



Colorado Commission on Criminal and Juvenile Justice

Minutes

October 13, 2017

Employee Relations Training Room
Lakewood Civic Center
480 South Allison Parkway, Lakewood, CO 80226

Commission Member Attendance

Stan Hilkey, Chair	Jessica Jones	Joe Salazar
Doug Wilson, Vice-Chair	Daniel Kagan - ABSENT	Lang Sias - ABSENT
Jennifer Bradford	Bill Kilpatrick	Scott Turner – ABSENT
John Cooke	Evelyn Leslie	Michael Vallejos - ABSENT
Valarie Finks	Joe Morales	Dave Weaver
Kelly Friesen	Norm Mueller	Peter Weir
Charles Garcia – ABSENT	Joe Pelle	Meg Williams
Mike Garcia	Rick Raemisch	Dave Young
Tony Gherardini	Rose Rodriguez	Joe Thome, <i>Ex Officio</i>

Substitutions:

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair and Executive Director of the Department of Public Safety

Mr. Stan Hilkey, Chair of the Commission and Executive Director of the Department of Public Safety, called the meeting to order at 1:07 pm. He thanked Commissioners for attending and asked them to introduce themselves. Mr. Hilkey pointed out that Senators John Cooke and Daniel Kagan, and Representatives Lang Sias and Joe Salazar, were all honored Thursday night, October 12th alongside football legend Herschel Walker during a Broncos game. The legislative Commissioners were recognized by Healthier Colorado for their work on Senate Bill 17-207, which included four Commission recommendations and provides funding to strengthen Colorado's Crisis Services System and a plan to keep people in mental health crisis from being housed in local jails. All Commissioners joined Mr. Hilkey in congratulating the legislators. Mr. Hilkey reviewed the agenda and asked for any additions, deletions or edits to the August minutes (the September Commission meeting was cancelled). Jessica Jones moved to approve the minutes and Valarie Finks seconded the motion. Commissioners unanimously approved the minutes.

2018 LEGISLATIVE SESSION DISCUSSION

Stan Hilkey, Chair and Executive Director of the Department of Public Safety

Doug Wilson, CCJJ Vice-Chair and State Public Defender

Gabby Reed, Department of Public Safety Legislative Liaison

Interim Committees Update. Mr. Hilkey introduced Gabby Reed, the Legislative Liaison for the Department of Public Safety, and explained that she would provide an update on the two criminal justice-related Legislative Interim Committees. Ms. Reed reminded Commissioners that there were presentations during the August Commission meeting from the Chairs of the Sentencing in the Criminal Justice System Interim Study Committee and the County Courthouse and County Jail Funding and Overcrowding

Solutions Interim Study Committee. Ms. Reed went on to present a PowerPoint outlining the summary of draft bills and proposed legislative concepts requested by these two interim committees, the content of which can be found among the October meeting documents on the Commission website at colorado.gov/ccjj.

Update on Recommendations Approved by the Commission. Mr. Hilkey directed Commissioners to a handout in their packets that lists the eight legislative Commission recommendations available for bill sponsorship during the upcoming 2018 legislative session. He noted that six of the recommendations pertain to collateral consequences and that Representative Mike Weissman has expressed tentative interest in that packet of proposals. The remaining two recommendations relate to crossover youth and those two are still available for sponsorship. Mr. Hilkey explained that there would be another update on sponsorship of the recommendations during the November Commission meeting.

Commission Renewal. Mr. Hilkey shared that he and Vice-Chair Doug Wilson attempted to hold individual phone conversations with each Commissioner during the past few weeks about the Commission and the possibility of its renewal. In 2013 the Commission was reauthorized by the legislature for a second five-year term, and that term is scheduled to expire on June 30, 2018. Mr. Hilkey explained that a vote will be held during the November meeting on whether Commissioners are in support of a continuation.

Mr. Hilkey directed Commissioners to three documents in their packets that outline the legislative work of the Commission since the 2013 renewal, a summary and tally of the 255 recommendations produced by the Commission since its inception in 2007, and the original legislation describing the charge of the Commission. Mr. Hilkey expressed that he hopes the information will be helpful to Commissioners as they consider the possibility of renewal. Additionally, the Department of Public Safety was required to submit a legislative concept and decision item for the reauthorization of the Commission and, as part of that process, a briefing document was created for the Governor that included many of the same materials provided to Commissioners today. After receipt of those documents Governor Hickenlooper expressed that he was very much in support of renewal of the Commission and believes strongly that the state of Colorado should have a criminal justice commission. Subsequently both the decision item and the legislative concept reauthorizing the Commission were approved.

Mr. Hilkey asked Commission consultant Richard Stroker to facilitate a conversation about the way the Commission currently operates and how work is accomplished, along with Commissioner's thoughts about a renewal. Mr. Stroker asked for input about things that are working well along with areas of possible improvement. At the conclusion of the discussion he asked Commissioners to think about the issues that were raised and different ways they might be considered and addressed if the Commission is reauthorized during the 2018 legislative session.

