

Colorado Commission on Criminal and Juvenile Justice: Comprehensive Sentencing Task Force

Charter

MISSION

The mission of the Colorado Commission on Criminal and Juvenile Justice (CCJJ), Comprehensive Sentencing Task Force is to conduct a comprehensive and thorough analysis and assessment of sentencing in Colorado. This analysis will address the sentencing scheme from the point of conviction forward, including all alternatives initially available to the court through parole discharge. Sentencing statutes will be examined by crime category; however sex offenses, drug offenses and juvenile will not be addressed by this task force. The task force will develop recommendations for sentencing reforms and submit those recommendations to the Colorado Commission on Criminal and Juvenile Justice. The recommendations shall be consistent with and support the Commission's Purpose of Sentencing Statement created in July of 2009.

BACKGROUND

In the summer of 2009, the CCJJ created both the Sentencing Policy Task Force and the Drug Policy Task Force. The mission of the Drug Policy Task Force was to examine laws and sentencing specifically related to drug statutes. The Sentencing Policy Task Force was charged with undertaking a more comprehensive review of the overall sentencing scheme in Colorado. Both task forces created a variety of recommendations that eventually became proposed legislation and were ultimately signed into law.

During the summer of 2010, the Commission decided to re-evaluate its direction and future focus. In August 2010 commission members agreed on four areas of study. The CCJJ directed the Drug Policy Task Force to continue its work, the Commission then created two new task forces, one to study Juveniles and one to study Sex Offenders/Offenses, and lastly the Commission agreed to revamp the Sentencing Policy Task Force and convert it into the Comprehensive Sentencing Task Force.

The new Comprehensive Sentencing Task Force includes many of the representatives who worked on the original Sentencing Policy Task Force. The Comprehensive Sentencing Task Force plans to carry out its work under the Purposes of Sentencing framework developed by the CCJJ in July 2009 that states:

The general purposes of sentencing are:

- (i) To achieve justice for all and ensure public safety;
- (ii) To render sentences in all cases within a range of severity proportionate to the gravity of offenses;
- (iii) To achieve offender rehabilitation, reduce risk, reduce recidivism, general deterrence, incapacitation of dangerous offenders, and restoration of crime victims and communities;
- (iv) To render sentences no more severe than necessary to achieve the above.

Another area where the Comprehensive Sentencing Task Force will build upon work previously produced by the Sentencing Policy Task Force centers around five critical problem issues identified within the current sentencing system. The issues identified are:

1. The sentencing structure is too complex and confusing
2. The sentencing structure does not allow for individualized sentencing while maintaining accountability
3. Current sentencing laws are often unpredictable, inconsistent and/or irrational
4. Too many laws are based on anecdotes not evidence
5. Sentencing laws have lost sight of the goal to enhance public safety through rehabilitation, deterrence and punishment

While the mission of the Comprehensive Sentencing Task Force is to conduct a comprehensive and thorough analysis and assessment of sentencing in Colorado, ultimately, the task force members agree that the best way to approach the process is to start by analyzing individual crime categories (e.g. Theft, Crimes against Persons, Crimes against Property, etc.). In examining these smaller categories, policy questions will become apparent and a template will be developed to be used when examining crimes in other, larger categories. Short-term gains will be made, but this approach would be long-term.

The complex and fragmented structure of the current sentencing code has resulted from a somewhat haphazard and reactive introduction of new sentencing legislation. The task force agrees to also explore a recommendation regarding a possible “Sunrise Review” process. This would provide a method to integrate new offenses and new sentencing legislation to ensure alignment with the sentencing structure by assuring that newly proposed crimes and sentences are not covered by an existing crime/statute.

STRUCTURE

- The Task Force will make recommendations directly to the Commission.
- The Task Force shall comprise a representative sampling of the stakeholders and the community.
- The Task Force chair will be a Commission member.
- The Task Force shall consist of no more than eighteen (18) formal members identified by the CCJJ chair and vice-chair.
- Non Task Force participants will be encouraged to provide input as directed by the Task Force chair.
- The Commission consultant will chair the Task Force when the Chair is unavailable.
- The meetings will be held in the Denver Metro area. Conference calls will be used when possible to include stakeholders statewide.
- A quorum is reached when at least 50% (9 members) of the task force are present.
- The team will implement “ground rules” to facilitate effective interaction (see page 5).
- Research staff from the DCJ Office of Research and Statistics will
 - Work with the chair to organize meetings and prepare the meeting agenda
 - Facilitate meetings to free the chair to lead the discussions
 - At the request of the Task Force will,
 - Provide information on existing knowledge and research
 - Identify local data sources
 - Analyze local data sources when feasible

- Work with researchers from other agencies to obtain relevant information.

