



CO Juvenile Justice Reform Committee SB19-108
January 28, 2020, 1-3:00 p.m. (710 Kipling St)

MINUTES

Committee Members Attending: Carl Blake, Allison Boyd, Kirsta Britton, Shawn Cohn, Stacie Colling, Sheri Danz, Hon. Beth Elliot-Dumler, Amanda Pennington, Sarah Ericson, Elise Logemann, Dan Makelky, Lanie Meyers-Mireles, Tariq Sheikh, Elaina Schively, Sara Strufing, Joe Thome, Hon. Doug Walker, Tobin Wright

Staff: Kelly Abbott, Gina Vincent, Yaël Coley-Greene, Kate Ferebee, Anna Lopez

Guests: Tom Harbaugh, Natalie Chrastil (sat in for Anders), Amanda C., Debbie Oldenettel, Nicole Banks, Erin Crites, Glenn Tapia, Josh Webber

Quorum established.

Procedure – How Decisions Are Made: In-line with how other committee's make decisions, an initial recommendation is made to the full committee, discussion and questions are heard and then all the information from the discussion goes back out to stakeholder's and at the following month's meeting the workgroup comes back with a finalized recommendation.

Division Updates

Update from Risk Assessment Implementation Committees (Carl Blake):

DYS is continuing to move forward with an implementation plan for the YASI. They have an internal implementation committee that met on November 19, 2019, and December 17, 2019. The committee has been looking at their implementation steps and trying to identify how long each step is going to take to create an outline from a solid implementation plan time frame. Then, coordinating that into a training schedule for all of their end-users. Also, they've been looking at internal DYS policy and practices, comparing that against the current policy that's in place regarding the Colorado juvenile risk assessment and how that policy might change or be enhanced when they switch to a different instrument. They're kind of comparing the two to see, can they continue on the same schedule of assessments and reassessments. Or based on the new instrument last decade some necessity for change. Part of their robot was around the procurement piece, and how much of the in-depth conversations they could have with ORBIS partners around our implementation that contract is now in place, and went into effect November 22. Along with that, they created user logins for all of their end-users to begin and getting access to the casework system. Allowing for trained staff to be able to go in and start looking at the instrument. To see the layout and begin to work with it prior to our official implementation. So all of those logins have been created. At their last implementation committee, there's a wide range of familiarity with the instrument upon amongst our implementation committee, some of them are very familiar with

it. They've been doing a lot of work already. Others are kind of newer to the instrument. A request to do some more overview training with Orbis. In terms of the next steps, they have an in-person overview training scheduled with Orbis for January 30, 2020. They'll be coming out to meet with our implementation team that training won't focus on the level of actually being able to administer the instrument. The training is more of a review of the casework system, an overview of the YASI instrument, and an opportunity for the committee members to ask questions to inform our implementation steps. In regards to what it's going to look like for the buying of stakeholders, how they organize their trading plan and the timeframes that they have. That way the community has a better understanding of the complexity of the instrument and of the casework software that the platform is based on. They will begin to have more in-depth conversations with service partners about the technical aspects of the instrument to inform the policy. Then look at their initial rollout for training. Their current plan is to do an initial rollout, with one of their smaller regions, they're looking at the southern region Colorado Springs, Pueblo area. They would train southern region staff, as well as, all of our assessment staff in an initial round. That will allow them to then start the implementation. They're looking at around four months that they would be trained to implement the instrument, and then there would be about a four-month period before the other regions officially implement during that time period. There are several different training steps that have to occur. Giving them time to do online introductory training, as well as a lot of in-person training with work as partners, and then preparing for implementation. Information gathered from implementation in the southern region, will give them time to make any adjustments for the Northeast western and central regions for the division.

