

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

November 9, 2016, 1:30PM-4:30PM  
700 Kipling, 4<sup>th</sup> Floor Conference room

**ATTENDEES:**

**CHAIR**

Stan Hilkey, Dept. of Public Safety

**TASK FORCE MEMBERS**

Tom Giacinti, Representing Community Corrections  
Mark Evans, Public Defender's Office  
Monica Chambers, Department of Corrections  
Erin Crites for Sherri Hufford, Division of Probation Services  
Hassan Latif, Second Chance Center  
Jessica Jones, Criminal Defense Attorney  
Gary Darling, Larimer County Criminal Justice Services (phone)  
Alfredo Pena, Parole Board  
Rose Rodriguez, Community Corrections  
Susan White for Rick Raemisch

**STAFF**

Richard Stroker/CCJJ consultant  
Kim English/Division of Criminal Justice  
Germaine Miera/Division of Criminal Justice

**ABSENT**

Christie Donner, Colo. Criminal Justice Reform Coalition  
Regi Huerter, Denver Crime Prevention and Control Commission  
Adam Zarrin, Governor's Office  
Jennifer Bradford, Metro State University of Denver  
Rick Raemisch, Dept. of Corrections  
Pat Steadman, State Senator  
Beth McCann, State Representative  
Dave Young, District Attorney 17<sup>th</sup> JD  
Melissa Roberts, Parole Division

