

**Age of Delinquency Task Force
Minutes**

April 8, 2020 / 1:30PM-4:00PM
Virtual Meeting
Call 1-415-655-0001 Access Code: 805 710 560

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, 16th Judicial District
Shawn Cohn, Denver Juvenile Probation
Kelly Friesen, Grand County Juvenile Justice Services
Serena Gonzales-Gutierrez, Representative, House District 4
Priscilla Gartner, Office of the State Public Defender
Arnold Hanuman, Colorado District Attorney's Council
Angie Paccione, Department of Higher Education
Rich Persons, Youthful Offender System
Gretchen Russo, Department of Human Services
Tariq Sheikh, District Attorney's Office, 17th 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
Kevin Ford, Division of Criminal Justice

ABSENT

Maureen Cain, Office of the State Public Defender
Beverly Funaro, Victim Representative
Anders Jacobson, Division of Youth Services

GUESTS

Sarah Pak, Department of Higher Education
Natalie Chrastil, Division of Youth Services

Issue/Topic	Discussion
<p>Welcome, Minutes & Agenda Overview Jes Jones/Joe Thome, Co-Chairs</p>	<p>Co-chair Joe Thome called the meeting to order, and welcomed Natalie Chrastil from the Division of Youth Services who was substituting for Anders Jacobson.</p> <p>Joe asked members whether there were any additions or corrections to the March 2020 minutes. Members discussed revising the section on potential juvenile topics to indicate these options: submit a request to the Commission that the current Age of Delinquency Task Force address new topics, that a future task force of the Commission could address the topics, or recommend that a group outside the Commission could address the topics. As stated in the March minutes, members will decide among these options before any action is taken. With these revisions, the March minutes were approved.</p> <p>Joe stated that, after the recap of the March meeting, the group would review and vote on the Youthful Offender System (YOS) recommendation.</p>

Issue/Topic	Discussion
<p>March Meeting Recap Richard Stroker</p>	<p>Richard summarized the March meeting, including that the group had approved the Probation Standards recommendation and the group finalize the YOS Revisions recommendation. He briefly recapped the two recommendations.</p> <p>FY20-AD #01. Incorporate Standards to Formally Recognize and Address the Needs of Young Adults in Probation Supervision [Policy]. This recommendation was modified as follows:</p> <ul style="list-style-type: none"> • The judicial department will be recommended to modify the probation standards to establish a set of standards for 18 to 24 year olds. • Add supporting data to the Discussion section regarding the number of 18 to 24 year-olds who are supervised in juvenile probation. <p>In March, the group approved the recommendation with those modifications and it will be presented to the Commission on Friday, April 10, 2020. Shawn Cohn will provide that presentation.</p> <p>FY20-AD #02. Revise Youthful Offender System Statutes [Statutory]. This recommendation includes seven proposed statutory revisions:</p> <ol style="list-style-type: none"> 1) Greater flexibility in overly specific language related to programming, 2) Appropriate awarding of time credit, 3) Timing of the placement in Phase II (allowing earlier placement), 4) Allowing flexibility in staff placement 5) Allowing flexibility in staff training requirements, 6) Clarifying payment of court costs, and 7) Eliminating data collection that is no longer relevant. <p>The YOS recommendation will be discussed further today and the recommendation will be presented to the CCJJ on Friday, April 10, 2020.</p>

Issue/Topic	Discussion
<p style="text-align: center;">YOS Working Group: Recommendation Review & Discussion David Bergman</p>	<p>In Maureen’s absence, David Bergman responded to questions regarding the Youthful Offender System Working Group recommendation. Richard led Task Force members through a discussion of the statutory revisions and collaborative editing of the elements of the recommendation.</p> <p>FY20-AD #02. Revise Youthful Offender System Statutes [Statutory]. Expand the operational flexibility of the Youthful Offender System (YOS) program in the Department of Corrections; clarify time credits that are awarded in YOS cases when revocation occurs; address issues regarding payment of certain fees in YOS cases; and modify training requirements for DOC staff who work with inmates that are placed in YOS facilities.</p> <p>Specifically, modify the following provisions in statute:</p> <ol style="list-style-type: none"> 1) Delete in 18-1.3-407 (2)(a)(IV)(a.5) the prescriptive programming language; 2) Amend “may” to “shall” in 18-1.3-407 (2)(a)(IV)(b) regarding time credit; 3) Amend 18-1.3-407 (3.3)(c)(I) regarding placement in YOS Phase II; 4) Add “OR DESIGNEE” in 18-1.3-407 (3.5) regarding staff transfers to reflect current practice; 5) Amend 18-1.3-407 (3.5) to allow flexibility regarding staff training requirements; 6) Delete 18-1.3-407 (11) regarding district attorney data collection; and 7) Amend 18-1.3-407 (11.5)(a) and (c) to clarify court cost payments. <p><i>David Bergman has previously offered this background information on YOS and its processes that is inserted here for reference:</i></p> <ul style="list-style-type: none"> • The Department of Correction’s Youthful Offender System (YOS) was designed during a special session of the General Assembly in 1994. • YOS became a sentencing option for juveniles who were prosecuted, convicted, and sentenced as adults on or after June 3, 1994 for offenses committed on or after September 13, 1993. • In 1998, YOS moved from Denver to Pueblo, and in 2006, it moved to its current location on the grounds of the Colorado Mental Health Institute. • YOS operates in a separate facility in Pueblo and houses approximately 180 -200 inmates who have agreed to participate in intense programming while their (typically lengthy) DOC sentence is suspended. • The statute describing YOS specifies that the state must provide a sentencing option for “certain youthful offenders” who would serve up to seven years day-for-day (meaning no good/earned time would apply) while a lengthier sentence to DOC would be suspended for the duration of the YOS sentence. • According to statute, YOS offenders are to serve time in a “controlled and regimented environment that affirms dignity of self and others, promotes

