



Colorado Commission on Criminal and Juvenile Justice

Minutes

February 12, 2016

Arbor House
14600 West 32nd Avenue, Golden, CO 80401

Commission Member Attendance

Stan Hilkey, Chair	Beth McCann – ABSENT	Pat Steadman – ABSENT
Doug Wilson, Vice-Chair	Joe Morales	Scott Turner
Jennifer Bradford	Norm Mueller – ABSENT	Dave Weaver – ABSENT
John Cooke – ABSENT	Kevin Paletta	Michael Vallejos
Kelly Friesen	Joe Pelle	Peter Weir
Charles Garcia – ABSENT	Eric Philp – ABSENT	Robert Werthwein
Kate Horn-Murphy	Rick Raemisch – ABSENT	Meg Williams
Jessica Jones	Rose Rodriguez	Dave Young
Evelyn Leslie	Lang Sias – ABSENT	Jeanne Smith, <i>Ex Officio</i> – ABSENT

Substitutes: Susan White for Rick Raemisch

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair

Stan Hilkey, Chair of the Commission and Colorado Department of Public Safety Executive Director, welcomed commissioners to the meeting. He noted that the annual retreat is where the Commission will set the priorities for the coming year. He added that there is also a sense of urgency not only for this year but for 2017 as well, as the statute that empanels the Commission is scheduled to repeal in 2018. He reminded the group that this could be the final two years of the Commission and that the decisions made during this meeting should be thoughtful and deliberate. Mr. Hilkey emphasized that the group should concentrate on creating a plan for worthy, focused and attainable efforts during the upcoming two years, whether the Commission terminates or continues beyond 2018.

Mr. Hilkey went on to introduce the newest member of the Commission, Jessica Jones. Ms. Jones shared that she previously worked for the Public Defender's Office for six years and is currently in private practice. Mr. Hilkey then asked the rest of the commissioners and attendees to introduce themselves as well.

Mr. Hilkey asked for approval of the January Minutes and requested any additions, corrections or suggestions. No changes were offered and he subsequently requested a motion to approve the Minutes. The motion was entered and seconded and the Minutes for the January meeting were unanimously approved.

In reviewing the agenda Mr. Hilkey pointed out that commissioners would be spending time exploring current Commission operational practices, by-laws, protocols and policies and procedures. He explained that the seating arrangement for the day accommodates four or five commissioners at each of the small tables, which will help facilitate break-out discussions throughout the day. Mr. Hilkey went on to explain that one person has been identified at each table to keep notes and report out on the group discussions. Mr. Hilkey added that the agenda also includes time for commissioners to review the work of the Commission during calendar year 2015. There is also a place on the agenda for a review of a letter from the Governor regarding his priority areas going forward. The second half of the day will be spent discussing and identifying desired Commission accomplishments in the coming two years.

Mr. Hilkey concluded the opening remarks by directing commissioners to a handout in their packet outlining Commission accomplishments for calendar year 2015. He reviewed the handout and summarized the Commission outcomes, recommendations, legislative initiatives and educational presentations made throughout the year. He emphasized that, even though at times it might feel as if the Commission is working at a slow pace, in reality a lot of work is accomplished throughout the year, as is reflected in the handout.

COMMISSION OPERATIONAL PRACTICES: BY-LAWS, PROCESS AND PROTOCOLS, ROLES AND RESPONSIBILITIES
Paul Herman, Commission Consultant / Table Discussions

Commission consultant Paul Herman noted that the first conversation would focus on Commission operational practices, by-laws, process and protocols, and roles and responsibilities. He explained that the initial operational practices were developed by the Commission during its first year in 2008. He added that the only commissioners still serving from that first year are Peter Weir, Doug Wilson and Jeanne Smith.

Mr. Herman stated that in the last few years questions have arisen about why the Commission operates the way it does, or abides by certain rules and protocols. With that in mind Chair Stan Hilkey and Vice-chair Doug Wilson agreed that this retreat would provide a good opportunity for all commissioners to touch base with each other and review current operating procedures. Mr. Herman directed commissioners to table tents that outline various issues that have come up often over the past few years. Those issues include subjects such as conflict of interest, attendance, the voting process, proxy voting and public comment. Mr. Herman continued that commissioners would spend the next 45 minutes in small group discussions about the by-laws, the recommendation process, and the roles and responsibilities. He added that the last time many of these documents were revised was in 2011 and that this will give commissioners an opportunity to provide input on possible revisions and updates.

