
  - Of all youth who had been exited from a diversion program for at least one year, 15.6 percent recidivated during their participation in diversion and/or within the one year after their participation.
  - Of those who had exited diversion successfully, 11.7 percent of youth had recidivated during their participation in diversion and/or within the one year after their participation.
  - Of those who exited diversion unsuccessfully, 22.2% of youth had recidivated during their participation in diversion and/or within the one year after their participation.
- Marijuana tax funds - 7 programs funded (started FY17)
 

The purpose/overall goal is to increase access to substance use screening, assessment and treatment services for youth receiving juvenile diversion programming.

  - In FY18, of youth who were served by the Marijuana Tax Cash Fund grantees and completed programming (n=159), 65% were male, 68% white, 15% Hispanic/Latino ethnicity, 11% black or African American, 3.3% multi-racial. All other race categories were 2% or less.
  - The average age of youth was 15.4 years.
- Preliminary findings, programs with MJ tax funds
  - An examination of the short-term outcomes that have historically been correlated with a reduced level of recidivism indicated that programs receiving the marijuana tax cash fund are demonstrating a statistically significant increase in connection to community and sense of accountability.
  - Overall, the MJ tax cash fund grantees continue to see statistically significant improvement on the connection to community and sense of accountability outcomes with higher pre- and post-scores on these outcomes than in FY16.
  - Additionally, the MJ tax cash fund grantees are serving youth with lower pre-mean scores (higher for risky behavioral intentions) than the other diversion grantees, indicating that the marijuana tax cash fund grantees may be serving youth with higher risk/needs.
  - However, both groups of programs show an equal level of change from pre- to post survey on all outcomes indicating that diversion programs are able to positively impact the youths they serve.
- Recidivism – MJ funds
  - Of youths served in FY16 by the programs who received the Marijuana tax cash fund, 10.7% of youth recidivated during or after juvenile diversion programming.

- The recidivism rate remained relatively unchanged with 10.4% of youth recidivating in the one year after juvenile diversion programming.

#### DISCUSSION

##### *How is the need for mental health treatment determined?*

All the programs use the Massachusetts Youth Screening Instrument (MAYSI). If the MAYSI screen suggests a need for assessment, then the youth is assessed for mental health treatment.

Dan Makelky suggested to bookmark this topic for future discussions, particularly how determinations of mental health treatment needs are made. Dan expressed that the completion of the treatment should not equal the successful completion of the program, and he added that often times intervention alone may be just enough to stop the cycle and involvement in the juvenile justice.

Meg responded that she believed the completion of treatment is computed separately and independently from intervention in the state-funded programs.

##### *Are there some guidelines about who goes to diversion?*

The district attorneys have discretion and it was believed that most have criteria about who is eligible diversion. In general, the practices vary across jurisdictions. Some DAs allow outside referrals from providers when others do not; some DAs look at all cases and others let the diversion staff screen the cases within defined parameters. It was expressed that consistency of practices would be valuable across the state.

##### *Does the state funding require a certain level of training for supervisors in diversion programs?*

There is no requirement for training and the level of supervision is determined by the practices used in the program.

There should be a better mechanism to determine which youth go on diversion versus probation. Shawn Cohn indicated that there are a number of youth in probation who would be more appropriately served in diversion or in restorative justice programs. Currently in Denver, a probation officer carries an average of 65 cases and if this number decreases, each officer would have a better ability to focus on medium and high risk cases.

Gretchen Russo mentioned a report recently released from the Center of Juvenile Justice Reform which includes recommendations of some of the topics discussed today. The report was later forwarded to the group and can be found at, [cdpsdocs.state.co.us/ccjj/Resources/Ref/CJJRTransformingJJSytems\\_2018-05.pdf](http://cdpsdocs.state.co.us/ccjj/Resources/Ref/CJJRTransformingJJSytems_2018-05.pdf)

#### **Student data: 10, 11 & 12 year olds**

Kim English directed the group to a handout of the data which can be found [here](#) under the "Materials" section.

In 2015, the General Assembly mandated that law enforcement agencies report to the Division on Criminal Justice on contacts with students that occur on school grounds and resulting in tickets/summons or arrests. Kim indicated that the data

has some limitations as not all law enforcement agencies in Colorado have reported. The information presented today represents law enforcement contacts with students age 10, 11 and 12 from the last two school years (2015-16 and 2016-17). Data can be found [here](#) under the “Materials” section.

The Race/Ethnicity distribution of the Colorado school population can be found in the Colorado Department of Education and is as follows: 53.4% White, 33.7% Hispanics, 4.6% Black.

