

Probation Task Force
Date: August 14, 2008, 2:30-5:00pm

Attendees:

Gil Martinez, Chair
Mike Riede, Task Force Leader
Christine Adams, DCJ/Facilitator
Kim English, DCJ/Research
Kevin Ford, DCJ/Staff
Regi Huerter, Manager of Denver Public Safety/Oversight Committee Chair
Sherri Hufford, Probation
Bill Kilpatrick, Golden Police Department
Ken Plotz, Senior Judge
Kevin McGreevy, Defense Attorney
Shelby McKinzey, CU Student
Tom Moore, Community Corrections
Robert Mowatt, State Chief Probation Officer
Mary Clare Mulligan, Defense Attorney

Absent:

Larry Abrahamson, District Attorney
Mike Biggio, The FREE Coalition
Paul Cooper, Chief Probation Officer: 8th Judicial District
Charlie Garcia, Community Corrections
Ken Gordon, Senator
Steve Siegel, Victim's Right
Ann Terry, CDPS

Issue/Topic:

Introduction

Issue/Topic:

Overview of Recommendation Process

Issue/Topic:

Ranking of Recommendation Categories

Discussion:

Introduction:

Gil Martinez provided an overview of the meeting agenda and offered an opportunity for feedback on the previous minutes.

Christine Adams introduced the process to finalize the task force recommendation document:

- Handouts of the tentative Probation recommendations were provided.
- An explanation of the goal of the meeting to involve word-smithing the tentative recommendations and the way recommendations might be prioritized was presented.
- The need and purpose of findings statements (or issues/problem statements) to accompany the recommendations was explained.
- It was reported that the Oversight Committee will not be altering or rewording the recommendations generated by the Task Forces.
- The final draft of recommendations will be forwarded to members on Friday, August 15 and members are requested to submit any feedback, especially on findings statements, by the end of business on Monday, August 18, 2008.
- The Oversight Committee will convene on Thurs., Aug. 21 to discuss all the recommendations from the Task Forces and the over-arching issues. Also, the Oversight Committee will discuss the structure of the report to be sent forward to the Commission which will meet on Sept. 11/12 to review the recommendations and the results of the victim focus groups (to be conducted Sept. 2, 5, & 8) .

There was a discussion of the meeting protocol.

- Christine requested that members rank the priority of the recommendations and recommendation categories.
- Gil suggested that the members rank the recommendation categories before beginning the word-smithing process.
- There was a brief discussion of how to prioritize the ranking. Members are referred to the general re-entry criteria: recidivism reduction, cost savings or re-allocation, and successful re-entry.
- Christine updated the recommendations and typed findings statements on a laptop with large screen projection. Final wording of recommendations and findings can be found in an attachment rather than inserted in these minutes.

Category Ranking:

Following a discussion of the relative merit of the recommendations with the categories, members agreed to the following ranking of the recommendation categories:

1. Sanction Guidelines
2. System, Agency, Organizational Changes for Successful Probation
3. Mandatory Earned Time
4. Statutory Barriers to Successful Probation
5. Standard Conditions of Probation

Note: The members feel there is a virtual tie between #3 and #4.

Issue/Topic:

Statutory Barriers

Discussion:

Rank #4. Statutory Barriers

- Members generated findings statements. See the final findings/recommendation document for wording.
- There had initially been many other statutory barriers in this category (derived from a document generated by Mary Clare Mulligan) but the task force decided previously to narrow the attention to the driver's license issue.
- There was a discussion of those who might be in opposition to changes in the driver's license revocation statutes (drug enforcement, child support, etc.).
- The members reviewed the list of statutory reasons that a driver's license can be revoked.
- There was a related discussion regarding probationary licenses and their consequences. DMV allows only one probationary license in a person's lifetime.
- Members are personally unaware of any specific arguments made by others that the threat of license revocation is a deterrent. Members are not aware of research to back the position.

Issue/Topic:

Sanction Guidelines

Rank #1. Sanction Guidelines

- Members generated findings statements. See the final findings/recommendation document for wording.
- A question is posed asking whether there will be an opportunity to share recommendation information and justifications with the public. It is felt that public support is an important factor in whether the recommendations will be pursued legislatively.
- There was a discussion of graduated sanctions and whether an admittedly more complex system will actually be used. Mentioned in the discussion are the Connecticut model, how probation officers and others will be trained to use the system, and the probation culture issue (need to shift from an enforcement/punishment model to a preventative/intervention model).

Issue/Topic:

System Change

Rank #2. System Change

- Members generated findings statements. See the final findings/recommendation document for wording.
- The discussion focused solely on the wording of recommendations

Issue/Topic:

Mandatory Earned Time

Issue/Topic:

Conditions of Probation

Issue/Topic:

Meeting conclusion

Rank #3. Mandatory Earned Time

- Members generated findings statements. Wording from paragraphs 3 and 4 of the Ken Plotz email are inserted. See the final findings/recommendation document for wording.
-

Rank #5. Conditions of Probation

- Members, having addressed Rank #4 Statutory Barriers earlier, generated findings statements on the fifth ranked category. See the final findings/recommendation document for wording.
 - There was a discussion of inserting a public safety note in this or all the recommendations. It is felt that an underlying assumption of the entire Commission is that public safety is paramount and that recommendations will be evaluated with this assumption in mind. It is felt it would be redundant and unnecessary to insert a public safety statement into every recommendation.
 - Are victims a consideration underlying the conditions of probation? The feedback from the focus groups with victims will be a part of the “package” reviewed by the Commission.
-

Meeting conclusion

- A statement is made that the recommendations appear to be very “offender-focused” and not enough attention has been paid to the considerations of victims (i.e., public safety) and the prosecutorial viewpoint.
 - A rebuttal statement was made that the recommendations do have to be presented emphasizing that recidivism is a public safety issue. A reduction in recidivism means a reduction in victimization.
- Members are reminded of the request-for-feedback deadline of Monday, Aug. 18 at 5:00pm.

There was a request that, following adjournment, two questions be posed for brief discussion that have not previously been fully addressed by the task force.

- Extension of probation office hours. There may a major resource deficiency issue regarding the extension of probation office hours. There are limitations to extended hours deriving from concerns for probation officer safety and due to the placement of some probation offices in court houses (which typically close at 5:00pm).
- Specialty courts. There is some evidence that specialty courts are not evidence based. It is reported that, although Drug courts seem to work in general, a study of the Drug Court in Denver demonstrated them to be less than totally effective, for three reasons:
 - There was no effect on recidivism.
 - There was a high failure rate for African Americans and Hispanics.
 - Of those who failed in specialty court programs, their sentences appeared to be longer than those committing the same offense but not participating in a specialty court.

The Denver Drug court is currently under study. There appears to be little consistency in the operation of specialty courts.