Mr. Herman reminded commissioners that there is a leader at each table who will help facilitate the process, keep the conversations focused, and report back at the end discussion. –

COMMISSIONERS BROKE INTO SMALL GROUPS FOR 45 MINUTES—

Table 1 Report Out / Michael Vallejos

Judge Vallejos was the leader for his small group discussion and provided the report out to commissioners. He reported that Peter Weir was one of the group members at their table and that Mr. Weir described that in the early years of the Commission, one of the main underlying agreements was for commissioners to take off their “hats,” come up with big ideas, and act as a criminal justice think tank. Additionally, the role of the Commission has changed over time and it has become more of a legislation producing entity through the recommendation process, which has resulted in a set-up for conflict of interest. Mr. Vallejos said that, for example as a judge, he has to be very careful about his role on the Commission when it comes to representing the Judicial Department. On certain issues he may have a personal opinion or desire that conflicts with the beliefs of his organization.

Mr. Vallejos added that his small group believes it can be a challenge for all the participants in a 26 member organization to overcome their personal agendas and interests. Commissioners need to be driven by data and research rather than their personal interests. He added that Task Forces need more direction from the Commission so the groups do not promote their own agendas. He clarified that the Commission should avoid taking on easy issues and should instead be driven by work that results in the greater good, even if it is more challenging. Mr. Vallejos reiterated, however, that his group felt that Commission efforts should always be data driven and not agenda driven. Recidivism is a concern and there needs to be more understanding around that issue. There is a broad idea of the problem of recidivism, but there needs to be more education about how it is defined and the root cause to thoroughly understand the ‘why’ of the problem.

Judge Vallejos added that his small group also feels it would be beneficial for commissioners to understand what other commissioners do in their jobs, what the goals are of their individual agencies and how their professional roles fit into the larger system. This group also felt that it is important for working groups and task forces to recognize when their work overlaps or touches on the work of another Commission group.

Regarding the issues on the table tents, Judge Vallejos report that his group believes proxy voting would be a bad idea because they do not believe any commissioner would want to delegate to someone who may not have the same knowledge base.

Mr. Weir added the importance of bringing broader education to commissioners through presentations by subject matter experts after a task force is identified but before the actual work begins. For example, if subject areas are decided today there should be presentations at the next meeting to educate commissioners about the details of the issue before specific work areas are identified. He noted that the entire Commission should also be educated on an ongoing basis about the work being done in task forces.

Table 2 Report Out / Doug Wilson

Doug Wilson was the leader for his small group discussion and provided the report out to the commissioners. Mr. Wilson said his group started their discussion around the issue of public comment and the need to have a public comment section during Commission meetings to ensure transparency and to eliminate the transmission of inaccurate information to commissioners. He added that details need to be worked out about the exact process including where public comment would take place in the meetings and how much time would be allocated to public comment. Mr. Wilson said that his small group does not believe there should be a public comment section during the Commission meetings that are strictly educational, but that public comment would be essential during meetings with a lot of discussion around recommendations and legislation. One possibility would be to have a public comment sign-up sheet at Commission meetings with a set amount of limited time for those who want to provide comments.

This small group also discussed attendance and the fact that the Commission operates under a policy of commissioner dismissal after three unexcused absences. Mr. Wilson clarified that since the Commission tends to meet approximately nine times a year meetings a year, three absences is equivalent to missing a third of Commission meetings. He proposed that Commission leadership could make a phone call when someone misses two meetings, and then if someone misses a third meeting a letter could be sent by Chairman Hilkey on behalf of the Commission. This is a think tank group and the executive people who were appointed need to be in attendance.

