



Commission on Criminal and Juvenile Justice

Minutes

January 9, 2009
National Enforcement Training Institute
12345 W. Alameda Parkway

Commission Members Attending:

Peter Weir, Chairman	Ari Zavaras	Dean Conder
Rhonda Fields	Jeanne Smith	J. Grayson Robinson
Peter Hautzinger	Ellen Roberts	Regina Huerter
Regis Groff	Don Quick	Debra Zwirn
Inta Morris	Steven Siegel	Tom Quinn
Reo Leslie, Jr.	Gilbert Martinez	Doug Wilson
Claire Levy	John Morse	

Absent: David Kaplan, Bill Kilpatrick, John Suthers, Karen Beye, David Michaud, Ted Harvey

Call to Order and Opening Remarks

Peter Weir called the meeting to order at 1:13 p.m. He introduced the two new members of the Commission: Sen. John Morse, Chairman of the Senate Judiciary and Rep. Claire Levy, Chair of the House Judiciary Committee. They are replacing Senator Ken Gordon and Representative Terrance Carroll.

Mr. Weir announced that Christie Donner will be receiving the MLK award for her community service and work.

The handouts given include a Commission time-line and general road map for the next three or four months; an event notice for “Saving Lives” on Monday, January 12th; a 2009 meeting schedule; the Task Force Report; public education outline and a couple of bills that have already been introduced.

The performance measures that were to be drafted by this meeting have been postponed for one more month. The Division of Criminal Justice anticipates working with the Governor’s Office in drafting directives to the departments that can implement the practices suggested. There will be a reporting mechanism for both the Commission and the Governor.

The Division of Criminal Justice has also completed the risk assessment instrument for parole purposes. This is on the verge of being populated and implemented. This will be discussed in February.

The JEHT Foundation that has provided the vast majority of the funds to pay for Paul Herman and other subject matter experts is a victim of the economic times. The hiring of an Executive Director is on hold.

Discussion of the Annual Report and Legislation

The legislative recommendations were outlined. These recommendations were reviewed by the Governor's Office. Several have the support of the Governor while others he conceptually supports, but the details need to be worked through.

Don Quick stated the Legislative Committee is close to completing the wording on the driver's license recommendation. The jail time recommendation is just math. The educational funding for inmates has a fiscal note and is a difficult item to bring forward this legislative year. The big worry is if money is going to be taken away from people on the "outside" and directed to people in the system. The language on the arrest warrant recommendation has been finalized. The recommendation to increase the gate money given to departing inmates will be hard to sell during these economic times. Instead of money, they are looking at vouchers or non-monetary ways to help out. Early termination of parole can be done by an Executive Order and does not need to be legislated. The 30/60 day cost saving measure can be done administratively. The risk assessment tool that has been created can help with this recommendation. There will be an impact on the Parole process and that will cause a spike in the Parole population.

Doug Wilson asked if the Commission is not going forward on the bond recommendation because the Governor is not supporting it. He believes it is the Commission's obligation to go forward with the 66 recommendations and find legislative sponsors. His concern is that we will be discussing items for the next four years and if the Governor doesn't want to carry them forward and put them in a "parking lot", this is a waste of everyone's time.

Doug Wilson made a motion that the Commission should draft legislation and proceed with the bail bond reforms found in recommendations L7, 8 and 9 to the Legislature. The motion was second by Peter Groff. Rep. Levy asked for clarification – if the recommendations are introduced and make it through the Legislature, would the Governor support them? Vote:

Quinn: no	Robinson: no	Levy: yes
Martinez: abstain	Huerter: no	Morse: yes
Fields: yes	Wilson: yes	Zavaras: no
Morris: no	Groff: yes	Condor: yes
Siegel: no	Roberts: Abstain	Weir: no
Quick: no	Hautzinger: no	
Leslie: yes	Zwirn: no	

Total votes: Yes = 7 No = 10 Abstain = 2 (Jeanne Smith is a non-voting member)

This topic shall be referred to the Legislative Subcommittee. This was passed by consent.

It has always been understood that these recommendations will carry the backing of the Commission and anyone else out there can bring them forward. The mechanics of how the recommendations will be moved forward.

The question is will the Governor and his staff be lobbying on behalf of the bills. We can also look at existing bills that amendments will be made on. Maybe some of the recommendations will fall within the amendments.

Another option is that this goes to the Legislative Subcommittee. There may be a problem finding sponsors. The Governor will only be actively supporting some of the recommendations. If there are members of the Commission that want to push a recommendation then they can do so. The bills that have the Governor's support will mean that the departmental legislative liaisons are looking for sponsors for the bill.

