ATTENDEES:

TASK FORCE CHAIR
Stan Hilkey, Dept. of Public Safety

TASK FORCE MEMBERS
Jennifer Bradford, Metro State University of Denver
Maureen Cain, Criminal Defense Attorney
Steve Chin, Mesa County Pretrial Services
Charles Garcia, CCJJ At-large representative
Lucienne Ohanian, Public Defender's Office
Bo Zeerip, District Attorney 21st Judicial District
Clifford Riedel, Larimer County District Attorney
Valarie Finks, Victim Services, 18th Judicial District
Greg Mauro, Denver Community Corrections
Monica Rotner, Boulder County Community Justice Services
Mike Garcia, Division of Probation Services

STAFF
Richard Stroker/CCJJ consultant
Peg Flick/Division of Criminal Justice
Germaine Miera/Division of Criminal Justice

ABSENT
Mindy Masias, State Court Administrator's Offices
Kirk Taylor, Pueblo County Sheriff
Bill Kilpatrick, Golden Police Department
Joe Salazar, Representative, House District 31
Lang Sias, Representative, House District 27

ADDITIONAL ATTENDEES
Joe Thome, Division of Criminal Justice
Debbie Oldenettel, Division of Criminal Justice
Becca Curry, ACLU
Shannon Silva, University of Colorado at Denver
Aubree Cote, Denver Pretrial
Doug Erler, Weld County Justice Services
Kyle Ward, University of Northern Colorado
Victoria Terranova, University of Northern Colorado
Katie Hecker, State Court Administrator's Office

Issue/Topic:	Discussion:
Welcome and Introductions	Task Force Chair Stan Hilkey welcomed the group, reviewed the agenda and requested any additions or corrections to the minutes. Seeing none he asked for a motion to approve the minutes. A motion was made and seconded and the minutes were unanimously approved. Stan also noted that Mindy Masias from the State Court Administrator's Office has accepted an invitation to join the Task Force. State Judicial also has a committee studying similar pretrial issues and Mindy will be able to act as a liaison between the two groups. Additionally, while judges wish to participate on the Commission's task forces they are often prohibited from representing the Judicial Branch and Mindy is in a position to help bridge that gap.

Issue/Topic:	Discussion:
Recap / November meeting outcomes	Commission consultant Richard Stroker summarized the November meeting outcomes as follows: • Data was presented from Steve Chin about outcomes in Mesa County from secured and unsecured bonds. • Peg Flick provided a thorough data overview about pre-dispositional bonds – noting there has not been a dramatic change in outcomes whether people are released on PR bonds or not. • The group also heard feedback from all four Working Groups: -The Task Force heard from Maureen Cain about her group's work on the 2013 statute and ways to help revisit that effort to enhance the outcomes. -The Assessment Tools group is working to understand the different tools that are available in Colorado and other jurisdictions as well. -Bo explained that the issues being studied in the Pretrial Release Detention Working Group are relatively complex and that discussions are centered on the process and legal consequences of preventive detention. - The Pretrial Services group is gathering information about what types of pretrial services are being utilized across the state. Richard summarized that all four Working Groups and the Task Force continue to be in an information-gathering/learning mode. A timeline was discussed at the November meeting and it is anticipated that recommendations will start coming forward to the Task Force by June. That timeframe will allow for recommendations to be presented to the CCJJ by late summer or early fall in advance of the legislative session. Lucy added that all of the Working Groups are undertaking a significant amount of work and that it is important to be deliberate with the fairly aggressive schedule that has been set for the groups.

Issue/Topic:
Colorado Pretrial Assessment Tools:
Revision Project
 	
Action:
CCJJ and ORS staff to work with UNC
researches on details and design of
the CPAT study
	Discussion:
	
	Greg Mauro asked Doug Erler from Weld County Justice Services to introduce this segment of the agenda. Doug explained that pretrial services directors and managers created a group called the Pretrial Executives Network (PEN) group years ago. PEN meets every couple of months to talk about pretrial issues, and to work on achieving shared pretrial goals and best practices. From that effort and Doug's relationship with the University of Northern Colorado (UNC) in Greeley, the idea for a project came about to review the Colorado Pretrial Assessment Tool (CPAT).
	
