

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

April 8, 2014, 1:30PM-4:30PM
710 Kipling, 3rd Floor Conference room

ATTENDEES:

CHAIR

Jeanne Smith, Co-Chair/Division of Criminal Justice

TASK FORCE MEMBERS

Joe Pelle/Sheriff, Boulder County

Walt Pesterfield/Division of Adult Parole

Denise Balazic/Parole Board

Dianne Tramutola-Lawson/CURE

Matt Durkin/Attorney General's office

Mark Evans/ Public Defender's office (*non-voting member*)

STAFF

Paul Herman/CCJJ consultant

Kim English/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

Peg Flick/Division of Criminal Justice

ABSENT

Norm Mueller, Co-Chair/ Private Defense Attorney

Jason Middleton/Public Defender

Michael Dougherty/1st Judicial District

Kate Horn-Murphy/Victims Representative, 17th JD

Dana Wilks/Judicial Department

Glenn Tapia/Division of Criminal Justice, Office of Community Corrections

Charles Garcia/Denver Crime Prevention & Control Commission

Judge Martin Egelhoff/Denver District Court

Dave Young/DA 17th Judicial District

Maureen Cain/Criminal Defense Attorney

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion: Jeanne Smith welcomes the group.</p>
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<p>Issue/Topic: CCJJ Retreat Outcomes</p> <p>Action:</p>	<p>Discussion:</p> <p>Jeanne spoke to the task force members about the Commission's two day retreat in March, outcomes from the retreat, and how those outcomes will impact the work of this task force.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> • CCJJ held a day and a half meeting at Boettcher Mansion in March. • The meeting was productive and educational. • Commissioners talked collectively about what they want to tackle in 2014 and beyond. • One of the ongoing challenges of the task forces is determining what the task force members want to work on, while fulfilling the CCJJ's desires at the same time. • During the March retreat commissioners discussed where they want folks to put their energy. • Jeanne reviewed a one-page handout which shows a synopsis of outcomes from the retreat and next steps for each of the task forces. • Last year (at the January 2013 meeting) CCJJ discussed the desire to establish a Re-entry task force, however, due to limited resources and other task force allocations that task force has yet to be created. • At the retreat, Jeanne and Norm presented the Sentencing Task Force's ongoing and prospective future work to the Commission for feedback. • The topics included: <ul style="list-style-type: none"> -Habitual offenders -Mandatory consecutive sentences -Recent impacts on county jails, and -Sex Offense work • Unfortunately, none of those issues rose to the top for the CCJJ as far as dedicating more resources or continuing study. • In the end, the CCJJ voted not to pursue any of those issues at this time. • As for the Sex Offense Working Group within the Sentencing Task Force – they were originally charged with looking at whether there should be a Determinate F4 and if the ability for an offender to work their way off lifetime supervision could be adjusted in some fashion. • The Commission decided the Sex Offense working group should wrap up the work on those two items in the next few months but NOT start on any long term work. • In the end the Comprehensive Sentencing Task Force will be going on indefinite hiatus. • The Sex Offense Working Group will meet for a few more months to wrap up their work, and then the Sentencing Task Force will reconvene
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<p>Issue/Topic:</p> <p>CCJJ Retreat Outcomes</p>	<p>to discuss the Sex Offense outcomes and decide what, if anything should then be presented to the CCJJ.</p> <ul style="list-style-type: none"> • As for other task forces, CCJJ wants to continue work in the Community Corrections arena. • The Comm. Corr. Task Force is currently working on some meaty issues and should have recommendations either for the 2015 legislative session or the one after. • The Juvenile Justice Task Force presented a blend of identifiable short term issues and one long term issue to the Commission. CCJJ asked that group to wrap up the short term issues in the next few months, then advised them to return to the CCJJ with a solid proposal about any other future work before taking action on their own. • In the past there has sometimes been a disconnect between the CCJJ's goals and desires and the direction taken by the task forces. • One of the goals of the March retreat was to ensure that the Commission and the Task Forces are aligned when it comes to next steps and future endeavors. • The juvenile group has expressed a desire to analyze and make changes to the entire juvenile code, but the Commission is not in support of that endeavor at the moment. • The Minority Overrepresentation group has some short term work to complete and then they will also go on indefinite hiatus. • The next three things items are all new or revived initiatives that the Commission wants to commit to: <ul style="list-style-type: none"> -CCJJ wants to launch a Re-entry Task Force in the fall. -NIC's EBDM Initiative has been underway in Mesa county for three years. There is currently an opportunity for that initiative to now go statewide and the Commission has agreed to act as a state committee to host the process of applying for statewide status for this new grant. There is a meeting organized for May 12th and we will know more at that time about what work will be involved and if we have some local jurisdictions who may want to get on board. -Another research area that has been discussed for years is data collection. The