Mr. Wilson explained that his group then discussed the Conflict of Interest policy (5.12), and the group believes that individual commissioners proactively reaffirm that policy on an annual basis. He observed that the by-laws represent a fairly strong policy about personal financial interest. He reported that his small group believes commissioners with a conflict of interest should not only declare the conflict, but also abstain from voting on any recommendations when there is an identifiable conflict of interest. The group suggests that each commissioner sign a document every year containing recognition of conflict of interest, recognition of the attendance policy and ramifications, and recognition of no proxy voting. Each year commissioners should reaffirm their CCJJ positions as these relate to conflicts, attendance and proxy.

Mr. Wilson shared that the group then discussed the voting process but did not come to a firm conclusion about any proposed changes. The group did recognize that with such a high threshold for recommendation approval (75%), approximately 5 or 6 people at any given meeting have the ability to block a proposal moving out of the Commission. His group wondered if that is still an appropriate cut-off point. He recounted that with the high threshold for approval many Community Corrections and other recommendations failed in the past two years. He pointed out that there is full commissioner attendance only when a vote is taking place and that there is not full attendance when there is not a vote. It is perceived that commissioners will show up oftentimes simply to vote down recommendations. Mr. Wilson explained that Roberts Rules of Order calls for a majority vote but that his small group believes that threshold (51%) is too low for the kind of work the Commission produces. At the same time, the small group believes a 75% threshold may be too high. Sheriff Joe Pelle commented that the other margin in Roberts Rules that could be acceptable would be a 2/3 vote, which would shave a little off the 75% but still carry a heavy weight.

Table 3 Report Out / Kevin Paletta

Kevin Paletta was the leader for his small group discussion and provided the report out to commissioners. Mr. Paletta said his group wanted to start on a positive note and mention the things they feel are working well on the Commission. His group said they believe the diversity of perspective on the Commission is a huge plus and that the Commission staff is phenomenal. The group believes that attendance overall is good but they also understand it can be hard for legislators to make all of the meetings. Mr. Paletta went on to say that his group believes the current voting process is okay, but he clarified they did not delve into the specifics of the 75% threshold. The group also agrees that there should be an annual conflict of interest acknowledgement.

As for improvements, Mr. Paletta's group felt it would be beneficial to include someone from the Colorado Department of Healthcare Policy and Financing (HCPF) on the Commission, or at a minimum on the Task Forces and Subcommittees. This is especially important when looking at upcoming interest areas.

When it comes to Conflict of Interest it is easier to acknowledge this policy in the By-Laws, but what is tougher are the political and ideological conflicts of interest. Scott Turner added that, for example, he works for the Attorney General, and that he may have a thought on an issue that the Attorney General's Office may disagree with. Chief Paletta agreed that he could have an opinion on an issue that he thinks the majority of the chiefs might not agree with, which then raises the question of how to appropriately represents your stakeholder group while making Commission informed decisions. Mr. Paletta clarified that oftentimes it is necessary to consider what your colleagues want, but not necessarily be bound by it.

This group also stated that they do not like the idea of proxy voting. They also do not like the idea of giving the vote of an absent commissioner to another member of the Commission.

Mr. Paletta went on to say his group also likes the idea of a public comment section, but that there is some that public comment at Commission meetings could slow things down. One alternative could be for a public comment section at Task Force and Subcommittee meetings but not at Commission meetings. He added that this group would like to see the Commission sink its teeth into significant, broader policy issues like the juvenile code and broader sentencing reform.

Table 4 Report Out/Stan Hilkey

Stan Hilkey was the leader for his small group and provided the report out to the commissioners. Mr. Hilkey reported that his group also agreed commissioners should sign and abide by an annual conflict of interest declaration. His group also feels there should be some sort of statement about commissioners being exempt from any adverse employment issues arising from the position they may take on a Commission issue. The small group agrees with the suggestion by Mr. Wilson regarding signing acknowledgements annually.

Mr. Hilkey said his group believes there are arguments to be made about the importance of a 75% threshold. He added that the flipside of that is the problem with five or six people having the ability to kill the work of 20 others. He said he believes there might be room for a discussion about two types of votes, with a possible qualification going to the legislature that would explain

a vote that was approved by two thirds of the Commission versus a vote approved by a 75% majority. There could be a distinction between recommendations with 'strong support' versus recommendations with 'very strong support'. His group feels it is also wise to leave any voting at the Task Force or Subcommittee level as simple majority.

