

CCJJ Planning Group Presentations

Sex Offense/Offender, Offender Profile/Data Sharing,
Comprehensive Sentencing & Juvenile Justice



Colorado
Commission
on
Criminal
&
Juvenile
Justice

CDPS

August 13, 2010, 12:30pm – 4:30pm
National Enforcement Training Institute
12345 W. Alameda Pkwy, Lakewood, CO 80215



Sex Offense/Offender

This CCJJ Planning Group met on
Tuesday, July 20th at 1:00pm and Tuesday, August 3rd at 8:30am.

The discussion to identify the problem areas on the Sex Offense / Offender topic implicitly addressed the extent to which members felt consensus solutions could be reached on the problems. The problem areas listed below are all considered to have potential consensus solutions.



Sex Offense/Offender Planning Group Membership

- **David Kaplan**, Private Defense Attorney – Chair +
- **Steven Siegel**, Victim Advocate (2nd JD) +
- **Alaurice Tofoya-Modi**, Private Defense Attorney +
- **Maureen Cain**, Defense Bar
- **Maggie Conboy**, Senior Sex Assault District Atty. (2nd JD)
- **Peggy Heil**, DOC Clinical Services
- **Chris Labonov-Rostovsky**, Sex Offender Mgmt. Board
- **Tom Raynes**, Office of the Attorney General
- **Ted Tow**, Colorado District Attorney's Council

+ CCJJ Member



Sex Offense/Offender Issues

- Registration / De-registration / Failure to Register
 - Complications due to homelessness
 - Registration procedures are not well defined
 - Registry entrants are not prioritized by risk
 - SVP designation is of dubious value
 - Adam Walsh compliance complicates innovation
- SOMB Sunset Review Bill
 - Must collaborate with SOMB on bill

[as per Veto Message by Gov. Ritter for H.B.10-1364 on May 21, 2010]



Sex Offense/Offender Issues

- Refinement of Indeterminate Sentencing
 - Inconsistent definitions of “sex offense” in statutes
 - Lack of determinate sentencing options
 - Sentencing structure anomalies in statute (e.g., range consistency, economic crimes)
- Lack of Resources
 - Lack of treatment resources
 - Deleterious impact of SVP designation on offenders
 - Community corrections acceptance practices restrictive, inconsistent
 - Community housing/SLA options are restrictive



Sex Offense/Offender Issues

- Conditions of Supervision
 - SOMB guidelines on conditions not followed
 - Inconsistent probation/parole response to technical violations
- Parole Release
 - Parole decisions for sex offenders are inadequately documented
 - No release guidelines for determinate-sentence offenders
 - [as per C.R.S. 17-22.5-404 (4) (c) (II)]
- Juvenile Sex Offenders
 - Addressed by Sex Offender TF or Juvenile Justice TF?



Sex Offense/Offender Approach

Steps

1. Establish a task force
2. Provide education and information, to the extent necessary
3. Identify and collaborate with other groups to identify redundant problems.
4. Prioritize unaddressed problems.
5. Work on prioritized problems.

Timeline:

- First 9 mo.- '11 Leg. Session
- Next 3 mo.-Evaluate continuation



Offender Profile / Data Sharing

This CCJJ Planning Group met on
Thursday, July 22nd at 1:00pm and Thursday, August 5th at 1:00 pm

The discussion to identify the problem areas on the Offender Profile / Data Sharing topic implicitly addressed the extent to which members felt consensus solutions could be reached on the problems. The problem areas listed below are all considered to have potential consensus solutions.



