



## Commission on Criminal and Juvenile Justice

### Minutes

June 11, 2010  
 National Enforcement Training Institute  
 12345 W. Alameda Parkway

#### Commission Members Attending:

Peter Weir, Chairman	Karen Beye	Alaurice Tafoya-Modi
David Kaplan, Vice-Chairman	Jeanne Smith	J. Grayson Robinson
Peter Hautzinger	Mark Waller	Regina Huerter
Bill Kilpatrick	Don Quick	Debra Zwirn
Inta Morris	Steven Siegel	Doug Wilson
John Suthers	Jeannene Miller for Ari Zavaras	Gilbert Martinez
Reo Leslie, Jr	Mike Anderson for Becky Lucero	Tom Quinn
John Morse	Claire Levy	Rhonda Fields

**Absent:** Regis Groff, Mark Scheffel

#### Call to Order and Opening Remarks:

The Chairman, Peter Weir, called the meeting to order at 12:06 p.m. He welcomed the Commission members and reviewed the agenda. Statutorily, the Commission is set to sunset on July 31, 2013. There is a lot of work to be done before then. Today we will focus on the Commission's next steps and direction.

#### Legislative Update:

All of the bills proposed by the Commission were able to pass through the Legislature with little dissension. The general consensus on these issues is a direct result of the work of the Commission and its working groups.

#### Critical Issues Update:

Regina Huerter gave an update on the Critical Issues Working Group which met earlier this month. There are several issues that still need to be addressed:

1. **Minority Over-representation:** This is not a sub-group issue. It is an issue that needs to be considered in everything the Commission does. There were no specific recommendations but the consensus was that it should remain as an overarching issue.

2. Gender issues are important but will have to remain on the back burner. The group does not have the ability to take this on at this time.
3. Data sharing: In discussing data sharing, one concern that was brought up was the cost. There would be a fiscal impact on all agencies being asked to share data. There is also a lack of communication about what kind of data is needed. An offender assessment (profile) tool should be used throughout the system and updated as a person progresses through the system. Do we recommend creating an offender assessment (profile) tool?
4. Community Corrections: There are some pilot programs around homeless parolees. Denver is working with individuals identified as homeless, and working with them six months prior to their parole to help them integrate into society. There is a need to continue to get feedback on individuals who cannot pay for the community corrections bed and are deferring the cost. Due to hard economic times, this is not being worked on at this time.
5. Behavioral Health: Other groups are working on this issue and should continue. The Critical Issues Task Force will not work further on this issue since others are moving forward.
6. Probation, Parole and Technical Violations: Work is underway in this area but there is nothing specific to report at this time. The discussions and philosophy have made improvements in the data. DOC is putting together a whole new process on how to address technical violations.
7. Parole: The areas that were identified as needing further work revolve around the limitations of HB-1374. Further work is needed to look at the structural model around parole. They are looking at policies around training, performance expectations.
8. JAG Training grant: Thus far, three employees have been hired for this project. Four areas in the criminal justice arena will be focused on – the Department of Corrections, Probation, Behavioral Health and Community Corrections. Three pilot sites were selected for targeted training: Adams, El Paso and Larimer counties. Through the JAG grant, 25 individuals have already been trained and can take the training to others. On June 22<sup>nd</sup> Harold Clarke (Massachusetts DOC) will speak at the Jefferson County District Attorney's Office. Mr. Clarke is a prominent figure in evidence based practices.

### **Drug Policy Task Force Update:**

Grayson Robinson gave an update on the Drug Policy Task Force. The task force met and agreed that there is a lot of work yet to be accomplished. One of the responsibilities of the task force is to name a new co-chair. The group also wants to continue to educate itself by examining what other states and jurisdictions are doing. They want to look at rural initiatives around probation. The membership needs to be expanded, or visitors need to be invited, to include others with skills that can improve the work of the task force. Another focus will be on data sharing across the system.

The task force has been broken into three sub-groups:

1. Treatment funding. This group is developing a draft white paper. Through the examination of the white paper, the ensuing discussion has helped identify areas where the task force wants to focus. The task force wants to look at treatment funding silos. Treatment is an important part of where the policy task force needs to go. Some of the legislation has created funding where there wasn't any before.

2. Structure group. This group wants to continue to be open minded and focused on the needs of the system. They want to continue looking at the sealing of records, the collateral consequences of the conviction in relation to employment, bail bonds for DUIs and the continuum of care.
3. Prevention group. This group feels that they should put some of its passion toward prevention - especially for our youth. This group also wants to examine the continuum of care.

### **Post-Incarceration Task Force Update:**

David Kaplan gave an update on the PIS task force. This task force met and agreed that, while there are still items that can be improved, they recommend disbanding at this time. It is time to observe the effectiveness of the changes that were put forth. It was agreed that as the Commission continues to examine sentencing reform, part of that examination would include a further look at the parole system.

### **Survey Feedback and Results:**

Prior to today's meeting, Paul Herman conducted a written and verbal survey of the Commission members to help identify areas that are of interest. It was found that members want to move forward. With the anticipated election of a new Governor, there are changes coming and a transition plan needs to be developed. As new members come on current members should be mentors to help them become acclimated. Everyone on the Commission needs to be engaged.

A clear direction needs to be identified. Do we take a comprehensive approach to sentencing reform? 53% of those surveyed wanted to go in this direction. Or a targeted approach? 47% of those surveyed want to go in this direction.

If we take a targeted approach, the highest needs identified were the statutes pertaining to sex crimes and those pertaining to extraordinary risk, crimes of violence and mandatory minimums. Also identified were the habitual criminal statutes, property crimes, juvenile justice and the youthful offender system. However, is there consensus that this issue is a problem area? Is there consensus on what the problem is? Is there the will to find common ground on resolutions?

