

***Mandatory Parole Subcommittee***  
***Colorado Commission on Criminal and Juvenile Justice***  
**Minutes**

October 5, 2015, 1:30PM-4:30PM  
Ralph Carr building

**ATTENDEES:**

**CHAIR**

Doug Wilson, Public Defender's Office

**TASK FORCE MEMBERS**

Joe Morales, Parole Board

Christie Donner, Colo. Criminal Justice Reform Coalition

Melissa Roberts for Kellie Wasko, Department of Corrections, Parole

Kate Horn-Murphy, Victims Advocate, 17th Judicial District

Norm Mueller, Defense Attorney

Daniel Kagan, State Representative, House District #3

Michael Dougherty, Jefferson County District Attorney's office

**ADDITIONAL CONTRIBUTORS**

Anne Carter, Parole Board

Steve Allen, Joint Budget Committee

Michael Dohr, Legislative Legal Services

**STAFF**

Paul Herman, CCJJ consultant

Germaine Miera, Division of Criminal Justice

Kevin Ford, Division of Criminal Justice

**ABSENT**

Charley Garcia, Colorado Bar Association

James Quinn, Attorney General's Office

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| <p><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p> | <p><b>Discussion:</b></p> <p>Doug welcomed the subcommittee members and reviewed the agenda. He reminded the group that the purpose of today's meeting was to review and word smith the two recommendations that are in process. He added that there are also two issue areas in recommendation FY16-MP #02 that need further clarification by the group today.</p> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: Statutory Purposes of Parole rewrite</p> <p><b>Action:</b></p> | <p><b>Discussion:</b></p> <p>Doug reported that Paul made the revisions to Recommendation FY16-MP #01 that were discussed at the previous meeting and the most recent update of the recommendation can be found in everyone's stacks of meeting documents.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• This recommendation updates the statute that describes the purpose of parole in Colorado by amending C.R.S. 17-22.5-102.5 to incorporate the language presented as follows: <ul style="list-style-type: none"> <li>A – To improve public safety by reducing the incidence of crime committed by people on parole;</li> <li>B – To prepare , select, and assist people who, after serving a statutorily defined period of incarceration, will be transitioned and returned to the community;</li> <li>C – To set individualized conditions of parole and to provide supervision services and support to assist the people on parole in addressing identified risks and needs; and</li> <li>D – For the people on parole to work with the Division of Adult Parole to comply with the terms and conditions of release and address their risk/needs for the purpose of achieving a successful discharge from parole supervision.</li> </ul> </li> <li>• The previous word 'parolee' has been changed in this latest revision to 'people on parole'.</li> <li>• Michael reported that he has some input and feedback from CDAC on the verbiage in this recommendation.</li> <li>• He shared that after receiving a copy of the draft he had an opportunity to look at it himself and he also talked to various DA's on CDAC .</li> <li>• CDAC has talked as a group and DA's are concerned about taking 'punishment' out as a consequence of parole.</li> <li>• DA's believe there should be some reference to punishment in the parole statute.</li> <li>• Michael asked the group to consider inserting language in section A that includes the purpose of parole is to 'further all purposes of sentencing'. He said he believes it should be consistent with the sentencing statute.</li> <li>• He said that one phrase would address some DA's concerns.</li> <li>• Doug asked Michael to explain why punishment should be included in the purposes of parole statute when the group agreed that punishment is part of the sentence.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: Statutory Purposes of Parole rewrite</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• Michael reiterated that it would address some of the concerns from one group and possibly more than one group.</li> <li>• This would satisfy DA's concerns without impacting what we're trying to do with the overall statutory language.</li> <li>• Christie asked if there is any other sentencing purpose that is counter to what the group has established so far.</li> <li>• Melissa shared that Parole would be opposed to defining parole by referencing punishment again.