

**Age of Delinquency Task Force  
Minutes**

January 8, 2020 / 1:30PM-4:00PM  
2<sup>nd</sup> floor Meeting Room, 710 Kipling, Lakewood, CO

**ATTENDEES:**

**TASK FORCE MEMBERS**

Joe Thome, Task Force Co-chair, Division of Criminal Justice  
Jessica Jones, Task Force Co-chair, Private Defense Attorney  
David Bergman, Youthful Offender System  
Audra Bishop, Department of Public Health & Environment  
Maureen Cain, Office of the State Public Defender  
Beverly Funaro, Victim Representative  
Priscilla Gartner, Office of the State Public Defender  
Gretchen Russo, 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  
Stephané Waisanen, Division of Criminal Justice

**ABSENT**

Jim Bullock, District Attorney's Office, 16<sup>th</sup> Judicial District  
Shawn Cohn, Denver Juvenile Probation  
Kelly Friesen, Grand County Juvenile Justice Services  
Serena Gonzales-Gutierrez, Representative, House District 4  
Arnold Hanuman, Colorado District Attorney's Council  
Anders Jacobson, Division of Youth Services  
Dan Makelky, Child Welfare, Local Agency representative  
Dafna Michaelson Jenet, Representative, House District 30  
Angie Paccione, Department of Higher Education

**GUESTS**

Natalie Chrastil, Division of Youth Services (for Anders Jacobson)  
Sarah Pak, Department of Higher Education (for Angie Paccione)  
Rich Persons, Youthful Offender System

Issue/Topic	Discussion
<p><b>Welcome, Introductions &amp; Agenda Overview</b> Jes Jones/Joe Thome, Co-Chairs</p> <p><b>December Meeting Recap</b> Richard Stroker</p>	<p>Co-chairs Jes Jones and Joe Thome called the meeting to order, and welcomed Natalie Chrastil from Division of Youth Services. The group introduced themselves.</p> <p>Richard reminded the group of the Task Force timeline and April deadline to produce recommendations to present to CCJJ by May.</p> <p>In previous meetings, the Youthful Offender System (YOS) Working Group has presented some potential ideas for recommendations in the following areas:</p> <ul style="list-style-type: none"> <li>• criteria/eligibility for placement</li> <li>• information sharing to/from YOS</li> <li>• program and/or operations</li> <li>• re-entry/violations/revocations</li> </ul> <p>The Community Supervision Working Group has mentioned:</p> <ul style="list-style-type: none"> <li>• developing an approach to case management/planning/engagement with this emerging adult population,</li> <li>• developing specialized training for staff working with this population, which would emphasize brain development, the engagement of family members, and identifying the best assessments that may be drawn from either the adult or the juvenile assessment realms,</li> <li>• creating specialized caseloads to allow staff to focus on and tailor services for this population, and</li> <li>• creating a pilot program in judicial districts where the best practices could be identified for this population and then promoted as a model for wider implementation.</li> </ul>

Issue/Topic	Discussion
<p><b>Working Group Updates</b></p> <p><b>Youthful Offender System Working Group</b> Maureen Cain</p>	<p>Maureen provided handouts from the YOS Working Group:</p> <ul style="list-style-type: none"> <li>- notes and concerns generated from the YOS fieldtrip and from the previous Task Force meeting, and</li> <li>- the specific parts of Title 18 in the Colorado Revised Statutes that define the Youthful Offender System (§18-1.3-407 and -407.5, C.R.S.).</li> </ul> <p>The Working Group met prior to the Task Force meeting and discussed YOS programming limitations derived from current statutes that were written over 20 years ago. Three questions were generated from the discussion of expanding the young adult population in YOS:</p> <ol style="list-style-type: none"> <li>1. If the age range in YOS was expanded, who would be eligible, and who would decide eligibility?</li> <li>2. Regarding the length of stay – Is it evidence based? Could it be reduced to allow for more participants?</li> </ol>