<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">YOS Working Group: Recommendation Review & Discussion David Bergman (Continued)</p>	<p>the value of work and self-discipline, and develops useful skills and abilities through enriched programming.”</p> <ul style="list-style-type: none"> • The statute directs DOC to develop a program that provides “separate housing for female and male offenders who are sentenced to [YOS] without compromising the equitable treatment of either.” • The statute mandates that program participants be housed separate “from and not brought into daily physical contact with adult offenders” and that these offenders be “subject to all laws and DOC rules, regulations, and standards pertaining to adult offenders.” • The statutorily-defined eligibility criteria have changed many times, but the original statutes that define the program have remained mostly consistent over the years. Given the significant increase in knowledge regarding this young offender population, many aspects of the prescriptive nature of the YOS enabling statutes require updating and modification. • Further, some mandates are confusing and have been interpreted differently by judges and district attorneys. • Finally, there is considerable confusion regarding time credits for pretrial confinement and in cases of revocation. For these reasons, this recommendation seeks to clarify and amend certain components of the YOS statute. <p>In response to a request for clarification, David described the staff training aspects of the recommendation. For reasons of clarity and flexibility, rather than all YOS preparatory training being completed PRIOR to YOS placement, a statutory revision would allow YOS staff - with specific restrictions - to be trained WITHIN forty-five days of placement at a YOS facility. Prior to the completion of training, staff assigned to YOS would not be allowed to work directly with <i>juveniles</i> under any circumstance and only allowed to work with <i>young adult offenders</i> under the supervision of trained staff. <i>[Note that the terms “juveniles” and “young adult offenders” refer to specific and separate groups of inmates subject to different procedures and processes in YOS. This point was added as a “Note” in the recommendation.]</i></p> <p>Arnold Hanuman proposed several grammatical edits and corrections that were discussed and further clarified and finalized by Task Force members. Priscilla Gartner explained the language related to provision #2 of the recommendation (regarding time credit) and led a discussion with members on the matter that clarified the purpose of this modification.</p> <p>VOTE The approval of Recommendation FY20-AD #02 was moved and seconded. With no further discussion, a vote was conducted with no members opposed to the motion. The recommendation was approved for preliminary presentation at the April 10, 2020 Commission meeting. Maureen Cain will provide that presentation.</p>
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Issue/Topic	Discussion
<p>Next Steps & Adjourn Jes Jones & Joe Thome, Co-chairs</p>	<p>With no remaining work to address, the Task Force will not meet in May unless the Commission requests additional work on the two recommendations following the preliminary presentation on Friday (4/10/20). After preliminary presentations of several Task Force and Subcommittee recommendations at the Commission meeting tomorrow and votes on these in May, the Commission is likely to enter a hiatus after which CCJJ members will determine future areas of work.</p> <p>Joe thanked Rep. Gonzales-Gutierrez for her efforts on juvenile issues that led to the mandate directed to the Commission/Age of Delinquency Task Force. Rep. Gonzales-Gutierrez thanked the members for their time and effort. Based on her work on the summer 2019 Interim Committee on Prison Population, she felt there might be additional opportunities for work in this area that could occur after the circumstances of the pandemic have subsided.</p> <p>Tariq Sheikh offered a motion and thoughts on forwarding a recommendation to the Commission to disband the group. There was discussion of whether there were additional juvenile issues the Task Force should study and the CCJJ procedures regarding concluding and reforming a task force. Noting that a motion to disband was unnecessary, Kim English explained that the Age of Delinquency Task Force currently existed to address specific legislative mandates. With those mandates addressed, the Commission will most likely conclude the Age of Delinquency Task Force. Subsequently, the Commission will identify new topics and seat new groups to study those topics. The participants on such groups is shaped by the specific subject matter under study and the charge/goals assigned by the Commission.</p> <p>The preliminary presentations of Recommendations FY20-AD #01 (Probation Standards) and FY20-AD #02 (YOS Revisions) will be presented to the Commission on Friday. Staff will provide Task Force members with a status update following the Commission meeting, especially if further meetings will be required.</p> <p>Co-chairs Jes and Joe and Richard Stroker thanked the Task Force and Working Group members for all their efforts and contributions.</p>

NEXT MEETING

No further meetings will be scheduled, unless requested by the Commission to address aspects of Recommendation FY20-AD #01 or FY20-AD #02.