

Comprehensive Sentencing Task Force

March 10, 2011, 1:30-4:30PM
710 Kipling, 3rd Floor Conference Room

ATTENDEES:

CHAIR

Jeanne Smith/Division of Criminal Justice

TASK FORCE MEMBERS

Glenn Tapia/Division of Criminal Justice

Charles Garcia/Denver Crime Prevention & Control Commission

J.P. Moore/DA 17th Judicial

Pete Hautzinger/DA 21st Judicial

Tom Quinn/Director of Probation Services

Dianne Tramutola-Lawson/CURE

Jeaneene Miller/DOC Division of Parole

Joe Cannata/Voices of Victims

Jason Middleton/ Public Defender/Appellate Division

Michael Dougherty/ Deputy Attorney General

Mark Evans/ Public Defender's office for Doug Wilson

STAFF

Kim English/ Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

ADDITIONAL ATTENDEES

Haley Wilmer/Denver DA's office

ABSENT

Gil Martinez/District Court Judge

Joe Pelle/Sheriff, Boulder County

Paul Herman/Center for Effective Public Policy

Doug Wilson/State Public Defender

Celeste Quinones, Parole Board

Christie Donner/Criminal Justice Reform Coalition -

Claire Levy/State Representative

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion: Jeanne Smith opened the meeting with introductions and an overview of the agenda and meeting.</p>
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<p>Issue/Topic: UPDATE – Restitution Collection Data</p> <p>Action</p>	<p>Discussion: Tom Quinn provides updated information to the group regarding restitution ordered vs. restitution paid data.</p> <p><u>RESTITUTION DATA - UPDATE</u></p> <ul style="list-style-type: none"> • See handout for detailed information. • For those terminated from probation but still owing restitution Tom provides new data (see handout). • Of the 40% who terminated still owing money there has been 2.3 million collected primarily from internal collection efforts. This is the total collected as of February 2011. • The top part of the graph addresses the 40% of people terminated with a “still owing” status. Those 40% make up the 2.3 million. • The bottom part of the graph shows the 60% of terminated who still have a balance due and have been terminated. Either private collection or they have finished their sentence. • By statute, restitution is automatically converted to a civil judgment
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<p>Issue/Topic: UPDATE – Pete Hautzinger</p>	<p>Discussion: Pete Hautzinger provides initial information to the group on the details of JAG grant work taking place in Mesa County</p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> • One topic this task force has been discussing is the fact that many DA’s offices would be happy to pursue adult diversion options but there’s no funding or statutory mandate. • At the last full Commission meeting Kim and Paul met with Pete about trying to secure some available JAG money to set up a pilot adult felony diversion program. • Pete discussed this with his executive staff and decided to go ahead and do the work along with Kim to get the application done and submitted. • Pete says there are some reservations regarding budget issues; however, if Mesa gets the grant, and gets it up and rolling with federal funds they could hopefully show significant savings. • When a case goes through ‘the process’, the biggest savings come from having the case ‘touched’ by as few hands as possible. • The concept for an adult diversion program pilot would be having really only one person in the criminal justice system touch the case, therefore
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	<p>providing a big money savings. Those savings would show up mostly in state dollars, but hopefully the money could be quantified showing good use of dollars.</p> <ul style="list-style-type: none"> • Pete says they hope to hear back in early May. If the grant comes through, it would not be targeted solely at theft cases.
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<p>Issue/Topic:</p> <p>Sentencing Issues by Agency</p> <p>Action</p>	<p>Discussion:</p> <p>The group continues the discussion of ‘Sentencing Issues by Agency’. Today, Jeaneene Miller addresses the group regarding the Department of Corrections and how DOC/Parole handles offenders sentenced with theft cases vs. non-theft cases.</p> <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> • Unlike the other agencies who have reported back on how theft cases are treated differently from other cases, DOC/Parole does not differentiate their processes according to the crime. • DOC makes sure the parole board has all the info they need to make the right decisions during a parole board release hearing (they are currently moving toward electronic data to provide more info). • The board is armed with the CARAS and all possible offender information including mental health history, crime history, offender stats, etc. • DOC also provides info through the community corrections referral form. They provide all the info to the Comm. Corr. Boards to make the decision on who they may accept. • DOC is the information broker, the decisions really focus around the Community Corrections Boards and Community Corrections facilities. • The third point where DOC is involved is providing information for parole revocations. • DOC is moving more and more toward a performance-based concept (what is their performance, risk level, evidence-based decisions). • This process is the same for all offenders; it’s hard to do this differently for theft sentence population. • Paying off restitution is not a requirement • Even though the DOC process for treatment of offenders doesn’t totally mesh with the schematic of the previous presentations, we didn’t want to leave DOC out altogether. • DOC may be able to have some flexibility around this regarding application of earned time. If DOC sees theft cases with low level risk maybe it would be possible to discuss expanding earned time credits.
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Issue/Topic:	Discussion:
<p>Theft Sentencing Goals and Pathways</p> <p>Action</p>	<p>The group continues its discussion from February on sentencing options that have been identified and asks the group to look at those options from a couple different perspectives.</p> <p>The group has identified the two driving forces of Recidivism Reduction and Restoration. With that in mind, Jeanne asks the group to go through each sentencing option and look at the following three topics-</p> <ol style="list-style-type: none"> 1. What the sentencing option is (e.g. Diversion) 2. Unique features to that sentencing option 3. Who that sentencing option is tailored to <p><u>PROBATION</u> EXPECTATIONS</p> <ul style="list-style-type: none"> • Allows offender to pay restitution • Offender gets convicted, gets a felony on their record = punitive sanction • Appropriate conditions of supervision are set to allow for evaluation, treatment, assessment, rehabilitation and accountability too ultimately reduce recidivism <p>UNIQUE FEATURES</p> <ul style="list-style-type: none"> • Court involvement • Least transparent as punishment but still has collateral consequences (conviction) • Public perception is minimal consequences • Options for intermediate options/sanctions (i.e., jail terms, tx requirements, electronic home monitoring) • Flexible conditions (jail terms etc. can be added, etc.) • Relatively low cost • High capacity <p>POPULATION</p> <ul style="list-style-type: none"> • Low risk to recidivate • Will accept rehabilitation • Low risk of headlines • Statutory barriers to placement (“not” probation eligible) • Stronger community ties • People with predictors of social stability (NOT homeless) • Needs services (gambling addiction, treatment, etc.) <p><u>DISCUSSION POINTS</u></p> <ul style="list-style-type: none"> • Difference between deferred and probation is often nature of crime and criminal history