	Doug introduced Drs. Victoria Terranova and Kyle Ward from UNC who presented a PowerPoint that gave an overview of their proposed study of the CPAT tool. The PowerPoint can be found on the Commission website at www.colorado.gov/ccjj/ccjj-cPRTF.
	
	DISCUSSION
	Dr. Terranova described her background in risk assessment validation and noted past research experience on jail and prison reentry, applied research and validation. She noted that the CPAT seeks to predict failure to appear as well as probability of reoffending and the proposed study aims to confirm if the tool is operating in the intended manner.
	
	CPAT is used in Colorado to help inform bonding decisions and to predict the probability to re-offend. National studies have found the use of well-performing and objective risk assessment tools help reduce jail populations by upwards of 50%. Well performing tools have also been found to reduce disparity and in the last couple decades many states have been adopting these tools.
	
	Dr. Terranova noted that after discussions with the PEN group and several agencies using the tool, two issues have surfaced that the study seeks to address:
	    1. Risk classification:
	        -Category overload
	        -Serious crimes
	    2. Implementation:
	        -Consistency
	        -Judicial buy-in
	        -Interview
	
	The concern around category overload is that a disproportionate number of people are falling into the second risk category, which could be an indicator that there is a need for more risk categories, or it could be that current risk categories may need to be redefined. There has also been some concern about whether the CPAT in its current state is performing to its best ability to determine serious crimes. That's because the tool is not equipped to produce outcomes for individuals that may not have extensive criminal history, but who have committed a serious crime.
	
	There are also some questions about the consistency of the use of the tool as typically, once tools are first implemented, they all tend to evolve with things like

different jurisdictions defining FTA's differently. There are also mixed reports about judicial buy-in on the CPAT and buy-in is critical to enhance positive outcomes.

In its current state the CPAT requires an in-person interview with a pretrial officer and pretrial defendant, which can result in a strain on resources, especially in smaller pretrial agencies. The more defendants who can be reached with a solid tool the better the implications for jail populations, etc.

After several meetings with the PEN group and several other agencies the purpose statement for the study was created as follows:

> *Empirically assess the validity, impact, and implementation of the Colorado Pretrial Assessment Tool (CPAT) to improve the effectiveness of this instrument at assigning a defendant's risk to the public's safety and successfully completing the trial process.*

A question was asked if there is a presumption that the instrument is not operating accurately. Dr. Terranova replied that researchers are not assuming at this point there's a problem with the tool, but that the final phase of the project includes a test of an alternative assessment tool. The first step is to see if the tool is doing what it's supposed to be doing – if not researchers will look at an alternative tool.

Greg explained that the state of Virginia has revised their tool twice simply to make it even better and that there may be an opportunity to improve the CPAT, even if it is proven to be valid. The study will look at interview bias and other possible issues during the first phase of the project to determine what issues to drill down on as far as possible improvements. For example, during some site visits it was discovered that a lot of agencies don't have the ability to interview everyone so some people receive the CPAT and some don't. Dr. Terranova explained that researchers will used a mixed-method approach to assess the implementation of the tool.

The study objectives are as follows:

1. Evaluate the relationship between the CPAT risk levels and pretrial outcomes.
2. Evaluate the predictive ability of the CPAT risk classification levels.
3. Evaluate the assignment of bond conditions in accordance with the CPAT risk classification levels.
4. Identify evidence-based strategies for effective implementation of the CPAT.

A question was asked about the people who fail because they violate a condition of bond, not necessarily because they commit a new offense. Dr. Terranova replied that researchers plan to use qualitative data to address this issue. In terms of risk/need principles – the goal is to assess whether conditions assigned to lower risk individuals are necessary. There is a great opportunity in the CPAT to dive deeper into assignment of bond conditions.

Study components include:

Phase 1: Validation
-Retroactive
-Online survey of officers and administration

Retroactive validation includes pulling records from participating counties, asking how CPAT is working and how the components are working. Researchers will administer an online survey to pretrial officers and administrators. The goal of the survey is to understand how CPAT is perceived in its daily use as well as the first steps in getting a hold on certain terms and creating a definition codebook.

