

**Age of Delinquency Task Force  
Minutes**

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

**ATTENDEES:**

**TASK FORCE MEMBERS**

Joe Thome, Co-Chair, Division of Criminal Justice  
Jessica Jones, Co-Chair, Private Defense Attorney  
Molli Barker, Juvenile Assessment Center, 18<sup>th</sup> Judicial District  
David Bergman, Youthful Offender System, Department of Corrections  
Maureen Cain, State Public Defender's Office  
Shawn Cohen, Denver Juvenile Probation  
Kelly Friesen, Grand County Juvenile Justice Services  
Beverly Funaro, Victim Representative  
Gretchen Russo, Colorado 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  
Stephané Waisanen, Division of Criminal Justice

**ABSENT**

Audra Bishop, Colorado Department of Public Health & Environment  
Jim Bullock, District Attorney's Office, 16<sup>th</sup> Judicial District  
Serena Gonzales-Gutierrez, Representative, House District 4  
Anders Jacobson, Division of Youth Services

**GUESTS**

Judy Dettmer, Colorado Department of Human Services  
Elaina Shively, District Attorney's Office, 20<sup>th</sup> Judicial District

<p style="text-align: center;"><b>Issue/Topic</b></p> <p>Welcome, Introductions &amp; Approval of Minutes</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Co-Chair, Jessica Jones welcomed the group and asked everyone to introduce themselves.</p>
<p style="text-align: center;"><b>Issue/Topic</b></p> <p>Review of June Meeting Richard Stroker</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>At the June meeting the group discussed the research literature on brain development, especially exploratory behavior, risk taking, and impulsive behavior.</p> <p>Jim Bullock and Kevin Ford, Ph.D. (Staff, DCJ) gave us their perspectives on several research articles and what the information might mean for the Task Force.</p> <p>The group began to focus on topics that would result in concepts for recommendations by December. Between January and March, the group will need to focus on the specific recommendation language and statutory changes that will be required. The recommendations will need to go to the CCJJ by May.</p> <p>Areas of discussion included:</p> <ul style="list-style-type: none"> <li>• Meaningful information needs to be provided to decision makers at appropriate times. Create JACs (Juvenile Assessment Centers) for young adults? Need better use of assessment information.</li> <li>• Expand diversion or pretrial services for the 18-24-year-old population</li> <li>• Explore development of specialty courts for this population.</li> <li>• Develop/expand specialized programs in probation</li> <li>• Expand eligibility in the Youthful Offender System (YOS)</li> </ul> <p>Richard introduced Judy Dettmer to discuss Traumatic Brain Injury (TBI).</p>
<p style="text-align: center;"><b>Issue/Topic</b></p> <p>MINDSOURCE Brain Injury Network Judy Dettmer, CDHS</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Judy Dettmer (Colorado Dept. of Human Services; CDHS) explained that she has been working with the University of Denver and the Denver County Jail, and other criminal justice entities, to better understand the extent of traumatic brain injury (TBI) in the criminal justice population.</p> <p>MINDSOURCE (formerly known as the Colorado Brain Injury Program) is housed in the CDHS and strives to enhance the quality of life for individuals living with, or affected by, a brain injury. There is a general lack of awareness of brain injury programs in Colorado and our goal is to make people aware of these services.</p> <p>There are two acquired types of brain injuries:</p> <ol style="list-style-type: none"> <li>1. Traumatic Brain Injury – External forces from a blow to the head or an involvement in a vehicle accident.</li> </ol>

