

Probation Task Force
Date: July 17th, 2008, 2:30-5:00pm

Attendees:

Gil Martinez, Chair
Charlie Garcia, Community Corrections
Mike Riede, Task Force Leader
Shelby McKinzey, CU Student
Paul Herman, CCJJ Consultant
Christine Adams, Facilitator
Germaine Miera, DCJ/Research
Mary Clare Mulligan, Defense Attorney
Bill Kilpatrick, Golden Police Department
Larry Abrahamson, District Attorney
Kevin McGreevy, Defense Attorney
Ken Gordon, Senator
Ann Terry, CDPS
Jeanne Smith, CDPS
Sherri Hufford, Judicial/Probation
Steve Siegle, Victim's Right

Absent:

Ken Plotz, Senior Judge
Tom Moore, Community Corrections
Mike Biggio, The Free Coalition
Michael Kirkland, Douglas County Sheriff

Issue/Topic:

Introductions and Review of previous meeting

Issue/Topic:

Statutory - SWOT

Issue/Topic:

Good Time/Earned Time Issue

Action:

Get Petersilia article to this group

Discussion:

Judge Martinez reviews the last Probation Task Force meeting and the last Re-entry Oversight committee meeting, along with review of full CCJJ Commission meeting.

Emphasis that we should think big
Again, understand that this is Phase One

Paul Herman finishes the SWOT analysis on Statutory Barriers to Probation (see SWOT below)

Good Time/Earned Time Issue
Paul works with group to establish the strengths and weaknesses surrounding this issue: "Establish a provision that provides for the granting of good time credit for individuals on probation"

Strengths

Experienced judges and PO's have solid knowledge base on what should be included in good time credit
There are stats available on length of time on probation and how that relates to recidivism reduction
Early termination (at least conceptually) is similar to good time credit
If done right, this would provide incentive for an offender to make positive life changes
Community safety and cost savings
Increased quality of overall supervision, PO's won't 'waste' their time on offenders who don't need it and can focus on those who do (i.e. Administrative Probation)
Good time/Earned time could trump incentive for early termination
If Good time/Earned time were mandatory it would be different than discretionary
Advantage of mandatory is incentive of getting out early without wondering if the PO will approve, DA and judge will all approve
Larry A. says DA's would be much more supportive on discretionary

Weaknesses

We don't have a solid definition about this, none of us are DOC employees and we don't know the ins/outs and details about this
Not evidence based for probation but yes for parole
Community safety
Discretionary makes for no inconsistency

Issue/Topic:

Good Time/Earned Time Issue
(cont.)

Action:

Discussion:

“Earned time” sounds better than “good time” as far as palatable, as far as semantics. Earned means someone actually had to do something.

Earned time for Early Termination –

Mandatory or discretionary

There could be two plans

Criteria that people had to achieve certain things under certain time frames

Discretionary could have a set of criteria that could help in turns of institutionalizing

Build into statute things that judge should consider for early termination so it encourages the judge, not so that they take a ‘risk’.

If it’s mandatory that takes away discretion of Judge.

When it’s mandated there’s no incentive on behalf of the DA.

The whole goal is to encourage the probationer to ‘do the right thing’, that is what the incentive is about

Feedback from the group on this issue:

Mandatory Earned Time

	Immediate	Short	Long
High			8
Medium			3
Low			

In statute and there is criteria /Discretionary Earned Time

	Immediate	Short	Long
High			
Medium			4
Low			5

Issue/Topic:

Good Time/Earned Time Issue
(cont.)

Action:

Issue/Topic:

What can we do within our own agency that wouldn't take legislative change but would make a difference?

Discussion:

Some task force members don't like the term 'good time', but they like the idea that if someone under supervision is doing what they're supposed to be doing there is a method for them to be released from probation prior to their maximum time period. Mandatory vs. discretionary.

Jeanne Smith encourages group to make the rules as we go along. Set out whatever criteria you want. You can assess what it would take to do something discretionary vs. what would it take to do mandatory.

Define success - We would need to strictly define 'success', etc. Does not committing a new crime mean 'success'? If you're allowed 6 hot UA's.. does 5 hot UA's make you successful?

We need to make sure that our definitions are consistent.

