



Minutes

Juvenile Justice and Delinquency Prevention Council

Date: February 18, 2022

Zoom Meeting 9:00 am to 12:00 pm

MEMBERS PRESENT: Will Hays, Paula Mattas, Tom Harbaugh, Brian Bumbarger, Al Estrada, Kyle Ragland, Effie Seibold, Kira Jukes, Stacie Colling, David Kollar, Kelli Reidford, Diana Goldberg, Michelle Brinegar, Rebecca Gleason, Tracy Kraft-Tharp, and Paige Brown.

STAFF PRESENT: Kelly Abbott, Debbie Oldenettel, Kate Ferebee, Anna Lopez, Mona Barnes, and Carolyn Sheffield
Joe Thome, DCJ Director and Debbie Oldenettle, DCJ Deputy Director

GUEST: Jack Reed, Raechel Alderette

Quorum Established at 10:04 a.m.

INTRODUCTIONS: No new members or guests

APPROVALS: Rebecca moved to approve the minutes. Al seconded. No opposition

CHAIR'S REPORT:

Will attended the last Emerging Leaders meeting and he encouraged Council members to spend more time with them. He said it will renew your hope in the future. The Emerging Leaders are not "next gen" leaders, but are currently leading and have a lot of great perspectives on the juvenile justice system. They are working on ways to become more involved in larger Council efforts, so it is helpful when other Council members can attend to keep that connection going.

Will thanked Paula for testifying on the bill to increase prevention efforts for juveniles in Colorado. Will is concerned about the unintended consequences of the "raise the floor" bill, that will raise the age of arrest for juveniles to 13 years old.

Will is also closely watching the bill to increase shelter beds.

Anna Lopez is taking another position in DCJ, Office of Adult and Juvenile Justice Assistance. She will supervise the R/ED coordinator for Colorado (the current position she holds). She and Kelly are working together to revise the job description for that position to increase R/ED efforts statewide. There will be another position that she will supervise, which will be a staff liaison for the JJDP Council. That position will help staff the Council as a whole, and all of the subcommittees.

Will would like to do something at the May meeting to officially say good-bye to Anna and honor her service to the Council.



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DIRECTOR'S UPDATE

One of the issues in the "raise the floor" bill surrounds sex offender management and how they can get services.

HB 21-1003 looks to be moving forward through the legislature. Bill designates JJDP Council as the oversight body.

STAFF REPORTS

1. R/ED Update

- Continuing to support local communities. Working with 1st, 2nd, 18th and 20th. They are all at a different stage in addressing R/ED. The 1st has a plan and in implementation. 2nd is developing their plan. 18th is starting a plan and have goals determined, but now they have to decide a strategy. They felt they were too broad and trying to fix everything, but not making progress. 20th has finished their data collection and is now writing their plan.
- Governor's WIG: Minority Representation. Anna has chosen the 17th, 18th, and 20th to host R/ED forums. She will start with the 18th and modify to adjust to the needs of the communities. The communities were chosen because of their higher R/ED rates. The ORS is collecting the data so that they can inform the annual R/ED Plan.

2. OJJDP Update

- Kelly is learning the ropes with OJJDP. She and Mona have been discussing new JJRA rules and guidance. It has been inconsistent, so they are working through that. Guidance around youth who are charged and convicted as adults would no longer be covered under the core requirements of JJDP. DYS has been waiting for that guidance, and DCJ is waiting to hear back on that. Mona is also working to change the compliance monitoring report to the new template. They will not release the FY21 Award until those manuals are approved. Heard last week that they will approve the manuals all at the same time after June 15.
- Two-column chart with one side being the federal rule, and the other side being how the Colorado statutes address it.
- The deadline means that the money will not come in until late summer or early fall. They did say that 2020 money will come in, but 2021 and 2022 money will likely come in at the same time, but there is no solicitation out yet.
- CJJ Conference is in May. If Council members are interested in attending, email Kelly Abbott and let her know.
- JJRC is meeting next month. The bill to sunset that committee has been introduced and moved forward. All tasks are on course. Diversion is rolling out the ARNA throughout the state. Judicial is rolling out the YLS. DYS is still working on the revised JDSAG. They have fully implemented the YASI. Getting report from DYS and Judicial for the costs of collecting all the data points. For shared outcomes, DYS, Judicial and DCJ will conduct their own data reports and hold an annual shared outcomes meeting to discuss them all at the same time. Sunset hearing is scheduled for Feb. 23.