</li> <li>• Michael noted that the group would still be taking out the harsher language that currently reads "To punish a convicted offender by assuring that his length of incarceration and period of parole supervision are in relation to the seriousness of his offense".</li> <li>• One of the subcommittee members said that if this satisfies concerns of Michael's constituency it may be worth adding.</li> <li>• The fact these people are on parole feels punitive no matter what the scenario is.</li> <li>• Rep. Kagan asked that if the group were to make this change, and make it clearer that the 75/50% scenario is entirely dependent on an inmate earning that time, would the DA's then be in support of the entire package?</li> <li>• Michael answered that he has been advocating for the full package and that it's hard to look at each piece in isolation. He said that to the extent the group is now talking about this as a package he suggests that's what we do.</li> <li>• Michael said he has spoken with the Executive Committee for CDAC and is prepared to vote in favor of the 75/50%.</li> <li>• He added that part of the concern from CDAC is that this recommendation is moving fairly quickly.</li> <li>• He added that this group started with a short deadline, and that being said it's rare in the world of CCJJ that the subcommittee gets a draft on Friday for a vote on Monday.</li> <li>• There was another recommendation to swap A and B and that has also been done.</li> <li>• The other changes that were made are simply grammatical in nature (People on parole, to work with, to comply, to address, and to achieve). The changes made were about moving the focus to the individual on supervision.</li> <li>• Changes in verbiage on this statute were more about trying to switch the perspective to a cooperative arrangement.</li> </ul> |
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| <b>Issue/Topic:</b>  | <b>Discussion:</b>  |
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| <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <p>Doug reminded subcommittee members that in looking at this recommendation, part of the concerns that people expressed last week was around the role of community corrections in this process.</p> <p>He reported that three possible options for community corrections are in everyone’s packet and they are listed as follows:</p> <p>Option 1: A person may be placed in a community corrections program as a conditions of parole upon completion of his/her prison sentence.</p> <p>Option 2: A person may be placed in a community corrections program 6 months prior to completion of his/her prison sentence.</p> <p>Option 3: A person who is serving a sentence for a COV may be placed in a community corrections program as a condition of parole upon completion of his/her prison sentence, and a person who is serving a sentence for a non-COV may be placed in a community corrections program six months prior to completion of his/her prison sentence.</p> <p><b>Individual Issue Areas to be Addressed/Community Corrections:</b><br/> <i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• If someone goes into comm. corr. on the end of their sentence they are no longer on inmate status.</li> <li>• If someone goes into comm. corr. before the end of their sentence then they are on inmate status.</li> <li>• Option 1 – Does that mean no inmate status for anyone?</li> <li>• Option 3 – Does that mean they would be on inmate status if COV, but non-inmate status if paroled directly from community corrections?</li> <li>• Right now the statute would have to be rewritten if we adopt the 75/50%.</li> <li>• Doug said he wanted to take this opportunity to remind everyone that this recommendation is not retroactive. There was a rumor circulation that this is retroactive and it is not.</li> <li>• Norm shared that his initial thought is in favor of people going to comm. corr. prior to release.</li> <li>• But if the group were to say “no, it’s only part of a condition of parole”, would DOC be sending people who don’t really need that transition?</li> <li>• The transition is not eliminated; it just comes at a different period of time.</li> <li>• Kate asked if the applications would still be made to multiple comm. corr. facilities and whether victims could still be present. Yes, the board would still accept victim input.</li> <li>• Kate asked at what point the comm. corr. process would start. Melissa answered it should be part of the parole planning process.</li> <li>• Victims would get notice when the offender is at the re-entry part of their DOC time.</li> </ul> |

