



Colorado Commission on Criminal and Juvenile Justice

Minutes

December 11, 2020 / 1:00pm-3:30pm

Virtual Meeting

Commission Member Attendance

Stan Hilkey, Chair	Serena Gonzales-Gutierrez-ABSENT	Angie Paccione - ABSENT
Abigail Tucker, Vice Chair	Kristen Hilkey	Tom Raynes
Terri Carver	Nancy Jackson - ABSENT	Cliff Riedel - ABSENT
Minna Castillo-Cohen	Jessica Jones – ABSENT	Megan Ring
Shawn Day - ABSENT	Bill Kilpatrick - ABSENT	Gretchen Russo
Janet Drake	Rick Kornfeld	Jennifer Stith
Valarie Finks	Matt Lewis	Glenn Tapia
Bob Gardner - ABSENT	Andrew Matson	Anne Tapp
Priscilla Gartner	Greg Mauro - ABSENT	Dean Williams
Julie Gonzales - ABSENT	Patrick Murphy	Joe Thome, <i>ex officio</i>

Guests: Michael Dougherty, Phil Weiser, Adam Zarrin

Call to Order and Opening Remarks

Stan Hilkey, CCJJ Chair, Executive Director/Colorado Department of Public Safety

Abigail Tucker, CCJJ Vice Chair, representing Mental Health Treatment Providers

Mr. Hilkey called the meeting to order at 1:00 pm and thanked Commissioners for attending. Mr. Hilkey asked whether there were additions or corrections to the November minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

Mr. Hilkey thanked Chief Judge Patrick Murphy for attending and acknowledged his appointment to the Commission to replace retiring Judge Chris Bachmeyer.

Presentation: *FY20 CCJJ Annual Report and Crime and Justice in Colorado 2009-2019*

Kim English, Division of Criminal Justice

Ms. English presented the *Fiscal Year 2020 CCJJ Annual Report* and the *Crime and Justice in Colorado (2009-2019)* report. She presented the highlights of the reports and pointed out that detailed information of the Commission's report can be found on the CCJJ website at, ccjj.colorado.gov. The *Crime and Justice* report will be forwarded via email to the Commissioners and can subsequently be found on the website of the DCJ Office of Research and Statistics at, ors.colorado.gov/ors-reports.

Sentencing Reform Task Force Update**Rick Kornfeld/Michael Dougherty, Task Force Co-chairs**

Mr. Dougherty and Mr. Kornfeld offered a PowerPoint presentation that can be found on the Commission website under the December 11, 2020 meeting tab at ccjj.colorado.gov/ccjj-mtgs2020.

The Sentencing Reform Task Force received presentations of potential recommendation topics from Working Groups and drafted guiding principles. A summary of the Working Group efforts follows.

Working Group Updates

- *Parole Working Group—Kristen Hilkey, Leader*
The Working Group is focused on reviews and revisions of the standard parole conditions and the individualized conditions of parole and on considerations of risk and protective factor information related to parole conditions and supervision. The group is examining current Colorado and national practices regarding:
 - Standard conditions of parole;
 - Special conditions of parole;
 - Length of parole supervision; and
 - Disparate treatment based on race/ethnicity.

- *Probation Working Group—Glenn Tapia, Leader*
The Working Group is focused on the purposes of probation; the operation of probation regarding the use of conditions, the length of supervision, and responses to violations; alternatives that can be utilized at sentencing; and the impact of probation practices on the prison population. The Working Group identified the following priorities:
 - Define the statutory purpose of probation
 - Examine probation practices regarding the use of conditions, length of supervision, responses to violations and revocations.
 - Examine ethnic and gender disparities in probation outcomes/practices and recommend strategies to abate disparate treatment and/or outcomes.
 - Examine the impact of revocations on the prison population.
 - Redefine statutory purpose of probation.
 - Evaluate level of supervision in the interest of proper dosage and approaches (e.g. avoiding over-supervision).
 - Examine impact of Traumatic Brain Injury (TBI) on revocations and other outcomes, and recommend strategies to better accommodate persons with TBI.
 - Consider alternatives that can be used at the time of sentencing.

- *Sentence Progression Working Group—Dean Williams, Leader*

The Working Group is reviewing opportunities to expand community-based release alternatives for inmates and examining the use of options and incentives to promote positive progress during incarceration. The first areas of focus are as follows:

 - Expand opportunities regarding Intensive Supervision Program-Inmate, home confinement (electronic monitoring)
 - Expand opportunities for people under CDOC supervision who are in the last phase of their sentence. *“The last year of sentence should be different from the first year of the sentence.”*

- *Sentence Structure Working Group—Michael Dougherty, Leader*

The areas of focus include reviewing the felony and misdemeanor sentencing grids; sentence ranges; sentence enhancements (habitual and extraordinary risk statutes); promoting consistency and certainty in sentencing; and simplifying the sentencing code. The Working Group is focused on the following:

 - New misdemeanor grid and sentencing ranges, Traffic offenses, Title I (Voting offenses), felony-to-misdemeanor reclassification and contraband
 - Examining jail time-credit policies
 - Fees and fines

DISCUSSION

Attorney General Phil Weiser commended the efforts of the Sentencing Reform Task Force and Working Groups. He mentioned the Colorado Fair Chance Law as one of multiple efforts that could bridge successful release options into the community being discussed by the Progression Working Group.

As the Progression Working Group examines efforts to expand alternatives for inmates at the end of their sentence, there was concern whether this work aligns with the overarching goals to simplify and clarify the sentencing provisions and provide certainty in sentence length. Another challenge expressed was the public perception that a sentence ends when an incarcerated individual is no longer serving time in prison.

Mr. Williams felt that certainty in sentencing and the locations where inmate serve their sentence are separate considerations. Even though inmates may be located in the community, they remain under the supervision of the Department of Corrections. Currently, eligible incarcerated individuals can serve the end of their sentences in Community Corrections or Intensive Supervision Program-Inmate. The focus of the Progression Working Group is to develop different pathways and opportunities to progress for those incarcerated individuals who have displayed good institutional conduct and participated in recommended programs while remaining under the Department of Corrections supervision. Mr. Williams believed that these efforts will better prepare and assist with successful reentry into the community and consequently reduce recidivism.

Mr. Kornfeld explained that the U.S. Attorney General and the Director of the Federal Bureau of Prisons at the U.S. Department of Justice have the discretion to progress inmates through community-based

release options. Information about the length of the sentence is publicly available.

Mr. Hilkey reminded the group that the General Assembly requires the Commission to present an annual progress report and this year's SMART Act Hearing update will take place soon after the start of the legislative session *[Note: At the time of this meeting that hearing was scheduled on January 19, 2021. However, the Colorado General Assembly subsequently announced a delayed session start. The SMART Act hearings have not yet been scheduled.]* Mr. Hilkey invited the Sentencing Reform Task Force Co-chairs, Mr. Dougherty and Mr. Kornfeld, to present at the SMART Act Hearing and invited all Commissioners to attend (virtually).

Public Comment

Linda Summers commended the work of the Commission and encouraged discussion of reforms of the judicial system and its processes.

Wrap-Up and Adjournment

Details of the next Commission meeting on January 8, 2021 at 1pm will be forwarded to Commissioners by email and posted on the CCJJ website, at ccjj.colorado.gov/ccjj-meetings.

Mr. Hilkey thanked members for their time and attention and with no further business, adjourned the meeting at 2:09 pm.