Table 1: Students arrested/summoned, by gender

Table 2: Students arrested/summoned, by race/ethnicity

Table 3: Students arrested/summoned, by contact type

Table 4: Students arrested/summoned by contact type and gender

Table 5: Students arrested/summoned by contact type and race/ethnicity.

Table 6: Students arrested/summoned by offense and gender

Kim commented that among all age combined, the most prevalent offenses are “Marijuana” and then “Assault”. For the 10, 11 and 12 year olds, the most prevalent offenses are “Assault”, “Disorderly Conduct” and “Marijuana”. The 10, 11 and 12 year olds are more likely to receive summons/tickets than being arrested.

#### DISCUSSION

Tony Gherardini discussed a diversion program in Connecticut called the *Project Youth Court* which offers first-time youth offenders an alternative to the traditional juvenile justice system. Intervention and diversion occur at the school level and since the implementation of this program, the number of youth involved in the juvenile justice have declined.

There is significant decrease of school referrals to probation and it was suggested to confirm whether schools now mostly refer to diversion for this age group and what type of diversion is offered.

The group discussed a bill that recently passed this legislation session and prohibits pretrial detention for children age 10-12 year olds unless they committed violent or sex offenses.

Cynthia Kowert expressed the concern that she believed that there is an agenda among Task Force members to raise the age of delinquency to 12 year olds and extend the age of majority to 21. She expressed that she felt that she and the other district attorneys’ voices are under-represented in this Task Force, and believes that a ten-year-old child who commits a serious offense is aware of his/her action and should be held accountable with a response in the justice system.

Jessica Jones clarified that the agenda that has been identified by this Task Force is to work on this first topic--which is the absence of a systematic, therapeutic, early intervention approach to manage a younger population (10-12 year olds). Meg Williams stated that she hoped that task force members would view the

	<p>discussions and data with an open mind. Gretchen Russo expressed that she did not want anyone to assume to know her position, which is that she sees youth from both child welfare and juvenile justice, and she wants to improve the outcomes for this younger population. Gretchen affirmed not having an agenda beyond that.</p> <p>Richard Stroker proposed to advance the discussions and focus on the area of work identified by the group.</p>
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<p><b>Issue/Topic:</b> Services for 10-12 year old</p> <p><b>Action:</b></p>	<p style="text-align: center;"><b>Discussion:</b></p> <p><b>Role of Juvenile Assessment Centers/Assessment, referral, case management</b></p> <p>Kelly Schramm from Youth and Family Connections started his presentation by thanking the Task Force members for the opportunity to present and directed to handouts which can be found <a href="#">here</a>.</p> <p>A few years ago, several of the Juvenile Assessment Center (JAC) directors met and developed a logic model of the JACs operations. The information presented today shows commonalities of the JACs operations across the state but Kelly indicated that there are also a variety of independent, different services based on community needs and input as the JACs are directed by local boards. There are seven Juvenile Assessment Centers in Colorado.</p> <p><u>Colorado Coalition of Juvenile Assessment Centers Logic Model</u></p> <p><b>Problem:</b> At-risk youth behaviors and juvenile delinquency which could include drug and alcohol use/abuse, mental health issues, acting out with families, running away, truancy, etc. In the Youth and Family Connections program in Weld County, the target population age is under 18 and being a resident of Weld County.</p> <p><b>Goals:</b> Prevent and/or reduce at-risk, delinquent and truant behavior</p> <p><b>Sub-problems:</b></p> <ul style="list-style-type: none"> <li>• Fragmented services</li> <li>• Lack of information</li> <li>• Mixing at risk population</li> <li>• Limited law enforcement resources</li> <li>• Limited truancy intervention services</li> </ul> <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>• Comprehensive assessment (needs of the family). Use of MAYSI and other assessments adapted for a younger population (ages 10-12)</li> <li>• Coordinated services, 1. Within the community, and 2. Among different providers</li> <li>• System wide information sharing</li> <li>• Reduce law enforcement time</li> <li>• Improve access to truancy intervention services</li> </ul>
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**Activities:**

- Single point of entry (no wrong door)
- Law enforcement drop-off site
- Evidenced-based screening and assessments
- Multi-discipline service coordination
- Multi-agency information sharing
- Case plan development
- Universal release of information (ROI)
- Connection with community prevention and Intervention services
- Case management support services

**Output measures**

- Number of youth screened and/or assessed
- Number and type of collaborating partners
- Officer time saved
- Number of completed ROI's
- Graduation rates by school district
- Pre & post GPA of Youth Participants
- Truancy rates by school district
- School engagement by youth participants

**Outcome measures***Short term*

- Number and type of community service referrals
- Number of services completed
- Number of successful interventions
- Reduction in number of detentions
- Improved school attendance
- Improved GPA

*Long Term*

- Reduction in detention emergency releases
- Reduction in juvenile arrests and criminal filings
- Improved graduation rates
- Number of GED completions

The referrals come from law enforcement agencies, schools, self/parents, courts, behavior health centers, youth programs, probation, pretrial services and sometimes from the JACs own programs.

