

Colorado Commission on Criminal and Juvenile Justice

Age of Delinquency Task Force

Minutes

May 8, 2019 11:30AM-2:00PM
710 Kipling, 3rd Floor Meeting Room

ATTENDEES:

TASK FORCE MEMBERS

Joe Thome, Co-Chair, Division of Criminal Justice
Jessica Jones, Co-Chair, Private defense attorney
David Bergman, Youthful Offender System
Jim Bullock, District Attorney's Office, 16th Judicial District
Shawn Cohn, Denver Juvenile Probation
Al Estrada, Division of Youth Services (for Anders Jacobson)
Beverly Funaro, Victim representative
Gretchen Russo, Colorado Department of Human Services
Tariq Sheikh, District Attorney's Office, 17th Judicial District
Sara Strufing, Public Defender's Office

STAFF

Richard Stroker, CCJJ consultant
Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Stephane Waisanen, Division of Criminal Justice

ABSENT

Molli Barker, 18th Judicial District
Kelly Friesen, Grand County Juvenile Justice Services
Melanie Gilbert, Juvenile Court Magistrate
Anders Jacobson, Division of Youth Services
Dafna Michaelson Jenet, Representative, House District 30
Dan Makelky, Douglas County, Department of Human Services

Issue/Topic	Discussion
<p>Welcome, Agenda & Approval of Minutes</p>	<p>Co-Chair Joe Thome welcomed the group and asked everyone in attendance to introduce themselves.</p> <p>Joe asked whether there were corrections or additions to the minutes from the April meeting. With none offered, he asked for a motion to approve the minutes. The minutes were unanimously approved.</p> <p>Joe then reviewed the agenda and reminded members that the Task Force was in an information-gathering phase.</p>

Issue/Topic	Discussion
<p>Review of April Meeting & Legislative Updates</p>	<p>CCJ consultant Richard Stroker offered a summary of the presentations and discussions at the April meeting.</p> <ul style="list-style-type: none"> • The group needed more information on the population of emerging adults ages 18-24, including the outcomes for those serving probation sentences. • Shawn Cohn (Denver Juvenile Probation) provided an update from the National Conference on Juvenile Justice (sponsored by the National Council of Juvenile and Family Court Judges). • Audra Bishop (Department of Public Health and Environment; CDPHE) presented on brain and emotional development as it pertains to the 18-24 years old. • Anders Jacobson (Division of Youth Services; DYS) presented information on the operation and management of DYS. • The group discussed House Bill 19-1149 (Concerning...Emerging Adults in the Juvenile Justice System) sponsored by Representative Gonzales-Gutierrez. The bill mandates that this Task Force study a number of issues concerning emerging adults between the ages of 18-24. The bill mandates data and information be collected to inform deliberations around serving emerging adults. Any CCJ recommendations should be presented to the General Assembly by the summer of 2020. <p>Joe informed the group that Representative Gonzales-Gutierrez was recently appointed by the General Assembly to serve on the Commission on Criminal and Juvenile Justice.</p>

Issue/Topic	Discussion
<p>Data: Probation Terminations for Clients Age 18 to 25 Peg Flick, DCJ</p>	<p>Peg Flick (DCJ) presented, "CY2016-2018 - Probation Terminations for Clients Aged 18 to 25." The handout is available under "Materials" on the Task Force webpage at, colorado.gov/ccjj/ccjj-cADTF.</p> <p>The handout displays termination outcomes for 18-25 y.o. clients in the following probation types: private, regular, intensive, and sex offender intensive.</p>