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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• What about DOC re-entry centers? Re-entry pods are going to be established in every prison.</li> <li>• Michael said he was concerned about the work underway in the community corrections task force and whether this group should go outside their work without talking with that group.</li> <li>• It's hard to talk about how this fits into mandatory parole without addressing this piece; this group is still trying to figure out how to have the conversation on the comm. corr. piece.</li> <li>• Christie shared that either way this group has to answer this question in order to even get the recommendation on the table and move forward with the package.</li> <li>• Paul added that the comm. corr. group has been made aware of what this group is working on.</li> <li>• Paul also added that the community corrections task force has been looking at identifying special risk populations (e.g. high risk, high need) and identifying services to address specific needs of those populations.</li> <li>• Kate asked if the CC task force has been looking at evidence and data around the 19 month referral. Paul replied that, no, they're not looking at that issue at this particular time.</li> <li>• Kate asked if there would be resistance from the CC task force if this group adopts a recommendation for the six month referral.</li> <li>• This issue has been brought up to the community corrections task force multiple times. That group has been much more focused on who are the right people and what are the right services.</li> <li>• People will be upset because all they've ever known is the 19 month referral. So they'll be upset with change.</li> <li>• DOC will take a hit up front with some working together to make sure beds are full. All that will work out. One of the primary concerns for comm. corr. folks is whether they will we receive the money they're still receiving and can they receive any more.</li> <li>• Christie added that with risk/needs it kind of gets into the 'who' rather than the 'when', which is what the comm. corr. task force is working on anyway.</li> <li>• There's something wrong with appropriateness of the current services being delivered in comm. corr. since they're failing half the population.</li> <li>• Basically, comm. corr. isn't working. The issue right now is who are the people and what are the services.</li> <li>• We should draw the line on the when issue, not on the 'who' issue.</li> <li>• Doug reminded everyone that there are still three options on the table.</li> <li>• Michael and Kate shared again that they're concerned about crossing over into the community corrections task force.</li> <li>• Norm clarified that as far as the option with the most approval, it sounds like option 3 is where we're going. He says he favors two but will go with three.</li> <li>• A question was raised about whether an offender will just be on parole if community corrections doesn't accept them.</li> <li>• Since the comm. corr. board needs to make the acceptance decision, if someone is not accepted by community corrections now, they're going out regardless.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• If a board does not accept that COV person they're just on parole.</li> <li>• COV's are not going to comm. corr. prior to their release date.</li> <li>• These are more likely the individuals that comm. corr. wouldn't accept anyway.</li> <li>• If option 3 is approved we want to be a little more explicit that placement in community corrections is dependent upon board acceptance.</li> <li>• CCJJ is going to get this written recommendation, so for their clarification we should note that we're not touching local decision making protocol.</li> <li>• A vote was taken by the subcommittee members on Option #3 and all members except for Michael voted in favor. Michael said he would abstain from the vote.</li> </ul> <p><b>Individual Issue Areas to be Addressed/Money and Funding:</b></p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• As has been agreed upon by the group previously, any cost savings from this recommendation are to be split evenly between offender and victim services.</li> <li>• Kate and Christie have spent a great deal of time working on the appropriate verbiage for this piece of the recommendation.</li> <li>• More detail of the funding can be found on page3 and 4 of the recommendation.</li> <li>• Kate explained that for the victim services piece, funding needs to work in a way that avoids creating a separate administrative effort. That's because a separate administrative piece would take away from funds for victims in the end.</li> <li>• She further explained that continuing needs for victims refers to AFTER the crisis point; this is for funding down the road for victims.</li> <li>• DCJ has this exact funding structure to administer federal grants and it works well.</li> <li>• There is a statute in place currently for local victim and witness assistance.</li> <li>• Having the funds deposited for oversight by DCJ is key to centralized reporting and access to those funds.