Offender Profile / Data Sharing Planning Group Membership

- **Regina Huerter**, Denver Crime Prevention and Control Commission – Chair +
- **Reo Leslie, Jr.**, Private Therapist/Therapeutic Training +
- **Gilbert Martinez**, District Judge (4th JD) +
- **Mike Garcia**, Chief Probation Officer (17th JD)
- **Joscelyn Gay**, Department of Human Services
- **Suzanne MacKinnon**, Sex Offender Diagnostic Unit, DRDC
- **Sean McDermott**, Private Defense Attorney
- **Kelly Messamore**, Regional Parole Supervisor
- **Eva Wilson**, Deputy District Attorney (1st JD)
- * **Elias Diggins**, Denver County Jail (unable to attend)

+ CCJJ Member



Offender Profile / Data Sharing Issues

- Data Handling
 - Lack or inconsistent use of common offender identifier
 - Redundant data entry and systems at local, county, state level
 - Data captured by entities is varied and not always reliable
 - Inconsistent use of available data
 - Cross-jurisdiction and public/private entity data sharing is inadequate
 - Inconsistent data leads to dissimilar offender dispositions



Offender Profile / Data Sharing Issues

- HIPAA / Privacy / Confidentiality
 - HIPAA requirements are poorly understood
 - Barriers created by fear-driven interpretation of HIPAA rules
 - Poor guidance and support for data sharing protocols
 - Evaluation of provider treatment effectiveness is impeded
 - Inaccessible data disserves offenders, recidivism reduction, and public safety



Offender Profile / Data Sharing Issues

- Electronic System
 - No accessible electronic system exists for all user levels
 - No web-based interconnectivity between criminal justice systems
 - No storage option for “original documents” (e.g., previous PSIRs)

Problems to Address Subsequently

This group identified additional problems with the quality and integrity of data in existing criminal justice data systems and processes that would require eventual attention (e.g., PSIRs).



Offender Profile / Data Sharing Approach

Steps

1. Create task force
2. Study existing systems and initiatives (in/outside CO)
3. Gather legal advice (HIPAA, privacy, confidentiality)
4. Weigh technology solutions/options
5. Develop implementation plan
6. Implementation

Timeline

- First 6 months: Steps #1 - #3
- Next 6 - 9 months: #4 - #5
- Next 12 months: #6



Comprehensive Sentencing

**This CCJJ Planning Group met on
Tuesday, July 15th at 1:30pm and Wednesday, August 4th at 1:00pm.**



Comprehensive Sentencing Planning Group Membership

- **Jeanne Smith**, Division of Criminal Justice – Chair +
- **Pete Hautzinger**, District Attorney, 21st Judicial District +
- **Claire Levy**, State Representative +
- **Tom Quinn**, Director of Probation Services +
- **Grayson Robinson**, Arapahoe County Sheriff +
- **Doug Wilson**, State Public Defender +
- **Christie Donner**, Criminal Justice Reform Coalition
- **Jason Middleton**, Public Defender/Appellate Division
- **Jeaneene Miller**, DOC Division of Parole

+ CCJJ Member



Issues with the Current System

- The sentencing structure is too complex and too confusing
- The sentencing structure does not allow for individualized sentencing while maintaining accountability
- Current sentencing laws are often unpredictable, inconsistent and/or irrational
- Too many laws are based on anecdotes not evidence
- Sentencing laws have lost sight of the goal to enhance public safety through rehabilitation, deterrence and punishment



Where is there consensus?

- Exists on the five problem issues listed on previous slide
- Need a system that is comprehensible to the public, the victim and the offender
- Need to consider the fiscal realities
- Need to look at criminal code top to bottom through a process that would divide the sentencing code into manageable pieces
- Create a series of fundamental policy questions to be addressed during the development of the new sentencing structure
- Address the sentencing scheme from the point of conviction forward, including all alternatives initially available to the court through parole discharge.
- Identify necessary information that should be provided to decision makers at various decision making points
- Ensure representation of all key stakeholders

Sentencing Approaches Discussed

1. Blank Slate

- Define the ideal sentencing system
- Use a template to answer the following:
 - Fundamental Policy Issues
 - Desired Sentencing Structure
 - Impact of offender, offender circumstances, offender risk
 - Impact on victim, community
 - What are the appropriate dispositions and sentence length

2. Crime Categories

- Disaggregate the current system into separate crime categories
 - Drug offenses, sex offenses, property crimes, person-to-person crimes
 - Take one category of crime type at a time
 - Develop a process that outlines fundamental policy issues that should be applied to the specific crime category
 - Address all the 'template' issues from the Blank Slate approach