<p><b>Issue/Topic</b>  MINDSOURCE Brain Injury Network  Judy Dettmer, CDHS  (continued)</p>	<p>2. Non-Traumatic Brain Injury – An internal event such as a stroke, tumor, anoxia, or infection.</p> <p>There are three classifications for brain injury:</p> <ol style="list-style-type: none"> <li>1. Mild – Loss of consciousness from 0-30 minutes (includes concussions).</li> <li>2. Moderate – Loss of consciousness from 30 minutes to 24 hours.</li> <li>3. Severe – Loss of consciousness for over 24 hours.</li> </ol> <p>Within the 18-24-year-old population, if there is a TBI, the brain may develop at a slower process or may never completely develop to its full potential. The frontal lobe is where impulse control, decision making, and judgement occur, and this can be damaged by a TBI. Research has shown that an injury to the brain at a young age has a greater impact than an injury at an older age.</p> <p>There is significant prevalence of brain injury in the criminal justice population. In fact, 60-65% of individuals that are involved in the criminal justice system have had some form of TBI that affects the executive functioning area of the brain. Among women screened for one of our studies, researchers found that 92% who had a TBI had experienced domestic violence.</p> <p>MINDSOURCE does not solve the problem of TBI but helps individuals compensate for the deficit by using strategies that support the individual through the learning process. We also provide training on TBI symptoms so that people have a better understanding of it.</p> <p><i>When we talk about this age group (18-24 year-olds) research shows that, as they mature, many will age out of criminal behavior. If they have a TBI is that also the case?</i></p> <p>It depends on the age of the individual at the time of the brain injury. The brain may improve slightly and the individual will have to use specific strategies to compensate for the deficit. For a moderate/severe injury, it takes a year to improve. For a mild injury, it takes about three months.</p> <p>Training on TBI is important to raise awareness that problematic behavior may be due to a brain injury. Identifying a TBI early could help individuals stay out of the criminal justice system.</p> <p>Suggestions/recommendations for the group:</p> <ol style="list-style-type: none"> <li>1. Provide training on TBI for criminal justice staff.</li> <li>2. Screen for impairments/lifetime history of brain injury.</li> <li>3. Provide simple adjustments/accommodations for those with TBI.</li> <li>4. Implement a psycho-educational curriculum for those with TBI.</li> <li>5. Refer the individual for a neuropsychological screen when indicated.</li> <li>6. Refer the person to the Brain Injury Alliance of Colorado for community based case management and /or an education consultation.</li> </ol> <p>Highlights of the presentation can be found under “Materials” at, <a href="http://colorado.gov/ccjj/ccjj-CADTF">colorado.gov/ccjj/ccjj-CADTF</a>.</p>
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Issue/Topic	Discussion
<p>Center for Preventative and Restorative Justice Elaina Shively, Boulder District Attorney's Office</p>	<p>Elaina Shively, from the District Attorney's Office in the 20<sup>th</sup> Judicial District (Boulder), presented information on the program she directs, the Center for Prevention and Restorative Justice (CPRJ). CPRJ uses a diversion model that emphasizes accountability and prevention, applies restorative justice practices and principles, matches services to individual needs, and achieves community safety by decreasing the risk of recidivism.</p> <p>Learning from research on emerging adults and brain science, the District Attorney's Office decided to expand the juvenile program to include older youth.</p> <p>Diversion Program Overview</p> <ul style="list-style-type: none"> <li>• Diversion as an alternative to formal prosecution</li> <li>• Must have probable cause</li> <li>• Diversion tracks - supervised and unsupervised, both adults and juveniles                         <ul style="list-style-type: none"> <li>○ Supervised Diversion - Assessment driven intervention and individualized case planning to decrease risk factors.</li> <li>○ Unsupervised Diversion - For petty and misdemeanor theft, MIPs and low-level charges. Community based prevention/early intervention.</li> </ul> </li> </ul> <p>Diversion goals</p> <ol style="list-style-type: none"> <li>1. Early intervention and prevention</li> <li>2. Address underlying needs</li> <li>3. Meaningful accountability</li> <li>4. Meet victims' needs</li> <li>5. Reduce collateral consequences</li> <li>6. Reintegration</li> <li>7. Increase public safety</li> </ol> <p>Highlights of the presentation can be found under "Materials" at, <a href="http://colorado.gov/ccjj/ccjj-cADTF">colorado.gov/ccjj/ccjj-cADTF</a>.</p>

Issue/Topic	Discussion
<p>Continuing Discussions of Issue Areas and Plan to Approach Work Richard Stroker</p>	<p>The Task Force has had ongoing discussions of the goals to determine whether there is a consensus to produce recommendations. There was not a consensus to raise the age of delinquency, but rather to look at the five areas we identified. The group believed there were opportunities to make improvements in each area, and to incorporate some best juvenile practices within the best adult practices directed at emerging adults.</p> <p>The Task Force had a lengthy discussion about the best ways to approach the five items that had been outlined (see page 2). It was believed that law enforcement as well as others would not be in favor of increasing the age of delinquency. The group discussed the need to figure out how to provide better resources and how to obtain funding. What would the impact be if young adults who are placed in prison would instead be placed in the Division of Youth Services (DYS)? What would be the financial impact?</p>

<p><b>Issue/Topic:</b> Continuing Discussions of Issue Areas and Plan to Approach Work (continued)</p>	<p>There was also discussion of what House Bill 2019-1149 mandated. The bill requires the Task Force to make recommendations and compile specific data; to study the potential impacts on Division of Youth Services and the Youthful Offender System of also serving young adults; and make recommendations regarding the appropriate use of the juvenile justice system and YOS for young adults that are at least 18 years of age, but less than 25.</p> <p>Richard asked group members to collect their thoughts and ideas for the next meeting to address the following six areas:</p> <ul style="list-style-type: none"> <li>• Provide better risk/needs information to decision makers</li> <li>• Expand diversion options or pretrial services for the 18-24-year-old population</li> <li>• Explore the development of specialty courts for this population</li> <li>• Develop/expand specialized programs in probation</li> <li>• Expand eligibility for YOS placement</li> <li>• Describe the impact on DYS and YOS if they provide services to this population</li> <li>• Explore a community based “youthful offender system”</li> </ul> <p>Richard discussed the need to prioritize areas for attention and focus on these through December 2019; to reach consensus on derived proposals; to develop recommendations based on the proposals January – March 2020; and submit recommendations to the Commission for voting April-May.</p> <p>At the August meeting we need to discuss and envision this concept of a community-based youthful offender system that can address the needs of the emerging adult population. What will the structure look like? How would it relate to the current YOS and DYS systems?</p>
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<p><b>Issue/Topic</b> Next Steps &amp; Adjourn Joe Thome &amp; Jessica Jones</p> <p><b>NEW MEETING TIME!</b></p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Joe asked the group if they would consider an alternative time to enable Representative Serena Gonzales-Guiterrez to participate in the meeting. <u>The group decided to shift the start time to later in the day from 1:30-4:00 p.m.</u></p> <p>Joe thanked the members for their contributions to the Task Force discussions.</p> <p>The meeting was adjourned</p>
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**NEXT MEETING**  
Wednesday, August 7, 2019  
**NEW TIME: 1:30PM – 4:00PM**  
710 Kipling, 2nd floor Meeting Room