

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

**Minutes**

September 12, 2018 11:30AM-2:00PM  
710 Kipling, 3<sup>rd</sup> floor conference room

**ATTENDEES:**

**CHAIRS**

Jessica Jones, Criminal Defense Attorney  
Joe Thome, Division of Criminal Justice

**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  
Cynthia Kowert, Attorney General's office  
Dan Makelky, Douglas County Department of Human Services  
Meg Williams, Division of Criminal Justice  
Bev Funaro, Victims' Advocate  
Melanie Gilbert, Juvenile Court Magistrate (on the phone)  
Tony Gherardini, Department of Human Services  
Tariq Sheikh, District Attorney's Office, 17<sup>th</sup> Judicial District

**STAFF**

Richard Stroker/CCJJ consultant  
Kim English/Division of Criminal Justice  
Laurence Lucero/Division of Criminal Justice  
Germaine Miera/Division of Criminal Justice

**ABSENT**

Shawn Cohn, Denver Juvenile Probation  
Representative Dafna Michaelson Jenet, House District 30  
Representative - Public Defender's Office

<p><b>Issue/Topic:</b> Welcome and Introductions</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Task Force Co-chair Joe Thome welcomed the group and reminded task force members that the August meeting was cancelled due to light attendance. He shared that the cancellation gave him, Co-chair Jes Jones and staff time to meet and work on a plan to try to gain some traction for the task force and that the agenda includes a review of the four areas where there appears to be potential consensus. Joe asked members and attendees to introduce themselves, and asked for a motion to approve the July minutes. A motion was made and seconded and the July minutes were approved.</p>
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<p><b>Issue/Topic:</b> Recap of July meeting outcomes</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>CCJJ consultant Richard Stroker offered a summary of the July meeting outcomes. There was a robust discussion about 10-12 year olds and possible improvements to the system and ideas on how to best manage children in this age group.</p> <p>During that conversation there were four areas where it appeared there was potential agreement among task force members about places that could possibly be improved for communities and individuals moving through the system. Richard reviewed those areas and explained that the group would talk about them in further detail today. Those areas are:</p> <ol style="list-style-type: none"> <li>1. Expansion of JACs</li> <li>2. Restorative Justice approaches</li> <li>3. Collaborative Interactions</li> <li>4. Analysis of transfer system/applicability to this population</li> </ol>
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<p><b>Issue/Topic:</b></p> <p>Discussion: Areas of Potential Consensus</p> <p><b>Action:</b></p> <p><b>EXPANSION OF JACs</b> -Molli to bring examples of assessment tools for especially young kids to the next meeting.</p>	<p><b>Discussion:</b></p> <p>Richard explained that the group would analyze each of the four topic areas by looking at potential values, potential issues and potential actions.</p> <p><b>EXPANSION OF JUVENILE ASSESSMENT CENTERS</b> <i>-Potential Value-</i> A discussion was held about the statutory requirements of the JACs. Assessment centers vary greatly from jurisdiction to jurisdiction and the only thing that is mandatory is screening and assessment. Molli explained that there are several different screening tools available ranging from</p>
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-Tony, Meg, Kelly and Molli to meet and discuss ideas for language on how a telehealth-type JAC might work. The group will pull together something for the task force to react to next time. Group to also explore where a recommendation like this would fit in statute.

**RESTORATIVE JUSTICE**

-Meg to invite someone from the RJ Council to present at the next meeting about the work they are doing and any obstacles they are facing.

**COLLABORATIVE INTERACTIONS**

-Kelly and Meg to begin to explore possibilities for formalizing multi-disciplinary collaborations and bolstering the juvenile services planning committee.

-Contact Susan Colling and/or Doug Gray to present on information sharing between pretrial and probation.

**TRANSFER SYSTEMS**

-Coordinate information about transfer systems.

ones that focus on mental health and substance abuse to basic needs and family dynamics. The goal of these tools is to understand dynamics, issues and circumstances to help drive service recommendations and resource connection. Oftentimes the parents need more than the child. Kelly added that in areas that don't have JACs there is still a screening process in place.

Tariq noted that in Adams County they are very reliant on screenings and screening tools which are handled by The Link. The information is valuable for bond recommendations and to help paint the whole picture of the child and the situation. Molli noted the importance of carrying service recommendations through and ensuring system providers match the recommendations from the JAC. Dan noted the importance of NOT basing a lot of recommendations for long-term treatment off of quick assessments.

*-Potential Issues-*

One of the biggest issues in rural areas is the lack of appropriate resource matching. Funding and staffing is also a challenge in areas that may see only 4-5 kids a year. In rural areas it's also helpful if law enforcement has access to temporary holding facilities. There is also an issue with the quality of information received on screenings that are based on self-reported data. There's another issue in identifying appropriate assessments for younger, 10-12 year olds because they often don't have a criminal history background. Molli offered to share tools for especially young kids at the next meeting.

