



Commission on Criminal and Juvenile Justice

Minutes August 9, 2013

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

Commission Member Attendance

Doug Wilson, Vice-Chair	Claire Levy	Brandon Shaffer
Theresa Cisneros	Jeff McDonald	Alaurice Tafoya-Modi
Sallie Clark	John Morse	Peter Weir
Matthew Durkin	Norm Mueller	Dave Young
Kelly Friesen	Kevin Paletta	Kellie Wasko for Rick Raemisch
Kate Horn-Murphy	Joe Pelle	Jeanne Smith, <i>Ex Officio</i>
Julie Krow	Eric Philp	
Evelyn Leslie	Debbie Rose	

Absent: James Davis, Charles Garcia, Henry Jackson, Jr., Steve King, Rick Raemisch, Mark Waller

Call to Order and Opening Remarks

The Commission Vice-Chair, Doug Wilson, called the meeting to order at 12:41p.m. Mr. Wilson introduced the newest members of the Commission (Jeff McDonald, Kevin Paletta, Joe Pelle, and Brandon Shaffer). The Minutes from the June 14, 2013 meeting were approved.

CCJJ Refresher and New Member Orientation

Jeanne Smith gave an overview of the history of the Commission which was established in 2007. The first meetings revolved around establishing goals of the Commission and expectations for the members. The early focus was the processes that surrounded the re-entry of offenders to the community.

The Commission includes 26 members. Eight individuals are “designated members” based on positions they hold (for example, executive directors of specific state departments). These positions do not have term limits. These “designated members” may identify a permanent designee to represent them on the Commission. Nineteen others are appointed by the Governor to represent specific constituencies and these positions are limited to two 3-year terms.

Judge Cisneros expressed her concern about effectively disseminating the Commission’s recommendations and information to constituents, stakeholders, and the individuals doing “the work in the trenches.” Paul Herman, Commission consultant, followed up by asking various

members the question, “How do you, as a member, transmit the information and work of the Commission to your constituency?”

1. Mr. Wilson reported that the Office of the State Public Defender has 21 offices across the state and 413 lawyers. Mr. Wilson relies heavily on his office heads and it is to that group of individuals he relays information. He meets with his office heads twice a year and discusses Commission outcomes and asks their input regarding topics they feel the Commission should address in the coming year.
2. Mr. Mueller reported that the Defense Bar has a member listserv that can be utilized to transmit information. Maureen Cain (Policy Coordinator for the Colorado Criminal Defense Bar) has participated extensively in various Commission Task Forces and Working Groups and has transmitted information using this method.
3. Mr. Young offered his perspective regarding the 22 elected district attorneys throughout the state, 21 of whom belong to the Colorado District Attorneys’ Council (CDAC). Each office is limited by its own budget. The CDAC has monthly meetings where issues are discussed.
4. Ms. Rose described that the Juvenile Parole Board has a monthly Board meeting that includes a report containing information from the CCJJ.
5. Ms. Horn-Murphy described that there is an informal public policy group that includes public policy representatives from COVA, CCASA and other stakeholders who meet about sex offender issues. The group meets monthly during the legislative session to share information. An e-mail distribution list from this group might be a method to share information to victim advocacy organizations.
6. Ms. Clark reported that the Justice and Public Safety Subcommittee meets to discuss criminal justice issues. This is a Subcommittee of the General Government Steering Committee of Colorado Counties, Inc., which addresses and disseminates policy on criminal justice matters Ms. Clarke will begin sharing Commission information through that Subcommittee for transmission to the Steering Committee.

[..the orientation presentation continued...]

Mr. Wilson then discussed the structure of the CCJJ and how it facilitates its purpose to identify issues/topics for discussion and to prepare recommendations. Attendance at *each* meeting is important because members, who are the voice of their constituency, must track the development and underlying issues of recommendations that can evolve across several meetings.

After recommendations are approved, the Commission tracks the progress of each type of recommendation. If legislation is derived from a recommendation, the Legislative Subcommittee monitors the resulting bill through the legislature. All recommendations are subsequently followed to determine their implementation status and, depending on the recommendation, to assess outcomes. Annual reports detailing new recommendations are prepared and placed on the Commission website. The Commission staff members also maintain a Recommendations page to provide convenient access to updates on all recommendations (see “Reports” at colorado.gov/ccjdir/L/Reports.html and “Recommendations” at colorado.gov/ccjdir/L/Recommendations.html).