Mr. Hilkey said his group believes public comment is a good idea as long as there is some structure to the agenda items. He noted that it would be easy to create a time-limited segment at the end of the Commission agenda with a sign-up sheet. Thoughtful comment would be helpful as long as it is not dominated by one person or group.

Mr. Hilkey wrapped up by saying his small group did not have an adverse reaction to proxy voting, but believed there should be limitations with notice in writing submitted ahead of time. If a proxy vote is taken from somebody it should be considered that it is a vote of that member.

Summarization

Mr. Herman summarized that there was a lot of consistency table-to-table on many subject areas and it was encouraging to see a so much common ground. He added that every group showed interest in some sort of conflict of interest disclosure and that more than one group discussed the importance of making data driven decisions. There was also consistency about the need for data and greater information before selecting task force areas of study.

He added there was an interesting juxtaposition between groups that wanted to see bold, broad systemic change versus other groups that wanted to focus on more targeted, specific work areas. He noted that this tension has been present in the Commission ever since the beginning. He reminded commissioners that over the past few years when the Commission has identified areas to work on, there has been a concerted effort to be more specific when it comes to guidance to task forces.

Mr. Herman pointed out that when it came to proxy voting, everyone except for one small group thought the system should stay the way it is (with no proxy voting). He added that there is one exception and that it would be helpful to make voting easier for commissioners who cannot be in attendance to electronically submit their votes. He noted that the Commission could make a conscious effort to ensure e-voting is always enabled.

Mr. Herman concluded that staff would pull together outcomes regarding attendance, conflict of interest, voting, public comment and the desire for commissioners to be provided with more and better education on the topic areas being studied by task forces and subcommittees. He explained that staff will summarize areas of agreement and proposed steps to move forward and will have information prepared for the March or April meeting.

**CCJJ REVIEW
2015 RETREAT GOALS WITH 2016 REPORT OUT
Paul Herman**

Mr. Herman directed commissioners to a legal-sized handout titled “CCJJ 2015 / Initial Retreat Goals plus 2016 Outcomes.” He explained that the document summarizes the study areas assigned to each task force along with details of what each task force has accomplished to date. The document also lists the study areas that the task forces determined are important going forward. He continued by stating that the goal of the handout is to help inform the upcoming discussion on future Commission direction.

Community Corrections Task Force / Paul Herman for Peter Weir, Chair

Mr. Herman provided the update on behalf of Peter Weir regarding the Community Corrections Task Force. He began by explaining that this task force has been in existence for almost three years and that the consensus at the 2015 retreat was for the group to focus on issues around transitioning high risk offenders to community corrections. He pointed out that this is an issue because there has been a significant shift in the profile of offenders entering community corrections over the past many years. He added another important issue facing community corrections currently is the struggle to locate new facilities.

Mr. Herman reported that as far as 2015 activities, the task force studied incentives for communities to encourage acceptance of community corrections facilities. The group also reviewed and amended Senate Bill 15-007 which was approved by the Commission two years ago. The task force also developed a strategy for judicial education and an evaluation of high risk/high need offenders.

Regarding desired next steps for this group, the Community Corrections Task Force is interested in further study around improving offender outcomes. The task force is also interested in proposing changes to the Intensive Supervisions Program Inmate Status (ISPI) designation of Department of Correction’s inmates in Community Corrections, as the DOC would prefer to eliminate this category of offender altogether.

Mr. Herman also pointed out that the third thing the task force would like to explore is how to maximize and better utilize specialized beds in Community Corrections. Currently beds are being underutilized and money is being reverted at the end of every year.

Minority Over-Representation Subcommittee / Stan Hilkey, Chair

Mr. Hilkey explained that the Minority Over-Representation (MOR) Subcommittee is currently on hiatus. He shared that he recently participated in an interview with Rocky Mountain PBS as they are working on an in-depth story on racial disparity in many areas of society, including the criminal justice system and the school system. He added that the “hiatus status” is misleading because work around MOR is ongoing in the Commission through other avenues such as the Re-

entry Task Force, along with other arenas. He summarized that it is good for the Commission to keep both minority over-representation and disproportionate minority contact on its radar and that these issues are still one of the biggest challenges in the criminal justice system.