</li> <li>• As far as keeping money local, Kate explained that she and Christie both want the funds to be given to community based organizations.</li> <li>• Local vale programs would report annually back to DCJ as far as what services are funded and for what needs of victims.</li> <li>• This may still require syphoning some funds for administration. There's a tipping point of dollar amount to administer, but that's better than setting up a whole different fund management system.</li> <li>• Rep. Kagan asked what kind of money comes in for services now.</li> <li>• Kate answered that Local VALE is currently the administer of funds.</li> <li>• State VALE funds go to organizations like Voices for Victims, Parents of Murdered Children, etc. State Patrol also gets state money for victim services.</li> <li>• 87% of VALE funds stay in local districts.</li> <li>• Local level folks administer funds but DCJ tracks that.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• As for the definition of survivors of crimes, is the language currently that broad?</li> <li>• Kate said she tried to capture verbiage in the crime victim compensations statute and expand on it.</li> <li>• There could be survivors of sexual child abuse who never reported the crime but needs services.</li> <li>• People will say ‘why did you give that money out’, there needs to be some sort of eligibility requirement.</li> <li>• There has to be some sort of nexus to a crime, be it self-reporting or more.</li> <li>• Currently local VALE programs are administered by DA’s offices.</li> <li>• Current victim funding is for acute issues.</li> <li>• The upside of using VALE is that you have 5 community members who are well informed about the issues.</li> <li>• Christie asked if VALE boards are dominated by prosecutors and law enforcement. Kate answered no.</li> <li>• The VALE statute calls for community members to be appointed by the chief judge. There can be IT guys, owners of a local farm, retired people non-practicing attorneys, etc.</li> <li>• Rural districts may have more law enforcement representatives just due to their size.</li> <li>• There are more law enforcement VALE board members in smaller rural districts.</li> <li>• Doug asked Kate and Christie if they have discussed specific services.</li> <li>• Services include stabilization support, short term needs, long term needs, housing, etc. Kate said she liked the verbiage Christie included.</li> <li>• You want to make it broad enough so local communities can identify needs but focused enough so that the money is used appropriately.</li> <li>• The reality is most crime is not reported.</li> <li>• The hope is to expand the reach of services to hard-to-reach victims.</li> <li>• Christie noted that Colorado does not do its own crime victim survey. Some other states have done this.</li> <li>• In CA they did their own in-state victimization survey and asked a lot of questions about services, why people don’t report a crime, etc.</li> <li>• Christie shared that she didn’t go into as much detail on the offender services piece, but essentially it seems like DCJ is a good agency to talk to about this because in trying to reach justice involved folks there’s no one state agency that touches everyone.</li> <li>• Christie pointed out the ‘eligible grantees’ verbiage. She noted she would like to introduce the thought of a grant intermediary model which is a great way to help build capacity and competency of the non-profit.</li> <li>• She said we don’t currently have capacity in the communities to do this. That’s what that last bit means.</li> <li>• Christie also pointed out that she’s worried about the estimated cost savings provided by Steve in the first year. She doesn’t think that will happen since this recommendation is prospective.</li> <li>• She believes we’re not going to have savings in that first year. Numbers may be premature for gearing up for 16/17.</li> <li>• Steve said he agrees.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• A question was asked about how to envision measuring the amount of savings for implementation costs.</li> <li>• If we implement it in a way that allows for ongoing measurement, we would end up with more savings because we'll toss some stuff at Leg. Council which will require them to talk to DOC and they'll make a conservative forecast.</li> <li>• If we leave it more flexible, we may be able to look out several years.</li> <li>• Something like that could be a better approach.</li> <li>• How do we measure savings out of this bill is critical.</li> <li>• The issue was raised about how to measure savings for the purposes of maintaining this grant over time? This will need to be specifically addressed in the bill.</li> <li>• How did it happen with drug reform and theft? That was an LCS model, based on projections and is allocated every year.</li> <li>• HB12-1223 had an original leg council projection; Steve came back with a way to calculate actual savings. Savings measured by DOC turned out to be much higher.</li> <li>• People who work on fiscal notes are afraid of making projections that are too high.