



## Commission on Criminal and Juvenile Justice

### Minutes April 13, 2012

Jefferson County District Attorney's Office  
500 Jefferson County Parkway  
Golden, CO 80401

#### Commission Members Attending:

James H. Davis, Chairman		
Theresa Cisneros	Claire Levy	Debra Zwirn
Michael Dougherty	John Morse	Anthony Young
Charles Garcia	Eric Philp	Karl Spiecker for Tom Clements
Regina Huerter	Don Quick	Mark Evans for Doug Wilson
Bill Kilpatrick	Ellen Roberts	Jeanne Smith, <i>ex officio</i>
Julie Krow	J. Grayson Robinson	
Reo Leslie, Jr.	Steven Siegel	

**Absent:** Tom Clements, Rhonda Fields, Regis Groff, Henry Jackson, Jr., Peter Hautzinger, David Kaplan, Alaurice Tafoya-Modi, Mark Waller, Doug Wilson

#### Call to Order and Opening Remarks:

The Chairman, James H. Davis, called the meeting to order at 12:39 p.m. and reviewed the day's agenda. Reo Leslie moved to approve the minutes from March 9, 2012. Anthony Young seconded the motion. The motion passed unanimously.

#### Legislation Update:

The sex offender registration bill was introduced today as H.B. 12-1346 and will be heard by the House Judiciary committee. S.B. 12-104 concerning the consolidation of treatment funding and reporting has successfully passed in the Senate Judiciary committee. This bill has been referred to the Senate Appropriations committee. H.B. 12-1213 on Walk Away escapes passed successfully in the House Appropriations committee.

#### Task Force and Subcommittee Status Reports:

1. Juvenile Justice Task Force: Regina Huerter stated that the group has identified several recommendations that can be delivered to the Commission before the statutory repeal or "sunset" date.

- a. The Education Working Group is drafting a survey for school districts to determine their practices for transferring school credits received by juveniles while in long-term facilities.
  - b. The Judicial Working Group is studying DUI charges received by juveniles. Their findings will be brought to the Juvenile Task Force at its next meeting. The work on juvenile escape will be presented to the Task Force in April.
  - c. The Assessment Working group is weighing issues that surround the training of professionals across the state to use assessment tools consistently.
2. Bail Subcommittee: This Subcommittee, last meeting on April 6, 2011, continues its work. The Bail Subcommittee has met five times and is identifying specific areas for further examination. It was announced that Grayson Robinson, who will continue his role as chair of the Drug Policy Task Force, stepped down as the Co-chair of the Bail Subcommittee. Doug Wilson has been suggested as his replacement to co-chair with Judge Margie Enquist. The Subcommittee expects it will have a report to the CCJJ by September 30<sup>th</sup>.
3. Minority Overrepresentation Subcommittee: At the May 2011 CCJJ meeting, MOR issues/concerns were presented to CCJJ members for consideration as potential topics for recommendations. Members rated these issues on dimensions of feasibility and impact for recommendation development. Seven recommendations were developed and selected for attention at the August 2011 CCJJ meeting. The MOR Subcommittee was seated and accepted the seven recommendations for study and action. The Subcommittee is developing attainable goals to address the recommendations. The seven recommendations, offered in the order prioritized by the Subcommittee, and their current status are:
- FY12 MOR-3. *State and local agencies should collect race and ethnicity of populations they serve.* Karl Wilmes of the CBI will be helping to examine ways to implement these data collection procedures.
- FY12 MOR-2. *Criminal justice and judicial agencies should increase the recruitment of ethnic minorities.* Michael Dougherty has prepared a survey that will be sent to all P.O.S.T. agencies. The next step will be a follow-up with CDAC and Judiciary.
- FY12 MOR-5. *Link to educational resources:* The MOR website is in the final stages of development.
- FY12 MOR-4. *Develop a minority impact statement that can be used when drafting legislation.* A document was created after studying examples from other states and it will be implemented during the next legislative session. Who will perform the MOR analysis? How can we ensure the tool is used appropriately and not used to kill legislation? What actions will occur after an analysis reveals that legislation will result in minority overrepresentation?
- FY12 MOR-7. *The Sentencing, Drug Policy and Juvenile Justice Task Forces will make sure their recommendations do not have an impact on MOR.* Although this recommendation lists the current CCJJ task forces, it applies to all current and future CCJJ task forces and subcommittees.
- FY12 MOR-6. *Develop and implement a Commission-specific mentorship program for minorities who want to work in the criminal justice arena.* The Subcommittee requested

that each Commission member to seek out or create opportunities for mentees. For example, Mr. Leslie has contacted organizations with whom he works and has identified several individuals that are interested in internships.