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3. Diversion

- Update on ARNA
- Update on Formula review

4. Compliance Monitoring

- The interest of justice requirement says that any juvenile awaiting trial in criminal court cannot be held with adults, etc., unless they go through the interest of justice process and a judge considers certain things like the mental health of the juvenile (things that Colorado code already requires). The judge can order that the juvenile is held in adult lockup. It must be reviewed by the judge every 30 days. They can be held up to 180 days, unless there is a renewal of that process and that can start again.
- All of this is contrary to the guidance that a juvenile can be held as an adult in an adult jail when charged as an adult.
- OJJDP is reviewing the thoughts from Kelly and Mona.
- This is impacting the guidance DCJ provides to partners, like YOS. DCJ received guidance that Juveniles have to be sight/sound separated until they reach the age of 18. They notified YOS to separate the populations in their facilities. They immediately started to make those adjustments. This has now been contradicted by OJJDP.
- Also looking at the requirement that within 30 days the case should be reviewed and the judge has to put in writing whether another 30 days will be renewed. CO Code says that a review cannot happen until after 30 days.
- Al is confused about what this means for juveniles charged as adults in a juvenile facility and juveniles convicted as adults and remain in juvenile facilities, but are waiting to be picked up by DOC / YOS. Sometimes that takes 60 days. Even when kids turn 18 who are pending an adult trial, they don't usually go straight to county jail. Have a number of issues that are likely going to require separate meetings.
- Kelly: Those were the specific questions for which we have sought clarification from OJJDP. Waiting to hear back from their lawyers
- New requirement that court holding facilities would have to meet the classification of an adult jail. Need to now look at the check-in times/check-out times, etc. to make sure that the core holding requirements are met. That initially came out in the beginning of 2021, and several states pushed back. If there is a juvenile court holding area on the 3rd floor of a building, and adults are held on the 2nd floor, does it have to be treated as the same thing? They made concessions on that, but they are now coming back and saying that the requirements will be enforced. Mona will be sending out some certification forms so that facilities can attest that they are keeping the adult and juvenile populations separate.
- Mona has found inconsistencies in the new template for the compliance monitoring manuals as well.



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- For now, moving forward to what was told previously, rather than trying to move to comply with what the last guidance/training was.
- Main concern is the sight/sound separation of juveniles and adults. For them to say “charged as an adult” means that anybody can be held with adult inmates is not ok by Colorado standards.

SUBCOMMITTEE REPORTS

1. **Children’s Code:**
Anna and Kelly have started procurement process to get a consultant and will reach out to the CC committee once that gets on track.
2. **CMYE:**
3. **Emerging Leaders:**
Update on YVP Forum and survey project.
4. **Data & Research:**
Looking forward to the time when OAJA is fully staffed and can move forward with research efforts.
 - Brian passed along this information:
 - <https://registrations.publichealthpractice.org/Training/Detail/769>
 - There is also a call for presenters open until Feb 28th: <https://bit.ly/SRPF22CFP>

ORS PRESENTATION- JUVENILE CRIME DATA

- Invited Jack after the Council expressed a desire to review the latest juvenile crime data at the last meeting.
- COVID has really affected data collection
- Overall crime rate in the US has decreased by 6%, however, the overall crime rate in Colorado has increased by 9%. Colorado has the 4th highest increase in crime rate for the entire nation.
- Compares crime stats from 2019 to 2021. Biggest changes between 2019 and 2020.
- Homicide rates up about 50%, Aggravated Assault rate up 30%, overall violent crimes up about 17% (adult and juvenile). Sexual Assault has gone down. (low reporting rate)
- Property crimes are being driven by motor vehicle thefts up 86% (account for about 20K more motor vehicles stolen in the year) – not juveniles, but overall – and these kinds of things are useful when looking at the Governor’s Crime Prevention Package.
- **Stacie Colling would like a copy of the presentation**
- With some of the data it is difficult to know how much of it is because isn’t in school. School is an easy place, for instance, for kids to get drugs and to get caught with drugs.
- 65% of Juvenile offenders have juvenile victims.