<p style="text-align: center;"><b>Issue/Topic</b> <b>Working Group Updates</b></p> <p style="text-align: center;"><b>Youthful Offender System</b> <b>Working Group</b> Maureen Cain (continued)</p>	<p>3. Should the statutes that define the YOS program be revised to allow a more individualized program?</p> <p>Working Group members have drawn the following conclusions and/or discussed the following issues:</p> <ul style="list-style-type: none"> <li>• The existing YOS program may not be equipped to effectively accommodate an immediate expansion of eligibility (for those up to 24 year olds).</li> <li>• New statutory criteria could be written to allow flexibility in programming choices for young adults at different age thresholds, under specific circumstances.</li> <li>• Current criteria in statute defining the required time periods spent in YOS program phases may not effectively serve individual needs.</li> <li>• The current YOS program was designed to adhere to statutory mandates, which do not allow an individualized approach to service provision and impede the flexible utilization of best practices.</li> <li>• Statutory changes can create the necessary flexibility in the YOS program.</li> <li>• Improved and mandated Information sharing between YOS and other agencies like, Probation and the Division of Youth Services (DYS) would provide valuable records/data regarding delinquency and neglect, previous needs assessments and medical information (with relevant HIIA releases) that would assist in effective and efficient service provision.</li> <li>• Expand the use of restorative justice.</li> <li>• Initiate an independent evaluation to focus specifically on the applicability of and gaps in existing YOS programs for the emerging adult population. This would provide the basis, if necessary, to redesign YOS programming for this population, while continuing to serve the younger cohort.</li> <li>• Regarding re-entry/program violations/revocation/re-sentencing procedures, the group may not address the following processes in recommendations, but want to highlight their awareness that the related statutory provisions may require modification to be consistent with any YOS changes resulting from the bullet points above:             <ul style="list-style-type: none"> <li>○ re-sentencing for those who cannot complete YOS programs due to mental/behavioral health problems</li> <li>○ revocation and re-sentencing for those who do not comply with the program (<i>“revocation” in this context means a transfer from YOS to DOC to complete one’s sentence</i>)</li> <li>○ credit for time served in the YOS program at re-sentencing, at the discretion of the court, which members feel may not be applied consistently</li> <li>○ earned time (...for the time spent in YOS), which is currently not provided when re-sentenced following a revocation</li> </ul> </li> </ul>
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<p style="text-align: center;"><b>Issue/Topic</b> <b>Working Group Updates</b></p> <p style="text-align: center;"><b>Youthful Offender System</b> <b>Working Group</b> Maureen Cain (continued)</p>	<p>Changes to YOS sentencing and other provisions, for example, earned time, must be considered carefully and thoughtfully. The YOS sentence, which excludes earned time, tends to be for a shorter period than the typical longer sentences to DOC, which does include earned time. Adding earned time to YOS sentences may result in unintended consequences to the length of YOS and DOC sentences for this population.</p> <p>Task Force members offered these thoughts in response to the Working Group’s discussion points:</p> <ul style="list-style-type: none"> <li>• A more individualized approach would be advantageous and more effectively address the needs of individuals, rather than rigid determinations based solely on age.</li> <li>• To the extent possible, the points of flexibility in this individualized approach should be defined in statute to guide decisions by and ensure common expectations among attorneys, judges, and YOS staff.</li> <li>• This individualized approach would benefit from the sharing of information. This information serves two purposes:             <ul style="list-style-type: none"> <li>○ To determine whether a YOS sentence is appropriate and whether the individual is eligible, and</li> <li>○ To identify the best programmatic choices for an individual.</li> </ul> </li> <li>• The Working Group was advised to consider carefully...             <ul style="list-style-type: none"> <li>○ how to accommodate the needs and ensure the safety of an expanded YOS population of inmates with disparate ages</li> <li>○ whether program options could be developed for younger individuals in DOC who were not eligible for YOS (for example, drug offenders)</li> <li>○ potential barriers in the design of these individualized programs (for example, staffing issues, funding issues, community perceptions of the effectiveness of YOS)</li> </ul> </li> <li>• Ultimately, one may ask whether YOS programs produce recidivism outcomes that are better than the DOC outcomes. Maureen mentioned that the three-year recidivism rate for those discharged from YOS who commit a new felony offense is around 20%. The three-year recidivism rate for all DOC releases who are returned for a new felony offense is roughly 17%. Can the DOC recidivism rate be determined for those in the age range comparable to the YOS discharges? *</li> </ul> <p>There are a variety of reasons the YOS recidivism rates can be higher than the DOC rates (for example, on average, those released from DOC are older and older offenders are less likely to recidivate) and there are considerations, beyond recidivism outcomes, that support the value of the YOS program (for example, the safety of young inmates).</p> <p><i>* Please see the RECIDIVISM NOTES provided on the last page of these minutes.</i></p>
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<p><b>Issue/Topic</b>  <b>Working Group Updates</b></p> <p><b>Youthful Offender System</b>  <b>Working Group</b>                  Maureen Cain                  (continued)</p> <p><b>ACTION</b>                  Create a rough outline of the statutory changes that can be accomplished in the time remaining</p>	<ul style="list-style-type: none"> <li>• Might there be opportunities to introduce community “in-reach” programs that would include older peers and former offenders?</li> <li>• Can statute be revised to allow the creation of YOS programs with mentors comprising a highly exclusive group of DOC offenders?</li> </ul> <p><u>NEXT STEPS</u>                  Richard outlined two possible multi-part recommendations drawn from the discussion of the YOS Working Group (WG) concepts:</p> <ol style="list-style-type: none"> <li>1. <u>A recommendation to include modifications of restrictive statutory language.</u> To enable additional YOS placements, increased flexibility in programming and program phases, additional information sharing, and greater consistency in revocation processes.</li> <li>2. <u>A recommendation to study the Youthful Offender System.</u> To study:                         <ul style="list-style-type: none"> <li>○ the YOS operations,</li> <li>○ evidence-based and best practices to improve outcomes, including recidivism, and</li> <li>○ the impact of expanding YOS eligibility (based on age and/or crime types, etc.) and the delivery of programs.</li> </ul> </li> </ol> <p>In the timeframe remaining to the Task Force, members discussed how best to respond to the mandates in the guiding legislation (HB 2019-1149) by developing a combination of recommendations that: a). would address some of the identified concerns and, b). would suggest a strategy to develop solutions for any remaining concerns or unaddressed legislative mandates.</p> <p>Members discussed those who should be consulted for additional perspectives and feedback on the YOS WG concepts developed thus far.</p>
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<p><b>Issue/Topic</b>  <b>Working Group Updates</b></p> <p><b>Community Supervision</b>  <b>Working Group</b>                  Richard Stroker</p> <p><b>ACTION</b>                  If available, Shawn will report the results of her survey</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>In Shawn Cohn’s absence, Richard lead members in a discussion of the status of efforts by the Supervision Working Group:</p> <ul style="list-style-type: none"> <li>• Feedback from a few Probation Chiefs indicated concerns regarding simply shifting emerging adults to juvenile caseloads or services.</li> <li>• The Chiefs in the 22 judicial districts act independently in the development of policies.</li> <li>• The practice in the 20<sup>th</sup> Judicial District of assigning young adults to a juvenile probation officer may be due to basic workload issues, rather than decisions based on an individual’s supervision needs.</li> <li>• Shawn distributed an email within probation requesting feedback by January 10 on the need for age-specific supervision training, age-specific treatment, specialty caseloads, or designated officers for the 18-24 year-old population.</li> </ul> <p style="padding-left: 40px;">Shawn (by text) indicated that she will send an email follow-up to recipients in order to solicit more response to her message.</p>
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<p><b>Issue/Topic</b>  <b>Working Group Updates</b></p> <p><b>Community Supervision Working Group</b>          (continued)</p>	<p>Richard summarized the Working Group members’ efforts.</p> <p>Are there better methods to manage this supervision population by:</p> <ul style="list-style-type: none"> <li>• re-considering case planning and engagement strategies</li> <li>• using training to better prepare those who work with this population</li> <li>• engaging family members</li> <li>• using assessment information more effectively</li> <li>• disseminating brain development research</li> <li>• creating a pilot program based on best practices</li> </ul>
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<p><b>Issue/Topic</b>  <b>Victim Feedback</b>          All Members</p> <p><b>ACTION</b>          Bev will report whether Victims for Justice has feedback on victim issues</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Are there specific victim considerations or needs the group might address (for example, regarding victim notification) related to either the younger victim population or related to the younger population of offenders?</p> <p>Bev Funaro will raise this issue at the next meeting of Victims for Justice on January 13<sup>th</sup>.</p> <p>There may be potential to employ restorative justice efforts and/or to identify other approaches that may better serve these younger populations.</p>
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<p><b>Issue/Topic</b>  <b>Wrap up &amp; Adjourn</b>          Jes Jones &amp; Joe Thome          Co-chairs</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>The YOS Working Group will meet prior to the Feb. 12 meeting at 12:15pm.</p> <p>Jes and Joe thanked the Task Force member for their participation and adjourned the meeting.</p>
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**NEXT MEETING**

