



## CO Juvenile Justice Reform Committee: SB19-108

May 26, 2020, 1-3 (Zoom)

### Minutes

**Committee Members Attending:** Adam Zarrin, Judge Walker, Magistrate Dumler, Anders Jacobson, Joe Thome, Perry May, Tariq Sheikh, Sarah Ericson, Sara Strufing, Stacie Colling, Elaina Shively, Kirsta Britton, Amanda Pennington, Allison Boyd, Carl Blake, Dan Makelky, Lanie Meyers-Mireless, Elise Logemann, Shawn Cohn, Tobin Wright

**Guests:** Tom Harabaugh, Ashley Case (for Sheri Danz), Matt Frieson, Erin Crites, Kelli Burmeister

**Staff:** Kelly Abbott, Josh Webber, Anna Lopez, Kate Ferebee, Yaël Coley-Green, Shelley Siman

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#### Legislation Implementation Timelines

- Guidance from Senator Lee and Senator Gardner provides more flexibility to establish a plan for statewide adoption of risk screening tools and risk and needs assessment tools by January 1, 2021, and adoption of statewide probation standards by July 1, 2021, rather than necessarily full statewide implementation.
- Each corresponding working group is encouraged to review their work plans and consider whether timelines should be adjusted accordingly.

#### Risk Assessment Implementation Committee and Probation Standards

##### *Status Updates*

- YLS Risk Assessment Committee has conducted stakeholder education and training sessions with every judicial district including public defenders, DAs, and judges.
- Most stakeholder education sessions went well with limited concerns expressed by stakeholders with Judicial conducting the assessments on all youth post-please, pre-disposition. Primary concern expressed was potential delays in court processing times and disruption for families.
- Goal is to start in July with piloting the new YLS process in 2 urban and 2 rural pilot sites.
- Judicial probation standards group comprised of probation representatives across the state has also begun meeting to review and revise standards related to risk and needs assessment, case planning, family engagement, incentives and graduated responses, and quality assurance.

##### *Recommendation*

- Research strongly supports the value of conducting a risk and needs assessment prior to disposition to inform dispositional decisions, conditions, and supervision/service plans to promote maximum adhere to Risk, Need, Responsivity.
- Committee recommendation is that *Judicial would conduct the YLS on all youth post-plea, pre-disposition*, and provide a short summary report to the Court that could be completed in 3 weeks or less.
- No good way to carve out groups of youth to exclude from the assessment but the presumption is that the universe of youth that would require a new, full assessment is relatively small since most low-risk youth will be diverted from adjudication and all youth on probation will be reassessed every 6 months in the community ,and thus, will likely only a require an update to their assessment if they are re-adjudicated.

### *Feedback*

- Some JJRC members supported the recommendation while others continue to express concerns about court delays, potential disruption for families of additional court hearings, and additional time youth may spend in detention.
- Possibility raised of whether youth who are in detention awaiting probation placement can be released early and supervised by probation or CYDC. At the same time, based on detention reform, fewer youth should be detained overall, and if youth are not a risk to public safety such that they will be placed on probation, then they probably should not be detained anyway.
- Possibility raised of whether probation could conduct the assessment pre plea, which would have the benefit of informing pleas and not slowing down court processing, but would increase the resource burden on probation to conduct assessments on youth who might otherwise be diverted and increase costs give that costs for the YLS are based on number of assessments.
- Defense bar has strong objections to conducting the YLS pre-plea but state or individual districts could establish administrative provisions or agreements that assessment/screening information can't be used as part of the adjudication/plea process. Also, the YLS does not require any questions on the current offense, which could allay concerns about self-incrimination.
- Rather than taking a vote on the recommendation, agreed upon next step is for YLS working group to discuss and make recommendations to the JJRC about the parameters, data measures, and potential participants for a pilot of the YLS that would include both pre and post plea sites.

### **Outcome Measures Working Group**

- After agreeing to a shared definition of recidivism, the group is focused on establishing a set of shared outcome measures including system performance measures, service provider measures, and positive youth outcomes.
- Initial discussions have focused on goals of developing the measures, guiding assumptions, how the data will be used, and establishing initial agreement on priority measures.

### **Diversion Working Group**

- Eight diverse sites were recently trained and have started piloting two different risk screening tools to determine which tool can most easily be completed and is most viable for use in making diversion decisions.
- Goal is to have results of the tool test by end of June and then make recommendation to the JJRC about which tool should be adopted.
- Once a tool is selected, next step is to begin with a pilot in select judicial districts, and then ultimately, roll out use of the screening tool statewide by January 1.

### **DYS SB19-108 Implementation and Alignment**

- DYS has conducted initial YASI training in the Southern District but decided to slow down the implementation process to ensure that YASI implementation and RNR is reflected in all aspects of DYS' policies and procedures. DYS has established two different working groups and is partnering with NYSAP and CSG Justice Center to support the policy development process with the goal of establishing new practices, corresponding policies, and quality assurance mechanisms for implementation by January 2021.
- Will start development of the length of stay matrix with goal of integrating it within the broader YASI policy development process so a draft of the matrix will likely not be ready for JJRC review and approval until late fall.
- Detention working group has decided to retool/validate the JDSAG so that it is fully focused on public safety risks so group is in the process of discussing and approving changes to the tool.
- Detention tool will not be designed to measure flight risk; DYS will leave it up to the court to determine flight risk in conjunction with feedback from probation if applicable.
- CYDC detention alternatives working group held its first meeting to discuss the development of a kinship affidavit form completion process with the goal of preventing some youth from being detained for family related reasons or expediting detention releases if alternative caregivers can be identified. Broader goal of the group is to explore opportunities to fill in gaps in detention continuum, including potential changes to CYDC funding criteria and process.
- CYDC has not yet decided to eliminate use of the CJRA but is beginning to explore opportunities to leverage tools used by other parts of the system or other ways to identify youth's needs.
- DYS has developed and approved a graduated response matrix.

### **Next Steps**

- JJRC chairs will send a PDF copy of the letter authored by Senator Lee and Gardener on the legislation timelines out to all JJRC members.
- YLS risk assessment group will discuss parameters of a pilot to test the YLS pre and post plea and present a recommended pilot structure for the group's feedback at the next meeting.