

# Sentencing Task Force

**Date: August 12, 2009, 1:00 – 5:00 PM**

**Attendees:**

Peter Weir/Executive Director, Dept. of Public Safety - Chair  
Tom Quinn/Director of Probation Services – Vice Chair  
Tom Raynes for John Suthers/Attorney General  
Gil Martinez/District Court Judge, 4<sup>th</sup> Judicial District  
Doug Wilson/State Public Defender  
Pete Hautzinger/District Attorney, 21<sup>st</sup> Judicial District (by phone)  
Steve Siegel/Victim's Representative, 2<sup>nd</sup> Judicial District  
Ellen Roberts/State Representative (by phone)  
Beth McCann/State Representative  
Carl Blesch/Manager, Office of Community Corrections, Division of Criminal Justice  
Mitch Morrissey/District Attorney, 2<sup>nd</sup> Judicial District  
Joe Cannata/Voices of Victims  
Lee Foreman/Defense Attorney  
Ken Plotz/Senior district court judge  
Stanley Garnett/District Attorney, 20<sup>th</sup> Judicial District  
Charlie Garcia/Chair, Denver Crime Prevention and Control Commission  
Kathy Sasak/Deputy Executive Director, Dept. of Public Safety  
Susan White / Community Parole Manager, Dept. of Corrections  
Scott Storey/District Attorney, 1<sup>st</sup> Judicial District

**Absent:**

Claire Levy / State Representative  
Regis Groff / Former State Senator  
Dianne Tramutola-Lawson / Colorado CURE

| <b>Issue/Topic:</b> | <b>Discussion:</b>                                    |
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| Welcome             | Peter Weir welcomed the group and reviewed the agenda |

| <b>Issue/Topic:</b>                          | <b>Discussion:</b>   |
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| Purpose of Sentencing and Guiding Principals | Peter Weir explained the purpose of sentencing in Colorado as defined by statute and outlined the revisions to the purpose as recommended by the Commission on Criminal and Juvenile Justice. Mr. Weir also outlined the guiding principles the task force will be using as its work progresses. |

| <b>Issue/Topic:</b>                       | <b>Discussion:</b>   |
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| Overview of the Current Status of the Law | Jon Fero of the Attorney General's Office presented an overview of Colorado law on Escape and Aiding Escape. There are nine classifications of Escape. Mr. Fero outlined what sentence could be expected if an offender is found guilty of Escape. |

|  | <b>Discussion:</b>   |
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|  | Ted Tow, Executive Director of the Colorado District Attorney's Council presented an overview of the sentencing structure for crimes that carry Aggravated Ranges, the Extraordinary Risk Crimes and Mandatory Minimums, Probation Eligibility and how it is affected by the Two Prior Felony Rule and Repeat Non-Alcohol DUR and DUS. |

| <b>Issue/Topic:</b>  | <b>Discussion:</b>   |
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| <p>Goals and Objectives – General Discussion</p> <p><b>Action</b></p> <p><b>Carl Blesch will research reasons why an individual would escape from Community Corrections.</b></p> | <ol style="list-style-type: none"> <li>1. Need more judicial discretion. Standardized sentencing takes away the ability of the court to customize a sentence for an individual.</li> <li>2. Need to find some front-loaded intervention programs</li> <li>3. Complex sentencing makes it difficult to explain the outcome of a plea to the defendant. It also makes it difficult to tell the victim what kind of sentence the defendant will get.</li> <li>4. If you have enhanced judicial discretion, there is a need for more meaningful judicial accountability.</li> <li>5. Is a more limited approach to sentencing reform more "doable" than the comprehensive approach? Can we take out Habitual Offender? Review mandatory sentencing statutes for violent crimes? Raising the limits for Theft? Can we make the value of a class 1 misdemeanor higher?</li> <li>6. Any reduction in punishment or length of sentence is going to cause a problem unless you have an increase in treatment services at re-entry.</li> <li>7. Escape from Community Corrections is a class 3 felony. Many of those who escape, come back because of the penalty. Can we change the crime to something less than a class 3 felony, but still have a penalty strong enough to incentivize offenders not to escape?</li> <li>8. If an individual was told that if they walked away from Community Corrections, they would never be eligible for Community Corrections again, would that be enough of a deterrent?</li> <li>9. Those who escape from Community Corrections are usually following an impulse. The rational mind is not always at work.</li> <li>10. Individuals who escape from parole are less intimidated by the penalty</li> </ol> |

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|  | <p>for escape. They are facing a return to prison on their original charge.</p> <ol style="list-style-type: none"> <li>11. The system is about judges acting differently. That is why we have sentencing ranges. We should try to make it less complicated, but that is all we should do.</li> <li>12. There are three groups of offenders: the violent offenders that should be incarcerated; the second preys on the needs and addictions of others; the third is one that cannot work through the criminal justice system and may be amicable to alternative sentencing.</li> <li>13. Can we develop some equations which would allow for different sentences based on the individual? For example, 65 days in jail equals 120 days in Community Corrections, equals \$1,000 in fines.</li> <li>14. For this coming legislative session, we need to be more specific on limited issues and continue the discussion after the session.</li> <li>15. The public perception is that crime is down and we are safer. In this economy, there is public sentiment that the money should go to putting criminals away. The average person feels that the reason a person goes to prison is punishment.</li> <li>16. In Denver, the citizens are worried about minority over-representation and over-zealous law enforcement.</li> <li>17. Denver should not be the standard against which the rest of the state is measured.</li> <li>18. Counties are concerned that the state budget issues are not balanced on the backs of the local officials.</li> <li>19. A grant has been received from the National Institute of Corrections that will be used at looking at the parole system. The Post-Incarceration Task Force is looking at technical violations.</li> </ol> |
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| <b>Issue/Topic:</b>  | <b>Discussion:</b>  |
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| <p>Work Plan Development</p> <p><b>Action</b></p> <p><b>Ann Terry will arrange meeting places and times for each of the four working groups. These groups will meet before the August 26<sup>th</sup> meeting and make a report.</b></p> | <p>Four areas that could be examined were identified:</p> <ol style="list-style-type: none"> <li>1. Escape (Carl Blesch, Gil Martinez, Mitch Morrissey, Susan White, Doug Wilson)</li> <li>2. Aggravated ranges; Extraordinary risk and Mandatory Minimums: Beth McCann, Lee Foreman, John Suthers, Steve Siegel, Dianne Tramutola-Lawson</li> <li>3. Probation Eligibility and Two Felony Rule: Ken Plotz, Joe Cannata, Tom Quinn, Stanley Garnett, Charlie Garcia, Pete Hautzinger</li> <li>4. Repeat non-alcohol DUR and DUS's: (No members were identified. May be deferred to Drug Policy Task Force)</li> </ol> |

Meeting adjourned at 4:25 PM.