Re-entry Task Force / Stan Hilkey, Chair

Stan Hilkey explained that the goals for the Re-Entry Task Force from its inception in April 2015 (as assigned by the Commission) were to study technical violations, collateral consequences and access to medical and mental health care. He went on to describe that the group agreed to focus on technical violations first and established five smaller working groups as follows: Conditions Working Group, Definitions of Recidivism Working Group, Assessments Working Group, Race/Ethnicity/Gender Bias Working Group and the Housing Working Group. He added that the task force received in-depth presentations from Probation, Parole and Community Corrections regarding the high rate of technical violations in each area and what each was working on to address the problem.

Mr. Hilkey went on to explain that the work accomplished to date includes an ongoing detailed review of Parole, Probation and Community Corrections conditions of supervision with a goal of eliminating redundant and ineffective conditions. He noted that the conditions work will wrap up in the next few months and will likely result in legislative recommendations. The Housing Working Group is also immersed in an initial review of housing barriers for all criminal justice populations around the state. An early look at the data revealed that almost 22% of parolees are paroling homeless every month and the issue of housing is ripe for suggestions and recommendations.

Mr. Hilkey explained that regarding next steps for this task force, the group plans to finalize its work on Conditions of Supervision while continuing the first steps around housing. The task force is also primed to address the issue of collateral consequences with specific recommendations around ways to mitigate the front-end impact of justice system involvement and expand opportunities for mitigation at the back-end of justice system involvement. He noted that the area that has dropped off the list of priorities for the task force is the issue access to medical and mental health, but only because it is too big of an issue to tackle as a subcomponent of the Re-entry Task Force.

Mr. Herman said he wanted to take this opportunity to thank Mark Evans with the Office of the Public Defender for his tireless work on the Re-Entry Task Force, and his dedicated work in previous Commission task forces. He noted that there are certain people who continue to make a huge difference when it comes to actual work products and Mark Evans is one of those people.

Data Sharing Task Force / Kevin Paletta for Jeanne Smith, Chair

Kevin Paletta stated that he is reporting out on the work of the Data Sharing Task Force as the chair of the group, Jeanne Smith, is absent today. Mr. Paletta recounted that this task force was assigned to take a look at the feasibility of creating a statewide offender based data sharing system. He noted that the task force has discovered that the technical aspect of a data sharing

system is not as problematic as it was in the past; however, what is proving to be more problematic are issues around governance. He shared that 2015 activities for this task force included about a dozen focus groups conducted by staff and held statewide with a variety of stakeholders. This work was undertaken in to understand different needs, gaps and desires by various groups.

Mr. Paletta added that currently there is some pretty good data sharing occurring, but that it is not comprehensive. He noted that Adams County is leading the pack and well on its way to a comprehensive data sharing model. The Data Sharing Task Force has used what Adams County is doing as a template to move this work to a statewide level. There are many other data sharing groups in place statewide as well.

He summarized that there are high aspirations for a comprehensive statewide data sharing system but that the biggest driver currently is around municipal court data and the wish to create a system for data collection and access. This goal is based on the premise that better decisions could be made throughout the system with a municipal court data sharing system in place.

Mandatory Parole Subcommittee / Doug Wilson, Chair

Doug Wilson reported that the Mandatory Parole Subcommittee was established in May 2015 to be a short-term group with an extremely targeted work focus. He explained that the Subcommittee created three recommendations that have been presented to the Commission. One recommendation has been approved which centered on rewriting the statutory purposes of parole. That recommendation is in bill form now, sponsored by Commission member and legislator Beth McCann, and is making its way through the General Assembly. The other two recommendations have been tabled until the March Commission meeting. Mr. Wilson went on to explain that those two recommendations will be up for some sort of vote or amendment process at the next Commission meeting. He wrapped up by saying that the Subcommittee has not met since December when the recommendations were finalized and he does not anticipate any more meetings.

LETTER FROM THE GOVERNOR

Stan Hilkey

Stan Hilkey directed commissioners to a copy of a letter in their packet written by Governor John Hickenlooper which was delivered to the Commission earlier this week. Mr. Hilkey went on to explain that in the past the Commission received guidance from the Executive Branch and this letter was written in that same vein. He added that the Office of the Governor has a small criminal justice policy group and one of its efforts is to identify issues important to the Governor's Office that can also be cross-referenced with the work of the Commission.