3. Review and Revise Current Sentence Structure

- Full review of current crime and sentencing structure
- Identify problem areas
- Propose solutions



Sentencing Proposed Approach

1. Combine Crime Categories and Review/Revise Current Structure

- Look at sentencing through categories of offenses and crimes
- Set out the policy questions
- Simplify the category
 - Look at unique crimes that have been attached to that category (incident specific or category specific)
- Develop a template for how to analyze a crime type, the offense and offender variables, and range of punishment
- Address the sentencing scheme from the point of conviction forward, including all alternatives initially available to the court through parole discharge.
- Sentencing statutes will be examined by crime category. However, sex offenses, drug offenses and juvenile are assumed to be addressed elsewhere.



Sentencing Proposed Approach (cont.)

2. Explore Sunrise Review Process

- The current method for enacting sentencing legislation has resulted in a fragmented and complex code
- A Sunrise Review would provide a method to integrate new offenses and new sentencing legislation to ensure alignment with the sentencing structure
- Each new bill would be examined using an agreed upon set of factors
- DORA's Sunrise Review protocol provides a potential model



Juvenile Justice System

This CCJJ Planning Group met on
Tuesday, July 20th at 8:30am and Thursday, August 5th at 8:30am.

The discussion to identify the problem areas on the Juvenile Justice System topic implicitly addressed the extent to which members felt consensus solutions could be reached on the problems. The problem areas listed below are all considered to have potential consensus solutions.



Juvenile Membership Planning Group Membership

- **Regina Huerter**, Denver Crime Prevention and Control Commission – Chair +
- **Karen Beye**, Department of Human Services +
- **Regis Groff**, former State Senator +
- **Bill Kilpatrick**, Golden Police Chief +
- **Inta Morris**, Department of Education +
- **Don Quick**, District Attorney (17th JD) +
- **Debra Zwirn**, Logan County Commissioner +
- **Karen M. Ashby**, Juvenile Court Presiding Judge (2nd JD)
- **Shawn Cohn**, Denver Juvenile Probation
- **Norene Simpson**, Public Defender

+ CCJJ Member



Juvenile Issues

- Vision/Mission
 - No clear vision/mission among stakeholders.
 - Various systems do not always communicate with one another.
- Strategic Alignment
 - Strategic alignment across systems does not exist.
 - No vehicle to develop and maintain such alignment exists.
 - Systems work in silos resulting in an ineffective use of resources.
 - Multiple agencies are often responsible for, provide funding for and work with the same child and family.
 - The juvenile justice system is largely a modification of the adult criminal justice system.
 - Lack of clearly defined roles and expertise amongst juvenile justice stakeholders.



Juvenile Issues (cont.)

- Children's Code
 - Children's code needs to be reviewed and revised.
 - Statutes and practices in the children's code are not necessarily aligned with any common vision.
- Information Sharing
 - Lack of effective mechanism to share necessary information and an understanding of what can be shared.



Juvenile Issues (cont.)

- Statewide Inconsistencies
 - Lack of best and evidence-based practices.
 - Lack of evaluation of these best practices.
 - Unequal access to these practices across the state.
- Disproportionate Minority Contact (DMC)
- Truancy
 - Current funding formula for PPOR allocation impedes school's incentives for ongoing attendance efforts.



Juvenile Issues (cont.)

- Training and Education
 - Trained and educated in silos.
 - Current training does not necessarily reflect system roles, responsibilities and expertise.
 - Access to training is not uniform.
 - Training is not always comprehensive and does not always include prevention, best practices, or youth development.
 - Not all training is evidence-based.
 - Lack of training on specific issues such as substance abuse, mental health and working with families.
 - Lack of training to create effective case management plans based on assessment.



Juvenile Issues (cont.)

- Funding
 - Best practices are not always used.
 - Federal funding and state mandates often provide disincentives for reducing costs.
 - Different funding streams prevent dealing with issues holistically and inhibits cross-agency efforts.
 - Agencies that are efficient are sometimes penalized.
 - Citizens and decision makers should be educated on the value of investing (over time) in prevention and intervention as a means of increasing public safety and future cost savings.



