

## **Age of Delinquency Task Force Minutes**

March 11, 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  
Jim Bullock, District Attorney's Office, 16<sup>th</sup> Judicial District  
Shawn Cohn, Denver Juvenile Probation  
Priscilla Gartner, Office of the State Public Defender  
Beverly Funaro, Victim Representative  
Arnold Hanuman, Colorado District Attorneys' Council  
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  
Stephané Waisanen, Division of Criminal Justice  
Laurence Lucero, Division of Criminal Justice

#### **ABSENT**

Maureen Cain, Office of the State Public Defender  
Kelly Friesen, Grand County Juvenile Justice Services  
Serena Gonzales-Gutierrez, Representative, House District 4  
Dan Makelky, Child Welfare, Local Agency Representative  
Dafna Michaelson Jenet, Representative, House District 30  
Angie Paccione, Department of Higher Education  
Gretchen Russo, Department of Human Services

#### **GUESTS**

Sarah Pak, Department of Higher Education

Issue/Topic	Discussion
<p><b>Welcome &amp; Meeting Overview</b> Jes Jones/Joe Thome, Co-Chairs</p> <p><b>March Meeting Recap</b> Richard Stroker</p>	<p>Co-chairs Jes Jones and Joe Thome called the meeting to order and asked whether there were additions or corrections to the minutes. With none, the minutes were approved. The group introduced themselves.</p> <p>Jes mentioned that the group would hear preliminary recommendations from the Youthful Offender System (YOS) Working Group and the Community Supervision Working Group.</p> <p>Richard described that the focus of the meeting was to revise and finalize language allowing the Task Force to vote on recommendations by April, present preliminary recommendations to CCJJ in April and to provide a final presentation for a vote by CCJJ in May. By June, the recommendations will be compiled into a report to the General Assembly.</p> <p>There are two recommendation topics:</p> <ul style="list-style-type: none"> <li>• Community Supervision of Young Adults (ages 18-24)</li> <li>• Youthful Offender System (YOS)</li> </ul>
Issue/Topic	Discussion
<p><b>Working Group Updates</b></p> <p><b>Community Supervision Working Group Preliminary Recommendation</b> Shawn Cohn</p> <p><b>ACTION</b> Kim English, to review probation data</p>	<p>Richard led Task Force members in a review of the language drafted for the Community Supervision recommendation. Members engaged in collaborative, line-by-line editing of the recommendation version drafted during the previous month. The group quickly agreed on various mundane revisions and on the organization of content. No revisions required extensive discussion or represented substantive additions or deletions of the context of the recommendations.</p> <p>The <b>Community Supervision Working Group</b> described their recommendation to incorporate standards to formally recognize and address the needs of young adults in probation supervision. Richard stated that this recommendation focused on policy regarding the creation of community supervision standards and is intended to improve supervision of the 18-24 year-old population.</p> <p>The recommendation statement was as follows: Adult probation supervision standards promulgated by the Judicial Department should be modified and expanded by July 1, 2021 to create specific standards associated with probation supervision of young adults (18-24 year olds). These supervision standards should reflect current research and knowledge about age and brain development, especially regarding matters such as impulsivity, risk taking, and appreciating consequences of actions taken. Further, these standards should be guided by evidence-based or emerging best practices regarding the supervision of young adults, including case management approaches, involvement of the family supervision efforts, responses to violations, the use of appropriate assessment tools, the use of restorative justice principles and practices, and partnerships with providers and the community to meet the needs of this population.</p> <p>Kim will provide a data statement regarding for probation for the discussion.</p>