Mr. Hilkey pointed out that he believes the spirit of the letter is to offer topic areas for the Commission to consider. He does not believe the letter signifies "marching orders" nor does it convey a message of items the Commission must address. Mr. Hilkey advised that the Commission continue to weigh its interests along with those of the Governor's Office. He did

note that there are items within the letter that are a good fit with some of the work already ongoing in the Commission. He observed that the information included in the first and third bullet of the letter (Policing and Behavioral Health Diversion and Treatment, and Juvenile Justice) are valuable and are also of interest to the Commission.

Mr. Hilkey explained that the first bullet regarding behavioral health diversion and treatment addresses something that has been of significant importance to the Executive Director of the Department of Human Services, Reggie Bicha. The letter points out that Colorado has seen a 500 percent increase in the number of referrals for inpatient competency evaluation over the past decade. Mr. Hilkey noted that the request by the Governor for further study in this area is a very good thing and raises the importance of behavioral health issues in the criminal justice system.

Mr. Hilkey went on to describe the details in the third bullet of the letter which point out problems associated with the trifurcated juvenile justice system in Colorado (probation, juvenile assessment centers, and diversion programs). He explained that the same youth being served in probation, often get court ordered into the county system at some point, then end up in youth corrections, resulting in three different treatment plans. Mr. Hilkey added that delving into work around juvenile justice would also help the juvenile justice representatives on the Commission feel more relevant to the Commission as a whole.

Mr. Hilkey explained that the second bullet in the letter asks the Commission to study Specialty Courts and Diversion Programs. He observed however that Colorado is pretty rich in specialty courts right now and there really is not more work to be done in that arena.

Mr. Wilson brought up the fact that during the 2015 Commission retreat Sheriff Pelle discussed the hardship jails are facing in trying to manage offenders with mental health issues. He pointed out that this is also something the Governor brought up in the first bullet point of his letter and that the addition of competency evaluation issues makes behavioral health a very hot topic for future work. He believes it is time for the Commission to take on this issue and that it has been ignored for too long. This gives the Commission an opportunity to fold HCPF into its work and to finally address the needs of the mentally ill in the criminal justice system.

Sheriff Pelle said he agrees and that bullet points one and three are both critical. He explained that there are a lot of things that can be done on the front end to divert people but that 40% of those in the Boulder Jail have an Axis 1 diagnosis. He recounted that he had to hire Certified Nursing Assistants (CNAs) for \$28 an hour to watch inmates in the jail who may be of harm to themselves or others. He said people are actively restrained and that he has one inmate who has eaten a mattress, eviscerated himself, took his sink apart and ate the buckles off of his restraining jacket. He said the mental health hospital in Pueblo does not have enough beds to take this inmate and no psychiatric facility will take him either because they say he is too dangerous. He added that a jail cannot force medication. People leave jail, get medicated, get treated, stabilize, come back to the county jail, refuse to take meds in the jail and decompensate again. He described the fact that jails are running the largest inpatient mental health facilities in the county and that Boulder alone spent more than \$450,000 on medical expenses. He emphasized that there has to be a place where people are taken into secure facilities.

Mr. Hilkey added that he agrees and that he too dealt with the same issues when he was the sheriff in Mesa County. He also added that as difficult as it is for places like Boulder, it is 10 times worse for rural jails that do not have any services. Judge Vallejos added that this is also a huge problem in the courts and that when people have mental health issues there is no place for the courts to turn. He noted that people are evaluated and deemed “competent” when they are clearly mentally ill.

Mr. Pelle added that people with an Axis 1 diagnosis also spend three to four times longer in the jails. Correctional officers are trying to stabilize people in jails but it is not their jobs and they do not have the skills for it. There are also more veterans now than ever with Post Traumatic Stress Disorder and mental health issues. All jails are going over budget when it comes to medication costs. The whole issue is very problematic and it puts corrections officers and staff in extremely precarious situations.