Commission has always talked about data issues and the myriad of problems that entails. This has been of interest to the group for a long time. The Commission feels more informed about this topic now and would like to take steps to move ahead with this. There are not enough resources to undertake right now, but it's on the 'to do' list. Data sharing – in all the task forces this issue comes up almost every meeting. We need to be very specific about the scope of work. <p>QUESTIONS</p> <ul style="list-style-type: none"> • Who are point people for the new areas of interest? We don't know just yet and the new areas are yet to be established. CCJJ wants to wrap up the work in the current areas over the next couple months, then after that launch the new areas of study. We will be spending some time in the next few CCJJ meetings looking for volunteers and saying who is going to head this up?
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<p>Issue/Topic:</p> <p>CCJJ Retreat Outcomes</p>	<p><i>TASK FORCE ACCOMPLISHMENTS</i></p> <ul style="list-style-type: none"> • Jeanne shared with the group that it's important when going on hiatus to make sure everyone realizes that one of the reasons we can do that is because the group has accomplished so much. • The Sentencing Task Force in particular has been incredibly productive. • One of the first this task force did was say "Sentencing is an elephant and how are we going to take this on?" The task force members realized the scheme needed to be looked at bit by bit and decided to start with theft. • Because of this group an entirely new strata was set up with new values and it gives everyone in the system a good set of alternatives for charging and sentencing. • The impact of that new grid was to give a sensible sentencing alternative to the types of behaviors that are occurring. • Some of the issues undertaken with the theft analysis was to look at designer crimes that didn't need to be separated out. • The group also attempted to repeal newspaper theft, but that was met with too much resistance from the newspaper lobby. • Extraordinary risk was another area the group spent a lot of time on and did get good work done on, but politically it didn't get a lot of legs. • Whether ultimate outcomes were successful or not the group definitely encouraged a thoughtful conversation. • The most recent stand out recommendation is the Pretrial Diversion option that resulted in setting up an entirely new program, keeping in mind our main goal is big system changes rather than one offs. • This particular recommendation came along with some money and that was huge and work is underway now to get programs set up around the state. • Four out of 21 districts are now trying this and finding success. • Early on the group discussed an alternative to get the legislature away from designer crimes in response to individual events. • This group recommended that when Legislative Council is reviewing a new bill they must talk to stakeholder groups, look at the proposed elements unique in the new crime, and decide if it could be charged under another already established law. The goal is to avoid creating a new specialty crime for one defendant every two years, etc. • Recommendations like this have sparked conversations that would not have previously taken place between legislators, DA's and the defense. • This group also looked early on at the issue of escapes from community corrections and the realization that a number of people were getting a new felony simply because of walkaways from halfway houses. • That was not the intent of the original escape statute. • There have already been positive results from that recommendation as well. • The effort to extend value based strategies to other value based crimes was also been successful. • The habitual offender issue was approved by the CCJJ but there was not enough support in the legislature this year, however, this will come back next year. • What is the process for bringing this back up next year? The CCJJ has
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<p>Issue/Topic:</p> <p>CCJJ Retreat Outcomes</p>	<p>already approved the recommendation – so it’s sitting out there if a sponsor is willing to pick it up. It just needs someone to take it to the legislators.</p> <ul style="list-style-type: none"> • As often happens with this kind of work, people are waiting to see how the November elections play out. • All in all this Sentencing Task Force has been as productive as any. • This group and the Drug Policy Task Force both presented many good recommendations and Colorado has benefited greatly from your work. • Paul adds that this is hard work and a lot of people who don’t have to do this don’t realize how hard it is. • This group has put forward a lot of solid policy and a lot of legislative proposals. • There is still much to do in sentencing, but the CCJJ had a slew of things in front of them to consider at the March retreat – and this group going on hiatus allows other issues that have surfaced to take front and center right now. • It’s time for this group to declare victory and move on to next battle. • Mark adds that he’s really impressed that folks from so many different areas can come together and work together on the same issue. It’s a good example of people who could take hats off and work together for the common good. • In some ways, some of the other groups have not worked together as well as this group and the Drug group. • People in other groups have learned big lessons from you all. • DOC is starting a new lean project dealing with re-entry issues. <p><i>ADDITIONAL