



## Commission on Criminal and Juvenile Justice

### Minutes

September 10, 2010  
 National Enforcement Training Institute  
 12345 W. Alameda Parkway

#### Commission Members Attending:

Kathy Sasak, Chairman	Ari Zavaras	Regina Huerter
David Kaplan, Vice-Chairman	Jeanne Smith	Debra Zwiirn
Peter Hautzinger	Mark Waller	Doug Wilson
Bill Kilpatrick	Don Quick	Tom Quinn
Jan Dempsey-Simkins	Steven Siegel	Mike Anderson for Becky Lucero
Regis Groff	Claire Levy	
Reo Leslie, Jr.	Gilbert Martinez	

**Absent:** Inta Morris, John Suthers, Rhonda Fields, Karen Beye, John Morris, Mark Scheffel, Grayson Robinson and Alaurice Tafoya-Modi.

#### Call to Order and Opening Remarks:

The Chairman, Kathy Sasak, called the meeting to order at 12:51 p.m. This is the last meeting that will be held at this location. Ari Zavaras gave plaques to the staff at NETI in thanks for their support and assistance to the Commission. The new location for the Commission meetings will be the US Department of Transportation at 12300 W. Dakota Avenue, Lakewood.

Two new Commission members were introduced. Jan Dempsey-Simkins has been identified as the designee for the Juvenile Parole Board. Mike Anderson was present today and was representing the Parole Board and Becky Lucero (he has since been designated as the voting member for the Parole Board).

#### JAG Grant Update by Kathy Sasak and Diane Pasini-Hill:

As the result of a 2009 CCJJ initiative, leaders in Probation, Parole and Community Corrections convened to discuss the need for training on evidence-based practices. When American Recovery and Reinvestment Act (ARRA) dollars became available last year, a grant proposal was put forth. A \$2.1M grant was awarded that brings together five system components, the Department of Public Safety, Department of Corrections, State Judicial, Parole, and the Division of Behavioral Health. The focus of the grant is on incorporating evidence-based practices that reduce recidivism or have a positive effect on offender outcomes.

Five local counties/agencies have been identified as pilot sites. These agencies are: Adams, El Paso, and Larimer counties, and La Vista and Buena Vista Correctional facilities. Staff within these pilot sites are being trained in various evidence-based modalities. Once trained, these individuals will eventually develop local implementation teams that work within their local community.

The grant is being used to work on four modalities:

1. There have been ten Mental Health First Aid classes given to date.
2. Motivational Interviewing training is underway. To date, 90 individuals have gone through two two-day training sessions.
3. Supervision Inventory – will begin after training in motivational interviewing.
4. Cognitive Behavioral Approach - will begin after motivational interviewing.

As a side note, the National Institute of Corrections (NIC) has an ongoing program regarding evidence-based practices and implementing them into the decision making process with prosecutors, judges, and defense attorneys. Mesa County has just been named as one of the six national project sites and Pete Hautzinger will be attending an NIC training/conference in October.

#### **Minority Over-Representation Update by Tom Quinn and Kim English:**

Members of the working group that has been examining minority over-representation believe there are some recommendations that could be made that do not require extensive research. With the assistance of the staff at the Department of Corrections, a report was compiled for and provided to the Commission. The recommendations at the back of the report can be used as a tool by the other task forces as they conduct their work. At some point during a future Commission meeting, the Minority Over-Representation working group would like to review how these recommendations were implemented by the other task forces.

Mr. Seigel expressed his concern that the report does not indicate the minority over-representation of victims. Forty-nine percent of homicide victims nationwide are minorities.

Kim English, from the Division of Criminal Justice, presented ongoing DCJ research that examines ethnicity and race. This presentation will be posted online along with these minutes. DCJ has access to several data bases that they can use to explore minority over-representation. However, obtaining data is challenging and sometimes incomplete, making analysis difficult. DCJ has been statutorily tasked to track the impact of drug law reforms on ethnicity and gender.

#### **Comprehensive Sentencing Task Force Update by Jeanne Smith:**

The Comprehensive Sentencing Task Force met Tuesday afternoon and laid out a process to be used when approaching sentencing reform and examining offenses and categories of offenses. The first category to be examined will be theft. A working-group has been tasked to identify all theft related offenses and report back at the next task force meeting.