<p><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p>	<p><b>Discussion:</b></p> <p>Stan Hilkey welcomed the task force members and reviewed the agenda. He asked attendees to introduce themselves and called for any additions or deletions to the August minutes. Seeing none the minutes were approved and the meeting began at 1:40 p.m.</p>
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<p><b>Issue/Topic:</b></p> <p>REPORT BACK Collateral Consequences Working Group</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• The Collateral Consequences Working Group will continue to meet on a monthly basis</li> <li>• The group will work toward developing recommendations in the next 4-6 months</li> </ul>	<p><b>Discussion:</b></p> <p>Mark Evans, the lead for the Collateral Consequences Working Group presented a PowerPoint update on the group's progress.</p> <p><i>DISCUSSION POINTS</i></p> <p>Mark explained that true consequences of conviction include direct consequences, collateral consequences and other consequences. Direct consequences include:</p> <ul style="list-style-type: none"> <li>• Prison or jail</li> <li>• Probation</li> <li>• Community corrections</li> <li>• Restitution</li> <li>• Fines, fees and costs, and</li> <li>• Community service</li> </ul> <p>Direct consequences are basically the things that are issued on a mittimus that will end one day. Collateral consequences include things like:</p> <ul style="list-style-type: none"> <li>• Employment</li> <li>• Public benefits</li> <li>• Family concerns</li> <li>• Immigration, and</li> <li>• Other rights, privileges and opportunities</li> </ul> <p>Collateral consequences are prohibitions and disadvantages imposed on an individual as a result of the conviction of an offense. Both consequences are a product of the law but direct consequences are predictable, definite and generally expire while collateral consequences are difficult to anticipate, potentially unknown at sentencing and may apply indefinitely. Other consequences can be come from private employers, private landlords and social stigma from friends and family.</p> <p>Judges, researchers and other criminal justice professionals have noted the negative impacts of collateral consequences on someone's ability to reintegrate into society. Research shows that gainful employment and stable housing are key factors that enable people with criminal convictions to avoid future arrests and incarceration. Second chances are critical for re-entry success.</p> <p>Mark recounted that the Collateral Consequences Working group was formed in June of this year and tasked with addressing collateral and other consequences. Group members include:</p> <ul style="list-style-type: none"> <li>• Erin Crites, Probation</li> <li>• Christie Donner, CCJRC</li> </ul>
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<p><b>Issue/Topic:</b></p> <p>REPORT BACK Collateral Consequences Working Group</p> <p><b>Action:</b></p>	<ul style="list-style-type: none"> <li>• Mark Evans, Public Defender</li> <li>• Jessica Jones, Private Defense</li> <li>• Jack Regenbogen, CCLP</li> <li>• Melissa Roberts, DOC/Parole</li> </ul> <p>The Working Group is identifying how collateral consequences are most critically impacting the reentry and reintegration prospects of people with a conviction. The group is also developing principles to guide efforts to achieve meaningful reform as follows:</p> <ul style="list-style-type: none"> <li>➤ Involvement in the justice system should not result in collateral consequences that needlessly undermine individuals' future success, are counterproductive to the safety and welfare of society, or exacerbate racial inequalities.</li> <li>➤ Public policy should reflect emerging research indicating the predictive value of a past offense declines over time.</li> <li>➤ The public's access to criminal history information must be better balanced with individuals' right to privacy and the safety and welfare of society.</li> </ul> <p>Stan commented that he sits on the Executive Clemency Board which reviews requests for clemency and pardons. He explained that oftentimes during a pardon hearing someone will describe their reentry challenges after living for decades under extreme restrictions. He noted the arguments are extremely compelling.</p> <p>The working group is exploring recommendations regarding records availability, state licensure and employment, private employment, housing, orders or collateral relief and other areas.</p> <p>Regarding criminal history records, Richard explained that CBI's criminal history report is a relatively cumbersome document and that there are often arrest records with no conviction, along with other information that can be misleading.</p> <p>Hassan Latif said he knows many employers who admittedly acknowledge that they sometimes decide not to even try to understand the report.</p> <p>Regarding licensure and employment, the working group hopes to clarify the impact of sealed and expunged records, clarify the licensure statute and facilitate a way for DORA to implement a system to provide for the removal of a restriction on a license after restriction requirements have been met.</p> <p>Regarding Housing, the working group wants to ensure that public local housing authorities follow federal guidance and are no more restrictive than HUD.</p> <p>Orders of collateral relief are a mechanism that allows judges, at the time of a community based sentence, to enter an order relieving an eligible individual of most collateral consequences. However this is only available at time of sentencing which is a time when someone may not know what they want to do down in the future, or what collateral consequences they might face. One</p>
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<p><b>Issue/Topic:</b></p> <p>REPORT BACK Collateral Consequences Working Group</p> <p><b>Action:</b></p>	<p>possible recommendation could be to expand the timeframe on when someone can ask for that kind of order. Not change it but just expand the timeframe. Mark added that he would like to see the same order in place for juvenile adjudications.</p> <p>Mark mentioned a few more discreet areas that the working group would like to address including driver's license availability as it relates to people coming out of incarceration, the relationship between firearms possession and a deferred judgement sentence, and the expansion of Diversion programs.</p> <p>Mark summarized that the group is energized and off to a good start, and that there are a lot intricacies and a lot of work to be accomplished.</p> <p>Stan added that another benefit to addressing collateral consequences is the positive impact reform would have on housing and employment. Gainful employment and housing are top criminogenic needs and addressing these issues would help decrease future victimizations while helping provide people with the opportunity to pay back restitution and fines.</p> <p>Richard added that it would be beneficial to establish a standard to measure accomplishments by the working group. It helps to be able to explain what the group tried to do and whether it had an impact.</p> <p>Alfredo Pena asked if arrests for technical violations show up in CBI and FBI criminal history reports. Mark replied that they things like technical violations and failure to comply on probation do show up on reports. Jessica Jones added that if someone is arrested it's another arrest. Every time someone is booked into a jail they are fingerprinted. The record of arrest would say something like "hold for the DOC/parole".</p> <p>The issue with criminal history reports is that landlords and employers read a report and take it at face value. When a parole or probation officer goes read a history record they will often call another agency to ask clarifying questions. Oftentimes an entire vetting takes place because the PO doesn't trust the content of the rap sheet. Those in CJ system vet and verify, yet those less aware of the intricacies just trust it.</p> <p>Both the LSI and CARAS tools use arrest history as components. The LSI is administered at the front end where the CARAS is administered at the back end.</p> <p>Richard added that with the importance of employment and housing at such a premium, it's even more important to have clear use of information. People re-entering are already pushed down in pecking order of opportunities and with a cumbersome criminal history report it makes it even harder for them.</p> <p>Rose Rodriguez asked if there could be some type of achievement certificate that an offender could get through regulatory agencies. Maybe there could be a bigger discussion of bringing former justice-involved people into the workforce in key areas like counseling and other professions where they can</p>
