

**Colorado Commission on Criminal and Juvenile Justice
Abuse of Youth in Custody Subcommittee**

Minutes

January 17, 2019 1:30PM-3:00PM
700 Kipling, 4th Floor Training Room

ATTENDEES:

SUBCOMMITTEE MEMBERS

Joe Thome, Subcommittee Chair, Division of Criminal Justice
Blake Harrison, 2nd Judicial District Attorney's Office
Effie Seibold, Public Defender's Office
Natasha Mitchell, Office of the Child Protection Ombudsman
Anders Jacobson, CDHS, Division of Youth Services

ABSENT

Gretchen Russo, CDHS Judicial & Legislative Administrator
Joseph Brozek, CDHS Child Welfare

STAFF

Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Stephane Waisanen, Division of Criminal Justice

Issue/Topic:	Discussion:
Welcome and Introductions	Joe Thome, Subcommittee Chair, welcomed the group and asked attendees to introduce themselves. He also mentioned that Gretchen Russo and Joey Brozek were not able to attend due to scheduling conflicts.

Issue/Topic:	Discussion:
Recap of December Meeting Review of Agenda	Joe offered a brief recap of the December meeting, stating that the group identified three topics of discussion for today's meeting: <ol style="list-style-type: none">1. Ensure CDHS can intervene when needed.2. Ensure officials have information that they need.3. What increased penalties (if any) are necessary? After reviewing the data provided by Joey Brozek, the focus of today's meeting will be to get a consensus on what issues rise to the top and discuss possible solutions. Joe reminded the group that a recommendation from this Subcommittee is expected to be presented to CCJJ in May and submitted to the General Assembly by June 2019.

<p>Issue/Topic: Scope of the problem Possible solutions (continued)</p>	<p>It was suggested that it might be necessary to allow access by other entities to the Child Abuse Registry.</p> <p>Joe reminded the group that the ability for a person to be reinstated in the state system after his/her case is founded is beyond the scope of this Subcommittee. However, this issue will be reported in the recommendation.</p> <p>Natasha Mitchell mentioned that there are no statutes regarding sexual exploitation of children in institutions and sex trafficking. Should the language “<i>Position of Trust</i>” be attached to those statutes?</p> <p>3. Increase penalties? It was mentioned that CDAC may not object to an increase in the victim age in the child abuse statutes, from 16 to 18 years old.</p> <p>The group discussed the following strategies:</p> <ol style="list-style-type: none"> 1. Creating a crime: “INSTITUTIONAL ABUSE” or “FACILITY ABUSE” <ul style="list-style-type: none"> • Treat “Institutional Abuse” (IA) as we do domestic violence (DV). • Define IA • Require a factual basis of IA to be determined by the court • Create a flag for these cases, as we do with DV • Define specific consequences 2. Create in statute the position of Inspector General for CDHS to work with local law enforcement and stakeholders; consider placing the position in the Office of the Child Ombudsman. This would: <ul style="list-style-type: none"> • Bring consistency to the process • Provide a single point of contact • If a case is founded by the county, it would be sent to the Child Ombudsman Office for referral to DA
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<p>Issue/Topic: Next steps and Adjourn</p> <p>Action: Discussion points and tasks for the next meeting</p>	<p style="text-align: center;">Discussion:</p> <p>Joe thanked the group members for their participation, and requested that the length of the next meeting be extended to allow more time to discuss these strategies.</p> <p>At next meeting, the group will discuss the following points:</p> <ol style="list-style-type: none"> 1. Confirm the earlier discussion with CDHS representatives. 2. Draft the statutory language necessary for a new crime, INSTITUTIONAL ABUSE/FACILITY ABUSE 3. Treat IA like DV 4. Discuss the role of Inspector General 5. Outline our report <p>The meeting in February will be extended to 3:30pm.</p>
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Next Meeting

February 14, 2019 1:30pm – 3:30pm (**EXTENDED MEETING**) 700 Kipling, 4th Floor Training Room