The Task Force is also exploring the Sunrise Review Process used by the Department of Regulatory Agencies (DORA). Sunrise reviews require that individuals or groups proposing legislation to regulate any occupation or profession must first submit information to DORA. The intent of the law is to impose regulation on occupations and professions when it is necessary to protect the public health, safety and welfare. The Comprehensive Sentencing Task Force wants to explore whether a Sunrise Review process would be beneficial in regards to new sentencing legislation. A subject matter expert will be making a presentation on this topic at the next task force meeting.

The Comprehensive Sentencing Task Force's next meeting is October 7<sup>th</sup>. November and December dates are still pending. Starting at the beginning of the year, the meeting will be on the second Tuesday of the month at 710 Kipling.

### **Drug Policy Task Force Update by Tom Raynes:**

The Drug Policy Task Force is continuing its work on several topics. A presentation was made to the Task Force on the issue of DUID as it relates to marijuana and medical marijuana. The presentation concerned establishing per se levels of THC in the blood stream. There are 17 states that have Per Se laws but their approaches are all different (12 have zero tolerance).

The Task Force is also looking at the unintended consequences of the DUI bill. For example, a drafting problem resulted in the requirement for substance abuse monitoring for a year on the first offense. This was not the intent of the Task Force or the Commission when formulating the DUI bill.

Habitual Offender statutes are also being examined. The Task Force is developing a proposal for sealing drug records. Is there room to discuss a period of time after which an individual can request that his/her drug records be sealed for employment and residency purposes? The business community needs to be incorporated into the discussion.

This group is also looking at parole eligibility for individuals incarcerated in DOC on drug charges that are no longer considered felonies (after the passage of HB 10-1352). The discussion revolves around paroling individuals who have already gone beyond their parole eligibility date and who meet a strict set of criteria. Could the money that is saved by not housing them in DOC be used for their treatment and transition?

### **Treatment Funding Group Update by Regina Huerter and Kim English:**

The Treatment Funding Group was tasked with examining the issue of addiction and what current treatment options for alcohol and substance abuse looks like. A white paper was written that addresses addiction and many issues regarding treatment funding.

Some highlights of this paper are that treatment works but you can and should expect relapses. Every state should build an infrastructure to meet the demand of drug addictions. The state is

currently directing \$34M toward mental health treatment. There has been an increase in funds due to the taxation on medical marijuana.

The Treatment Funding Group is preparing recommendations based on the literature and science and what we know. Can we recommit money and build the infrastructure? Colorado is not alone in its need for more treatment facilities. The capacity of treatment does not meet the demand in any state.

### **2008 Bond Recommendations:**

Commission members reviewed a handout that was put together outlining the three recommendations regarding bond reform approved by the Commission in 2008. The purpose of the handout was to refresh commission members' memory regarding the CCJJ's stance on bond issues.

Currently, Proposition 102 has been approved for the November ballot. Proposition 102 amends Colorado Revised Statutes requiring that only defendants arrested for a first offense that is a non-violent misdemeanor may be recommended for release or actually released to a pretrial services program's supervision in lieu of a cash, property, or professional surety bond. The Fair Campaign Finance Act imposes restrictions on boards and commissions regarding what they can or cannot do in relation to ballot initiatives. Elected officials are allowed to state their opinions regarding ballot initiatives, however, appointed officials are not. The Commission is made up of members who are both elected AND appointed and because of this there are concerns about what the Commission as a whole is allowed to support or not support.

A call was made in to the Attorney General's Office to obtain a legal opinion. Mr. Raynes stated the Attorney General's Office has reviewed this question and found that the Commission is the type of board or commission that can indeed pass a resolution pursuant to C.R.S. 1-45-117(1)(b)(III)(A).

David Kaplan moved that the Commission discuss Proposition 102. Don Quick seconded the motion. Discussion on the motion: Can we have a pro and con discussion? Are there any individuals that feel that they would abstain from the vote? Ari Zavaras, Jan Dempsey-Simkins, Gil Martinez and Tom Quinn would abstain.

Vote on Mr. Kaplan's motion:        Yes: 12        No: 0        Abstain: 4

The pros and cons of the proposition were discussed.

Pete Hautzinger moved that the Commission resolve that "Proposition 102 represents poor public policy and its enactment would be detrimental to public safety". Reo Leslie seconded the motion.

Vote on Mr. Hautzinger's motion:    Yes 12        No: 0        Abstain: 3

**Next Meeting:**

The next meeting will be October 8, 2010 from 12:30 – 4:30 p.m. The location will be at the U.S. Department of Transportation located at 12300 West Dakota Avenue, Lakewood.

The meeting adjourned at 3:38 p.m.