

Re-entry Task Force
Colorado Commission on Criminal and Juvenile Justice
Minutes

December 9, 2015, 1:30PM-4:30PM
700 Kipling, 4th Floor Conference room

ATTENDEES:

CHAIR

Paul Herman for Stan Hilkey, Dept. of Public Safety

TASK FORCE MEMBERS

Jennifer Bradford, Metro State University of Denver

Tom Giacinti, Representing Community Corrections

Regi Huerter, Denver Crime Prevention and Control Commission

Sherri Hufford, Division of Probation Services

Anne Carter for Alfredo Pena, Parole Board

Joe Pelle, Boulder County Sheriff's Office

Rick Raemisch, Dept. of Corrections

Melissa Roberts, Division of Parole

Dave Young, District Attorney 17th JD

Hassan Latif, Second Chance Center

Christie Donner, Colo. Criminal Justice Reform Coalition

Mark Evans, Public Defender's Office

Evelyn Leslie, Colo. School for Family Therapy

Beth McCann, State Representative

Pat Steadman, State Senator

Charles Parkins, Division of Youth Corrections

STAFF

Paul Herman/CCJJ consultant

Germaine Miera/Division of Criminal Justice

ABSENT

Robert Werthwein, Division of Youth Corrections

Monica Chambers, Department of Corrections

Kelly Friesen, Grand County Juvenile Justice Department / SB94

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion:</p> <p>Paul Herman welcomed the task force members on behalf of Stan Hilkey and informed them that Stan is at a meeting out of state and unable to attend. Paul then asked the task force members to introduce themselves.</p> <p>Paul reviewed agenda and pointed out that there would be report outs and updates on the work around assessments and conditions along with a discussion of alternatives to incarceration for technical violators. He added the task force members will also be looking at the first few days of release and re-entry that are critical to an offender’s success. He noted that Regi Huerter has a presentation about current Denver initiatives and that Senator Steadman would be providing information about a piece of legislation he will be sponsoring in the 2016 legislative session.</p>
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<p>Issue/Topic: Assessment Discussion Follow-up</p>	<p>Discussion:</p> <p>Paul reminded task force members that several months ago the group started a conversation about assessments and the LSI tool in particular. Colorado currently uses the LSI-R but there’s a new version of the tool (the LS/CMI) which is said to reduce the potential for bias in regard to race and gender. A small working group was formed to explore this issue further. Paul explained that Glenn Tapia and Sherri Hufford would report out on the findings of that group.</p> <p>Assessment Working Group <i>DISCUSSION</i></p> <ul style="list-style-type: none"> • Since the last Re-entry meeting (October 2015), the Assessment Working Group members held a conference call with a representative from Multi-Health Systems, Inc. (MHS). MHS is the company that publishes the LSI, LSI-R and LS/CMI assessment tools. The goal of this conference call was to tease out the cost benefit of either staying with the Colorado’s current tool (LSI-R) or potentially moving to the revised tool (LS/CMI). • Glenn explained that the working group had a lengthy conversation with MHS and asked a lot of questions about ethnicity and gender bias issues in the LS/CMI. He shared that questions also focused on how bias was dealt with in the instrument itself. • The MHS representative pointed to a couple items on the LS/CMI that are marked ‘optional items’ including one that is worded “There are ethnic issues” and one that says “There are gender issues”, to ensure that those areas can then be brought to the forefront of the process. • Glenn noted that the instrument doesn’t really ‘do’ anything about gender and ethnicity bias aside from identify that there is indeed an issue, therefore allowing for it to be addressed down the road. • Glenn added that the issue of training, fidelity was also discussed during the call. He noted that there’s a core list of trainers MHS maintains and the idea is that every trainer sets their own rates and sets their training
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	<p>curriculum. Glenn added that it didn't appear to be training fidelity standards from one trainer to the next.</p> <ul style="list-style-type: none"> • The MHS rep. was unable to provide an exact/solid estimate on cost, but rough calculations point to at least six figures for the entire state to transition (Parole, Probation and Community Corrections). Glenn said he believes the best guess for implementation was between 250 and 500k for Probation alone. • Glenn also shared that he didn't quite feel that the representative necessarily spoke 'the same language' as the working group members when it came to issues around fidelity and other markers. • Glenn summarized that with all things considered, his perspective regarding the bias elements of the LSI is that both instruments equally predicted risk and need among all groups. • Sherri clarified that one thing the