



Colorado Commission on Criminal and Juvenile Justice

Minutes

June 8, 2018

Jefferson County Department of Human Services
 900 Jefferson County Parkway
 Golden, CO 80401

Commission Member Attendance

Stan Hilkey, Chair	Jessica Jones	Rose Rodriguez
Doug Wilson, Vice-Chair -ABSENT	Daniel Kagan -ABSENT	Joe Salazar -ABSENT
Chris Bachmeyer	Bill Kilpatrick	Lang Sias -ABSENT
Jennifer Bradford	Cynthia Kowert	Peter Weir -ABSENT
John Cooke -ABSENT	Evelyn Leslie	Meg Williams
Valarie Finks	Joe Morales	Dave Young -ABSENT
Kelly Friesen	Norm Mueller	Judicial Branch Rep. - VACANT
Charles Garcia	Joe Pelle -ABSENT	County Commissioner - VACANT
Tony Gherardini	Rick Raemisch -ABSENT	Joe Thome, <i>Ex Officio</i>

Substitutions: David Johnson for Rich Raemisch

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 1:08 pm. He thanked Commissioners for attending and asked them to introduce themselves.

Mr. Hilkey pointed out that Glenn Tapia, the newly appointed Director of Probation Services, is in attendance this month while awaiting official appointment as a Judicial Branch representative to the Commission. Additionally, Tom Raynes, Executive Director of the Colorado District Attorneys’ Council will formally take a seat on the Commission starting July 1st, but he is also in attendance this month.

Mr. Hilkey welcomed three guests who will be offering presentations at the meeting including Mindy Masias, Chief of Staff for the Colorado Judicial Department, Gianina Irlando from the Office of the Independent Monitor in the City and County of Denver and Audra Bishop with the Children, Youth and Families Branch in the Department of Public Health and Environment.

Mr. Hilkey reviewed the agenda and pointed out that it can be deceiving when a meeting agenda seems light, which may give the false appearance that there is not much work taking place. He assured Commissioners that this month, as usual, a significant amount of work continues to take place in the three active task forces. Mr. Hilkey asked for any additions or corrections to the May minutes and seeing none asked for a motion to approve the minutes. Meg Williams made a motion to approve the minutes and Joe Morales seconded the motion. The minutes were unanimously accepted by Commissioners.

UPDATES**House Bill 18-1346****Joe Thome, Division of Criminal Justice**

Joe Thome, Director of the Division of Criminal Justice, offered an update on House Bill 18-1346, “Abuse of Youth under 21 in Care of Institution,” which mandates action by the Commission. The bill directs the Commission to study whether existing criminal statutes address abuse of a child or youth in a facility and to issue corresponding recommendations concerning any identified gaps in law that may need to be addressed. The report is due from the Commission on or before July 1, 2019.

Mr. Thome explained that Gretchen Russo from the Department of Human Services (DHS) is going to be the point person between DHS and the Commission for the work on this bill. The purpose of the bill is to determine whether there are adequate laws and adequate capacity to investigate and manage allegations of child abuse against young people (under 21-years-old), who are under the jurisdiction of the court, in out-of-home placement facilities. The work will include review of the Colorado Revised Statutes and other parts of the Colorado Children’s Code. Tony Gherardini added that DHS is still in the early stages of discussing how this study might proceed, but that it will ideally compare the recent statutory change to the Human Services statute to other existing statutes, and identify gaps and provide recommendations. Mr. Thome summarized that a small group of people will begin work on this project in the next couple months and then reintroduce this topic to the Commission during its August meeting after the new Commissioners are seated.

Charles Garcia recommended that Stephanie Villafuerte, Colorado’s Child Protection Ombudsman, be included in this work. Mr. Gherardini and Mr. Thome agreed that her input would be invaluable.

The Bail Blue Ribbon Commission**Mindy Masias, Chief of Staff, Colorado Judicial Department**

Mr. Hilkey introduced Mindy Masias from the Judicial Department and asked her to provide an update to Commissioners on Judicial’s Bail Blue Ribbon Commission. Ms. Masias explained that the Commission was recently created by the Colorado Supreme Court and is comprised of six Chief Judges from across the state, Judicial’s legislative liaison Terry Scanlon, and the new Director of Probation Services, Glenn Tapia. Additionally, the Commission has invited two guests to join the group, one representative from the Colorado District Attorney’s Council and Doug Wilson from the Public Defender’s Office. In addition, four Supreme Court Justices are liaisons to the Commission which, Ms. Masias stated, indicates a lot of energy coming from the Judicial Branch around this topic. The Blue Ribbon Commission co-chairs are Ms. Masias and Judge Carlos Samour.