DYS also had conversations with Orbis that are now transitioning to more in-depth conversations around creating proxy scoring. Giving a comparison from the CEDRA up to the YASI that will provide historical data to compare our population over time. As well as the transition point for youth who were originally assessed using the CEDRA, and then based on the length of their sentence may be then be assessed using the YASI will have an ability to translate those scores, and then compare the risk levels based on math. DYS has sent Orbis all the information about the CEDRA that they have. Orbis is familiar with that because the platforms for the CEDRA and YASI are based on the same original instrument. Orbis has looked at that and already done some additional work around what it will take to create proxy scoring.

One thing that we've had conversations about is that DYS will continue to review any emerging research related to racial bias related to the instrument. They will be working with Orbis to review that on an annual basis as well so that's been incorporated in the contract. A request made and a decision of JJRC.

Update from Risk Assessment Implementation Committees (Shawn Cohn):

The probation Working Group on the YLS/CMI. It looks very similar to what DYS has done looking at implementation and how YLS is roll out to the 22 different judicial districts. Recognizing that we all have a common goal and mission. The YLS needs to be done prior to sentencing to inform the terms and conditions for youth as well as to weed out kids that may have been missed on the diversion screening tool that is scoring low risk on the YLS. Looking at how they roll it out amongst all of the probation departments. To include their stakeholders and committee members they did send a draft out. Some of the key things in that draft is recognizing that we have to get this information across a pretty wide variety of people. There may be

stakeholders that are aware, in that particular district, they will bring to the table to make sure that everybody is informed about the YLS and why the instrument was chosen. How probation is going to utilize it not only for the development of the terms and conditions but for case planning for youth as they progress through probation and how it will be paired with evidence-based treatment and options for those kids. Tom and Shawn thought a webinar might be the best way to get this information out. Where Gina, who graciously joined them to answer questions, along with Beth Fritz, she's the Chief Probation Officer in Pennsylvania. They have recently gone through this reform effort very similar to what probation has so it's been very nice to be able to consult with Ms. Fritz on the transformation from her Probation Department. Beth and Gina would develop a webinar then we would try with either Tom and Shawn to be available on the phone to answer questions for stakeholders. Or even having people in each Judicial District identify, a key person to help with the implementation and the utilization of the new tool. Probation would look at deploying the tool for all by July 2021.

They are looking at piloting a couple of districts both rural and urban. In June, doing a pilot with the YLS is what their hope is. They can roll it out similar to DYS with a smaller group iron out the kinks try to utilize this for terms and conditions which will be a big shift.

They have to have a determination as to who is going to conduct the YLS prior to sentencing. The reason probation thinks it's important that the committee makes this determination is because Tom and Shawn have been asked to go on this circuit already of CCJC which is the Colorado Collaborative Justice Conference which is in March, we've been asked to present there. Along with some other conferences. Which it's really hard to present. They can present on the YLS/CMI and how it's going to be utilized but it would be helpful in the implementation and rollout for them to know who's going to conduct this.

Through the grapevine that CYDC is not going to do the YLS.

The chief judges Council was very much in support of probation doing it just because it looks very similar to what they're familiar with psi and probation doing psi prior to sentencing to weigh in on recommendations.

Gina Vincent:

On the science and research upon visual aid. This is coming from those research recommendations, which indicate that a risk of an assessment like this, not done prior to sentencing and prior to the initial stakeholders' children end up with everything in their conditions or they end up with things in their conditions that they don't need. Based on a lot of research that doesn't work. Over servicing youth who are not high risk doesn't work. Those youths often recidivate. When services are just being given or determining services based on the offense that youth committed because that's all we know about them. That also doesn't work. So the legislation was set up in a research-informed way to try and get the judiciary the best information possible to help inform their decisions. The research indicates that when the risk assessments are done earlier, you get increases in informal processing significant decrease in kids ending up on probation and you get the significantly shorter condition. One of the recommendations that she made was if they need a tool that helps inform service planning for those that go on pre-trial supervision. That the YLS screener is the best option.

Gina believes that's their number one that's being contemplated. If the child does end up getting probation, maybe those are the ones that don't need a full YLS performed.