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<p><b>Issue/Topic:</b></p> <p>REPORT BACK Collateral Consequences Working Group</p> <p><b>Action:</b></p>	<p>help give back.</p> <p>She noted that people who have made it through a therapeutic community often make really good counselors. People who have moved on and made a good life for themselves are the ones that places like Peer 1 usually want to hire.</p> <p>Hassan Latif agreed that people who successfully make it through places like the Second Chance Center are interested in giving back and volunteering. He went on to say that he was the recipient of a lot of therapeutic care when he came through Peer 1. When he first applied to DORA to be a counselor they denied his application. Eventually they awarded him a certification that basically stipulated a 5 year probation period. Currently if someone logs onto the DORA website to research a license, the license # indicates a felony conviction. There is currently no method to get that stipulation removed.</p> <p>Mark noted that stipulations and conditional licenses are appropriate and that there could be a rational for a certain time period (i.e. five years), but if it stays on the DORA website in perpetuity that is a huge impediment. DORA reports that they are not permitted by statute to remove the stipulation.</p> <p>Mark summarized that the group may have initial recommendations for the Re-entry Task Force by the January or February meeting, with recommendations to the Commission in February or March.</p>
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<p><b>Issue/Topic:</b></p> <p>REPORT BACK Housing Capacity Working Group</p> <p>HOUSING CAPACITY – Problem Identification Discussion</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• The Housing Capacity Working Group will continue to meet on a monthly basis with a focus on the following areas             <ol style="list-style-type: none"> <li>1. Data/Issues clarification</li> <li>2. A focus on the homeless population releasing from DOC</li> <li>3. Identification of promising housing models</li> </ol> </li> </ul>	<p><b>Discussion:</b></p> <p>Richard Stroker provided the Housing Capacity Working Group update in place of Adam Zarrin who was unable to make the meeting. Richard explained that the focus for this Working Group is on expanding housing capacity.</p> <p>He explained the work is just getting underway and that the group has met once during which time they began to identify some goals and explore some possibilities. The Working Group would like to have someone from DORA involved and eventually they will also fold in someone from the Larimer County Housing authority.</p> <p>The next meeting for the Working Group is scheduled for November 22<sup>nd</sup>, but before that meeting Richard said he wants to engage the Re-entry Task Force about some ideas going forward. He reminded Task Force members that this work started with a discussion around people coming out of prison without a place to go. In order to better address this issue there needs to be some more clarification around things like:</p> <ul style="list-style-type: none"> <li>• What populations should the group focus on</li> <li>• How many people does this effect</li> <li>• What's the nature of the issue, and</li> <li>• What are the struggles for this population</li> </ul> <p>Richard noted that one suggestion might be to narrow the focus of work to people coming out of DOC specifically.</p> <p>Richard added that there are a lot of interesting models for expanding housing</p>
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<p><b>Issue/Topic:</b></p> <p>REPORT BACK Housing Capacity Working Group</p> <p>HOUSING CAPACITY – Problem Identification Discussion</p> <p><b>Action:</b></p>	<p>possibilities for those currently or formerly involved in the CJ system. It may be beneficial for the Housing Group to look at some local and national models and examine the benefits, feasibility, and pluses and minuses of various models. It would help to get a handle on which seem to be promising, and which are most similar to something Denver could possibly implement.</p> <p>After a discussion Task Force members agreed that the focus should be on the homeless population being released from prison. Apparently there is a promising program that could create capacity for probation and parole. Someone mentioned that Jenn Lopez from the Governor’s Office would have more information on that. There are other models like Delancey Street in San Francisco and CEO or Bridge House here in Colorado.</p> <p>Richard summarized that the Task Force input to the Working group would be to get better information and data, focus on the population coming out of DOC and get a better understanding about promising housing models.</p> <p>Susan White from DOC commented that approximately 26% of people being released from DOC are coming out without a housing plan. Anne Andrews from the Parole Board mentioned that DOC is working on an initiative that would result in the parole plan being verified <u>prior</u> to someone’s application for a parole hearing, rather than after.</p> <p>Richard added that between the case manager in the Department of Corrections and a parole officer, one of them should be able to make the call and drill down on someone’s post release plan. If plans could be verified prior to someone meeting the parole board that would likely increase their opportunity for release and for success in the community. DOC and the Parole Board should work together on this and the task force can help to facilitate communication.</p>
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<p><b>Issue/Topic:</b></p> <p>NEXT STEPS</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>The December 7<sup>th</sup> meeting will be canceled, the task force will reconvene on January 11<sup>th</sup></li> </ul>	<p><b>Discussion:</b></p> <p>Richard summarized that the Collateral Consequences Working Group will continue to meet and work toward recommendations in the next 4-6 months.</p> <p>The Housing Capacity Working Group will hold its second meeting on November 22<sup>nd</sup> and Richard said he will talk with group members about the targeted direction and focus that came out of this meeting.</p> <p>Richard also mentioned that it might make sense for the Task Force to cancel its December meeting and let the Working Groups meet during that time to continue their forward progress. Task Force members agreed to a December cancellation. With that said the next meeting will be held on January 11<sup>th</sup>, 2017.</p>
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### Next Meeting

January 11th, 2017    1:30pm – 4:30pm    700 Kipling, 4<sup>th</sup> floor training room