DESIRED OUTCOME

- The task force will develop sentencing reform recommendations for the Commission on Criminal and Juvenile Justice that:
- Are consistent with and support the Commission's Purpose of Sentencing Statement;
- Enhance the goal of public safety through rehabilitation, deterrence and punishment;
- Are rational and consistent;
- Reduce unwarranted disparity;
- Are comprehensible to the public, the victim and the offender;
- Take into account the fiscal impact on state and local jurisdictions; and
- Allow for individualized sentencing while maintaining accountability and consistency.
- The task force will develop a recommendation to the Commission on Criminal and Juvenile Justice proposing a Sunrise Review Process. This process establishes a method to integrate new offenses and new sentencing legislation in a manner that will ensure alignment with the sentencing structure.

ESTIMATED TIME FRAMES – *revise after first meeting*

- Short-term → TBD
- Long-term → TBD

MEETING FREQUENCY & DURATION (through 2010)

Date: Tuesday September 7, 2010
Time: 1:30pm – 4:30pm
Location: 710 Kipling, 3rd Floor

Date: Thursday October 7, 2010
Time: 1:30pm - 4:30 pm
Location: 700 Kipling, 4th Floor

Date: Tuesday November 9, 2010
Time: 1:30pm - 4:30 pm
Location: 710 Kipling, 3rd Floor

Date: Thursday December 9, 2010
Time: 1:30pm – 4:30pm
Location: 690 Kipling, 1st Floor

MEMBERS

TASK FORCE CHAIRPERSON: Jeanne Smith

COMMISSION CONSULTANT: Paul Herman

CCJJ STAFF: Germaine Miera

LEGAL COUNSEL: To be determined if and when needed

	Affiliation	Representative
1	Chair/CCJJ	Jeanne Smith, Division of Criminal Justice
2	Prosecution	Pete Hautzinger, District Att. 21 st Judicial District
3	Prosecution	J.P. Moore, 17 th Judicial District
4	Prosecution	John Suthers, Attorney General
5	Defense	Doug Wilson, State Public Defender
6	Defense	Charles Garcia, Denver Crime Prev. & Control Comm.
7	Defense –Appellate Div.	Jason Middleton, Public Defender’s Office
8	Judicial Dept.	Tom Quinn, Probation Services
9	DOC	Jeaneene Miller, DOC Division of Parole
10	Victim Advocate	Joe Cannata, Voices of Victims
11	Offender Advocate	Dianne Tramutola-Lawson, Colorado CURE
12	Law Enforcement	Joe Pelle, Sheriff, Boulder county
13	Legislative Rep. – House	Claire Levy, Representative
14	Legislative Rep. – Senate	Mark Scheffel, Senator
15	Trial Court Judge	Gilbert Martinez, District Judge 4 th JD
16	Parole Board	Celeste Quinones, Parole Board
17	CDPS/Comm. Corr.	Carl Blesch, Division of Criminal Justice
18	Community at Large	Christie Donner, CCJRC



Commission on Criminal and Juvenile Justice

Ground Rules

1. Public safety should always be paramount in our thoughts.
2. It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to non-partisanship.
3. We agree to question our assumptions maintain respect for differences and work towards common goals that meet the Commission's mandate.
4. We should seek outside help for areas where we are lacking in knowledge.
5. Because our decisions impact all Colorado, they should be carefully considered from both perspectives of the various regions and diverse populations of both offenders and victims across the state.
6. To the best of our ability, our decisions should be straight forward and timely.
7. Decisions are guided by data and should be aimed at crime prevention, reducing recidivism, achieving public safety through the most cost effective means and achieving justice.
8. We should be mindful that a need for treatment is not an adequate reason to incarcerate someone in DOC (other options should be available).