**Youth & Family Connections (YFC)**

Over last year, the Youth and Family Connections had over 1500 referrals and about a 70% acceptance rate. There has been an increase over the year of the younger population being served which represents approximately 20% of the total youth served.

**Case management services and support:** A team member meets with the youth and their family to discuss their challenges. An assessment is conducted with the youth and family to obtain information on the youth's behavioral trends and to help determine underlying causes for their behaviors. Based on the assessment

	<p>outcome, YFC staff create an individualized intervention plan with the family. This may include accessing community based services deemed beneficial to address specific circumstances. The youth and family follow the intervention plan. A team member is assigned to support youth and their family and aid in their participation and completion of the intervention plan.</p> <p><b>Restorative Justice</b></p> <p><i>Circle Conferences:</i> for low level offenders that we can divert from the juvenile justice system. Includes victim(s), offender(s), community members and trained facilitators. The purpose is to restore relationship between the two parties.</p> <p><i>Restore Program:</i> provides a voluntary opportunity for youth who have shoplifted to deal with their charge in a way that is meaningful to them and the community.</p> <p><i>21 or None:</i> a program for youth that have received a ticket related to marijuana use or paraphernalia.</p> <p><i>Staff and Volunteer Training</i> on the use of Restorative Practices are also available.</p> <p><b>Systems Navigation and Wraparound Support</b></p> <p>For higher level of needs. Partners with OBH, DHS, North Region Behavior Health. A team member provides outreach and advocacy for youth and their families, who are involved in two or more professional areas, and are at risk of or have become involved in the juvenile justice system. A team member engages youth and families in identifying their unique pattern of strengths and barriers, empowering them for self-advocacy. A team member assists with planning and advocating for strengths-based, culturally appropriate services that are coordinated across multiple professional service providers and supports. This process may also assist with accessing and attending services.</p> <p>More information about the Youth &amp; Family Connections can be found at <a href="http://www.youthandfamilyconnections.org/">http://www.youthandfamilyconnections.org/</a></p> <p><b>DISCUSSION</b></p> <p><i>Are there some instances when it is determined that a youth does not need any services?</i></p> <p>Kelly Schramm responded that in the majority of cases, the youth and family have a need for different levels of services. When the needs are identified, the FYC offers to coordinate services and the family chooses to accept or decline the services. The FYC is a voluntarily-involved organization.</p> <p>Molli Barker added that services are not always therapeutics and can be more geared toward basic (shelter, cloths, food etc.) and pro-social needs. It is important to know that all JACs have some core common programming but each operates very differently based on the community needs.</p> <p>The YFC works with youth service providers to tailor responses and services for different types of needs and especially for the younger age group.</p>
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<p><b>Issue/Topic:</b> Work Plan / Management of 10-12 year olds</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Richard Stroker proposed to map the juvenile justice system to better understand current options or alternatives.</p> <p>Delinquent act/Law enforcement investigation</p> <ol style="list-style-type: none"> <li>1. Probable cause</li> <li>2. Issue a summons/arrest If eligible – screening by JACs/others</li> <li>3. Detention (very specific offenses only) and other placements. Screening. Shelter/relative/foster home.</li> <li>4. District attorney’s office             <ol style="list-style-type: none"> <li>a. Diversion</li> <li>b. Charges (screening)</li> <li>c. Dismiss/no File</li> </ol> </li> <li>5. Court decides whether to continue detention/placement and services, decides pretrial services (SB94 services). Coordinated staffing (probation, treatment providers, social services, county human services, etc.)</li> <li>6. Court             <ul style="list-style-type: none"> <li>Probation - levels</li> <li>Probation</li> <li>Deferred adjudication</li> <li>Unsupervised probation</li> <li>Probation diversion</li> </ul> </li> </ol> <p>A flowchart of the Colorado Juvenile Justice System was distributed and can be found <a href="#">here</a>.</p>
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<p><b>Issue/Topic:</b> Next Steps and Adjourn</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Richard Stroker proposed that, at the next meeting, the Task Force will look at each critical decision point in the system, and discuss the level of discretion at each point, and possible opportunities that would help create better outcomes. The meeting adjourned at 2pm.</p>
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**Next Meeting**

July 11, 2018 11:30am – 2:00pm 700 Kipling, 4<sup>th</sup> floor conference room