

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

Minutes

October 10, 2018 11:30AM-2:00PM
710 Kipling, 3rd 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 (phone)
Molli Barker, 18th Judicial District
Jim Bullock, District Attorney's Office, 16th 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
Tony Gherardini, Department of Human Services
Tariq Sheikh, District Attorney's Office, 17th Judicial District
Shawn Cohn, Denver Juvenile Probation

STAFF

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

ABSENT

Melanie Gilbert, Juvenile Court Magistrate
Representative Dafna Michaelson Jenet, House District 30
Representative - Public Defender's Office

<p>Issue/Topic: Welcome and Introductions</p> <p>Action:</p>	<p>Discussion:</p> <p>Task Force Co-chair Joe Thome welcomed the group, reviewed the agenda and asked task force members and attendees to introduce themselves, he then asked for a motion to approve the September minutes. A motion was made and seconded and the September minutes were approved. Joe noted that during the last meeting the group touched on areas of potential consensus and that the task force will continue with that work today.</p>
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<p>Issue/Topic: Recap of September meeting outcomes</p> <p>Action:</p>	<p>Discussion:</p> <p>CCJJ consultant Richard Stroker offered a summary of the September meeting outcomes. During that conversation the group seemed to coalesce around maximizing opportunities in the community when working with young individuals moving through the system. The group also discussed ways to enhance the use of pretrial diversion options – and to reserve filing for cases where there are no other options.</p> <p>The next step today is to dig more deeply into the following topics and determine areas where the group may want to develop recommendations. Those areas are:</p> <ol style="list-style-type: none"> 1. Expansion of JACs 2. Encouraging collaborative interactions 3. Restorative Justice approaches 4. Expansion of pre-file juvenile diversion programs
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<p>Issue/Topic: Report Out: Areas of Potential Consensus</p> <p>Action:</p>	<p>Discussion:</p> <p>Richard began a group discussion on each of the four topic areas. He started out by noting that Kelly Friesen brought a document that outlines a possible approach to expanding collaborative interactions.</p> <p>COLLABORATIVE INTERACTIONS</p> <p>Kelly explained that she and Meg Williams worked on the document and that they included Matt Friesen from DYS in the discussion – as he has a better feel for what the Juvenile Services Planning Committees look like in each of the 22 judicial districts.</p> <p>Kelly walked task force members through the handout explaining that the</p>
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COLLABORATIVE INTERACTIONS

-Kelly, Meg, Tariq, Tony and Shawn to meet and refine a possible recommendation formalizing multi-disciplinary collaborations and bolstering the juvenile services planning committee.

EXPANSION OF JACs

-Incorporate the idea about the expansion of JACs into the work outlined above on encouraging collaborative interactions at JSPCs.

RESTORATIVE JUSTICE

-Invite Matt Riede of the RJ Council to present at a future task force meeting on the work they are doing and any obstacles they are facing.

first part of the document outlines current statute. The document then explores how to broaden the responsibilities of the local JSPC's to not just focus on Senate Bill 94 issues, but to expand it to include the entire juvenile justice continuum including juvenile diversion.

The proposed expansion of JSPC's would allow for locals to develop a plan that expands their curriculum and is data driven. With data attached, goals and outcomes could be measured across the state. The plan is to identify the various processes for juvenile services within the community which can then be used for development of the Juvenile Diversion, Judicial, CDYC, CMP or other plans associated with securing funding from state, local or other partners. Local JSPC's could designate who would be responsible for each piece and there would be local control regarding how best to manage plans. There would also be the ability to start tracking kids as they go through the system and have one repository of information.

A question was asked about the current state of JSPC's and how they would differ under this proposal. Currently JSPC's focus on SB94 and dually-involved kids. The goal would be for local-level agencies to participate more in planning, and JSPC's are a good avenue as they are currently under-utilized.

A question was asked about whether a young person on parole would be able to tap into these resources. Meg replied no and that the proposal doesn't change current state structure → programs would still need to stay within the parameters of the fund source.

Under this proposal local agencies would hold each other accountable. The JSPC's would decide who would be in charge in a way that makes sense to them. Shawn shared a concern that without a carrot or stick she's not sure stakeholders would take this on under their own accord. Matt added that the proposal instructs the JSPC's to examine and ensure there isn't an overlap in funding. It will allow for the development of a plan of all available resources and would identify and fill in gaps where evidence-based services are missing. He added there would be a lot of start-up work for the 22 coordinators and that the first step would be to look at and get a good grasp on crossover kids. Ideally each district would come together and the result would be an improvement in information and resource sharing with all the right people involved. It's a perfect avenue for JSPC's which are under-utilized.