representative did say was that eliminating bias falls on fidelity to the instrument, scoring the instrument properly and attention to bias around administering the instrument. He said the instrument relies tremendously on whoever is conducting the assessment. • Sherri also noted that Colorado places a high priority on training, consistency of training, fidelity of training and booster training but it didn't seem (during the call) that those issues are as much of a focus for MHS. • Glenn said he didn't feel the benefits outweighed the cost and therefore didn't feel like making the switch to the LS/CMI was an opportunity worthy of pursuing. • Sherri went on to explain one of the highlights of the LS/CMI if Colorado pursues a switch in the future. She shared that if each agency (Probation, Parole and Comm. Corr.) has a different case management system, there's an installation kit with the revised tool to work with different programmers and different systems. This allows the 'marrying' of the LS/CMI software to individual current case management systems and agencies. The instrument is offered in a paper/pencil format or electronically through software. She added that the software piece was a nice element. • Hassan agreed that regardless of the instrument, it boils down to what the person administering the instrument brings to the process. • Paul added that it's very hard to tease out the distinctions between the LS/CMI and the LSI-R in regard to bias both in terms of gender and race and ethnicity. He, too, underscored the issue of the interaction between the two people in the assessment process, as the key issue. • Sherri said she believes the call illuminated a couple of other issues. She's appreciative of Dr. Bonta and his process for training people to become trainers. She's also appreciative of the process of Colorado's certified LSI trainers. • Another issue that was raised is that Colorado holds a contract directly with Dr. Bonta, and Dr. Bonta is aging. Sherri added that Probation needs to set a plan in place soon as far as going forward in the future. Heather Garwood is the person in Probation who holds the contract with Bonta and she's started having the conversations with him about the process going forward.
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	<ul style="list-style-type: none"> • Christie asked Glenn to walk the group through the bias issues one more time. Glenn replied that the questions on the LS/CMI that have to do with bias simply point to a question on the instrument that asks the person administering the tool to answer ‘Are there ethnic issues?’ or ‘Are there ‘bias issues’. He noted that there are still questions in the LS/CMI that bring in bias like ‘arrested under 16’. • Sherri clarified that on the case management side of the LS/CMI, the intent is that the person administering the assessment would then use that for responsivity needs.
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Issue/Topic:	Discussion:
<p>Report Outs</p> <p>Action:</p>	<p>Paul began the report outs by reminding task force members that the Conditions working group has been meeting and has information to provide. He also reminded the group that the Race/Ethnicity/Gender working group decided that rather than duplicating efforts, they would track the work of the Legislative PICLE committee (Profile Initiated Contacts by Law Enforcement). Jana Locke, the CDPS legislative liaison, began the discussion with the PICLE Committee report out.</p> <p>Race/Ethnicity/Gender Working Group <i>PRESENTATION DISCUSSION</i></p> <ul style="list-style-type: none"> • Jana explained that this is an Interim committee that has been meeting since August. The committee was created after some pretty robust conversations during the last session about police and community relations around racial profiling. • The PICLE committee consists of six legislators and during their meetings they’ve heard from a variety of law enforcement professionals, community members and academics. • One of the big issues to surface was lack of data around profiling. • The legislature is looking for a way to collect data specifically on traffic stops where there’s currently no way of collecting. • The committee voted on a bill at the end of October. • The bill establishes a mechanism in the Department of Motor Vehicles that would help create a self-reported data collection process of race and ethnicity. • Jana explained that race and ethnicity data would not appear on a driver’s license itself, but would be available to officers through DMV. • This information would only be available if someone agrees to provide their race/ethnicity data when they apply or renew a driver’s license. • Joe Pelle added that the issue is the legislature doesn’t have data on race ethnicity and this is a way to collect data over time from the tickets that law enforcement issue. • DMV collects this info already, now it will be captured and allowed to be used. • Sheriff Pelle shared that when police use an automated summons that