FY12 MOR-1. *Require comprehensive cultural competency training.* This has been deferred as a topic for attention at a later date.

4. Drug Policy Task Force: Grayson Robinson stated that the Task Force has reaffirmed its commitment to providing deliverables to the Commission. Several members of the Task Force have been working on legislative issues and have been unable to attend meetings. Once the legislative session has concluded, the Drug Policy Task Force will return to a robust pace of recommendation preparation.

### **Performance Measures:**

1. Status of Recommendations on CCJJ Website.

Christine Adams (DCJ) reported that the Commission's website contains an index page with links to all of the previous Commission recommendations.

- a. This Recommendation page provides links to view the recommendations by topic, by task force, or by implementation status.
- b. One may also link to a pdf for each recommendation that includes a recommendation description and a brief summary of its implementation status and history.
- c. The majority of the Commission's first recommendations are either complete or underway. The CCJJ Recommendations webpage address is:  
[www.cdpsweb.state.co.us/ccjj/PM/index.html](http://www.cdpsweb.state.co.us/ccjj/PM/index.html).

Members were also shown the link on the CCJJ website pages to the CCJJ Facebook page. Individuals are not required to have a Facebook account or to login to see the CCJJ Facebook page. Recent/relevant articles in criminal justice as well as event/meeting information is posted there.

The following were offered as examples of the continuing work or benefits derived from CCJJ Recommendations:

2. H.B.10-1352 Update

[Related to 27 separate CCJJ recommendations: FY08 GP-20 and FY10 D-15 to 21, 24 to 39, 41, 43, and 46]

Peg Flick (DCJ) reported on the ongoing study of H.B. 10-1352 which lowered the felony and misdemeanor classes for drug crimes. The Division of Criminal Justice (DCJ) was directed to prepare a report on the savings generated by classification changes created by H.B. 10-1352. Ms. Flick examined and compared the cost of sentences received prior to H.B. 10-1352 to sentences received after the bill. There were limitations in obtaining data. For example, an offender had to commit the crime, be charged, convicted and sentenced within a 12-month period. Cases often have multiple conviction charges and multiple sentences. A number of offenders had multiple cases occurring at the same time. The following is a synopsis of Ms. Flick's findings:

- a. For Unlawful Use of Controlled Substance: F-6 convictions decreased from 76% to 1%. M-2 convictions increased from 2% to 99%. Jail sentences increased (5% to 23%) while DOC sentences decreased (2% to 0%). Because of the increase in jail sentences, the cost of sentences *increased* \$44,989.
  - b. For Distribution, Manufacturing, Dispensing or Sale: The threshold for F-6 filings went from 1 gram to 4 grams. Possession of more than 4 grams of Schedule I or II drug, or more than 2 grams Methamphetamine reduced to F4 from higher felony classes. The classification for possession of Schedule III-V drugs from higher felony classes was reduced to M1. The increased felony class for prior convictions was removed. Data showed the number of F-4 convictions decreased and convictions of F-6 and M-1 charges increased. There was a decrease in sentences to DOC and Community Corrections and an increase in sentences for probation and jail sentences. The result was \$587,313 in *savings*.
  - c. Marijuana Offenses: The threshold quantities for possession offenses for various classifications were increased. A similar classification scheme for marijuana concentrate (< 3oz M1, >3oz F6) was created. It reduced crime classification for cultivation and bases it on the number of plants. The F-4 convictions and M-1 convictions decreased. Convictions for F-5, F-6, M-2 and PO-2 charges increased. The distribution of the initial sentence placements stayed relatively the same. The *savings* were \$407,133.
  - d. Taking into account the increased jail costs, the total cost savings were \$949,457.
3. Parole Guidelines Update (H.B. 10-1374)  
[CCJJ Recommendation FY10 PIS-3]  
Kevin Ford (DCJ) provided an update on the implementation of the Parole Board Administrative Release Guidelines Instrument (found in H.B.10-1374 and developed by the former Post Incarceration Supervision Task Force).
- a. Before these Parole Board release guidelines could be implemented, the Parole Board, working with the OIT (Office for Information Technology) at the DOC (Department of Corrections), was involved in a records automation project. This work was substantially completed in the fall of 2011 allowing the release guidelines project to proceed.
  - b. H.B.10-1374 (and a prior non-CCJJ bill, S.B.09-135) required several changes to the Parole Board hearing process: The Board was required to record the rationale for their decisions and to use the release guidelines in making decisions.
  - c. The release guideline instrument identifies thirteen areas used to calculate an offender's risk to reoffend and readiness to re-enter. The risk and readiness ratings place an offender into a matrix that offers an advisory decision to release or to defer.
  - d. Depending on the progress of system testing, it is hoped the release guidelines will be implemented by June.
4. Reducing "Designer Crimes" (H.B.11-1239)  
[CCJJ Recommendation FY11 CS-1]  
Representative Claire Levy reported on a bill (Co-sponsored by CCJJ member Sen. Ellen Roberts) that was subsequently enacted and requires an analysis of criminal justice bills, prior to their introduction to the Assembly. The analysis determines whether current law