DESIRED COMMISSION ACCOMPLISHMENTS/12 and 24 MONTHS

Table Discussions / All

Paul Herman started this segment of the meeting by explaining that Commissioners would be breaking up into small groups again and discussing what they want to see accomplished in the next two years and how. He added that the more specific the commissioners are in their answers the better. He reminded everyone that each table has a leader who would be facilitating the discussion and taking notes.

--COMMISSIONERS BROKE INTO SMALL GROUPS FOR 45 MINUTES--

Table 1 Report Out/Stan Hilkey

Stan Hilkey was the leader for his small group discussion and provided the report out to the commissioners. He reported the top three work areas agreed upon by his small group as follows:

1. Capitalize on the energy around the topic of Behavioral Health. Specifically:
 - a. Look at front-end diversion.
 - b. Second, address what to do with the acutely ill that are in custody and are ill suited for county jails.
 - c. Study, review and reform competency evaluations.
2. Data sharing and Juveniles
 - a. Data sharing and program information sharing across county courts and municipal courts is severely lacking. Municipal courts across the state are inconsistent in terms of data practices. Ideally the group would love to see ‘Municipal Court Best Practices’ as work for the commission. Ms. Horn-Murphy added that victims’ rights should be added to the work in municipalities. Mr. Wilson shared that a bill is coming forward that would require court appointed council in municipal courts. Only Aurora and Denver have a municipal public defender system right now.
3. Housing

- a. The Commission should address the issue of people paroling homeless, and homelessness and lack of housing as a barrier to effective reentry.

Table 2 Report Out/Doug Wilson

Doug Wilson was the leader for his small group discussion and provided the report out to the commissioners. He reported the top three work areas agreed upon by his small group as follows:

1. Behavioral Health
 - a. Front end diversion, acute secure facilities and beds where officers could take individuals in need of behavioral health services..
 - b. Better relationships between community mental health centers and hospitals.
 - c. How does the Affordable Care Act impact the situation?
 - d. What do we do with people who commit low level crimes who have an Axis 1 diagnosis?
 - e. Is there a way to work with civil commitment?
 - f. Competency evaluations – is there a way to deal with competency issues outside community mental health centers. Another bill will mandate the video-taping of mental health evaluations. How does that work with in-custody settings?
2. Housing
 - a. This should be continued in the Re-entry Task Force and perhaps be a top priority by itself.
3. Juvenile Justice
 - a. Collaboration and consistency between the juvenile justice systems, child welfare, DYC, information sharing and continuing of care.
 - b. There are major silo issues, someone comes out on parole and gets back into county welfare even though they have already gone through. 80% of kids in DYC were in child welfare or on probation at some point.
 - c. Continuum of care issues.

Mr. Wilson added that regarding process, perhaps it would be wise to have a set timeline for task force deliverables once the scope of work is identified. If there was a timeline then the task force could report back to the CCJJ at the halfway mark (and possibly even a quarter of the way through the work) to offer a general idea of direction. That way the task force could report out, provide the supporting data for the work, and gather both commissioner and public comment. The result would be that a task force would not get to the end of their work before hearing negative feedback.

Regarding housing, a request was made to include kids leaving DYC on parole status. That population will be kids who are over 18 years old.

Table 3 Report Out/Michael Vallejos

Michael Vallejos was the leader for his small group discussion and provided the report out to the commissioners. He reported the top three work areas agreed upon by his small group as follows:

1. Juvenile Justice
 - a. The system needs to be looked at as a whole. How are kids evaluated, do we have the right kids in the system, are we treating them the way they should be treated?
 - b. Resources need to be evaluated as do the services being used to treat kids.
 - c. Data sharing regarding juveniles between agencies and counties needs to be addressed.
 - d. There should also be some discussion on the age of the child, what is considered delinquency and how the child is treated.
 - e. Confidentiality and information that is shared regarding juveniles. As a juvenile their record is supposed to be sealed but often times it is not and people become aware of their charges.
 - f. Human trafficking of juveniles and how they are treated. How can we get potential victims into treatment and programs before they are charged with a crime? Victims of human trafficking will often get charges in order to get them into treatment and services. Human trafficking also fits well with the topic of housing. Is there a place to put juvenile victims that could provide services while housing them safely at the same time?
2. Specialty Courts
 - a. Look at Veterans Courts and how they should work, need to look at eligibility criteria. Does there need to be a nexus between their service and trauma? There are issues around treatment and resources for treatment and identifying the appropriate type of treatment.
3. Corrections to Community
 - a. What is going on with Re-entry and recidivism rates? How is that working (or not) and why is there such a high failure rate? How do we increase success on parole?
 - b. When it comes to technical violations are they a result of misdemeanors or felonies? How are technical violations treated? Is it due to lack of employment or lack of treatment?
 - c. What can be done about people who prefer to be paroled homeless? Should they be required to parole to a location? What about behavioral health issues?