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- In past years, ORS has seen (especially with sex offense), adults are likely to victimize people outside of the family, and juveniles are likely to have intrafamilial victims
- Jack highlighted the juvenile murder offenses and percentage where the offender used a firearm, separated out by county. Nearly 100% of juvenile homicides involve a firearm. These statistics show that juvenile access to firearms is important to discuss.
- Firearm use increase is going up more for juveniles than it is for adults. The more firearms there are in the state, the more likely they are to be stolen. Access to firearms is usually driven by access in the legal market. This goes not just for homicide and other crimes, but also in suicides. It is both a public safety issue as well as a public health issue. While Jack is not proposing solutions, he sees the value in examining policies on access to firearms.
- Adams County for crime reporting purposes includes all of Aurora (decision by FBI and CBI). This can skew the data for Adam County
- There is quite a bit of variation from county to county in terms of access to firearms.
- In violence prevention programs, these statistics can be highly effective
- Have seen a decrease in larceny. There may be some possible reasons: the number of thefts incurring in school are decreasing; motor vehicle thefts have not decreased from 2020-21, and is not that much down from 2019. While motor vehicle theft is a highly report crime, it is a difficult crime to clear. The same with larceny. They sometimes are so numerous that LE can't look into them.
- Juvenile drug offenses: There was less proactive policing about it due to COVID and the de-felonizing of all drug possessions.
- Delinquency filings: Arrests and delinquency filings look at different levels of crime, and different agencies. The data Jack presented are from State Judicial, and covers a fiscal year.
- Trend in overall delinquency filings was flat from 2015-2019. Once COVID hit, courts weren't in session as much and there was quite a pause in filings in many cases. Anticipate an uptick in filings in FY 22.
- Types of filings: Anticipate aggravated assaults to go up. Homicide is the one crime that increased from FY 20 to FY 21. May be due to the psychological stresses of the past two years. Homicide is usually a reactionary crime in juveniles.
- School discipline: LE Contacts in schools – data from ORS school reporting. From the 2019 school year to 2020 school year, we see significant decreases across the board, especially drug offenses, particularly marijuana. When marijuana goes down, usually alcohol use does not follow.
- School Discipline Trends: Data from the Dept of Ed. Big decreases because kids were not in school. Given the negative consequence of suspensions/expulsions, it would be interesting to see long-term if the youth who were not suspended but had LE contact would have better outcomes than those who were.
- Seeing far fewer instances of kids being suspended for 3rd degree assault.
- DYS Populations: Have seen downward trend since 2012. Trends are even lower now

Effie: Included any non-consensual sexual offense, did that include unlawful sexual contact.

- Jack: Does include unlawful sexual contact/fondling according to CBI.



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Kira: If a juvenile is arrested for multiple offenses, is the worst offense included in the type of offense at arrest?

- Generally decided by LE attached to a specific offender. All offenses are considered, but the LE determines the most serious offense at the offender level

Kira: LE Contacts/ Suspension and Expulsion – can we get that by judicial district?

- This is found in the ORS dashboard at <https://ors.colorado.gov/ors-studentcontacts>
- It's broken out by school district and school as well as agency
- Jack walked through the website

Stacie: Question about the homicides, is anyone keeping statistics about how many homicide victims there were (one defendant: multiple victims or multiple defendants: one victim). Attempted homicide is counted in the filing homicide data but only count completed homicides in the arrest data.

- The data about how many victims per incident does exist from the CBI crime data. It's more work, but it's doable.

Al: One thing this doesn't capture is youth in the juvenile justice system but over 18. They aren't out of the juvenile system yet, but legally considered adults. Have had several incidents of that over the past few years.

- Jack: Important to know this, especially when looking at youth violence prevention from a policy or court point of view.

Effie: How is aggravated assault defined? Includes the type of violence and type of injury

Brian:

For anyone interested in geeking out over interpreting crime data during COVID:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7297511/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8742714/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8603909/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8776368/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8648867/>

<https://www.denverpost.com/2022/01/23/colorado-crime-rate-homicides-shootings-assaults/#:~:text=Its%202020%20rate%20of%20534,over%20the%20three%20year%20average.>

Brian: Is there a self-reported crime victimization report in Colorado?

- ORS is planning to do that this summer. One stumbling block is the cost of getting consent of juveniles, so it will be an adult victimization survey statewide.
- Healthy Kids Colorado, 2021 data will be out in June/July of this year. They did an interim report to see impact of COVID. Did not see any significant indicators in behavior, but it was hard to get a good sample because it is entirely opt-in.

Al: For the delinquency filings for murder/assault, are kids who go through as adult included in these data?

- These are filings in district juvenile court and would not include adult district court
- Al: so there could be a lot more juveniles who were filed on in adult district court
 - o Jack: Yes, there are a lot more steps required to analyze this. Arrest data will capture that.