There are very diverse opinions as to where the Commission should proceed next. The one clear direction that the survey uncovered was that the Drug Task Force has more work to do.

### **CCJJ Direction for 2010:**

The survey showed that there is a commitment to continue; however, there was no consensus on where the energy should be spent. Through the survey, several areas were identified as needing examination but the scope of work is vague. Members were asked to decide on which of those areas warrant a further look with a report due back to the Commission in August. Between now and the August meeting, small groups will be formed to examine the "mini-area" with an eye toward identifying the scope of the problem, and how to tackle it. The August meeting would then be a prioritization of the issues.

The tone of the survey presumed that the Commission would continue with sentencing reform. Does the Commission continue on sentencing reform or something else? When talking about sentencing, are you also talking about juvenile sentencing? No. However, one area identified as a possible direction is the juvenile justice system. Do we want to separate juveniles out on the sentencing piece? When talking about sex offenses, a juvenile's involvement may be based on a maturation process, whereas a 50-year-old's involvement would be a different matter.

If we identify the juvenile justice system as an area that needs examination, the mini-group would then take the next month and one-half and identify areas in the juvenile arena that should be tackled first.

A short presentation was given on each of the mini-groups. After the presentation, the voting members will be given three dots to be used as a means to vote on the mini-group(s) that the member feels further examination:

1. Sex offenders: This area has been touched upon earlier today. There is a need for a non-lifetime sentence for a particular offender. Registration laws can be reformed. The funding for life-time offenders was not addressed when the legislature decided to establish life-time sentences. It has been 20 years since the inception of life-time sentences were established and there has been a lot of work done in the area since then. There are juvenile issues. Sentencing for sex offenders is complicated.
2. Juvenile: The juvenile system is a specialty that could be examined. There is not a lot of continuity across the system. The juvenile code could be reviewed. Most of the work in DMC and the disproportionate amount of minorities has been done nationally. There is a cross over between social services placement and juvenile crime. Juvenile sex offender registry could be examined. We need to put more resources into the front end of the system. There are four areas identified where work needs to be done: education, domestic violence, mental health and substance abuse. The issues that schools and social services are facing are the same as what the criminal justice system is facing. There are groups working on juvenile issues, but some gaps may be identified. Funding streams are isolated.
3. Habitual offenders: There is no continuity across the state on how habitual offenders are treated. The threat of being charged as a habitual offender is sometimes used to force a plea from a defendant. Do we need five habitual areas?
4. Extraordinary Risk, Mandatory Minimums: This is an area where sentencing ranges are complex and confusing. The recommendations that were presented to the Commission in this area last September or October were turned down. There were concerns expressed by the prosecution, defense and victim representatives. When turning down these recommendations, the Commission stated that a detailed study and further analysis needed to be done. Could we develop one category of extraordinary crimes?
5. Parole Board: The lynch pin in the re-entry reform recommendations is parole. The statutory provisions for the Parole Board have not been reviewed for many years. To whom should the Parole Board answer? Should there be better accountability to the legislature. What level of risk are we, as a community, willing to accept and what kind of message are we sending to the Parole Board? Is there a way to address their caseload? Every parolee has the right to appear before the Parole Board. Is that necessary? How are decisions made and how are they reported? These are issues of transparency and accountability. Would this

- area include an examination into the structure of parole? Yes. Would the discussion also include an examination into employment, substance abuse and housing? No. A lot of reform has been done in this area and it is time to observe the outcomes of those reforms before working on other areas.
6. Property Crimes: This could possibly be used as a template or a process that we would use for comprehensive reform. By examining property crimes, a list of questions could be developed that would be asked for each type of crime and given a weight.
    - a. It was decided that this category would be removed before the vote.
  7. Offender Assessment (profile) Tool: Decisions should be made on threat assessments. More information is needed earlier on in the process so the correct decisions can be made. This tool should follow the individual as he/she proceeds through the system.
  8. Data Sharing: There are several issues around sharing of data. What kind of data is collected? How much do you share it? If we can develop a common tool it will facilitate data sharing.
    - a. It was decided that this category would be removed before the vote.
  9. Minority over-representation (MOR): This has to be part of our examination no matter what we look at. This shouldn't be a specific issue, but each of the working group could come back with ways that MOR could be addressed from their perspective. Risk, decisions made and competency are three areas that minority over-representation are most prevalent. No one opposed removing this as an independent issue at this time.
  10. Comprehensive Review of Sentencing Structure: This has not been done since the 1970's. This would be a long range project. The mini-group would identify which approach we would want to take and then lay out a game plan. Part of the discussion in August would be around if we want to take the time and resources of the Commission to do this. Anyone working in the criminal justice arena does not understand the sentencing structure as it stands now.

The results of the voting identified four targeted areas. These areas are Juveniles, Sex Offenders, Comprehensive and Offender Assessment tool. The memberships of the mini-groups are:

1. Juveniles: Regina Huerter, Claire Levy, Debra Zwirn, Inta Morris, Karen Beye, Don Quick
2. Sex offenders (will include both adult and juveniles): Alaurice Tafoya-Modi, David Kaplan, Doug Wilson
3. Comprehensive: Doug Wilson, Mike Anderson, Claire Levy, Tom Quinn, Pete Hautzinger; Mark Waller
4. Offender Assessment: Reo Leslie, Debra Zwirn, Regina Huerter, Gil Martinez

If there are non-commission members interested in participating in these mini-groups, please contact Christine Adams.

Next meeting will be Friday, August 13, 2010 from 12:30 – 4:30 p.m. where the mini-groups will report back. The Commission should also develop a method on how to track the outcomes of the recommendations.

The meeting adjourned at 4:36 p.m.