Judge Martinez goes over his 12 recommendations (see attachment below)

Sherri brought a copy of the Standard Conditions for Probation

Paul keeps the group focused on looking at change in System/Agency/Organization

-Programs/Treatment one size fits all

-Probation cannot recommend specific providers, could there be an approved provider list? (issue is quality of services)

-Probationers arrested on a TV could sit in jail for up to/over a month before they're even advised. If the clerk in the court says there's no room to hear the case. (add this to Gil's number one).

-Ann says she disagrees with Gil's #3 as these costs actually go back to victims and is used.

-Sherri says she thinks it all boils down to being 'thoughtful' about what we do and not just doing things as an agency just because we've always done it that way.

-A healthy agency should be constantly looking at what they're doing, analyzing and reassessing

-Are there more creative times and ways to have people come back to court (like night court, can we have night PO's).

Issue/Topic:

What can we do within our own agency or systems that wouldn't take legislative change but would make a difference? (cont.)

Action:

Get research on optimum length of probation (who?)

Can we find out average LOS on probation for the different jurisdictions throughout the state? (who?)

Discussion:

MCM – can we look at bond schedules across Jurisdictions?
(This issue is being taken care of by Incarceration group)

Steve Siegel – Maximize the use of technology in case management, etc. There is far better technology out there than we are using.

Paul talks about the CPAI (checks case management to EBP, quality control) and maybe using this. Sherri says it is very lengthy and resource intensive.

Move to web-based case management, maximize technology re: case management, web based.

Take #12 out of standard conditions of probation (firearms).

Other system barriers-

-Training and cross training Law Enforcement/DA's/Defense attorneys/Judge/PO's

-Inner-agency communication

-Lack of data sharing

-Have agencies educate defense bar about changes (i.e. probation switching to a more EBP approach).

-Court liaison officer would be beneficial. Some jurisdictions have this and some don't

-Private bar and Public Defenders should make sure there is awareness of changes.

-Ann Terry asks why in Jefferson County does the Pubic Defender not meet with the client until pre-trial, makes for a continuance and automatic delay.

Issue/Topic:

Statutory changes

Future meetings

Action:

Discussion:

MCM – 15 pages of statutory change recommendations (Chrissy is going to send out this document to the group)

-Driver's license revocation stuff

Chrissy advised group about what will be happening in meeting 6th and 7 and advised that there will homework that we will want your feedback on as far as recommendations.

SWOT

Issue: Statutory Barriers to Probation		
	Strengths	Weaknesses
Internal	<ul style="list-style-type: none"> -Legislative term limits and expertise -Judicial officers can relate specific statutes that are problematic -State Court Administrators office -Statutory changes (language) is not complex -We can draw on probation, DA's data, etc. 	<ul style="list-style-type: none"> -Lack of cohesiveness of options -Legislative term limits and expertise
	Opportunities	Threats
External	<ul style="list-style-type: none"> -Public want -Save money (when in probation rather than in prison) -Can find common ground on mandates -More successful probationers -Fewer probation revocation hearings would have broad range support -Community Safety 	<ul style="list-style-type: none"> -Political viability with public -Re-election issues -Community Safety -NIMBY -Other agency push-back (DMV)

Impact	Time Line			
	Immediate	Short Term	Long Term	Stop
High				
Medium				
Low				

1. Summons on complaint and reports as opposed to arrest warrants
2. If set bonds on costs owing do it for "cash" only if amount small
3. Waive costs or surcharges at sentencing, if appropriate as opposed to ordering and waiving later.
4. Only impose "conditions" of probation that are based upon specific need. (theft class-why?)
5. Only have judicial reviews and court appearances if absolutely necessary. Make them meaningful court appearances. Helps probationer maintain employment.
6. Impose shorter periods of probation – standard five years – why?
7. Rethink the need of county jail as condition of probation (how does this help the long term success)
8. Get county court new cases resolved as soon as possible. Unresolved cases interfere with success of district court probation.
9. Motivational sentencing. Point out positives and advise them this is why they are getting probation.
10. More receptive to "home detention" as opposed to county jail time.
11. Continued judge training at new judge orientation to develop a culture of success for probationers.
12. Go over standard conditions of probation and see if appropriate

Gil Martinez