</li> </ul> <p><b>Final Preliminary Recommendation Word-Smithing:</b></p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• For clarification, the starting point for release on the recommendation is at 100% of the sentence. An inmate will have to earn the time down to 50 or 75%.</li> <li>• We're not talking about the current definitions of earned time and good time. There will need to be a new definition for 'time-credit accrual'.</li> <li>• The concept would be 100% of the sentence for a COV inmate. If they earned everything possible there would be a release at 75% maximum.</li> <li>• So this would be an increase in time served by COV's of 9%, since COV's currently get out at 66% of their sentence.</li> <li>• The mandatory parole periods are based on CARAS risk level. .</li> <li>• For Non-COV's, again this starts at 100%, best case scenario someone is released at 50%.</li> <li>• How much of the current sentence is served by Non-COV's? 68% of sentence.</li> <li>• Again mandatory parole periods will be based on CARAS risk score as follows:             <ul style="list-style-type: none"> <li>Crime of Violence                 <ul style="list-style-type: none"> <li>-Very Low/Low Risk 6 months</li> <li>-Medium Risk 1 year</li> <li>-High/Very high risk 2 years</li> </ul> </li> <li>Non-Crime of Violence                 <ul style="list-style-type: none"> <li>-Very Low / Low Risk 6 months</li> <li>-Medium, High and Very High Risk 1 year</li> </ul> </li> </ul> </li> <li>• There would not be earned time credits on parole.</li> <li>• With the parole periods that have been proposed we would still pick up 82% of the violations because they happen early.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• As it stands today we would still get 82% of those people.</li> <li>• The comm. corr. piece to be folded in would be Option #3 with the definition of parole that was discussed.</li> <li>• Christie asked if it's possible for this group to consider specificity around the award of earned time and when it's awarded if it is vested.</li> <li>• Right now, once earned time is granted it can't be taken away.</li> <li>• What about vesting of earned time?</li> <li>• Does the earned time vest upon reward? Do we unilaterally give DOC an enormous amount of discretion?</li> <li>• We would have to rewrite the earned time statute.</li> <li>• Currently, vesting is statutorily mandated, but not followed.</li> <li>• Rep. Kagan explained that in statute DOC inmates vest annually, parole semi-annual, but DOC can't do it.</li> <li>• This prompted discussions this year about rewriting the earned time statute so that it would vest monthly, so that it can't later be withdrawn.</li> <li>• Question - Is DOC completely happy with it being clarified that it does not withdrawal once vested and can vest monthly?</li> <li>• In conversations with Rep. Kagan DOC has made clear that they would like clarity and that they do not request that they have the ability to withdrawal.</li> <li>• This opens up the question of earned time vs. good time. Someone can be in Ad. Seg. During their whole sentence and still get earned time.</li> <li>• Good time now is about program completion time.</li> <li>• As stated earlier, the time-credit is to be incentivized.</li> <li>• Currently, up to 10 days a month is earnable now.</li> <li>• This rec is that the cap is 25% for COV and 50% for Non-COV.</li> <li>• Inmates will have to earn this time, not just get it automatically.</li> <li>• The problem is we don't fund enough programs in DOC for everyone to EARN earned time.</li> <li>• We don't want to tie this to completion of a program because what about people who are on wait lists to get into a program.</li> <li>• Currently, if there's a slot and you refuse it you're not complying or eligible.</li> <li>• Christie a little concerned that we haven't discussed vesting.</li> <li>• What about sex offenders? This does not apply to indeterminate sex offenses, but this will apply to determinate sex offenses.</li> <li>• Norm suggested language to clarify; changes were made specifying no indeterminate sentences for sex offenses or other life sentences.</li> <li>• Kate added that the group also hasn't discussed the opportunity for victims to submit their input on parole release decisions.</li> <li>• Parole Board decisions would be made around conditions.</li> <li>• Kate asked if the group can build in capacity during condition setting for a victim to be heard.</li> <li>• Joe responded that there wouldn't be a hearing but more of an administrative file review.</li> <li>• Joe said there could be a place for victim inclusion if the victim wants to state their concern.</li> <li>• Not a hearing but a way for a victim to express concerns.</li> <li>• Kate clarified that victim notification is different than being 'present and</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <p>heard’, which includes attending the hearing and including input.</p> <ul style="list-style-type: none"> <li>• This would be different than the current structure</li> <li>• A victim wants to know if someone could potentially be violating their protection order.