The Youthful Offender System (YOS) bills were discussed. The recommendation is to expand the age of eligibility to 21. What is taking a long time is the definition of "youthful offender" and making sure that it is properly worded so that YOS will have the discretion to admit appropriate juveniles. It is the will of this group to expand the role of YOS without the adversely impacting the good work done by YOS. The draft will be introduced next week. If someone sees a glaring issue, please inform Ann Terry.

Mr. Hautzinger asked if there were also some discussions about expanding the categories of offenders who could be sent to YOS. F-1's are still not allowed. If they plea down to an F-2 they can go to YOS.

HB 1044 comes up in Judiciary on Thursday, January 22nd at 1:30. Rep. Roberts want those to come in and testify. There is an educational component to this. Need to have the Legislature become familiar with the Commission.

Substance Abuse and Mental Health Services Administration (SAMHSA) Grant to integrate and streamline behavioral health services in Colorado presented by Leslie Harrod and Jocelyn Gay

The behavioral health issue is not confined to the Criminal Justice system. It is important for the Commission to be briefed on the efforts the Ritter Administration is taking and what is needed on behalf of the Commission to coordinate

Leslie Herod from the Governor's Office discussed the Behavioral Health Cabinet: As a quick background, the Governor convened a meeting of his Cabinet to discuss behavioral health. By the end of the meeting, a Behavioral Health Cabinet was created. Mental health issues cross departmental lines. The cabinet found there is a strong need to increase collaboration with providers, stakeholders, state departments and the judicial branch. Behavioral health impacts the prison population.

Jocelyn Gay from the Department of Human Services discussed streamlining services in both Health and Human Services and Health Care Policy and Financing. They want to integrate and transform behavioral health. They received a grant to develop a process to transform the system. They will secure a consultant to help them establish reasonable goals, and measure progress. They have found that behavioral health issues cross-cuts some major core problems. One challenge is how to integrate with the efforts that others are doing. The Commission is just about to begin working on behavioral health issues. Don't want separate groups working on the same issues and coming up with separate recommendations.

Plan to address critical issues: Behavioral Health, Data Access, MOR, Gender, Community Corrections by Paul Herman

Where we are going with the Commission on behavioral health? The thought is in the March meeting that we will devote part of our meeting to behavioral health. The criminal justice representatives (police, jail, court, prosecutor, DOC, parole, Community Corrections) can identify their top three needs in the behavioral health area and bring them to the Commission.

These representatives of about 10 groups would get a list of the needs identified by the criminal justice community. Other groups have identified a list of needs and try to find commonality between the needs list and develop a mechanism to move those commonalities toward the behavioral health cabinet and the transformation grant. In those areas where there are gaps where no one is working on them, there could be a conversation on how those needs can be met.

What about private practitioners? If there is going to be conversation with stakeholders, there needs to be a broader list other than governmental entities and semi-governmental entities. Need private providers included.

Overview of Public Education Working Group by Tom Quinn

The purpose of this working group is to try to create a message for the general public, to inform them of the criminal justice issues discussed here and get feedback from them. We need to assure the public that our top goal is safety and that we are trying to find ways to effectively use tax dollars.

Tom Quinn presented an outline of the proposed education presentation. The Working Group will get together by the next meeting to put together the PowerPoint slides.

Reports from Task Force Chairs:

1. The Incarceration Task Force has met to talk about the issues of good time, earned time and trustee time. They need to finalize language. They also spoke about exploring long-distance learning by using technology and have had long

- discussions about bond commissions. Larimer County does one of the better approaches which is focused on staff as well as offender on the positive impact of education.
2. The Probation Task Force was given eight recommendations to look at. Gil Martinez stated they are getting together with the Probation Advisory Committee to discuss recommendations GP 14, BP 32 BD 36 and BP 33 and CS 63. Recommendations BP 41, 42 and 43 concern the education of the Probation officers and, in turn, education of the judges. They will be consulting with the Probation Dept. and Probationary Advisory Committee.
 3. The Transition Task Force is dealing with BP44 which is about updating the offender reassessment tool using the revised LSI. This recommendation calls on DOC to use a risk assessment tool to develop a plan for the offender. Also sent back was BP48 which focused on improving the inmate release / transportation drop-off issue. This Task Force also wants to look at issues surrounding employment (BP52) and collaboration between DOC and private entities. Sub-groups were formed to look at BP44 and BP48.
 4. The Post-Incarceration Task Force had five different recommendations passed back. Good to hear the Governor is supporting partnerships. Some recommendations are more developed than others. The recommendation of early termination of parole not needing to go through legislative action is good to hear. BP 60 is in Dave Michaud's hand. Credit for time served does need legislative implementation. This Task force will tier the recommendations that can move to implementation. There are a number of recommendations that need to be developed beyond the conceptual stage. There is another issue around escape that needs further work. Some people don't know what a "sentence" is and the Task Force would like to delve into this.