A discussion was held about the Council for State Governments proposing similar but different recommendations, and that CSG is recommending

the implementation of a 'level of need' tool.

Currently Probation, DYC and all other agencies have their marching orders about how to address a child, but if these agencies trigger only at the worst point in someone's life the outcomes will always be poor. The goal with this proposal is to trigger services earlier so agencies and departments aren't court ordered in. Kelly emphasized that JACs would have to be part of the plan because they are typically the entry point.

Richard reminded the group that the goal of the work is to promote collaboration and information sharing, and not to fix the whole system. A discussion was held about whether a plan like this would be better housed under one agency or better if it were locally driven. Meg replied that there's a problem with advocating for one oversight agency, and that it needs to be locally driven by each JSPC and more individualized for each jurisdiction. Some pushback was raised about the fact that if every JD comes up with a different plan there will be complaints that kids are not being treated consistently across the state.

Richard explained that next steps would be to develop a specific recommendation that helps identify how exactly this would work, what would need to change in existing statute so JSPC's would have the authority to develop plans in their jurisdictions, what requirements might need to be in place, and then a piece about incentives or if there is additional funding available to help jurisdictions develop funds for additional services.

The recommendation should include the following elements:

- Local jurisdiction identifies how JSPC's will be overseen/who chairs
- Expands scope to all juvenile cases
- Must be data-driven/use EBP

A discussion was held about the original goals for this group. Richard replied that the main goal of this work was to encourage collaborative interactions. The over-arching, end goals are to have improved outcomes:

- in communities
- in programs/services
- fewer revocations
- fewer new crimes
- fewer victimizations
- fewer kids penetrating system
- JD issues → intervene early

Joe explained that if collaboration could be quantified on a scale of one to 10, it would currently be at about 3 or 4 right now, and with that said he's very encouraged by this proposal.

Richard asked for volunteers to get together to work on the proposal, refine it, and come back to the group with a more formalized recommendation at the next meeting. Kelly, Meg, Tariq, Shawn and Tony agreed to meet and engage in this discussion and come back with more specific ideas on expansion and how it would work.

Shawn emphasized the importance of establishing baseline data to track the reduction of kids penetrating the system. Dan asked about current detention rates and Matt replied that the commitment rate is going down but that it's hard to quantify. Most 10-12 year olds go to residential treatment centers rather than detention and have shifted into other parts of the system.

EXPANSION OF JUVENILE ASSESSMENT CENTERS

Richard reminded task force members that at the last meeting they discussed the value of the JACs, but also the challenges with JACs in rural communities. The group also discussed the possibility of a proposal to help expand JAC-type services statewide.

Dan emphasized the importance of expanding JACs but also the importance of the use of standardized assessment tools for kids as well. Molli explained that her JAC uses evidence-based standardized tools and that the Juvenile Detention Screening and Assessment Guide (JD SAG) tool is just one of them. Other tools are used to assess mental health, substance abuse, trauma, depression, anxiety and TBI to name a few. All the results go into a resource recommendation.

Molli explained that not all JACs use exactly the same tools. Some JACs don't feel the need for all the tools, or there can be time constraints. Some screenings are done over the phone and some JACs don't do any detention screening. Others are focused more on case management than full assessments. She added that the JAC Directors do hold a meeting every other month.

Richard asked if there were perhaps a handful of tools that could be performed remotely. Molli replied that kids themselves fill out 2 of the 5

basic tools. The others are administered and filled out after information is received on the assessment.

Richard asked what would be necessary to conduct evaluations from a distance. Molli replied that funding, technology and open lines of communication between law enforcement and a JAC or DA's office would be critical. This could possibly be arranged between jurisdictions and JACs, or maybe even through someone who operates from a mobile platform.

A discussion was held about what would be needed to move forward on a proposal or pilot to expand JACs. Richard summarized 3 elements would be needed as follows:

- A determination of what assessments could be utilized (maybe 5 standardized tools)

- A determination of clear, critical decision points where these assessments would have value, and

- How to access the screening tools, who would administer them (screening teams, case managers?)

Molli recommended a neutral party administer any assessment tools and that SB94 coordinators are not a neutral party. Additionally, if a clinician is contracted to perform assessments that person couldn't be connected to an agency.

Shawn emphasized that DMC must be considered. Molli noted that the DA could outreach to the child and recommend an assessment before the hearing. The DA could file charges, provide a court date, and inform the child and parent that before that date - the child needs to be assessed. The JAC could determine treatment need, or possibly recommend diversion. Richard emphasized the importance of performing assessments before decisions are made and having assessment information available so the decision makers can make the best decision possible.