	<p>info goes to a data base regarding race and ethnicity, therefore determining officer contacts.</p> <ul style="list-style-type: none">• The caveat is that it's completely optional to provide this info when applying for a driver's license.• It will be voluntary, and there are a very few jurisdictions where this is automated.• The citation generates the contact info, but this differs jurisdiction to jurisdiction.• Representative McCann asked if there was any talk about Denver keeping track of this data. Did they talk at all about how this was done and the results?• Jana explained that Denver, State Patrol and Eagle County collected for a period of time. State Patrol still does collect but it's not required to.• This simply changes the mechanism to allow for the collection of the data.• Representative McCann asked if the State Patrol data is accessible and Jana replied that she would check.• Christie asked Sheriff Pelle if race, age, gender and ethnicity are collected with an officer is writing a ticket.• Joe replied that it's different jurisdiction by jurisdiction. He said that if points are assessed on a ticket... that data will be gathered in one central location rather than individually jurisdiction by jurisdiction.• Paul noted that this doesn't move us any closer to collecting race and ethnicity data from contact through disposition.• Joe replied that law enforcement fought against data collection at contact.• Everyone in Colorado uses the NIBRS system, which has race and ethnicity fields, but the ethnicity field is not required so it's not reliable.• What's motivating the bill was a tremendous concern about profiling and racial bias. The issue is that nobody has any hard data. There are a lot of anecdotal stories and people who have been affected, but nowhere is there data about where cops issue summons as it pertains to race and ethnicity. This goal of this bill is simply to create a place for the data to exist.• Christie pointed out that unfortunately now we will have two data bases with unreliable information.• Jana agreed that yes that is the case since it's voluntary.• If the original critique was that NIBRS is not reliable, Colorado will now have two unreliable sources of information.• Summons, traffic tickets, and municipal tickets can be issued without a case report, and therefore don't end up in NIBRS.• Joe added that arrests aren't the issue - part of the issue is that people feel they're being picked on by the cops for petty offense and low level municipal violations and that data is not available.• This bill will only pertain to automated summons.
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Conditions Working Group*PRESENTATION DISCUSSION*

- Mark Evans reported that the conditions working group has met four times over the past few months.
- He reminded the task force that the overarching goal for this working group is to address the issue of technical violations for people on community supervision.
- He said that specifically the group wants to ensure that appropriate conditions are being imposed on the three populations of Probation, Parole and Community Corrections.
- The working group is currently looking at conditions by agency to see if they meet the purposes.
- He clarified that none of the discussion has been about prohibiting any agency from applying the conditions they want to use.
- The conversation is whether standard conditions imposed on all offenders are appropriate.
- Mark explained that the working group is starting out by researching the Parole Board and Parole's conditions documents.
- When the parole board decides they're going to release someone, at the point of release the parolee receives a document with 11 standard conditions of parole. Almost all of those conditions are driven by statute and almost all apply to everyone.
- When the person is actually paroled and during that initial meeting with their parole officer, the offender then also receives a parole directive which imposes 22 conditions.
- Many of the conditions in the second document parallel the first set of conditions; additional conditions can also be imposed.
- Everyone in the Conditions working group agrees that in looking at both documents, there are conditions that are unclear and/or poorly worded. Additionally, some are appropriate for some individuals but shouldn't apply to all and there are changes that need to occur.
- Mark noted that almost any change to the documents would require a change to statute.
- There are conditions that make sense, like the first requirement that states an offender can't leave the state. However, there is a condition about a parolee not leaving the COUNTY they're paroled to, and that has potential concern, especially when it comes to employment.
- Also, the law currently requires that people on parole not associate with anyone with a criminal history. This poses huge practical problems for comm. corr.
- Rick Raemisch brought up what he feels is the bigger problem and that's that Colorado manages by statute and when a state manages by statute agencies are bound to run into these problems. He said he hasn't seen this level of micromanaging in any other state.
- Rick added that many conditions make no sense, like the stipulation that a parolee shall not use illegal drugs. Nobody is allowed to use illegal drugs.
- He believes what needs to be changed is the statutes that direct