</li> <li>• What if someone is not complying with Terms and Conditions?</li> <li>• What about how this plays out with other current statutes, what about the intersect of this proposal?</li> <li>• Micahel Dohr shared that if he were to take this recommendation and start to put together a bill draft, he would then compile a chunk of statutes that would be affected. After those statutes are compiled that’s when questions are raised and answered about how to go forward with other statutes.</li> <li>• He added that he guesses there would be a ton of little details that would have to get worked out, but that those details can’t get worked out until a recommendation starts coming together.</li> <li>• It’s hard to make all those subsequent decisions until you start making a few up front decisions.</li> <li>• In ensuring consistency there will be a lot of drafts and redrafts.</li> <li>• The earned time/good time statutes are the most uncomfortable to work with. There can be a lot of uncertainty.</li> <li>• There’s a huge level of complexity around earned time currently, it’s never been very clear.</li> <li>• The other thing to think about is that the reason the earned time statutes are so difficult is that the General Assembly has added to them without being very thoughtful. It would be good to stop the piecemeal approach and coming up with a more holistic outlook.</li> <li>• If a new system was created and the current wrangling’s were stopped – there could be some simplicity with that. That’s been a mess that’s already been out there.</li> <li>• James Quinn and Michael Dohr rewrote the earned time statute last year but it didn’t go anywhere.</li> <li>• This new rewrite would address vesting, etc.</li> <li>• Michael Dohr shared that there are pieces of earned time revisions out there to borrow from.</li> <li>• Kate asked about the possibility of creating a feedback loop for victims on the few cases where someone has early termination from parole. Joe answered that currently there are full board hearings on any early termination.</li> <li>• Right now there is flexibility with present and heard.</li> <li>• Michael Dougherty added that a more holistic approach would mean meaningful reform.</li> <li>• He added that the group has done good work in a short period of time, but he worries about unintended consequences.</li> <li>• Without earned time the good time penalty for COPD’s will be eliminated.</li> <li>• Christie asked if there’s any need to alter revocation periods. We can move forward with them the way they are now.</li> <li>• Other items are essential but the length of time on parole revocations is not essential because the current verbiage is ‘up to’ a certain length of</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <p>time.</p> <ul style="list-style-type: none"> <li>• A question was asked about how to move forward with what's on the table. Paul replied that the group should finalize the purpose of parole first and then get to the specific of the recommendations.</li> <li>• Christie Donner moved FY16-MP#1 including the additions provided by Michael Dougherty at the start of the meeting.</li> <li>• Doug asked for any questions, seeing none he asked who was in favor.</li> <li>• All in favor, 8 members.</li> <li>• Paul summarized that based on conversations today it would seem there are three areas that need to be decided: the 75/50%, the funding piece and mandatory parole with comm. corr. on the side.</li> <li>• Doug asked if people are comfortable with moving FY16-MP#2 forward.</li> <li>• Christie said she moves the recommendation as it currently exists.</li> <li>• Rep. Kagan suggested putting FY16-MP#2 on the table and THEN try to amend in language re victims' rights, and then add an amendment for the comm. Corr. Piece with earned time.</li> <li>• Michael Dougherty asked if the question over earned time and how it's calculated, along with the victims' rights piece should have more detail around the specifications before putting the recommendation on the table.</li> <li>• Rep. Kagan reiterated its best just to put two on the table, then make amendments, then vote on 2 as amended.</li> <li>• Christie said she would like to see earned time vested upon award and awarded monthly, that's her first amendment.</li> <li>• Rep. Kagan moved to amend FY16-MP#2 to include the following language: earned time will vest monthly. Current statute already provides for this. This motion, if passed, basically says current process goes forward.</li> <li>• Norm seconded this amendment.</li> <li>• Regarding amendment one: All in favor except for Michael Dougherty. d</li> <li>• Amendment two – Kate proposed adding a mechanism to be set in place for victims to provide input or an impact statement at the point of terms and conditions being set as well as early termination.</li> <li>• This is not in statute now but the stakes would be higher with this recommendation and shortened periods of parole.</li> <li>• Kate made a motion and Christie seconded it.</li> <li>• Michael added that the sense is that this is good, but again he wishes the group had more time and he believes some of these changes could result in push-back down the road.