Jessica noted that this effort did not start out as a recommendation regarding changing JAC procedures or filing procedures – but rather how to make JAC type assessments available to kids in all jurisdictions. It's about expanding something that's already working. Shawn expressed her belief that the group should make a bold statement that 10-12 year olds shouldn't be filed on. Richard replied that the group has struggled to gain consensus around the appropriateness of whether or not 10-12 year olds should be filed on, so instead agreed to pursue areas where there is

consensus – such as how to expand JAC type services statewide.

Richard summarized that the group appears to be in agreement about incorporating the idea about the expansion of JACs into the work on encouraging collaborative interactions at JSPCs.

RESTORATIVE JUSTICE

Richard offered that perhaps the idea of supporting restorative justice practices could also be incorporated into the work on collaborative interactions. Meg explained that there is a Restorative Justice Coordinating Council at a state level in Colorado that provides training, technical assistance and education in RJ practices. Matt Riede is the coordinator of this program at Judicial and is currently on paternity leave – but would likely be available for a future meeting to address this task force.

Meg added that part of the work of the RJ Council is to improve availability of RJ and to ensure certain standards around RJ. Meg offered feedback that she received on the RJ Council and RJ practices. For higher level RJ practices people who are interested can receive training. Also – RJ facilitators have the ability to travel to rural areas to perform RJ work. Some RJ practitioners will charge relatively modest fees. Additionally, it's important not to over-professionalize RJ efforts as it's difficult for RJ to be sustainable if it is too much of a program, rather than a philosophy. It's also not about the money in the RJ world, but more about the healing. Churches and other community organizations are also often interested in helping with restorative justice approaches. RJ is not in lieu of other options but an opportunity for kids to learn about themselves and their effect on others. Meg noted that RJ is a process that is under-utilized and she would love to see it expanded.

Shawn offered that there needs to be oversight and coordination of restorative justice services. Meg agreed that these are things an RJ coordinator would do in a community. Meg pointed out that recidivism rates decrease when RJ is involved.

A question was asked of the DA's in the room if restorative justice would ever be enough of a consequence for them for low level crimes. Jim replied there are two components at play following a crime: acknowledgement of wrong-doing and restitution. He added that they utilize RJ in the context of diversion. Tariq added that Adams County also uses a lot of RJ practices in their program, but it also has to do with the

	<p>crime and what the child does with the opportunities offered to them. He added that the work with juveniles can sometimes seem counter-intuitive as they would rather intervene with kids on lower-level issues/crimes than at a higher level when they're more immersed in the system. DA's wrestle with this balance.</p> <p>Dan pointed out that DA's really do have a tremendous amount of influence on the trajectory of an incident and a child's future when determining how to respond to them. He added that Tariq and Jim are both excellent champions for positive responses. Cynthia added that she believes RJ should be part of adjudications because that's the time when rehabilitation can work.</p> <p>Tariq added that 98% of cases go to diversion, but that a lot of restorative justice comes down to what does the program actually look like and is there community buy in. Additionally, a lot of this comes down to money. Shawn agreed with Tariq and noted that Denver Probation partners with Diversion to run RJ. Both diversion and probation kids participate in RJ.</p> <p>Richard summarized that it sounds like there is consensus around opportunities to expand pre-file diversion, and specifically for this population (10-12 year olds), how to incorporate the availability of restorative justice programs. The next steps would be to examine what good RJ looks like, where it is currently offered, and how it could possibly be expanded or supported. Meg reiterated that she'll reach out to Matt Riede about attending a meeting and sharing information about standards of practice, the RJ Council, how it's working, what good RJ programs look like and even the availability of RJ funds.</p>
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Issue/Topic:	Discussion:
<p>Next Steps and Adjourn</p> <p>Action:</p>	<p>Richard summarized the meeting outcomes and next steps as follows:</p> <ul style="list-style-type: none"> • A five-person subgroup (Tariq, Shawn, Kelly, Meg, Tony) is going to work on a recommendation that would really address expanding the responsibilities of JSPCs, incorporate a reference to restorative justice, and include references to the availability of assessment tools and how assessment information should be utilized to help inform decision makers. This will be presented at the November

	<p>meeting.</p> <ul style="list-style-type: none">• The second piece of work is to get smarter on restorative justice components and concepts and learn more about how it's operating in Colorado currently. Then the group can determine where that fits in as far as utilization of pre-file diversion options. After that the group can explore the role of RJ in pre-file diversion and how to possibly expand pre-trial diversion and expand the utilization of RJ within those programs.
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Next Meeting

November 7, 2018 11:30am – 2:00pm 700 Kipling, 4th 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 4th or 5th 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