*-Potential Actions-*

Richard noted that it could be a challenge to find a one-size solution for the whole state but that a tele-health type of system could work. Tony agreed that it would be a step in the right direction to be able to fund and evaluate a pilot telehealth model. Currently there are JACs that perform assessments for jurisdictions that don't have a JAC. Jim noted that there are some conflict of interest and constitutionality issues because conversations with youth prior to adjudication can be a problem.

Richard summarized that there is agreement in the group to explore the option of a telecom-type pilot program. Tony, Meg, Kelly and Molli agreed to convene before the next meeting and discuss ideas for language and how a pilot might work. The group will pull together something for the task force to react to next time. Richard added that they should also explore where a recommendation like this would fit in statute.

**RESTORATIVE JUSTICE**

*-Potential Value-*

Richard directed task force members to a handout with some information that Kim pulled together on Restorative Justice. Meg explained that there

is a Restorative Justice Coordinating Council in Colorado that provides training, technical assistance and education in RJ practices. RJ can be expensive and difficult for locals to do. There are certain training criteria and there needs to be enough kids involved to run an actual program. But it really does make a difference and helps support prosocial development along with promoting engagement parents, teachers, coaches, etc. It's tangible and you can see outcomes.

*-Potential Issues-*

Potential issues include antiquated perspectives of juvenile justice and the belief that responses should be more correctional than restorative. Tariq noted that most diversion programs have an RJ piece. Kelly added that there was a big push for RJ training opportunities 10-15 years ago, but that there may need to be a renewed call for an educational push. Meg noted the training is expensive and the field of trained facilitators has shrunk over time with more of a shift to therapy. Maybe someone from the RJ Council could present about the current state of RJ practices.

A question was asked about implementing mandatory diversion for 10-12 year olds. Tariq replied that most 10-12 year olds are diverted anyway and that DA's would not support mandatory diversion. Meg explained the problem is that even though kids may not be going to detention, they are getting deeper into the system because that's where they can access services. The missing link is community-based treatment. There are two separate issues: whether 10-12 year olds are being sent to detention too much or if there just isn't enough service delivery for them. There are also issues with where to shelter options for kids.

*-Potential Actions-*

Richard summarized that potential outcomes include education, pilots, training, and legislative options. He asked Meg if she could help contact someone from the RJ Council to present at the next meeting about what they are doing and any obstacles they are facing.

**COLLABORATIVE INTERACTIONS**

*-Potential Value-*

Task force members discussed the value of a variety of collaborative interactions with the following agreement areas:

- There is value in assessments being performed as early as possible so key stakeholders have the appropriate information to interact with one another.
- It's valuable for collaboration to be as streamlined as possible as both a time-saver, but also to avoid requiring both the perpetrator and the victim from having to tell their stories multiple times.

Dan noted that many jurisdictions are holding multi-disciplinary meetings

across the board. Tony mentioned that DHS is in the process of implementing a program to bring a family focus to services with more family friendly visitation rooms and parenting classes for parents of youth in commitment. They're also installing kiosks to allow family members to sign up for services, representing collaboration between youth services and the Office of Early Childhood.

*-Potential Issues-*

Potential issues include a lack of money, lack of access to a facilitator, competing mandates, competing roles and systems that are at odds with each other. Sometimes there are collaborations in name only and there are struggles to stay aligned with agreements.

*-Potential Actions-*

Dan noted that most jurisdictions have some form of collaborative interactions but that formalizing a multi-disciplinary process would help bolster them. Also, a juvenile services planning committee could be bolstered to go beyond pretrial. The good thing about JSPC's is that already have buy-in from the board of commissioners.

Tariq noted there's a gap between pretrial, the adjudication process and probation services. Probation pushes for the PSI but pretrial services is not communicating with probation and vice-versa. There is a significant gap between pretrial and setting a kid up on probation, which is a frustration for DA's because they would prefer pretrial stay on until probation can take over. The lack of communication and collaboration right when a child is adjudicated results in the loss of a significant amount of time and kids are frequently being reassessed. There should be a continuation plan so the child doesn't have to start over. The pretrial office, the public defender and the DA all have a ton of info on a kid but when that child goes to Probation they think there's no info available and the kid is reassessed all over again. One problem is there are people in Probation who get paid for every PSI that is completed, even if there's already information available.

Richard summarized that there are two issues at hand-

1. The first issue is about how information is not getting shared and gaps in time associated with managing someone, and losing the opportunity to act more quickly. The coordination between pretrial and probation should be examined.
2. The second issue has to do with formalizing multi-disciplinary collaborations and bolstering the juvenile services planning committee.