COMMUNITY CORRECTIONS**EXPECTATIONS**

- Blending of punishment along with restoration *
- Accountability
- Offender will find a job
- Structured socialization: Controlled rule compliance/monitoring *
- Access to community services and treatment

UNIQUE FEATURES

- Teach offenders to follow structure and rules
- Graduated structure
- Discretionary placement (via screening mechanism)
- Variability among programs (Government run facilities will take more higher risk offenders)
- Limited/capped capacity (resource driven)
- Requires more participation by the offender (restitution, fines, fees, savings)
- Theft if the number one crime in community corrections

POPULATION

- Probation failures (Diversion)
- Transition from prison
- Restitution realistic expected over time
- Currently employed or highly employable
- The person that needs more structure, person that needs facility structure (and graduated entry into the community).
- Amount of restitution to be paid is realistic

PRISON**EXPECTATIONS**

- Punishment*
- Removal from society/Incapacitation*
- Little or no restitution
- If the driving force behind the theft is drug addiction, there may be some hope down the road for rehabilitation
- Deterrence for others
- Forced sobriety

UNIQUE FEATURES

- No or low restitution
- Big dollar cases
- Community outrage
- Level of violation due to position of trust
- Socialization with other criminals/increased risk of recidivism
- Positive 'time-out', offender reaching rock bottom
- Greatest collateral consequences (affecting offenders family)
- Greatest retributive value
- Most expensive
- Socialization with other criminals/increased risk of recidivism

POPULATION

- Failed community placement
- Offenders placed out of exasperation/Last resort
- Big dollar crimes
- Position of trust/vulnerable victim
- Level of violation
- Multiple priors
- Incurrable

Issue/Topic:

Prioritization of Expectations

Discussion:

Jeanne asks the group to look at the Expectations for each sentencing option and to prioritize the top two (or three) that are the main driving force for each category.

For example, what should be the driver's for a person to get a _____ sentence

The results are as follows-

EXPECTATIONS FOR EACH SENTENCING OPTION

DIVERSION

- A change in behavior
- Reasonable restoration/restitution
- Case resolved soon – restitution paid faster

DEFERRED JUDGEMENT AND SENTENCE

- Payment of restitution
- Guilty plea, but If successful – no conviction. Instead the record shows arrest, charge filed, and disposition listed as dismissal down the road

JAIL SENTENCE/WORK RELEASE and EDUCATION AUTHORIZED

- Punitive
- Incapacitation
- Progression- next time more

HOME DETENTION/ELECTRONIC or GPS MONITORING

- Cost Savings
- Monitoring

	<p><u>PROBATION</u></p> <ul style="list-style-type: none"> • Allows offender to pay restitution • Offender gets convicted, gets a felony on their record = punitive sanction • Appropriate conditions of supervision are set to allow for evaluation, treatment, assessment, rehabilitation and accountability too ultimately reduce recidivism <p><u>COMMUNITY CORRECTIONS</u></p> <ul style="list-style-type: none"> • Blending of punishment along with restoration • Structured socialization: Controlled rule compliance/monitoring <p><u>PRISON</u></p> <ul style="list-style-type: none"> • Punishment • Removal from society/Incapacitation <p><i>Discussion Points</i> Since jail and prison both had the same two top two do we need to distinguish between these?</p>
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Issue/Topic:	Discussion:
Adjourn	The meeting adjourned at 4:30pm. The next meeting is set for April 7, 2011

Future Meeting Dates:

Meeting Schedule

April 7 th	1:30pm – 4:30pm	710 Kipling St., 3 rd floor conference room
May 12 th	1:30pm – 4:30pm	710 Kipling St., 3 rd floor conference room
June 9 th	1:30pm – 4:30pm	710 Kipling St., 3 rd floor conference room