

**Colorado Commission on Criminal and Juvenile Justice**  
**Sentencing Reform Task Force**

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

August 5, 2022 / 9:00AM-11:30AM  
Virtual Meeting

**ATTENDEES:**

**WORKING GROUP MEMBERS**

Glenn Tapia, *Working Group Leader*, Director, Probation Services/ Judicial Branch  
Kristin Heath, Assistant Director/ Jefferson County Justice Services  
Kazi Houston, Rocky Mountain Victim Law Center  
Heather McClure, Adams County Division of Community Safety and Well-Being  
Clay McKisson, Judge/ 3<sup>rd</sup> Judicial District (J.D.)  
Jenifer Morgen, Chief Probation Officer/ 17<sup>th</sup> J.D.  
Greg Otte, Deputy Chief Parole Officer/ 8<sup>th</sup> J.D.  
Thea Reiff, Office of the State Public Defender  
Abigail Tucker (CCJJ Vice-Chair) Psychologist/ Mental health services provider and consultant

**STAFF**

Richard Stroker, CCJJ Consultant  
Jack Reed, Research Director, Division of Criminal Justice  
Stephané Waisanen, WG staff, Division of Criminal Justice  
Laurence Lucero, SRTF staff, Division of Criminal Justice

**ABSENT**

Chris Gallo, Chief Deputy District Attorney/ 18<sup>th</sup> Judicial District (JD)  
Matthew James, Denver District Attorney's Office/2<sup>nd</sup> JD  
Elaina Shively, District Attorney's Office/ 20<sup>th</sup> JD

**GUESTS**

Dana Wilks, Department of Probations Services  
Sarah Hofstetter, Department of Probation Services

Issue/Topic	Discussion
<p><b>Welcome &amp; Agenda</b>  <i>Glenn Tapia,</i>  <i>Working Group Leader</i></p>	<p>Glenn welcomed members and introduced a new member, Thea Reiff from the State Public Defender Office.</p> <p>Last month, Dana Wilks and Sarah Hofstetter with the Department of Probation Services revised the <i>Probation Early Termination</i> proposal and asked the group to share it with their stakeholders.</p> <p>Glenn stated the focus of the meeting today is to review the suggestions and concerns from stakeholders regarding the preliminary proposal.</p>

Issue/Topic	Discussion
<p>Review of Early Termination Areas  <i>Glenn Tapia, Working Group Leader &amp; All</i></p>	<p>At the June meeting, the group agreed to develop a policy recommendation that standardizes the review of early termination for probationers who complete 50% of their sentence, except for deferred judgments and sex offender cases with indeterminate sentences. Below are the elements of the proposal:</p> <ul style="list-style-type: none"> <li>• <b>Process development:</b> The Division of Probation Services (DPS), in collaboration with probation staff and victim representatives, will develop a protocol to standardize the review of cases for early termination.</li> <li>• <b>Policy and Standards:</b> A statewide policy that provides direction for the process. The <i>Standards for Probation in Colorado</i>, issued by the Supreme Court, will also incorporate mandatory reviews of cases halfway through the length of the sentence.</li> <li>• <b>Forms:</b> The protocol will include standardized forms to ensure consistency statewide. At a minimum, probationers would receive information at the beginning of their sentence regarding the behavioral response system, the process for early termination, and a checklist for the probation staff to determine eligibility for early termination.</li> <li>• <b>Stakeholder Education:</b> Stakeholders will be informed of the early termination protocol. The workgroup that develops the protocol will decide how information about the early termination process be shared (e.g. presentations to stakeholder groups, victims, Chief Judge Council, public defenders, district attorneys) or at the local level.</li> <li>• <b>Training:</b> Stand-alone training on the protocol will be necessary for all current employees. After the statewide implementation, this training section will be incorporated into the Probation Academy, which is mandatory for all new probation officers (PO).</li> <li>• <b>Quality Assurance:</b> The protocol will result in additional data entry to track the frequency and timeliness of early termination reviews. Staff at DPS/SCAO will annually review the districts’ compliance with the protocol.</li> </ul> <p><i>GROUP DISCUSSION</i></p> <p>The feedback received from stakeholders was discussed and the following areas of concern were expressed:</p> <ul style="list-style-type: none"> <li>• What is the process for individuals on probation who have multiple cases?</li> </ul>

<p><b>Issue/Topic</b>                  Review of Early Termination Areas  <i>Glenn Tapia, Working Group Leader &amp; All</i>                  (cont.)</p>	<ul style="list-style-type: none"> <li>• Should multiple cases be processed as combined or separate for the review of early termination?</li> <li>• Should victims’ considerations be reviewed before or after the individual completed 50% of the sentence?</li> <li>• Should early termination be considered if the victim does not support it?</li> <li>• What is the notification process for the victims?</li> <li>• Should juveniles on probation be considered for early termination as the adults?</li> <li>• Add clarity regarding treatment requirements on probation. Treatment non-completion should not be used as a reason to extend probation.</li> <li>• Consider another review period for early termination beyond 50% of the sentence completion. An additional review period would allow cases to meet the criteria of the court.</li> </ul> <p>Richard suggested adding that this proposal would decrease the number of probationers over-supervised or supervised longer than needed. He also proposed judicial should have discretion in determining early termination.</p> <p>Should a provision be added in the recommendation to allow the Judicial Department or the Division of Probation Services to create a framework to address multiple cases? Richard suggested that a specific group should be responsible for the review of multiple case criteria.</p> <p>What happens when an individual requires extended mental health treatment after completing 50% of the sentence? There should be a consensus with treatment providers and the probation office to determine if additional supervision is necessary.</p> <p>Glenn asked the group to review the following issues regarding the preliminary recommendation for the September meeting:</p> <ul style="list-style-type: none"> <li>• Review language for victims’ concerns.</li> <li>• If an individual does not meet eligibility requirements when 50% of the sentence is completed, should the case be reviewed at a 70%-80% level of sentence completion?</li> <li>• Should early termination apply to intensive supervision cases such as LSIP and CCIP?</li> </ul> <p>Should early termination apply to juvenile cases?</p>
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<p><b>Issue/Topic</b>                  Next Steps &amp; Adjourn  <i>Glenn Tapia</i></p> <p><b>ACTION ITEM</b>                  Glenn to finalize the Early Termination recommendation &amp; DCJ staff to finalize the format</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Glenn will incorporate the feedback received from stakeholders in the proposal and forward the recommendation to Staff to prepare the preliminary recommendation in CCJJ format.</p> <p>The proposal will be presented to the Sentence Reform Task Force in the coming months and, if approved, submitted to CCJJ in the fall.</p>
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<p><b>Issue/Topic</b>                  Next Steps &amp; Adjourn  <i>Glenn Tapia</i>                  (cont'd)</p>	<p>The group agreed that, due to conflicts related to the Labor Day holiday, the next meeting will be postponed from Friday, September 2 to Friday, September 9, from 9:00 am to 11:30 am.</p> <p>Glenn encouraged members to review the Crime and Justice Institute Report (CJI) on revocation trends for the continued discussions on supervision and revocation practices (available under “Materials - Working Groups” at <a href="http://ccjj.colorado.gov/ccjj-srtf">ccjj.colorado.gov/ccjj-srtf</a>).</p> <p>With no further discussion, Glenn thanked the group for their participation and reminded everyone the next meeting will be Friday, September 9.</p>
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**Next Meeting**

POSTPONED Meeting Date

Friday, September 9, 2022 / 9:00 am – 11:30 am