Judge Vallejos added that the issue of housing came up during this discussion too, housing regarding juveniles and folks with mental health issues.

Table 4 Report Out/Kevin Paletta

Kevin Paletta was the leader for his small group discussion and provided the report out to the commissioners. He reported the top three work areas agreed upon by his small group as follows:

1. Data Collection/Data Sharing
 - a. This work should start with municipal court data but should also address disproportionate minority over-representation and work on how to identify ways to begin collecting data on race and ethnicity early in the system to determine where interventions may or may not be needed.

- b. There should also be a piece on cyber-security issues. A lot of data is vulnerable. As systems are being built there needs to a security element to protect these systems. Jennifer Bradford added that there is a national push for cyber-security.
2. Mental Health
 - a. Issues around mental health and the impacts on the criminal justice system. This is an issue even prior to the point of initial contact. Maybe good data collection or data sharing would help with front-end contacts. There are more opportunities and more resources at the front end, rather than dealing with it at the point of contact and incarceration.
 3. Juvenile Justice
 - a. The issues raised in the Governor's letter are important. If a juvenile system could be built from the ground up what would it look like? This issue lends itself to a conversation about whether the Commission should recommend public policy that drives practice, or is it more effective to develop practices in hopes that it will drive a positive outcome and reduce recidivism.

PRIORITIZATION AND 2016 WORK OUTLINE

Paul Herman/All

Mr. Herman and the leaders from each of the table discussions went through a sorting process and listed the priorities from the Governor's letter, the priorities from the small group discussions, and the proposed work from each of the Task Forces. The outcomes resulted in eight broad categories as follows-

- 1) Housing
- 2) Municipal Courts
- 3) Behavioral Health
- 4) Juvenile Justice
- 5) Data Sharing
- 6) Specialty Courts
- 7) Re-entry
- 8) Community Corrections

After listing the top eight interest areas, Mr. Herman explained that each commissioner had been given three dots each with which to identify the highest priority items that commission members believe the Commission should tackle over the next two years. He went on to clarify that after the exercise, staff will take the broad categories and flesh them out into fuller, richer and deeper categories with the specific input and details that have been discussed during the day. The Commission will then reconvene in March for a more detailed conversation about how to proceed with a detailed work plan. After providing the instructions for the exercise Mr. Herman asked commissioners to use their dots to rank the categories they feel are most important to address. The outcomes on the dot voting exercise were as follows:

1. Behavioral health – 14
2. Juvenile justice – 11

3. Housing – 8
4. Data sharing – 5
5. Municipal courts – 5
6. Re-entry – 3
7. Specialty courts – 2
8. Community corrections - 0

Mr. Herman reported that the top three interest areas were Housing, Behavioral Health and Juvenile Justice. He explained that during the March meeting these categories will be discussed in great detail with a thoughtful discussion on both the impact and feasibility of pursuing work in these areas. He shared that there will also need to be an important discussion about the work that is already underway in the current task forces and how to fold new work into existing work, along with possibly closing out some current initiatives that may not have made the cut. He reminded commissioners that there is only so much capacity not only with limited Commission staff but also with limited commissioner time. Mr. Herman also pointed out that the Commission will need to respond to the Governor's letter at some point in the coming weeks.

ADJOURNMENT

Mr. Hilkey asked commissioners if they had any further input or questions about the day's work or the next steps. Seeing none, he reminded commissioners that the March 11, 2016 meeting would be held at the usual time (12:30 – 4:30 pm) at the Lakewood Civic Center. He thanked commissioners for their participation and with no further business. Mr. Hilkey adjourned the meeting at 3:35 p.m.