

***Sentencing Reform Task Force***

**Sentencing Alternatives/Decisions & Probation Working Group  
Minutes**

May 7, 2021 / 9:00-11:00 AM

Virtual Meeting

**ATTENDEES**

**WORKING GROUP MEMBERS**

Glenn Tapia, *WG Leader*, Director, Probation Services/ Judicial Branch,  
Kristin Heath, Assistant Director, Jefferson County Justice Services  
Heather McClure, Adams County Division of Community Safety and Well-Being  
Kathryn Herold, Public Defender Office/ Boulder County  
Clay McKisson, Judge/ 3<sup>rd</sup> Judicial District  
Jenifer Morgen, Chief Probation Officer/ 17<sup>th</sup> Judicial District  
Abigail Tucker, Psychologist/ Mental health services provider and consultant  
Greg Otte, Deputy Chief Parole Officer/ 8<sup>th</sup> Judicial District

**STAFF**

Richard Stroker, CCJJ Consultant  
Kim English, Division of Criminal Justice  
Damien Angel, Division of Criminal Justice  
Stephane Waisanen, Division of Criminal Justice  
Laurence Lucero, Division of Criminal Justice  
Kevin Ford, Division of Criminal Justice

**Absent**

Kazi Houston, Rocky Mountain Victim Law Center  
Terri Carver, State Representative/ House District 20  
Chris Gallo, Deputy District Attorney/ 18<sup>th</sup> JD  
Matthew James, Denver District Attorney's Office  
Elaina Shively, District Attorney's Office/ 20<sup>th</sup> Judicial District

**Guests**

Issue/Topic	Discussion
<p>Welcome &amp; Introductions  <i>Glenn Tapia,                      Working Group Leader</i></p>	<p>Glenn Tapia, WG Leader, welcomed everyone and Glenn then provided a brief overview of the meeting agenda:</p> <ul style="list-style-type: none"> <li>• Petty offenses and probation eligibility</li> <li>• Next research area in the WG Scope of Work</li> </ul>

Issue/Topic	Discussion
<p>Presentation:                      Petty Offenses and Probation Eligibility  <i>Glenn Tapia, All</i></p>	<p>Glenn provided a brief overview of the work done previously (minutes from the previous meeting can be found on the CCJJ website under the “Previous Meetings” tab at <a href="http://ccjj.colorado.gov/ccjj-srtf">ccjj.colorado.gov/ccjj-srtf</a>). During considerations of what content their recommendation on petty offenses and probation eligibility should include, members discussed the following topics:</p> <ul style="list-style-type: none"> <li>• The impacts of CCJJ Recommendation FY21-SR #01 on probation eligibility for petty offenses.<sup>1</sup></li> <li>• Whether the recommendation should be statutory or policy in nature:                             <ul style="list-style-type: none"> <li>○ Members agreed that a policy recommendation would be easier to pass but less likely to create systemic change. Conversely, a statutory recommendation would be more difficult to pass but would have a substantive impact on the criminal justice system.</li> <li>○ Would a statutory recommendation negatively impact judicial discretion / decision-making?</li> </ul> </li> <li>• Creating a goal-based response to petty offenses as opposed to one based on time.</li> <li>• Administrative supervision of petty offenders provided by the courts.                             <ul style="list-style-type: none"> <li>○ Could court liaisons manage petty offenders and the programming that they would be mandated to complete under this recommendation?</li> </ul> </li> <li>• The creation of a grant program (in a second, parallel recommendation) to provide counties with the resources necessary to provide alternative programming and resource options for petty offenders.</li> <li>• Limiting probation sentences to a certain length of time.</li> </ul> <p><b><i>Recommendation concept to address petty offenses and probation eligibility –</i></b></p> <p>The group concluded that the recommendation would aim to create permissive statutory language that provides a fourth sentencing option for petty offenders outside of jail, probation, or fines; as well as limiting probation sentences for petty offenders to six months. Additionally, a second recommendation would suggest funding for counties that supports alternative programming and resource options for petty offenders. The WG intends to present these two recommendations to the Sentencing Reform Task Force as a package.</p>

<sup>1</sup> FY21-SR #01 Revise Misdemeanor Sentencing and Offenses. See [ccjj.colorado.gov/ccjj-recyr-fy21](http://ccjj.colorado.gov/ccjj-recyr-fy21).

<p><b>Issue/Topic</b> Next Research Area in Scope of Work <i>Glenn Tapia, All</i></p> <p><b>ACTION ITEM:</b> Abigail Tucker to present on Tele-Health Best Practices on June 04, 2021</p>	<p><b>Discussion</b></p> <p>Glenn presented a list of topic areas from the WG’s Scope of Work document, and members voted on which two topics to pursue next. After voting, the following two topics were identified as their next areas of work:</p> <ul style="list-style-type: none"> <li>• Sex Offender Intensive Supervision Program (SOISP).</li> <li>• Stability Factors and Access to Treatment.</li> </ul> <p>Glenn led the group in a conversation aimed at identifying the challenges associated with Stability Factors and Access to Treatment (SOISP was not discussed at length during this meeting). The following were discussed:</p> <p><i>Challenges –</i></p> <ul style="list-style-type: none"> <li>• Transportation limitations of probationers (urban and rural)</li> <li>• Housing.             <ul style="list-style-type: none"> <li>○ Emergency shelter availability</li> <li>○ Quality sober-living housing options</li> </ul> </li> <li>• Collection of restitution and the accrual of additional fees</li> <li>• Virtual programming for probationers             <ul style="list-style-type: none"> <li>○ Availability of virtual programming across the state</li> <li>○ Identifying appropriate candidates with consideration of safety concerns as well as the ability to successfully complete behavioral health programming in a digital setting</li> </ul> </li> </ul> <p><i>Potential Recommendation Topics to address the Challenges listed above –</i></p> <ul style="list-style-type: none"> <li>• Raising awareness of criminal justice needs with the new Behavioral Health Administration (BHA) that aims to improve the oversight, access, and quality of treatment programming in Colorado.</li> <li>• Revise or lift restrictions on tele-health options.</li> <li>• Raising awareness among behavioral health providers regarding the stigma associated with treating individuals in the criminal justice system.</li> </ul>
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<p><b>Issue/Topic</b> Public Comment</p>	<p><b>Discussion</b></p> <p>Glenn opened the floor for public comment. There were no members of the public in attendance for this portion of the meeting.</p>
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<p><b>Issue/Topic</b> Summary of Work &amp; Adjournment <i>Glenn Tapia</i></p>	<p><b>Conclusion</b></p> <p>Glenn confirmed next meeting on June 4, 2021. Hearing no further comment, Glenn adjourned the meeting.</p> <p>Next meeting: <b>Friday, June 4th, 2021, 9:00-11:00am</b></p>
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