Juvenile Issues (cont.)

- Prevention/Intervention
 - Lack of understanding of the benefits of investing in early childhood issues, parental issues, mental health, trauma, family support, and education.
 - Prevention/intervention should be based on early and on-going assessment.
 - Commitment is often the default when there is nowhere else for the child to go.



Juvenile Approach

- Create a task force.
- Issues to be addressed include:
 - Vision/Mission
 - Prevention/Intervention
 - Strategic Alignment
 - Children's Code
 - Information Sharing
 - Training and Education
 - Funding
- Time line: 3 years
 - Specific benchmarks will be determined by the task force.



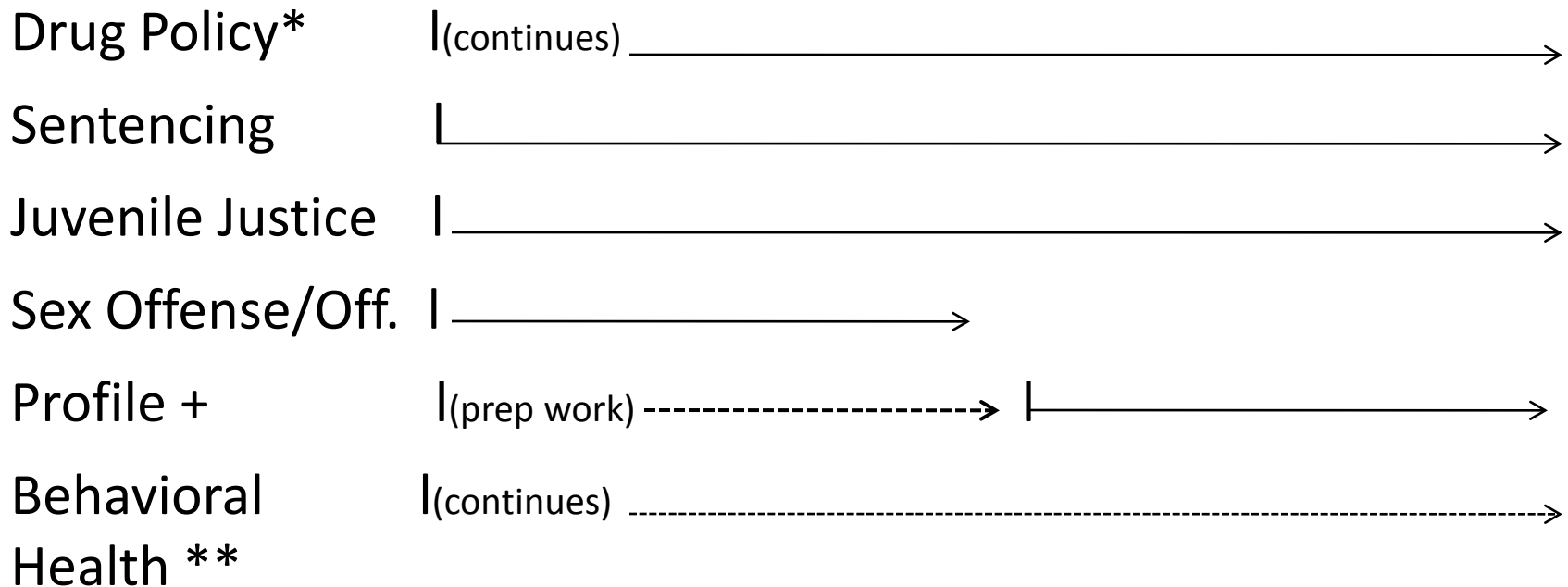
Proposed CCJJ Timeline

2010

2011

2012

2013



* The Drug Policy Task Force continues, having been authorized previously.

+ The creation of this TF is pending further discussion upon the conclusion of the Sex Offense TF.

** The CCJJ is represented on the Behavior Health Transformation Council.