	<p>everything that agencies can and can't do. Colorado needs to let the experts make the decisions, not outdated statutes.</p> <ul style="list-style-type: none"> • Rick also added that if marijuana and/or alcohol are in no way associated with the crime or the offender, there shouldn't be a condition against legal use of a legal substance. • Dave Young said that although he understands with Rick is saying, what's wrong with reminding a parolee that certain behaviors are not okay, like possessing firearms. What's the harm with the reminder that it's against the law and part of parole. • Dave believes the 'reminder' in the conditions document may prohibit someone from drinking a bottle of whiskey and going out and causing problems. • Rick said he still firmly believes dictating by statute is a bad law. • Joe Pelle clarified that what we're talking about here ideally is a case management plan that is individualized. • Rick said yes, it's the statute that puts us in boxes. • Jen Bradford shared that this was a topic at the last task force meeting and the group was struggling then with this conversation and where to go with this. • She explained that in order to tackle this issue one thought was to create a common model or template that could be used to help define the conditions that are important to focus on. • Another approach is to look at statutory strangleholds that are out there. What statutes are causing trouble for case management purposes. • She explained that the working group started with parole and the parole board. The group went through item by item and marked it out based on these purposes of conditions. There's a new approach to this document in the works right now. • She shared that the group is exploring the same issues that Rick mentioned about statutory requirements around conditions. She added that Paul has been attending the working group meeting and has shared a lot of information about Colorado's historical oddities and why the state is so reliant on statutes. • She said she realizes that even though these are baby steps , the group is trying to approach this differently so that case management can focus a little more on what matters. • The idea is to say what can we be established as a template for case managers and parole/probation officers so it's less of a simple CYA punitive approach. • Jen also added that Melissa has been great about brainstorming ways to change the parole document in a way which would be more effective. • Melissa explained that when you actually start reading the conditions they are confusing. One part will require a parolee to report to his PO in 24-hours, but something else will say to report immediately. • The idea is NOT to layer conditions so that parole can 'catch' someone doing something wrong. • She shared that parole could go from 22 to 13 conditions easily. There has been good conversations and easy work that could be done. • Another change would be to target drug tests to those who <u>need it</u>
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	<p>rather than everyone across the board.</p> <ul style="list-style-type: none"> • Rick shared that there's a common belief in law enforcement that an officer can follow ANY car for a mile and there will be a violation. The point with conditions shouldn't be to catch people. Most of what's in statute now is about 'catching' people. • The recidivism rate is around 50%. People flunk their drug tests, get revoked for use, are sent to prison, sit in county jail for several weeks, then go to DOC, then come back right where they were. • People are being taken out of their lives for six months and nothing is being done to actually help them. This system isn't working and it hasn't worked for a very long time. • DOC is trying to change the parole culture internally but externally the statute system in Colorado is archaic. • Colorado has one of the highest recidivism rates in the country and it's a failure. Period. And it's a huge failure in community corrections as well. • Agencies in Colorado are inhibited by statute and that's the way it is. • Dave said it comes down to the parole officer and their skills in using the carrot and the stick. • Rick said it's more complicated than that. He said that after Tom Clements was murdered parole officers now will err on the side of caution. That puts DOC in a catch 22. • Paul pointed out that one of the advantages of CCJJ is that the commission's has the ability to look at statute, take a particular issue, and if there are things in statute then you pull a package together and make a recommendation to get rid of it. • When there are a variety of people looking at things and coming together, they have a a better chance to take a run at changing things and come to a consensus to move smart statutes forward. • Mark noted that as far as statutory barriers in Parole, Probation is less statutorily driven. • Christie asked Rick if he would want this section of statute completely eliminated. She noted that the whole idea of statute is to set out a 'framework', and that there's a line between framework and operations. Rick replied that in a perfect world there would be a happy medium. • Nobody knows a potential parolee better than DOC does when it comes time to release. Rick said he has a lot of faith that the people in corrections can make some good decisions. • He said that he banned Administrative Segregation at San Carols when he first arrived and the results are astounding. At a minimum assaults are down by about 50%. He was allowed to make the change because he has the power to do it. He wants people in DOC to be able to make their own decisions based on what they know and their expertise. • Jen summarized that a statutory recommendation is a tangible goal for this task force. She noted that Comm. Corr. the group is also moving forward and looking at community corrections. Probation is less statutorily driven. • This working group will schedule another meeting and report back in January.
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<p>Issue/Topic:</p>	<p>Discussion:</p>
<p>Alternatives to Incarceration for Technical Violators</p> <p>Action:</p>	<p>Paul reminded the task force that during the October meeting the group started discussing the scenario of ‘What would we do if we couldn’t put a person in jail on a technical violation’. One of the main themes that arose from that conversation was the issue of an offender’s first three days out and how problematic that can be. Regardless of the many strides that have been made to assist in re-entry – there are still people out there who get off the bus with a huge question mark.</p> <p>Paul asked the group to continue this conversation.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> • One big problem is people still being allowed to parole homeless. • Sheriff Pelle reminded the group that he brought up this issue at the last meeting after meeting with a new parolee who got off the bus from DOC on a Friday night, but had no idea what to do before meeting with his parole officer on Monday morning. • Joe shared that the plan finally did come together on that Monday, but that first weekend with no plan, no place to stay and no money is a no win situation for a parolee. • The first 24-48 hours is really dangerous with no plan. • By the time the bus from the Sterling facility gets to Denver everything is closed, they arrive with a 100 charge card that can’t be activated in the middle of the night, no cell phone, nothing. • Rick said that there are re-entry units in the institution that are now up and running. Paul pointed out that this other scenario Joe mentioned just happened about six weeks ago. • Rick shared that they’re working on a lot in re-entry. When he first got here NIC came out and made a ton of recommendation. • JBC gave DOC a lot of money to fulfill those recommendations. • Rick said he will be reporting on DOC successes in January and that there are a lot of things in place that are just not up and running quite yet. • The state may be working on its own transitional housing plan. • Paul asked if there is something else that can be done for people facing problems right now, who won’t benefiting from changes coming in the future. Is there something to be done in the meantime? • Rick added it’s not just the first three days but the first two weeks that are crucial. • There’s a need for more volunteers, mentors, transportation, dress-out clothes. • Melissa said the reality is that some things may have happened out of sequence at DOC, but now the re-entry officers have a home in DOC to assist the offenders six months prior to release with pre-release classes, etc. All of this will be held in the new re-entry communities at DOC. • The collaboration is new for DOC and there’s more to iron out, but there are a lot of resources for individuals on parole. DOC just needs to do a better job coordinating.