Update from Diversion Working Group: Formula Funding and Risk Screening Tool (Sarah Ericson):

In the diversion Working Group recent conversations focus on screenings. There are three things that we've been sort of wrestling with and trying to figure out how to move forward. One is around some of the languages in the statute that talks about the tool being used to inform eligibility for diversion. The statute also talks about the tool being used to inform needs or services, including the length of diversion dosage levels of supervision and treatment of intervention options. What we've come to learn is that those are two different tools that it's not one tool, but the language in the statute reads as if it is one tool. So one of the things that we are trying to figure out how to move forward in making a recommendation to this group. Just sort of setting the stage for hopefully in the future, is that we may need to talk about the legislative fix for that. The assumption is that most kids in the diversion are going to be low risk. Hopefully, that's true for a lot of kids, although most diversion programs in the state, historically have also taken, medium or moderate risk kids. Some are even doing some work with what would be considered higher risk kids. A straight risk prediction tool will not do anything to inform diversion programs on how to come up with a diversion plan for those moderate or higher risk kids. The working group is trying to fix that piece or come to an understanding, and hopefully, they will have a recommendation for this body soon, in terms of how we move forward.

A lot of conversations within the group but also with CYDC about whether or not we will be able to align our tool with anybody else's tool because we are concerned about the over screening. A conversation with Matt Friesan and they are waiting to get an answer. We talked specifically about the work that they're doing to redo the JD Sag so the screening for detention tool, trying to understand is it possible that a child could rape out on that tool as appropriate to remain in detention. Could that child also screen out on some other tool as low risk. The group was just trying to figure out ways that they could align some of these tools to reduce the number of screening and assessments that are done. Also the logistics of how this is going to happen in DA offices or life id offices, at the point in the process, as determined by the statute. That's when our third thing that we're wrestling with is how are jurisdiction actually going to do this. The statute talks about the screening needs to happen at the stage where law enforcement files a case with the district attorney's office so this is pre-filing, that makes sense for jurisdictions that want to do pre-filing diversion right that's when we do it, but it also means that we don't have any ability to compel anybody to do anything at that point because we're not in front of court. So it's sort of an invitation for screening or assessment, and in a jurisdiction that has tried that in other areas, there's not been a great success with that.

The group has decided to do an experiment, essentially, we've gone through with the help of CSG and narrow down the options to two screening tools. The Arizona tool and the Ohio tool. They are planning a pilot process in which they would like to give these tools to as many jurisdictions as they can, to get them to try it out or test it in as many different situations as they can. To get some feedback about how this could actually work and actually prioritize getting the tool done to serve

the purposes of 108. Meaning whether or not the tool requires a face to face with the child and family, or to be completed without that face to face is yet to be determined and seen. There is some preference for trying to use a tool that doesn't require a face to face because of the logistics of it. Also because it's known that there's going to be objections by multiple other parties within the system, about the DAs office doing that type of assessment at that point in time. Our first concrete thing to do moving forward is to get out what they're calling phase one of a pilot, you can see how these tools work, and hopefully be able to make some decisions from that.

The other thing DCJ and CDAC are in the sort of the contracting phase, to have CDAC create a diversion module. Which would be a platform that all diversion programs both internal and external to DA offices can use to help with planning diversion. Also, be a platform that can support the data collection and the data reporting that's required under 108. Sort of all of the groups that would be using and needing to collect data would be able to use one tool across the state to do that, which is really exciting. Since DA's never had that

Update from Outcome Measures Working Group (Dr. Erin Crites):

Dr. Crites is currently one of the two co-chairs for the Outcomes Work Group along with Laurie. They met as a group, earlier this morning to try to get a little more face time as a group to enhance our conversations a little bit. It's a large group to have on the phone and have difficult conversations of detail that have been a little bit tough over the phone so we're trying to meet in person as often as we can. The last meeting, they had was a really great discussion around various outcome measures that we currently use across diversion, DYS, and probation. Then what some kind of ideal or recommended measures might be. They've almost settled with some help from CSG and some great conversation in that group on a definition. We're going to kind of pull it together in a more formal format, send it back around to that working group and we hope to have something for this committee next month.