Work Plan for Next 6 Months by Paul Herman

Ari Zavaras brought together 200 of his top managers for a three day session on evidence based practices. The training and conversations that went on during those three days mirrors the conversations conducted by the CCJJ. The recommendations coming from the 200 top management folks are in line with the recommendations coming from the Commission. They are on board with the Commission.

One of the lessons learned by the Commission is to get on the state time frame so that the report can be completed in May. How can the Commission do that? What will the Commission look at over the next six months?

The February meeting will contain a discussion surrounding Parole issues. The Division of Criminal Justice has developed a new risk assessment form. The Commission will want to spend some time talking about Parole and the use of the risk assessment to enhance good decision making. Also some updates from Working Groups will be given. The performance measures and the Governor's Executive Order should be available for

review by the Commission. The Commission will also begin having conversations about juvenile justice to determine who would be interested in focusing their attention in this area and finding what are the critical issues. We should start seeking input externally as to what are the critical issues on the juvenile side so that those would be the foundation for the commission discussions after June.

March will have conversations and be focused on behavioral health. That meeting will provide an opportunity to answer any follow-up questions on parole and performance measures.

The April meeting will have reports from Task Forces and their recommendations. Perhaps seeking input with regard to those recommendations. Have a conversation about a work plan and approach for dealing with the Juvenile side and the closing out of re-entry on the adult side.

In May we will get together for two days to look at the recommendations coming from the Task Forces as well as any additional recommendations. During this meeting we will be closing out the business on recommendations. That way staff can write the final report.

June would be reviewing the final report and providing an opportunity to give feedback. The final report would be complete on June 30.

Sentencing Reform Timeline

Senator Morse asked when sentencing reform will be discussed. This topic will demand a long term thoughtful dialogue. The Chiefs and Sheriffs would rather have sentencing reform done sooner rather than later. Claire Levy also seconds the sentencing reform and believes that it was the driving factor is creating the Commission. Aren't the real savings in the behavioral health and what we do with the offenders? Not in sentencing reform.

Do we establish another subcommittee to develop a strategy on how we approach sentencing restructuring? Can we add sentencing reform to timeline described by Paul Herman? Can we take a look at what it would cost for staff and resources and put a dollar and cents value to it. The Commissioners could then look at alternate resources or funding sources.

Rep. Roberts stated that the Commission is trying to get at the root of some of the issues that cannot be discussed at the legislature. She feels that juvenile issues don't get enough attention at the legislature. The political reality of what next year's session will be going into 2010. If we haven't done the education piece statewide, we won't have the support needed.

Sentencing reform as rationalizing sentences. It doesn't mean reduction in sentences. Every year the legislators have more ideas as to what is a crime but no one knows where to put the crime. There is no consistency across the class or categories of sentences.

The best way to proceed is to look at some ways to design the scope of work and then determine what the resources are. Are there any other resources in the community that can help with this issue?

Do we set aside the examination of the juvenile justice system and do sentencing reform? Between now and February, we need to sit down and look at the scope of the issue when talking about sentencing reform. What is inherent in that issue that we need to answer? We need to identify some of the questions and what we can do. We need to get some structure.

Mr. Weir suggested the formation of an ad hoc group to look at the scope of sentencing reform. Are there some things we can do sooner rather than later? We would have to talk about changing the focus of the Commission. We should do this in February. Doug Wilson, Pete Hautzinger, Gil Martinez, Ann Terry, Pete Weir, Kathy Sasak and Grayson Robinson will be part of the ad hoc group. We will be asking members of the defense bar and prosecution to participate. Ann Terry will coordinate that meeting and see what can be produced by February.

Could the Commission use graduate students as back up? This would not reduce staff time.

Overarching issues by Paul Herman

There are six overarching / critical issues that came up: minority over-representation, access to data, community corrections, training, behavioral health and gender issues. These are issues that came up in all the task forces. Some of the strategy for addressing those issues was to look toward JEHT for funding to move training forward. This is no longer possible.

For the issues of behavioral health, access to data, minority over-representation and gender, each task force will come up with three priority issues for each critical issue. For data, minority-overrepresentation and gender the Oversight Committee would look at all the recommendations that come forward and come to consensus as to what are the priorities for the Commission. Recommendations that deal with behavioral health would be provided to Behavior Health Cabinet as the criminal justice priorities.

The recommendations regarding training were specific. Regi Huerter and the Oversight Committee will examine the training recommendations and develop an alternative plan since JEHT can no longer help.

What is the vision for Community Corrections in Colorado? One of the thoughts would be to ask the Governor's Advisory Commission on Community Corrections to take on that task with representation from the Commission.

The meeting adjourned at 4:09 p.m.