Phase 2: Implementation
-Focus groups
-Onsite observation

Information from Phase 1 will be used to inform the focus group discussions. Researchers will visit each participating county for onsite observations to objectively look at how the CPAT is being used to help determine variations across counties.

Phase 3: Pilot test
-Random assignment of CPAT and alternative tool

Information from Phase 1 and 2 will be compiled. Researchers will then pilot test a new alternative tool and experimental design. This will be tested against CPAT in its current state.

Dr. Terranova explained that as far as the alternative tool, researchers would construct a tool that would be equivalent with the CPAT.

It was noted that there could be a risk by talking about an 'alternative tool' because some people are looking for any reason to scuttle the CPAT. Words matter with regards to an alternative tool. If the goal is to make improvements to the CPAT, the verbiage should be around 'improvements' or CPAT 2.0, rather than around an either/or tool. The ideal goal would be to make whatever we have better rather than implement a different tool. Dr. Terranova noted that one adjustment to the current tool might be to revise the risk levels from four to five.

Greg noted that initial funding for the project was to come through the counties that signed up to participate, but now it looks like the state will be funding this research study through a grant from Judicial. He added that pretrial practitioners have instigated this project and that while the CPAT was empirically developed it was never validated.

Kim English pointed out that one of the criticisms of the CPAT has been that it isn't validated and that the creation of CPAT 2.0 could result in another tool

that's not validated. She noted that it would be beneficial to split the sample and hold out a partial control group in order to validate a revised tool.

Dr. Terranova noted that willful vs. un-willful failures to appear have been a big part of the conversation. The Arnold Foundation tool has a violence flag and predicts public safety. The CPAT doesn't predict willful failure to appear.

The project timeline and final product details are as follows:
January 2018 – May 2020
-Phase 1: Jan/18 – June/18
-Phase 2: Mar/18 – Aug/18
-Phase 3: Aug/18 – May/20

Final Product:
Final report with recommendations:
-Risk assessment
-Condition assignment
-Implementation
-Evidence-based interview protocol
Implementation manual

The seven counties participating in the study are Weld, Larimer, Boulder, Denver, Garfield, Mesa and Pueblo.

Kim noted the tool built by the Arnold Foundation is surfacing as one of the leading risk assessment tools. New Jersey is using the tool but they have tweaked it a bit. She added that the literature is clear that the best way of developing a tool that is most predictive is by developing it on your own population, with your own data.

Stan asked for direction from the Task Force on possible engagement with the CPAT validation project. He offered that maybe the CCJJ staff and Kim's ORS staff could coordinate with the UNC researchers. Kim and the UNC researchers agreed to connect. Lucy asked if the final report will include information about individual districts. Dr. Terranova replied that there descriptive information will be included in the report but not a district-by-district comparison.

Issue/Topic:	Discussion:
Report Outs **Action:** Create a recommendation on robo-calls for court appearance reminders	Monica Rotner directed Task Force members to a handout in their packets describing pretrial outcomes in Boulder County for supervised and unsupervised defendants. The handout can be found on the Commission website at www.colorado.gov/ccjj/ccjj-cPRTF. **Pretrial Outcomes of Secured Bonds versus Unsecured Bonds by Risk Level** *DISCUSSION* • The first finding from the analysis shows that supervised defendants

	have better outcomes than unsupervised defendants when it comes to both court appearance and public safety. 94% of supervised people show up for their court appearance vs. 78% of unsupervised.
	• The second finding is that the CPAT is effective at predicting risk in Boulder's pretrial population. The lower risk, CPAT 1 population that is supervised has a 97% court appearance and public safety. The CPAT category 4 court appearance and public safety rate is 84% and 76% respectively. The numbers are as expected for the unsupervised population with a CPAT 1 court appearance rate at 88% and public safety rate of 86% while the same rates for unsupervised CPAT 4's were 66% court appearance and 58% public safety. In Boulder CPAT category predicted risk for both court appearance and public safety.
	• Monica added that all jurisdictions involved with the PEN group have a unified definition to describe public safety and appearance rates.
	• Supervised people get reminder calls and unsupervised do not.
	• Monica added that the data does not discern between willful and un-willful FTA's.
	• The third finding is that defendants released on PR bonds have equal or better court appearance outcomes than defendants released on secured bonds.
	• The fourth finding is that defendants released on PR bonds have equal or better public safety outcomes than defendants released on secured bonds.
	• Monica noted that Boulder typically uses an intern to help pull these numbers together but that a new researcher will be creating a system soon so that moving forward, data will be gathered and compiled without needing an intern.
	• Stan asked about research around court reminder calls and Monica replied that the calls are one of the proven identified evidence-based practices.
	• The court appearance rate for those not getting calls is at 74% and those who get calls are 96% likely to show up.
	• Kim pointed out that this task force could produce a recommendation promoting the practice of robo-calls on court dates.