Ms. Masias went on to say that one of the purposes of the Bail Blue Ribbon Commission is to work collaboratively and complementarily with the work of the Colorado Commission on Criminal and Juvenile Justice, and that she and Mr. Tapia look forward to participating on the Pretrial Release Task Force of the Commission. Another goal for the Blue Ribbon Commission is to ensure that judges, court staff and probation staff stay abreast of any changes being contemplated by both the Task Force and the Commission.

Ms. Masias noted that information about the Blue Ribbon Commission can be found on the *Supreme Court Committees* link on Judicial’s homepage at, courts.state.co.us/Courts/Supreme_Court/Committees/. The next meeting of the Commission will take place June 19th at 1 o’clock in the Supreme Court Conference Room on the 4th floor of the Ralph L. Carr Judicial Center.

Mr. Hilkey asked about the role of Judge Samour with his recent promotion to Supreme Court Justice. Ms. Masias explained that there is a chance Judge Samour will stay on the Commission or participate in some fashion as he is a vocal proponent of bail reform in Colorado.

AGE OF DELINQUENCY AND JUVENILE BRAIN DEVELOPMENT

Joe Thome, Division of Criminal Justice and the Age of Delinquency Task Force Co-chair
Gianina Irlando, Office of the Independent Monitor, City and County of Denver
Audra Bishop, Children, Youth and Families Branch, Department of Public Health and Environment

Mr. Thome shared that he and Commissioner Jessica Jones are co-chairs of the Age of Delinquency Task Force which is looking at three areas of focus as follows: (1) examining intervention options and treatment services for the younger population of 10-12 year olds, (2) exploring options and approaches regarding the management of transitional populations (18-21 year olds), and (3) reviewing repercussions associated with comingling younger and older juveniles. Mr. Thome reminded the group that it is customary for Task Forces to report to the Commission periodically in order to keep the group informed about ongoing work taking place in the Task Forces, and that this is the purpose of the presentation this afternoon. He emphasized that the Task Force is still very much in the information-gathering phase of its work and is exploring issues of both accountability and service delivery. With that in mind the Task Force members felt that it would be beneficial for the full Commission to hear more about juvenile brain development and how that ties to the juvenile justice system.

Mr. Thome explained that the Age of Delinquency Task Force received an engaging presentation in March from Gianina Irlando of the Independent Monitor's Office in Denver and Audra Bishop of the Department of Public Health and Environment, and that these two presenters have been invited to present today. Ms. Irlando began the presentation by distributing a packet of information describing some of the work of her office, including information on a program called Bridging the Gap: Kids and Cops.

Ms. Irlando reported that the Independent Monitor's Office is an independent oversight organization for Denver's police and sheriffs. The agency oversees internal affairs investigations and releases public reports, including outlining ways to improve the interactions between officers and youth on the street.

In 2013 there were numerous complaints from parents and the community about police officer expectations of juveniles, and kids getting caught up in the system unnecessarily. At that time, the agency convened a large group of law enforcement representatives, advocates and academics and explored ways to address this issue. That work resulted in the application for a grant to develop and implement a program to teach both officers and youth how to positively interact with each other. Denver now owns the curricula for the program and has trained scores of peace officers. Another element of the program included organizing dozens of stakeholder organizations to participate on an advisory board to engage community members in the dialogue. The final piece of the project included implementation of a community facilitator training which, among other things, contains the components of restorative justice, trauma awareness, and mental health first aid for youth. The facilitators are expected to deliver the curriculum in the community three to five times per year. There have been 29 trainings over the last 2 ½ years reaching more than 1,000 youth.