Kelly and Meg offered to help with the 2<sup>nd</sup> issue. Richard asked Tariq if there is a state probation supervisor that could give the group an idea

about why they need the PSI and to discuss the timeline for that (maybe Susan Colling). Gretchen noted that timing on this younger population is critical and that PSI's can be really helpful, and if not then a quality JAC assessment should suffice. Doug Gray from the 18<sup>th</sup> could possibly provide information as well.

### **TRANSFER SYSTEMS**

#### *-Potential Value-*

The group discussed special rules or approaches for certain ages and populations. Transfer statutes attempt to look at people of certain ages, different kinds of interactions and different possible models of working with or addressing them.

Richard directed task force members to a handout and explained that Jessica, Gretchen and Melanie identified places in statute where things are addressed differently based on age and pulled some language out to look at with the group. Historically, the concern around transfer statutes is around taking away prosecutorial discretion. Melanie explained that a transfer statute model could pull out certain categories of crimes (e.g. low level misdemeanors) and if those cases met certain criteria they could be dealt with differently. It could be a way to treat a child through juvenile services that doesn't necessitate adjudicating them as a juvenile delinquent.

Richard explained that under this model there would be a list of offenses where the court would have authority to act and the full range of current options could be used. Then another list would contain offenses where other options could be utilized for managing the person or case. That could include things like abuse and neglect kids or kids who commit lower level crimes. Options in these cases might be better suited to things like restorative justice.

#### *-Potential Issues-*

Cynthia explained that without holding a consequence over someone's head they have no reason to comply, no motivation to do it. She added that if you're putting a youth on diversion and they are on probation, then they need something over their heads. Melanie replied that there are different ways and other options. Kelly added that the goal is to enhance the front end of the system and to engage with a child at the lowest level possible. Jim said the sometimes the only way to get a child to do something is to get them into the system. Tariq added that when talking about 10-12 year olds with misdemeanor crimes, almost all of them are sent to diversion already anyway.

#### *-Potential Action-*

Richard explained that pursuing a transfer system model is basically the

	<p>same as a decision tree. For 10-12 year olds who don't commit the most serious crimes, or non-VRA crimes, an expectation is that the first choice of action about those cases would be community options. If a child doesn't fit those criteria the second choice would be diversion and the third choice would be filing.</p> <p>Jim replied that there is no DA that is not doing this already. Richard explained that formalizing a transfer system model would have the following three elements:</p> <ol style="list-style-type: none"> <li>1. Explore non-justice available community options</li> <li>2. Utilize diversion options (expand or create these)</li> <li>3. File as a last option</li> </ol> <p>An additional recommendation could be that juvenile diversion program be expanded to every jurisdiction statewide. Kim pointed out that many programs are post-trial diversion, which isn't a true diversion program.</p>
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<p><b>Issue/Topic:</b></p> <p>Next Steps and Adjourn</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Richard wrapped up the meeting and asked that everyone who offered to work on a particular element send information to staff by Monday, October 8<sup>th</sup> in preparation for the next meeting.</p>
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**Next Meeting**

October 10, 2018      11:30am – 2:00pm      700 Kipling, 4<sup>th</sup> floor conference room

Age of Delinquency Task Force

Group values / Categorized

March, 2018

**INDIVIDUAL**

- Kids are kids – we must give kids opportunities, and sometimes failure will be part of it.
- Give opportunities for growth/development while managing public safety
- There are different levels of misbehavior and some have greater elements of public safety
- Keep in mind the importance of family even after the age of 18
- Accountability and consequences – consider appropriate consequences to effectuate change
- Trauma is not an excuse for a person's behavior, but it does inform how that behavior is addressed
- Responses need to be individualized - don't undervalue what an individual needs
- Environmental factors matter → parents, peers, others
- It's important to have healing opportunities

**SYSTEM**

- Keep the juvenile justice system from traumatizing people further as they move through the system
- Have respect for different systems, work together to help people
- There is a systems obligation to equity, the system needs to act fairly
- Alternatives for this population are important
- Make sense of our options in an age appropriate way
- Early intervention is critical, behaviors often show at 4<sup>th</sup> or 5<sup>th</sup> grade
- Developing appropriate responses given all the factors → what's best for child, community and victim
- Do no harm, while balancing public safety
- Be cognizant that victim trauma is real and it matters
- Flexibility and integration of systems – develop the best response to the individual
- The juvenile system is geared toward rehabilitation but victims should have equal weight in the system
- Balanced public policy is important → personal liberty, interventions, right of the community

**OTHER FACTORS**

- Refrain from pointing fingers
- The group should visit a housing unit/operational area to see how facilities are set up inappropriately  
→ A housing unit can include a kid who wants to play with Legos and a gang member planning their next crime