Update from DYS and Judicial on SB19-108 Implementation and Alignment (Anders Jacobson):

CSG and Dr. Gina Vincent are continuing to help with our YASI implementation and JD Sag review work. Also, a note was made to follow up with CYDC to see if they can get some sort of expedited official.

Update from DYS and Judicial on SB19-108 Implementation and Alignment (Tom Harbaugh):

In regards to the mechanics of our assessment implementation and movement that sounds like there's more discussion about the termination of populations and timing of those assessments being done. They have been under the assumption that judicial, as far as probation is going to be the ones conducting those assessments. So, notwithstanding those early discussions. This update relates to the fact that they've been moving within the state court administrator's office to get our government's body for the Information Technology Division, they reviewed our charter. They were able to hit that priority for us to be able to implement multi health systems and assessment into our system. Our intention based on the timelines that the project manager has been able to run out is

that they're looking to have an implementation and a working model by October of this year. Affording them to begin working on other aspects of the legislation standards and guidelines of how they're going to do that. Training plan, kind of similar to what Carl was mentioning. They also have just begun a training needs assessment. They've completed that statewide to identify all the jurisdiction that needs training as well as the total number of officers. They are also canvassing our jurisdictions to find out which are going to be creating their own community-based response matrix or incentives and sanctions, or if they are going to use the in house strategies for behavior change that we have developed a number of years ago and implemented.

In addition, there are going to be some efficiencies that we're going to try to create by creating forms that can be utilized statewide. That will speed up the process of the juvenile Assessment Summary Report. Many psi wherever you want to call it, as well as terms and conditions that would benefit judicial officers making determinations quickly in court, as well as case plan templates that are mandated within the statute. Another tool that we are required to identify and implement is the mental health screen, and that we have a meeting scheduled for January 29, 2020, actually, in order to go through and review and have education about what tools are available for us to select from. My assumption is that we'll review those who have a determination and a recommendation for this body, based on the information that we get.

Review Overarching SB108 Work Plan (Josh Weber):

The work plan was sent out to members via email prior to our meeting.

They're trying to use this as a guiding document to make sure everyone's on the same page about the that's required from the legislation and general timeline for the legislation overall as well as for each of the working groups. Credit to this group and to all the agencies that work really well on track. The timeline for the working group, maybe gets it adjusted as they go. They will use it as a tool moving forward to help coordinate all of these different moving pieces and make sure that they're all moving on the track.

If anyone has any questions or concerns about the timeline or anything you may contact Josh.

A placeholder in for the next meeting after it's been looked over. To possibly discuss it further if need be.

Next Steps (Joe Thome):

One of the things that Stacy made a proposal that we revisit every six months. Kind of what the game plan for the direction is in terms of looking at the DYS tool in terms of how they are trying to account for potential bias and that hasn't been screened out. We will have as an agenda item at the March meeting, two meetings from now. It was a pretty high intense level discussion, Joe imagines that it will turn into a meaningful one again. When the committee discusses it again when they do their update.

Carl: For clarity so I know what I might need to prepare for the presentation about YASI. So, part of the discussion was around looking at the research. Which doesn't suggest that YASI is racially biased. It was questioned with a lack of research around that particular topic. So our focus was to

work with Orbis around monitoring emerging research and presenting that back to this committee. That area of research around racial bias of the instrument, kind of what information is out there but that update maybe that, there is no emerging research. My understanding was it was more of a placeholder to, have a formalized approach of looking at, is there any new information so it was in the contract with Orbis. That's something that will be done on a regular basis with Orbis.

To keep the council updated about the data, the result, and the work they're collecting. It's kind of a two-part one would be providing information back to the council about emerging research what Orbis may be doing, as well as what other entities might be doing. Also internally looking at the data that the division is collecting and providing that information back as well.

Meeting adjourned at 2:20 p.m.