already addresses the statutory changes in a proposed bill. It was reported that this analysis did identify several bills determined to be unnecessary prior to their introduction during the 2012 legislative session.

5. Mentee Opportunities

[CCJJ Recommendation FY12 MOR-6]

Michael Dougherty offered a recent example that supports Recommendation FY12 MOR-6 mentioned earlier in the meeting (namely, create opportunities for mentees). At a previous meeting of the Commission, Mr. Dougherty invited and facilitated networking for an intern from the Attorney General's Office. Subsequently, the intern was hired by the Denver District Attorney's Office as a result of contacts made at the Commission meeting. Commission members are encouraged to emulate such seemingly small actions that can, as in this example, create excellent opportunities for mentees.

Following the presentation of these examples of Commission accomplishments, it was announced that the Division of Criminal Justice has applied for a National Institute of Justice award on behalf of the CCJJ.

**EPIC Recommendation Preview:**

Kim English (DCJ) presented an overview of a recommendation that will be submitted to the Commission for initial review in June.

EPIC (Evidence-Based Practices Implementation for Capacity) is the training program derived from several Commission recommendations approved in 2008 and 2009 (for example, FY08 GP-16, BP-34, and BP-58) and serves as a solution to an "over-arching issue" in training needs identified by CCJJ's former Re-entry Oversight Committee. The initial expectation for EPIC was to train 24 train-the-trainers and 1000 criminal justice professionals. EPIC has exceeded these goals. Thus far, EPIC has trained 1900 individuals in Mental Health First Aid and 300 individuals in motivational interviewing (MI).

EPIC is driven by evidence-based practices. Professionals are trained to assess each offender using validated instruments and, through the use of MI, enhance the offender's motivation to change. One function of the EPIC team is to review the performance of individuals after training and provide extensive coaching to improve MI skills. This extensive follow-up is a necessary component in the successful implementation of training in MI.

As the JAG/ARRA grant funding EPIC nears conclusion, whether to continue the program is of pressing concern. Based on the continuing and overwhelming demand and apparent unmet need for this training, there appears to be significant support for its continuation. What is the best way to sustain EPIC and should the Commission generate a new recommendation on behalf of EPIC? The Division of Criminal Justice, in conjunction with the Department of Corrections and the Colorado Division of Probation Services, is conducting an outcome study to determine whether revocation rates and re-arrest rates decrease over time on the caseloads of those who have been

trained in motivational interviewing. The outcomes of this study will provide evidence to help determine whether to sustain the program.

If the evidence is supportive, a draft recommendation will be presented to the Commission in June with this tentative wording:

The General Assembly should invest in EPIC as an evidence-based initiative that is consistent with the Commission's mandate to focus on "evidence-based recidivism reduction initiative and the cost-effective expenditure of limited criminal justice funds.

Permanent funding would ensure the expansion of EPIC statewide and extend training to local justice agencies.

Ms. Huerter asked whether the motivational interviewing model can be applied in supervision, specifically to support the relationship between a supervisor and supervisee(s)?

Yes.

**Next Meeting:**

The May 11, 2012 Commission meeting is canceled.

The June Commission meeting is scheduled for June 8<sup>th</sup>, however there is a potential conflict. The National Governor's Association Center, the National Conference of State Legislatures, the National Center for State Courts, and the Pew Center on the States is hosting a "Cross Governmental Sentencing and Corrections Policy Forum" on June 7<sup>th</sup> and 8<sup>th</sup>. The June Commission meeting will be rescheduled to avoid conflicts with this multi-state policy forum. Ms. Miera will send an email to members to determine their availability on June 15<sup>th</sup>.

[Note: The June Commission meeting was subsequently rescheduled for Friday, June 15, 2012, 12:30 - 4:30pm. at the regular meeting location, the Jefferson County DA Building.]

See the CCJJ Master Meeting Calendar at:

<http://cdpsweb.state.co.us/ccjj/CCJJCalendar.html>

The meeting adjourned at 2:45 p.m.