As for law enforcement, the training includes opportunities for them to talk about their experiences including why they became officers in the first place. They also receive insights on how to interact with youth including tips that revolve around respect, remaining calm and communication skills. The Criminology Department at the University of Colorado is evaluating the curriculum with results expected by the end of the year. In the meantime, there are preliminary promising numbers about the amount of

perception change resulting from the program. Currently 267 officers have gone through the full-day, POST-approved training. Ms. Irlando finished by noting that many jurisdictions have approached her agency inquiring about ways in which they could adopt and implement the curricula themselves. While the agency does not currently have the staff or resources to package the program fully, they are coaching some jurisdictions including El Paso County and Aurora. Fort Morgan is also exploring how to use the program in their schools as part of its educational curriculum.

DISCUSSION

Meg Williams asked about parents and how they are factored into the program. Ms. Irlando replied that her office is exploring the development of a 'parent-track' of the training that is similar to the young adult track. The hope is to have all three tracks (law enforcement, youth and parent) implemented by next year.

Charles Garcia asked about whether the training is included in Denver's Police Academy. Ms. Irlando replied that it is not currently included in basic training because some of the commanders believe that officers should be on the street for a period of time and have some real-life experiences to ensure that the information is relevant for them.

A question was asked about the method by which officers are selected to participate in the training. Ms. Irlando replied that officers self-select and volunteer unless a commander selects them for the training. Additionally, most officers receive off-duty pay for the training.

After answering questions Ms. Irlando introduced Audra Bishop, noting Ms. Bishop's expertise in youth brain development. Ms. Bishop added that prior to her current work at the Department of Public Health and Environment the last eight years, she also worked for 14 years in residential and juvenile justice settings. She has extensive experience with this population, and she hopes to influence those systems and processes that intersect with youth development and young people's needs. She noted that it is important to understand that, when it comes to youth development, failure will always be part of the equation, and that environmental factors, trauma and social determinants of health all impact youth behavior. Ms. Bishop began a PowerPoint presentation on adolescent development, the full content of which can be found on the Commission website at, colorado.gov/ccjj. The group participated in a discussion after the presentation.

DISCUSSION

Mr. Thome thanked Ms. Bishop and observed that, as this information is considered by both the Age of Delinquency Task Force and the Commission, it serves as an explanation of behavior rather than an excuse for behavior. It is helpful when considering what the obligations are from the justice system, from a treatment standpoint, and from the perspective of youth who are struggling. The information informs our work about how best to address these issues moving forward.

Mr. Hilkey asked both presenters to offer their thoughts on what they personally believe the criminal justice system could do better in the context of the material provided today. Ms. Irlando said that she would like acknowledgment that this kind of training is vital for anybody whose work touches the juvenile and criminal justice systems, and also those whose work requires a trauma informed practice. The goal of that would be to 'meet' people where they are coming from with a little bit of compassion and a little bit of understanding.

Ms. Bishop replied that she would like to see a justice system that could move from being punitive to being more growth focused with an emphasis on training for professionals in the area of adolescent development. There is a short window of opportunity when the brains of young people brains have a level

of neuroplasticity that actually allows for the literal reshaping of their brains. The way in which the system responds to youth is critical to their growth and change processes.

COMMISSIONER FAREWELL AND ADJOURNMENT

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

Mr. Hilkey recognized the six members whose terms on the Commission expire this month. He thanked Kelly Friesen, Norm Mueller, Evelyn Leslie, Charles Garcia, Dave Young and Pete Weir for their years of dedication to the work of the Commission. Mr. Hilkey pointed out that due to term limits, resignations and the creation of new positions, a total of 12 new Commissioners are slated to join the Commission starting July 1st. Additionally it is the intent of the Commission to hold its annual retreat on September 14th, after the new group of Commissioners are seated.

Mr. Hilkey thanked Commissioners for their time and asked the group for any final comments.

Tony Gherardini asked if he could reply to a comment made by Ms. Bishop in her presentation about the juvenile justice system being punitive. Mr. Gherardini noted that approximately seven years ago, the Department of Human Services initiated reform of the Division of Youth Services to be more service oriented. DHS no longer operates under a punitive perspective and does not in any way condone or seek to imbue a punitive framework. Additionally, during the past seven years, DHS has adopted a trauma-informed care model and is a national leader for its work around reducing the use of seclusion and restraint. Joe Thome agreed with Mr. Gherardini and pointed out that it is remarkable that the national average for time in seclusion for a youth is 15.2 hours, while in Colorado the average length is 33 minutes. He believes this is a striking move in the right direction.

Mr. Hilkey asked for any further comments, seeing no further business he adjourned the meeting at 2:54 p.m.