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Kira: Interesting to see in the Summary Report of contact, page 35 lists the agency/districts that didn't submit incident reports for student contact.

- Jack: I agree. We have been able to convince Aurora to comply with reporting. We have a requirement to gather the data, but they do not have a requirement to provide the data

Kelly: Will they be taking into account the impact of SRO removal in Denver Public Schools?

- Yes, this will be very interesting to look at for 2021 data. But, until we can get several years of data, we're not going to know the impact because kids have been out of school so much. We probably will not be able to compare data to 2019 (the last "normal" year) until 2022-23.

Brian: Are we seeing any trends in truancy referrals? (Data or anecdotal)

- Jack: I've seen anecdotal decrease, but nothing connected to data. A lot of questions around the "real" amount of truancy vs. just a kid signing off of Zoom.
- Mona: Valid court orders from truancy were down from Oct 2020 through Sept 2021
- Brian: Interesting/concerning trend in other states: A big dip of truancy referrals and then a big dump of referrals, as if they had broken a logjam. When we talked to jurisdictions about that, it ended up being a type of "virtual signaling" where school districts were either angry or empathetic with parents. Need to keep an eye on it in Colorado.

David Kollar: Our truancy numbers were down similarly for the period of time that students were remote learning. We did not outpace prior rates after coming back in person (1st JD)

HB 21-1003

- Kelly wants to put a little effort into planning for the Council to be the oversight body of the grant programs set forth in the bill. The grants would likely go for 2 years, and will be \$2.1m
 - Effie: Do you think this looks like the same grants as Dr. Alexander in Denver First
 - Kelly: We can set those parameters
- Brian: Even before the bill passes, is there any language that is causing you concern or anything that the Council should be thinking about/advocating for or against? Trick is to maintain flexibility in the implementation to serve those in the juvenile justice field.
- Brian: Surprised at how much work for DCJ staff this may require
- Kelly would like to see a core group of people who could commit to meeting between May and July to shore up all the responsibilities that this bill may come with. We requested additional staff, but will not be able to hire those folks until July. This will come down to work by Kelly, Kate, Anna and the new liaison until they are hired. Need to ensure that rural communities are included.
- Al, Stacie, Effie, Paula, Brian, Kyle Ragland, Kira Jukes volunteered. Kira wondered if she should refrain since she is potentially a funded agency. Kelly said that getting community voice in the process is very important.
- Brian: Concerns about the requirement to collect data and come to a conclusion if funded programs were successful at prevention and intervention.



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- **Need to invite someone from Tony Grampas so that efforts are not duplicated**
- Debbie: we have raised the concern of evaluation in a two-year process. Some providers have said not to even bother giving us money if you are going to take it away in two years. We will ask community programs about how these programs were impactful to the communities. How can the funds help demonstrate ways to keep funds sustainable? How do we reach the rural communities and communities of color? How does this grant help make the state of Colorado a “safer place”?
- Joe: One of the issues that sponsors brought forward was the assurance that there are young people, especially with lived experience, as part of the advisory process. There was an amendment written, but saw that the Council already makes this a great priority, so they didn’t put the amendment forward.
- Joe: The bill sponsors asked why CMPs couldn’t take care of this, so it will be important to get JSPCs / CMPs included in the process.
- Brian: It will be helpful to think about grants for programming (services, interventions) vs. infrastructure (e.g. using aggregated YLS data to inform priorities), and whether the language will allow that flexibility.
- **OAJA Staff will get an email out to volunteers and reach out to the various other groups that are needed.**
- Al: Are there other bills related to the Governor’s crime package that everyone should be aware of?
 - Debbie: Incorporating different aspects of the crime prevention package, and a number of bills that address similar topics. One is LE retention and recruitment. We’re looking at how to make sure there is no duplication, so working proactively to coordinate efforts before bills are introduced. The safer streets bill has been drafted as a result of the Governor’s package. The School Safety bill is out of DHSEM. Violence interrupter programs is in the works. There will also be a Crime Prevention Forum and some administrative dollars.
- Has the jail standards bill moved forward?
 - It has been amended to create a task force to look at it, instead of amend the bill
 - Kelly: We could add in the JJRA requirements to statewide jail standards
 - Joe: That study will be creating the standards, but DCJ will not be monitoring/auditing it
 - Debbie: Will that still be the responsibility of DCJ?
 - Yes, but will not need to put together the state auditing system.

MEETING ADJOURNED