Issue/Topic:	Discussion:
Working Groups - Report Out	The lead of each of the four working groups offered a report on their progress.
Action: Working groups to continue to meet and report back	**Implementation of 2013 Statute** *DISCUSSION* • Maureen Cain reported that the Working Group did not hold a meeting this month. • She reported that the group is in the process of comparing Colorado's

bail statute with 5 other states and that New Jersey appears to have the most comprehensive bail system.

Assessment Tools/CPAT/Decision making/Bond schedules/Conditions

DISCUSSION
- Greg Mauro reported that his group had a meeting scheduled for today, but given the scheduled CPAT presentation the meeting was postponed.
- So far the group has taken a high-level look at assessment instruments used around the country along with studying home grown assessment tools like the one in Arapahoe/Douglas.
- Stan is working with this group to identify a local sheriff to participate – the Elbert County Sheriff may be available.

Pretrial Release Detention

DISCUSSION
- Bo Zeerip reported that this group (minus Chief Kilpatrick) met yesterday at the Jefferson County courthouse.
- The group is getting down to work and views their task as creating a possible preventive detention system, including statutory language.
- The group is starting with statutory language on due process hearings and how that would work.
- The group came to a good agreement yesterday about timeframes from arrest through the process, evidentiary standards, discovery, evidence, rules of evidence, witnesses, cross examination and rights of defendants.
- Next steps include putting agreements into flowing statutory language that the group will go over at next meeting.
- The group is studying federal language along with language from states like New Jersey and New Mexico.

Pretrial Services/Supervision/Violations/Resources/Behavioral Health

DISCUSSION
- Steve Chin explained that this group is discussing creating a survey for places that don't have pretrial services and sending it to judicial districts and sheriff's offices, etc.
- Steve asked if it would be possible for the survey to go out from this Task Force. Kim replied that it's complicated because it will be difficult to determine target questions for those without pretrial services.
- She added that there will need to be more clarity around who the respondents are. Also, it may be better received as a CCJJ initiated survey. Additionally, it would be problematic if this goes out around the same time as the CPAT survey as two pretrial surveys going out at the same time will likely overwhelm people.
- It might be better for Judicial to distribute the survey. If a jurisdiction doesn't have pretrial services the survey would go to the Chief Judge.
- Steve explained the end goal of the survey would be to determine what's

	happening with pretrial services and what the barriers are for jurisdictions without pretrial services. • The group wants to determine what a potential solution might be. • Mike will talk to Mindy and upcoming judicial training and report back to Germaine. • Next steps are to reconstruct the survey with Kim's input and determine the best way for dissemination. • If it is determined that the survey would be better received coming from judicial than the group will work with judicial partners to make that happen. Richard asked the group to consider other avenues for moving forward if it is determined that a survey is too problematic.

Issue/Topic: Next Steps and Adjourn **Action:**	Discussion: Richard summarized the next steps as follows: Continue the group work and report back at the next meeting with the status of everyone's efforts. Greg Mauro is scheduled to provide an educational presentation at the next meeting about Denver's experience with drug offenses and whether there needs to be some statutory fixes. During the Commission's December meeting the Sunshine Law will be discussed and a formalized decision will be made about whether working group meetings are considered open or closed. Stan closed out the meeting by reminding the Task Force members that the next meeting would be held on January 9th.

Next Meeting
January 9, 2018   1:30pm – 4:00pm   710 Kipling, 3rd floor conference room