

## **Age of Delinquency Task Force**

### **Minutes**

June 12, 2019 11:30AM-2:00PM  
710 Kipling, 2<sup>nd</sup> Floor Meeting Room

#### **ATTENDEES:**

##### **TASK FORCE MEMBERS**

Joe Thome, Co-Chair, Division of Criminal Justice (CCJJ Member)  
Jessica Jones, Co-Chair, Private Defense Attorney (CCJJ Member)  
Gretchen Russo, Colorado Department of Human Services (CCJJ Member)  
Molli Barker, 18<sup>th</sup> Judicial District  
Audra Bishop, Colorado Department of Public Health and Environment  
David Bergman, Youthful Offender System  
Jim Bullock, District Attorney's Office, 16<sup>th</sup> Judicial District  
Maureen Cain, State Public Defender  
Shawn Cohn, Denver Juvenile Probation  
Kelly Friesen, Grand County Juvenile Justice Services  
Beverly Funaro, Victim Representative  
Anders Jacobson, Division of Youth Services  
Tariq Sheikh, District Attorney's Office, 17<sup>th</sup> Judicial District

##### **STAFF**

Richard Stroker, CCJJ Consultant  
Kim English, Division of Criminal Justice  
Kevin Ford, Division of Criminal Justice  
Laurence Lucero, Division of Criminal Justice  
Stephané Waisanen, Division of Criminal Justice

##### **ABSENT**

Representative Serena Gonzales-Gutierrez (CCJJ Member)

<p><b>Issue/Topic:</b> Welcome &amp; Introductions</p>	<p><b>Discussion</b></p> <p>Co-Chair Jessica Jones welcomed Task Force members, and asked everyone to introduce themselves.</p>
<p><b>Issue/Topic:</b> Review of May Meeting &amp; June Agenda</p>	<p><b>Discussion</b></p> <p>Richard Stroker, CCJJ consultant, recapped the May meeting:</p> <ul style="list-style-type: none"> <li>• Peg Flick, Division of Criminal Justice, presented information about probation termination rates and revocations.</li> <li>• David Bergman, Youthful Offender System, provided information on the process and procedures of the Department of Corrections' Youthful Offender System.</li> <li>• Kim English, Division of Criminal Justice, presented Youthful Offender System findings/outcomes of the 2018 DCJ evaluation of YOS.</li> <li>• Jim Bullock mentioned articles that he reviewed on brain development and would share these with the group.</li> </ul> <p>Richard introduced two presentations on the agenda:</p> <ul style="list-style-type: none"> <li>• Jim Bullock will present his articles on brain development and the impact on behavior.</li> <li>• Kevin Ford, Division of Criminal Justice, reviewed Jim's articles Jim and additional material and will summarize this information.</li> </ul> <p>Richard reviewed the three areas in House Bill 19-1149 (<i>To study emerging adults in the juvenile justice system</i>) that require the attention of the Task Force:</p> <ul style="list-style-type: none"> <li>• Gathering specific criminal justice data</li> <li>• Reviewing brain development research</li> <li>• Making recommendations for the management of young adults ages 18-24</li> </ul>
<p><b>Issue/Topic:</b> Discussion of brain development &amp; impact on behavior Jim Bullock</p>	<p><b>Discussion</b></p> <p>Jim briefly reviewed the articles that he identified on brain development that were sent to the group, including information on:</p> <ul style="list-style-type: none"> <li>• Studies on juvenile cognition</li> <li>• Psycho-social development</li> <li>• Neuro-imaging</li> </ul> <p>In the studies of juvenile cognition, research shows that most youth reach a level of cognitive ability similar to adults by about 16. They can engage in rational thought and comprehend intellectually, but there are risks involved with their decision making. Regarding psycho-social development, studies look at temperament and various additional factors. Neuro-imaging involves examining the biological developments of the brain, and studies show that the brain is typically fully developed by the age of 25.</p>