	<ul style="list-style-type: none"> • Sheriff Pelle noted that there are resources, but it’s a problem if they’re only available Monday through Friday, and parolees are dropped off on a Friday night. • Rick said that if DOC can turn the empty Max facility into the re-entry facility - that’s where DOC would streamline the release. • Regi added that another thing to consider is local laws around housing and that there is a need to continue to push state and local relationships. • Melissa closed by saying that coordination within the systems at DOC are getting better.
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Issue/Topic:	Discussion:
<p>Denver Initiatives and Invitation</p> <p>Action:</p>	<p>Regi Huerter shared information with task force members about two initiatives currently taking place in Denver.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> • Regi explained that one of the initiatives is called CEO (Center for Employment Opportunities) and one is WRAP (Wellness Recovery Action Planning). • CEO is out of New York and has been doing work for many years around the country. • Wrap works in the communities to create jobs and provide continued services. They’ve got great outcomes. They’re coming to Denver February 1st and 2nd and Regi would like to send an invite for a public meeting for people to ask questions about the model. • The organization is willing to partner with other agencies around doing the work and they’re very involved and invested in integrating with current resources. • Representatives from DOC went to NY earlier this year to meet with CEO regarding Colorado’s parolee population. CEO provides job training, job coaching, contracts with Waste Management and other organizations. • CEO is currently in six other states. • Regi wants to open this up as an opportunity. There are great successes around placements and providing a live-able wage. It builds into the basis for people to be hired. • Christie asked if part of the model has to do with partnering with the city for city jobs with direct placement. • Melissa replied that it looks a little different within each state. Many jobs are paid internships, etc. • Regi said there’s something about what they’re doing with creating hiring infrastructure that is showing really remarkable outcomes. • Melissa said one thing that makes this different is that it’s a one stop shop. There are entities that do pieces of this but these people do the whole thing. Another plus with CEO is the training piece. • It creates an overt contractual relationship. • Christie wondered if a lot of the strength is that the public agency is providing the job. It encourages government agencies to hire.