COMMISSION FUTURE WORK AREAS / NEW TASK FORCE CREATION

Stan Hilkey, Chair and Executive Director of the Department of Public Safety

Richard Stroker, Commission Consultant

Mr. Hilkey pointed out that the Commission currently has the capacity to undertake the study of an additional work area by creating an additional task force. He observed that while the Commission will not know its future for another six months, the group should not lose the opportunity to embark on additional, critical work. He directed members to a handout summarizing the outcomes of the February 2017 retreat and the issue areas that were of interest to Commissioners at that time. One of those areas was Pretrial Release and he reminded members that a Pretrial Release Task Force was created in June. The remaining identified interest areas are: sentencing clarification, the age of delinquency, and the issue of population drivers for the Department of Corrections which was added over the summer. Mr. Hilkey explained that

there would be a more in-depth discussion about the next work area during the November meeting, and he asked Commissioners for any additional thoughts about other possible areas of interest.

Pete Weir explained that the Colorado District Attorney's Council (CDAC) is working in conjunction with the Judicial Branch to collect data about felony filings. He added that CDAC compiled statewide data along with individual judicial districts that shows more than a 40% statewide increase in criminal felony filings during the last five fiscal years. Mr. Weir added that he believes this increase is due to a sense that crime is on the rise in Colorado. He added that last year Jefferson County filed approximately 4,500 adult felony cases and that this year Jefferson County is on track to file 5,000 felony cases. Dave Young explained that Adams County is seeing a similar increase in numbers and that they have already filed more than 5,000 felony cases this year. He added that conversely, the number of juvenile cases and misdemeanor level crimes have remained the same, which begs the question of why felonies are on the rise while other categories of crime remain the same. Rick Raemisch said he believes drug usage is driving the increase in felonies and that the heroin and opioid epidemic is the source of the increase. Joe Morales added that individuals facing drug charges usually have additional charges of burglary and robbery.

Mr. Stroker reminded Commissioners that the work of the Pretrial Release Task Force and the Mental Health/Jails Task Force is still underway, which leaves capacity for the creation of one additional task force. He encouraged members to think about the four topics that have been raised (the rise in felony filings, population drivers at the Department of Corrections, sentencing clarification and age of delinquency) and how to best determine the future work area. Mr. Weir replied that it would be helpful to have a more in-depth discussion on each of the topic areas and more clarity around the actual problem that needs to be addressed in each area. Kelly Friesen offered to provide a presentation at the November Commission meeting outlining the issues around age of delinquency. Mr. Hilkey added that Commission Staff will pull together information to present regarding the other issue areas.

BRAIN INJURY SCREENING AND JUSTICE INVOLVED INDIVIDUALS

Judy Dettmer, MINDSOURCE Brain Injury Network – Colorado Department of Human Services

Judy Dettmer from the MINDSOURCE Brain Injury Network (tbicolorado.org/) introduced herself and explained that the agency is housed within the Department of Human Services. She added that she will be describing a federal grant program that provides screening for brain injury in criminal justice settings. Ms. Dettmer offered a PowerPoint presentation, the content of which can be found among the October meeting documents on the Commission website at colorado.gov/ccjj.

DISCUSSION

Senator Cooke asked how the individuals that have been approved for brain injury screening are referred to MINDSOURCE, and how the screening process takes place. Ms. Dettmer replied that the referral happens different ways in different settings. She explained that there are targeted units in certain jails and targeted populations in specialty courts. If someone screens positive for a lifetime history of brain injury and screens positive on a neuro-psychological evaluation, a student clinician makes a direct referral to the Brain Injury Alliance. She added that the hope is to eventually expand the program to include more jails statewide. Ms. Dettmer noted that the Jail Based Behavioral Health Services (JBBS) programs that are operational in 46 jails are performing some screening, but that they do not have the follow-up and direct referral components offered by the Brain Injury Alliance.

Meg Williams asked about the role of medical insurance and Medicaid in the screening process. Ms. Dettmer explained that the issue around brain injury screening is recognized by insurance providers but their focus is mainly around post-acute brain injury rather than lifetime brain injury. Therefore, insurance

providers do not look at non-acute brain injury screening as a medical necessity. There are also issues around the fact that brain injury is usually considered to be a physical disability rather than a behavioral health condition. Ms. Dettmer clarified that the work in her organization is not around diagnosing brain injury conditions but rather brain injury screening.

Mr. Hilkey asked about brain injury screening in specialty courts such as Veteran's courts. Ms. Dettmer replied that they have worked with Veteran's courts in Adams County, Jefferson County and El Paso County.

Jessica Jones asked about the capability to assess defendants pre-conviction rather than post-conviction. Ms. Dettmer replied that her organization has done training with some of the public defenders and agreed that it is valuable to determine the best time to screen someone as far as maximizing resources.

Sheriff Pelle commented that one possible opportunity to push this effort out to a broader statewide level would be through pilot sites and the JBBS programs.

Mr. Hilkey asked about the utility of screening for probation officers and other people who work closely with justice involved individuals. Mike Garcia replied that Judicial has brought the concept of brain injury screening to the attention of chief probation officers and Judicial is continuing to try to find a way to expand the practice to a broader audience in Probation.

Representative Salazar inquired about statistics and outcome measures for the program. Ms. Dettmer responded that there are available data on the success rate of screenings, but that long-term treatment and recidivism measures will take more time. She added that eventually they should be able to track the cost-benefit analysis of the program.

ADJOURNMENT

Mr. Hilkey thanked Commissioners for their time and asked the group for any final comments. He reiterated that there will be presentations during the November meeting to help inform the discussion on the Commission's next work area. Mr. Hilkey reminded members that the next meeting is scheduled for Thursday, November 9th due to the Veteran's Day holiday. With no further business, Mr. Hilkey adjourned the meeting at 2:47 p.m.