<p><b>Issue/Topic:</b> Discussion of brain development &amp; impact on behavior Jim Bullock (continued)</p>	<p>Jim stated that he could not find information that ties specific behavior with brain development. The biggest factors he sees are outside influences such as homelessness and substance abuse. He believes these factors impact juvenile behavior more than biological development.</p> <p>The bibliography of the articles Jim sent the Task Force can be found on the Commission website at: <a href="http://colorado.gov/ccjj/ccjj-cADTF">colorado.gov/ccjj/ccjj-cADTF</a>.)</p>
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<p><b>Issue/Topic:</b> Review of literature Kevin Ford, Ph.D., DCJ Staff and Group Discussion</p>	<p><b>Discussion</b></p> <p>Kevin reviewed the articles Jim forwarded plus additional neuroscience data, looking specifically for information on brain development for emerging adults. There has been significant work in this field in the last 10 years, and the last 3 years in particular, but this is a young area of science and researchers are working on the implications of their studies. Finding information specific to 18-24 year olds is difficult, yet there is a lot of discussion in the literature about exploratory behavior and risk taking.</p> <p>After age 30, individuals become risk averse. What may be of interest to this group is a concept related to adaptive versus maladaptive risk taking in the context of exploratory behavior. It is not possible to observe a person's brain and distinguish between someone who is impulsively reacting to their environment and someone who is taking a more adaptive approach that involves exploring new things.</p> <p>Among young adults, there are individuals that are impulsive risk takers and others that are exploratory risk takers. Some researchers believe that youth need to engage in exploratory risk taking in order to foster adaptive development into adulthood. However, sometimes risk taking behavior can lead to justice system involvement. The challenge for this group is balancing accountability and culpability with support services to match the developmental needs of the emerging adult. What (and when) is the right level of intervention, and is it necessary? The concern is for the young people that get scooped up into the adult systems who, on their own, would age out of risk taking.</p> <ul style="list-style-type: none"> <li>• How many emerging adults are engaging in extreme exploratory behavior?</li> </ul> <p>Kevin replied that this would be hard to determine because you cannot identify them by imaging their brains. The behavior may look the same, but how do you differentiate between problematic actions that require intervention compared to the individual who will work through the process? Possibly by creating a service-rich, supportive environment.</p> <p>It was mentioned that a possible solution would be to assess trauma and environment of an individual, and tailor the response to the individuals' needs.</p> <p>New York has community assessment centers for adults. Maybe we could gather information from these centers?</p>
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<p><b>Issue/Topic:</b> Review of literature Group Discussion (continued)</p> <p><b>ACTION</b> Explore if there are tools specific to 18-24 y.o. population</p>	<p>What about looking to other states that have increased the age of delinquency and gathering some information. Also, the Boulder District Attorney's Office was in the process of developing a program for emerging adults.</p> <p>Are there risk assessment tools specific to the 18-24-year-old population?</p> <p>In statute it is possible to make someone who is not 18 legally into an adult through the transfer or direct file process. No structure allows for the reverse. The system can escalate a case to a more serious punishment level but there is not a system that allows for de-escalating cases into a less punitive system.</p>
<p><b>Issue/Topic:</b> Identified Issue Areas/Plan to Approach the Work Richard Stroker</p> <p><b>ACTION</b> See bullet points</p>	<p><b>Discussion</b></p> <p>Richard stated that there were broader systems issues that discussed during the meeting today. He asked the group to think about the following:</p> <ul style="list-style-type: none"> <li>• Do we have the available services/resources necessary to address the issues identified?</li> <li>• How do we meet victims needs while creating individual solutions? How do we manage accountability yet not intervene in ways that make individuals worse?</li> <li>• How does confidentiality factor into the use of additional assessment information?</li> </ul>
<p><b>Issue/Topic:</b> Next Steps &amp; Adjourn Joe Thome</p> <p><b>ACTION</b> Gretchen will gather mental health court information</p> <p><b>ACTION</b> Maureen will gather information from other states</p> <p><b>ACTION</b> See list of numbered points</p>	<p><b>Discussion:</b></p> <p>Gretchen will gather information about this population and mental health court from Magistrate Gilbert.</p> <p>Maureen will gather information on other states who have raised the age and the programs that they are using.</p> <p>The Task Force members identified and generally agreed that the following 7 areas of interest should be explored for possible action or recommendations <u>regarding the 18-24 year old population</u>:</p> <ol style="list-style-type: none"> <li>1. Meaningful information needs to be provided to decision makers at appropriate times. This might involve looking further at how PSIs are used, or how risk or protective factors could be identified early.</li> <li>2. Explore the development of community assessment centers – similar to how JACs are used in juvenile matters. This would involve expanding opportunities to identify criminogenic factors, engage in interviews in a trauma-informed manner, identify possible mental health issues, etc.</li> <li>3. Explore opportunities to expand pretrial services.</li> <li>4. Expand or develop specialized diversion opportunities.</li> <li>5. Explore the use or development of specialty courts.</li> <li>6. Develop or expand specialized probation supervision efforts.</li> <li>7. Expand the availability of YOS, or expand eligibility for participation in YOS.</li> </ol>

**NEXT MEETING:**

Wednesday, July 10, 2019, 11:30AM-2:00PM  
710 Kipling, 2<sup>nd</sup> Floor Meeting Room, Lakewood