Issue/Topic Working Group Updates	Discussion
<p data-bbox="142 352 505 453"><b>YOS Working Group</b> <b>Preliminary Recommendation</b> Richard Stroker, CCJJ Consultant</p>	<p data-bbox="565 279 1516 417">In Maureen’s absence, Richard presented the preliminary recommendation for the <b>Youthful Offender System Working Group</b>. The group recommended statutory changes to the Youthful Offender statutes. Richard summarized some of the language of the recommendation:</p> <ul data-bbox="581 432 1516 709" style="list-style-type: none"> <li>- Expand the operational flexibility of the Department of Corrections regarding its Youthful Offender System (YOS) program;</li> <li>- Clarify the credits that are awarded in YOS cases when a revocation occurs;</li> <li>- Address issues regarding payment of certain fees in YOS cases when revocation occurs; and</li> <li>- Change training requirements for DOC staff who work with inmates that are placed in the YOS facilities.</li> </ul> <p data-bbox="565 751 1516 852">Richard led Task Force members through a discussion of the statutory language and a collaborative session of line-by-line editing of the elements in the YOS recommendation. Points that were discussed or revised included:</p> <ul data-bbox="581 867 1516 1633" style="list-style-type: none"> <li>• YOS incentive privileges regarding technological devices.</li> <li>• Changing the earned time provision from... “may” to “shall” ...receive time credit of one day for each day served for offenders whose sentence is revoked from YOS (to DOC).</li> <li>• Change Phase II language to allow an offender to participate in YOS Phase II from “three months” to “six months,” allowing offenders to begin the phase earlier. [Note: Phase II occurs in the last months of confinement just prior to release.]</li> <li>• Executive Director of DOC or “Designee” has authority of final approval on hiring/transferring trained staff prior to working with the YOS population.</li> <li>• Remove a provision directing district attorneys to maintain records regarding juveniles who are sentenced to YOS. This is a redundant provision.</li> <li>• The YOS statutes include an improper reference to the offender identification fund in §24-33.5-415.6, which results in a \$2.50 fee paid to court clerks who forward the fee to the State Treasurer. These case-related fees are not collected or disbursed by CDOC/YOS.</li> <li>• Training requirements are too strict and result in inadequate YOS staffing. Revising the requirements would enable greater flexibility and provide additional staff supervision opportunities.</li> </ul> <p data-bbox="565 1675 1516 1814">There was additional discussion regarding the change to “shall” in the earned time provision. Might this change lead to unintended consequences, such as, longer suspended sentences or more revocations? David Bergman stated this issue would not affect the length of the suspended sentence to YOS.</p> <p data-bbox="565 1856 1516 1915">Regarding revocation, affected individuals should be covered by the pre-confinement statute. Members felt this time credit provision requires more</p>

<p><b>Issue/Topic</b> <b>Working Group Updates</b></p> <p><b>YOS Working Group</b> <b>Preliminary Recommendation</b> Richard Stroker, CCJJ Consultant</p> <p><b>ACTION</b> Priscilla Gartner will provide clarified time credit language and David Bergman provide supporting information for the recommendation document.</p>	<p>clarity and references to other “credit provisions” in statute. There should be acknowledgement of two different “time credit” circumstances:</p> <ul style="list-style-type: none"> <li>• pre-sentence confinement credit while awaiting revocation and transfer to DOC, and</li> <li>• pre-sentence confinement credit prior to arrival at YOS.</li> </ul> <p>Richard asked volunteers to draft the necessary language and forward it to staff for integration into the recommendation before the April meeting. Priscilla volunteered to do the research and write the language necessary for this clarification. David volunteered to provide supporting information for inclusion in the “Discussion” of the recommendation.</p> <p>Richard stated that the final report would include the two recommendations and any other information required by the statutory mandate.</p>
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<p><b>Issue/Topic</b> <b>Future Work</b> Richard Stroker, All</p>	<p><b>Discussion</b></p> <p><b>Potential Issues for Future Work</b></p> <p>“AJO” Statute Members discussed the concern for juveniles who “age out” of DYS and decisions surrounding their transition to and supervision in the community. At 20.5 years old, courts and community boards are making inconsistent decisions regarding the appropriate post-DYS transition placement of these individuals: some are incorrectly assigned to juvenile parole or juvenile probation, some are assigned to adult parole, some are assigned to residential settings and, in some cases, community boards override whatever decision was made by the court. There are instances where judges simply terminate sentences because they are left with no viable options for community placement.</p> <p>YOS Eligibility Another issue worth investigation might be broadening the eligibility for sentences to YOS based on crime types.</p> <p>Kim stated that the group must submit a request to CCJJ for the continuation of the Age of Delinquency Task Force. The request should include the specific issues the Task Force wishes to explore. Alternatively, a recommendation could be proposed that a group other than the Commission investigate particular issues.</p> <p>At the next meeting, members will discuss whether to forward additional juvenile topics for future work by the Commission.</p>
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<b>Issue/Topic</b> <b>Next Steps &amp; Adjourn</b>	<b>Discussion</b>
Co-chairs, Jes Jones & Joe Thome	<p>Richard briefly recapped the tasks described above to accomplish for the next meeting. Kim and staff will clean up the recommendation statements, supporting discussion and statutory language.</p> <p>Jes and Joe thanked the Task Force members for their participation and adjourned the meeting.</p>

## NEXT MEETING

Virtual Meeting

Wednesday, April 8, 2020

1:30 - 4:00PM

Virtual meeting details will be forwarded to Task Force members by email and will be posted on the Commission website for members of the public.