<p>Issue/Topic Data: Probation Terminations for Clients Age 18 to 25 (continued)</p>	<p>Table 1 of the handout displays termination types by age at offense for calendar years (CY) 2016 to 2018 (The numbers represent cases, not individuals). This table demonstrates that successful terminations increase with age (from 45% at 18 yrs. to 51% at 25 yrs.). These data were provided by the Division of Probation Services.</p> <p>For comparison purposes, Table 2 displays the percent of successful terminations for “adult regular” and “juvenile regular” probation for fiscal years 2016 to 2018. From 2016 to 2018, the percent of successful terminations for adults was 63%, 61%, and 59%, respectively. From 2016 to 2018, the percent of successful terminations for juveniles was 71%, 72%, and 72%, respectively. This information was compiled from the Judicial Branch annual statistical reports.</p>
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<p>Issue/Topic Presentation: Youthful Offender System (YOS) David Bergman</p>	<p style="text-align: center;">Discussion</p> <p>Joe welcomed David Bergman to provide an overview of the Colorado Department of Correction (CDOC) Youthful Offender System (YOS). A copy of the presentation, “Youthful Offender System,” is available under “Materials” on the Task Force webpage at, colorado.gov/ccjj/ccjj-cADTF.</p> <p>David stated that §18.1.3-407, C.R.S. and §18.1.3.407.5, C.R.S. guide the operation of YOS. YOS is a prison program that:</p> <ul style="list-style-type: none"> • focuses on males and females who are 14-to-25 year-olds; • is a medium-security facility located in Pueblo; and • provides a controlled and regimented environment offering educational, vocational, and community service opportunities. <p>To be considered for YOS, the individual must be 14-19 years of age at the time of the offense and must be sentenced prior to their 21st birthday. Sentences are determinate (meaning that there is no good time) and range from 2 to 7 years. Because they are sentenced as adults, the residents are subject to the policies, regulations, and rules of CDOC.</p> <p>The YOS system comprises four phases:</p> <ol style="list-style-type: none"> 1. Intake, Diagnostic, and Orientation Phase (also referred to as the Orientation/Training Phase): 30-45 days; a highly regimented and controlled environment. 2. Phase I – Institutional: 90 days; core programming, supplemental activities, educational, and pre-vocational programs and services. 3. Phase II – Transitional Pre-Release: 90 days; re-entry focus, providing a foundation for transition to Phase III with continued programming (i.e., education, community service, job related skills, and pro-social activities). 4. Phase III – Community Supervision: 6-12 months; close monitoring during reintegration into community plus family preservation, independent living, and transitional housing.
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<p>Issue/Topic Presentation: Youthful Offender System (YOS) (continued)</p>	<p>Many academic, career, and technical opportunities are available to YOS participants. YOS no longer offers a high school curriculum because the average age at intake has increased. Offenders are placed in GED courses and can enroll in vocational training and post-secondary education courses.</p> <p>Revocation from YOS can be considered at any time during any of the phases. Offenders who cannot successfully complete their (suspended) sentence to YOS or cannot comply with the terms and conditions are returned to court for revocation consideration. The court may decide to impose (reinstate) the original (suspended) sentence to YOS, or decide to transfer the individual to an adult CDOC facility (when there is continued refusal to participate, intractability, or failure to progress).</p> <p>David concluded the presentation with some general facts about YOS:</p> <ul style="list-style-type: none"> • Most commitments originate from Front Range counties. • Aggravated robbery is the most common crime among YOS residents. • The 3-yr recidivism rate is 20.1% and the 5-yr. rate is 32.3%. • The cost/day for the three early phases is \$239.84 and \$106.58 for Phase III. <p>Joe thanked David for the informative presentation.</p>
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<p>Issue/Topic Presentation: 2018 YOS Evaluation Kim English</p>	<p style="text-align: center;">Discussion</p> <p>Kim English began her presentation by informing the group that DCJ’s Office of Research and Statistics (ORS) is mandated by statute to conduct a biennial evaluation of the Youthful Offender System and to present the findings and recommendations to the House and Senate Judiciary Committees.</p> <p>Task Force members were provided a copy of the most recent evaluation, “Evaluation of the Youthful Offender System (YOS) in Colorado (Dec 2018),” which is available on the ORS Reports page at, colorado.gov/dcj-ors/ors-reports. A copy of the presentation, “YOS Evaluation - Summary of Findings,” is available under “Materials” on the Task Force webpage at, colorado.gov/ccjj/ccjj-cADTF.</p> <p>The evaluation was primarily based on information obtained from surveys of inmates and staff, along with quantitative data from CDOC. In 2018, 88% of offenders and 69% of staff completed the questionnaires. The inmate respondents were drawn from the first three phases at YOS and had an average age of 20.7 and an average length of stay of 25 months. The research questions were guided by the statute that defines YOS and its activities. The evaluation found that YOS was operating as intended by the General Assembly, along with additional findings such as:</p> <ul style="list-style-type: none"> • YOS had a motivated and qualified staff and administration; • YOS staff and administration morale was good; • 88.8% of inmates reported that they felt safe or somewhat safe at YOS; and • The two-year felony reconviction rate was 24.8% and violent felony reconviction rate was 11.6%.
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Issue/Topic	Discussion
<p>Next Steps and Adjournment</p>	<p>Joe asked the group whether any additional information should be gathered before beginning the group deliberations. Many feel there should be a full understanding of brain development for this age group.</p>
<p>ACTION Jim will share the research he’s collected.</p>	<p>Kim reminded the group that, when the Task Force convened, each member was provided a copy of the National Research Council’s publication entitled, <i>Reforming Juvenile justice: A Developmental Approach</i>. The document summarizes the brain development information and its links to juvenile justice.</p>
<p>ACTION Shawn will contact Rep. Gonzales-Gutierrez.</p>	<p>Jim Bullock indicated that he was suspicious of the brain research and how it would lead to juvenile justice system reforms. His staff had obtained research that didn’t support reform based on the brain science. Kim referred to the 2013 National Research Council publication that synthesized the research literature available at the time, and asked whether Jim had more recent studies.</p>
<p>ACTION Shawn will search for information on the Vermont reforms.</p>	<p>Richard asked Jim to send his collection of studies to Kim to be distributed to the group, or to bring them to the next meeting.</p> <p>Joe then asked the group about changing the time that the Task Force meets in order to accommodate Representative Gonzales-Gutierrez’s schedule. Shawn mentioned that she would follow-up with Representative Gonzales-Gutierrez.</p>
	<p>Shawn noted that Vermont based its reforms on studies of brain development, and offered to reach out to officials there to get more information.</p> <p>Joe and Richard thanked the group, guests, and presenters for their efforts and contributions.</p>

Next Meeting

NEW MEETING ROOM!

June 12, 2019 / 11:30am – 2:00pm
710 Kipling, **2nd Floor**