- Regi said part of her interest in bringing this to the Re-entry Task Force is to get this exact feedback.
- Regi then moved on to discuss the WRAP plan.
- WRAP comes out of the mental wellness world and means Wellness Recovery Action Plan.
- What Denver is doing is looking at how to build this into the entire system.
- Components of a WRAP are around daily maintenance – all about recovery, triggers, identifying early warning signs and what the action plan is. There's a crisis plan and post crisis plan.
- Denver is working with mental health wellness around this and is very excited about it.
- Regi explained that WRAP comes into play in instances where someone has a mental health issue like a psychotic break. There's an immediately accessible plan on what that person needs at that point.
- Part of the goal is to build awareness training about WRAP for peers. Ideally police would contact someone and ask "Do you have a WRAP plan?" The consumer can then say "Yes, and here's who can access my plan". Then the Police officer can access the plan and be able to see specifics about the best next steps for that particular person.
- If someone arrives at the jail, a sheriff can pull up the WRAP plan that has all the issues that surround a person.
- Another long term goal would be to digitize the plans.
- There are also google and android apps that can hold this info.
- There are issues with how to digitize and encrypt on the cloud so people could tie in.
- WRAP would typically serve folks living with mental health and addiction issue. Many of them have all been in the CJ system. It's prevention but can be used as an intervention.
- The interesting part is that it's coming from the consumer voice, a different way to honor where people are coming from.
- Mental health wellness in Colorado right now is doing this.
- Practically and theoretically certain organizations are authorized to do a WRAP plan.
- Sherri – the more those connections can be made the better services can be involved and at a faster rate.
- From parole perspective it could be a key reentry initiative, comm. corr. too.
- Denver will continue to pull trainings and Regi will continue to keep everyone informed.
- Sherri – any sense about capacity? Denver is moving this right now and working on a grant right now.
- Regi shared that it will be a good 12 months before anything is really embedded.
- A big push now is the need to work across the state to just get everyone (providers and first responders and law enforcement) informed.

Issue/Topic:	Discussion:
<p>Information Update</p> <p>Action:</p>	<p>Senator Steadman shared information about a bill he plans to run in the 2016 legislative session.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> • Senator Steadman said he wanted to provide an update on a bill he’s drafting regarding the restitution issue that was discussed both at this task force and at the CCJJ. • He’s working with representatives from the Judicial Branch as well. • He noted that there are some pieces they don’t want to weigh in on but other things they would like to see included. • He noted that at the CCJJ meeting last month there was discussion about whether this issue should be formally referred to the Re-entry Task – but because there’s not enough time he decided to try to address it himself. • The issue is that Judicial did not comply for years with a state statute requiring 12% interest on unpaid restitution. • To come into compliance Judicial has started collecting 12% restitution based on a calculation of 1% per month. This is being applied retroactively. • One other thing judicial did to come into compliance was that they sent a letter out in all closed cases informing the victim of their opportunity to come back in, reopen the matter and collect back interest. • This is an issue for many, 12% interest in today’s environment seems a little excessive. • Sen. Steadman noted that his bill would do several things. • One would be to lower the interest rate. Because most of these are monthly interest payments he is proposing lowering the statutory rate to 3% which is more in-line with other interest rates and divisible by 12. • Judicial asked that the bill not peg the interest rate to some exterior number as they don’t want to track a floating rate. • Another thing judicial noted as a problem is that right now they have restitution orders on the books for deceased offenders, therefore orders now stay on the books forever. • Judicial suggests one or two years after death of defendant they can automatically go in and vacate outstanding orders. • Next thing judicial suggested is whether it’s appropriate to let interest rack up during the years when someone is incarcerated. Someone has limited ability to make those payments when they’re incarcerated. • Judicial suggests tolling the interest period until someone is returned to community. • Rick – the only problem I would see with that is those inmates who get a large amount of money when in prison. The other is 100s of inmates in the community working and paying off restitution bills and should it apply to them? • A problem here would be when inmate status is attached to those in community.