FEEDBACK ON CCJJ’S RETREAT OUTCOMES</i></p> <ul style="list-style-type: none"> • Joe Pelle responded that he left the CCJJ meeting disappointed with the outcomes. He says there’s a giant elephant in the room affecting the criminal justice system, county jails and prisons – and that issue is Mental Illness. Joe adds that Boulder just went over the 40% mark with inmates with an access one diagnosis. • Boulder just had to reorganize the entire jail to open another MH housing unit and two deputies were severely assaulted last week when an inmate was having a psychotic episode. • This issue is growing and growing, pretrial populations are growing and growing. This is the single biggest issue for the criminal justice system and particularly for jails and prisons, comm. corr., etc. • This is bigger than any other issue and should be addressed. • Governor Ritter created the Behavioral Health Transformation Council but we are still struggling to get people back to mental competency and keep them there through court process. • There are no alternatives for people with mental health issues • There is a ton of evidence based information out there about this issue, but no funding. • If this is really is a commission about justice, we’re bypassing a huge problem. • CCJJ had a two day behavioral health meeting years ago, but after that presentation the issue just died again.
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<p>Issue/Topic:</p> <p>CCJJ Retreat Outcomes</p>	<ul style="list-style-type: none"> • Maybe it's time to revisit this. • Three decades ago we decided it was inhumane to keep people in MH hospitals. But now, instead, we're keeping mentally ill people in jails and prisons. The policy at the time was noble but the consequences are not. • We have sheriffs, deputy sheriffs and RNs all trying to deal with a hugely problematic community. • Walt shares that these are the exact same issues they're dealing with in Oregon. You can't even get someone evaluated anymore. • Denise adds that the parole board deals with this a lot too. • It's out there, people are yelling about it, but there's no emphasis on the solution to it. • The decision in the early years of the CCJJ was that the mental health/criminal justice population issues would be addressed at the BHTC. • But there are so many problems in MH that the CJ population continues to fall to the wayside. • This commission is well positioned to take this on, but is this really more of a governor's initiative through the use of his cabinet and working statewide? • What's the likelihood of the Governor taking on mental health issues regarding the CJ population over the general population? • He may not but this is driving the CJ system into the ground. • The Phoenix program for inpatient drug abuse just got tanked in Boulder to create segregated MH pods at the jail. • Every sheriff in the state will tell you the same horror stories. • This is happening in jails and prisons everywhere. • Is there a way to prioritize a piece of the problem? • Should we restore beds at the state MH system? • It would be good to decentralize the state hospital, to have a north and south location rather than just Pueblo. They can't keep MH professionals hired in Pueblo based on the location. They're six down right now. • Only 22 mh beds in the state. • There are a number of very successful wrap around programs that tie services together in the community. • Money is a barrier, the price to keep an axis one diagnosed inmate in jail is double that of a regular inmate. • Does affordable care act provide support for psychotropic drugs? We don't know yet. • Psychotropic meds are \$19 per pill, and people need 3 pills a day. • If you can't get the Office of Behavioral Health to commit, it's hard for jail and prison folks to make any headway. • CCJJ didn't go this way in the past because they thought there was a commitment from MH folks to start heading in this direction. • There needs to be a commitment behind this from people funding this. • CCJJ is doing some good and valid things – but MH in jails and prisons is a crisis. • We need to be specific about how to move forward with this issue. We can't just throw this to a task force or another group without some direction and some accountability.
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<p>Issue/Topic:</p> <p>CCJJ Retreat Outcomes</p>	<ul style="list-style-type: none"> • We need to create a front end diversion, create a place to take somebody when they're in crisis rather than jail. • We also need to restore funding for hospital beds and treatment. • We need to focus on the wrap-around reentry piece into community health reentry. • Could Lisa Clements help us with this? • The BHTC keeps meeting and has a 'CJ Involved Persons Subgroup', but nothing has really come from it. <p><i>QUESTIONS</i></p> <ul style="list-style-type: none"> • Can Joe bring this up at the CCJJ meeting on Friday and push the issue?
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<p>Issue/Topic:</p> <p>Next steps</p> <p>Action:</p>	<p>Discussion:</p> <p>The Sentencing Task Force will reconvene for one meeting in August to look at the outcomes from the Sex Offense Working Group and discuss a plan to move those outcomes to the full CCJJ.</p>
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<p>Issue/Topic:</p> <p>Adjourn</p> <p>Issue/Topic:</p>	<p>Discussion:</p> <p>The meeting adjourned at 4:15pm.</p>
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Future Meeting Dates:**Meeting Schedule 2013**August 5th, Tuesday

1:30pm – 4:30pm

710 Kipling St., 1st floor conference room