</li> <li>• Doug asked for a vote on amendment 2 – All in favor, 7 people (Joe, Kate, Christie, Doug, Michael, Norm, Rep. Kagan – Melissa was out of the room for this vote).</li> <li>• An amendment was proposed for the community corrections piece and Option #3.</li> <li>• Regarding Option 3, Rep. Kagan made an amendment to include language making it clear that 'upon approval of a community corrections board at the very beginning'.</li> <li>• Christie seconded the amendment.</li> <li>• A vote was taken on Rep. Kagan's amendment to Option #3.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <ul style="list-style-type: none"> <li>• All in favor to amendment #3 to put in the comm. corr. option.</li> <li>• Doug called for any more amendments, seeing none he called for a vote on the entire recommendation as a packet.</li> <li>• Joe asked that the verbiage ‘early discharge decisions’ be added to the sentence describing the responsibilities of the parole board.</li> <li>• All in favor of a wordsmithing change to use ‘early discharge’.</li> <li>• Doug asked if there was any further discussion about FY16-MP#2.</li> <li>• Michael said he wanted to reiterate and recommend one more time that the group take more time and not vote on this today. He said he believes it’s too fast. He added he believes there is enough stakeholder support to take more time, study this more and then come back for a vote. From his perspective, what the group is doing today feels a little rushed.</li> <li>• He believes it’s worth considering waiting and asked if the group has really vetted this enough or has looked at this enough. He said he’s not sure this ensures the best likelihood to go forward.</li> <li>• Christie replied that she appreciated the feedback but given the timeline and the months of work that have gone into this recommendation, she believes it’s time for the CCJJ to be briefed on the recommendation so they can start providing feedback.</li> <li>• She offered that the group vote on this and send it the way it is now in order to at least get it in front of the CCJJ so the group can keep the process going and still do the due diligence.</li> <li>• Michael replied that he recognizes what Christie is saying, but in talking about earned time, there are many issues that one item alone.</li> <li>• Norm added that the basic fundamentals of the packet have discussed for several months. He said he appreciates Michael Dohr’s comments around the earned time issues and that these issues will be addressed in the drafting and the nitty gritty.</li> <li>• If this is presented on Friday to the CCJJ, it’s not uncommon for commissioners to ask questions - which gives another month to address issues raised.</li> <li>• Norm also added that the group has covered significant areas and for this to work it will come from DOC to work on earned time.</li> <li>• Melissa agreed that she’s in the same camp as Norm, and that it will take DOC to fine tune the earned time issues.</li> <li>• Michael replied that he thinks this is more than drafting details, this is more philosophical. This is a really significant change.</li> <li>• Norm said the group has talked for six months about this proposed system change and using earned time to reduce sentence length.</li> <li>• Doug said he agrees that the basic concepts have been discussed for six months.</li> <li>• Michael said he understands and respects that, but it’s a different scenario for him when he goes to places like the COVA conference and needs to explain how the group came up with certain details, etc.</li> <li>• Doug responded that Kate’s amendment came up recently and that everyone is happy it got added and it’s an important piece.</li> <li>• Kate added that she shares some sense of Michael’s concerns, but that if the group presents to CCJJ this month for voting next month – the simple drop from 60 months to 6 months parole is already going to be a lot for</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Recommendation Review: DOC Release Date Determined by COV/Non-COV and Mandatory Parole Period Based Upon Risk Score</p> <p><b>Action:</b></p> | <p>the commission to swallow. She feels the group needs to start getting some feedback from the Commission.</p> <ul style="list-style-type: none"> <li>• Until this recommendation goes to the CCJJ the Subcommittee won't get the feedback. If this doesn't go to the Commission the group can't have the discussion.</li> <li>• Doug called for a vote. 7 members in favor, Michael Dougherty abstained. James Quinn had left at this point.</li> </ul> |
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| <p><b>Issue/Topic:</b></p> <p>Adjourn and Next Steps</p> | <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>• The recommendation will be presented preliminarily to the CCJJ this Friday.</li> <li>• The Mandatory Parole Subcommittee will meet again on November 9<sup>th</sup>.</li> </ul> |
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**Upcoming Meetings**

November 9<sup>th</sup>, meeting location TBD