- Should interest be tolled during incarceration?
- Dave Young said that as a practical matter, the 12% was incentive for people to pay the restitution.
- Young suggests giving the defendant some incentive to set up a payment plan early on, and maybe that would determine the interest rate.
- Question - Should this new interest rate apply retroactively? For someone sentenced in 2001 and still incarcerated, what should we do with them as far as interest? What do we do for people who had a restitution order that was satisfied, and their victim has been informed that they can now reopen it for interest, there's some legal issues. And what about those who have paid interest. Restitution is not dischargeable in bankruptcy.
- The drafter has done a lot of clean-up in the old restitution statute.
- Sheriff Pelle said there will be complications with offenders who believe they've paid this, and victims who believe they're owed interest.
- What court would have the jurisdiction if the criminal case is closed?
- Senator Steadman clarified that this is a civil judgement. One of the things he's heard from those reacting to this series of events is the plea agreement in stipulation to the fixed amount of restitution. This goes to the broader issue of should there be greater judicial discretion. In instances with plea negotiations and agreements, if they want to stipulate fixed amount of restitution with some interest or no interest that should not be stipulated by statute. Plea agreements should be honored by their terms.
- Oftentimes restitution is assigned post sentencing and separate from the plea.
- It's generally true in most cases that restitution is decided post case.
- Sen. Steadman reminded everyone that he's asking for feedback since this is going forward outside of the task force.
- Rick asked if you can retroactively go back on a law like this. Dave replied he doesn't think so.
- Joe offered that if complications get in the way, the fallback would be to just correct the interest rate.
- Christie asked how it is legal, for a case that's closed and restitution paid off, how is it legal to open a closed case.
- The mittimus shows 'paid in full' in the court record.
- Is it legal for Judicial to be going retroactively? The law was the law, but Judicial just didn't exercise the law.
- The largest restitution order in the state right now is about 600 million and that belongs to the woman who started the Hayman fire.
- The goal of the interest is to get people to pay; it's not about the interest. Maybe restitution only comes into place when you don't pay.
- Hassan shared that at the start of someone's sentence restitution is not part of the mindset of an offender. That comes into their thought process more down the road.
- Can we make some mechanism to start a program? Waive the interest as long as someone is making some sort of payment. The intent of 12% is incentive.
- Many inmates are indigent and just live off of what they get in the

	<p>institution. 50 cents a day.</p> <ul style="list-style-type: none"> • Hassan, it's important that we know what part of this is real money. The numbers are large but are they real • Insurance companies are often owed this money. Insurance will pay the burglary victim money, but then insurance company will go after this. • Senator Steadman thanked everyone for their suggestions and said he will take the input back and work on this some more.
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<p>Issue/Topic:</p> <p>Next steps and Adjourn</p> <p>Action:</p>	<p>Discussion:</p> <ul style="list-style-type: none"> • The focus of the next meeting should be around this critical first three days of someone's release. • At the next meeting the group will also hear back from the Conditions Working Group.
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Next Meeting

January 6th, 2016 1:30pm – 4:30pm 700 Kipling St., 4th floor training room