Wednesday, February 12, 2020 / 1:30 - 4:00PM  
 2<sup>nd</sup> floor Meeting Room  
 710 Kipling, Lakewood, CO

**RECIDIVISM NOTES**

*YOS RECIDIVISM NOTE: “Of 1,091 individuals who have successfully completed YOS since its inception on July 1, 1995, and who have had at least two years of time at risk in the community, 55.5% received a new felony or misdemeanor filing within two years following their discharge. Of these, about one-quarter (24.8%) actually received a felony conviction (see Table 3.6). About one in ten (11.6%) of those successfully released were convicted of a new violent felony crime within two years.” (Source: Evaluation of the Youthful Offender System (YOS) in Colorado [December 2018], page 33; Available on the DCJ website at, [colorado.gov/dcj-ors/ors-reports](http://colorado.gov/dcj-ors/ors-reports).)*

*DOC RECIDIVISM NOTE: Defined as “new crime return,” recidivism rates reported by DOC include: 8.5% at 1 year, 15.1% at 2 years, and 17.4% at 3 years. (Source: CDOC Statistical Report (FY 2018), page 45; Available on the DOC website at, [colorado.gov/cdoc/departamental-reports-and-statistics](http://colorado.gov/cdoc/departamental-reports-and-statistics), under the “Annual Statistical Reports” tab.)*