Ms. Kim English (DCJ, Office of Research and Statistics) continued the presentation describing that the Commission currently has four task forces, each with an area or issue to examine

(namely, the Community Corrections, the Comprehensive Sentencing, the Drug Policy, and the Juvenile Justice Task Forces; see colorado.gov/ccjdir/L/Committees.html). Members of the Commission are required to sit on at least one task force or subcommittee. In addition to CCJJ members, task forces include subject matter experts. When investigating an issue, it is customary to explore evidence-based practices used in other states to determine if they might be applicable to Colorado.

Subcommittees, of which there are currently two, are seated for a different purpose than task forces (namely, the Minority Over-Representation Subcommittee and the Legislative Subcommittee; see colorado.gov/ccjdir/L/Committees.html). They are typically tasked to handle a very specific topic or function. The chair of a task force or subcommittee must be a Commission member.

Staff from the Division of Criminal Justice (DCJ) will send to CCJJ members the membership list of each of the four task forces and two subcommittees for reference. If a member not currently serving wishes to join a specific task force or subcommittee, please contact Germaine Miera (germaine.miera@state.co.us).

Historically, there have been three types of recommendations produced by the Commission. The first is a suggestion to change a business practice of an agency. Another type is directed toward the development or enhancement of a specific policy. The final type of recommendation results in legislation. Task Forces present recommendations in preliminary form to the Commission one month prior to a final vote. This allows members to review recommendation details and background research and to share this information with their constituencies for feedback.

The voting process is electronic and records individual member votes by name. Subsequently, the votes are made public on the Commission website. Members are required to attend either in person or by phone to vote. Only current members or permanent designees are allowed to vote. Members may occasionally send a proxy to Commission meetings; and, although a proxy may participate in discussions, this person is not allowed to vote.

What are the roles and responsibilities of CCJJ membership? Members are required to attend the monthly CCJJ meetings. Members are to participate in and regularly attend the meetings of at least one task force or subcommittee. Members are asked to use evidence-based decision-making and to look for common ground in developing and considering recommendations.

Once a recommendation that will generate legislation has been approved, members are encouraged to actively support the recommendation or remain silent. Commission members who are also legislators are encouraged to refrain from sponsoring bills that are contrary to an approved Commission recommendation. Members of task forces/working groups also are encouraged to abide by these policies. (These member expectations are detailed in the “Bylaws of the Colorado Commission on Criminal and Juvenile Justice” and the “Policy Regarding Member Roles and Responsibilities for Legislative Recommendations” available at colorado.gov/ccjdir/L/Bylaws.html.)

Paul Herman asked how Commission members reconcile their role as a representative of a constituency versus the goal to adhere to the agreed upon “Guiding Principles” of the Commission (colorado.gov/ccjdir/L/Protocol.html). Specifically, the expectations that members should “commit to non-partisanship” and “agree to question our assumptions, maintain respect for differences, and work towards common goals that meet the Commission’s mandate.”

1. Mr. Weir offered his singular perspective on this dilemma. His experience is unique in that he was previously a designated member as Executive Director of the CO Dept. of Public Safety (Executive Branch) and the Chair of the Commission (2007-2010). As Chair, Mr. Weir was a strong proponent of the Commission’s Guiding Principles. In 2012, he was appointed to the Commission to represent District Attorneys. He described that it can sometimes be difficult in his current role to balance the pragmatic and immediate interests of one’s constituency while still supporting the values and vision inherent in participation on the Commission. Mr. Weir offered a reminder of the presentation about the previous crime commission by former Senator Sally Hopper at the January 11, 2008 Commission meeting. The caveats and lessons she offered in that meeting are now embodied in the Guiding Principles of the Commission. Mr. Weir’s final thoughts were that an assessment of the impact of past Commission recommendations that demonstrates positive outcomes would provide the support members need to justify difficult decisions. Such an assessment could also help evaluate and guide the direction of the Commission.
2. Mr. Philp was asked whether he encounters challenges to represent his constituency while at the same time advocating for evidence-based practices. He represents the state-level Probation Department which is part of the Judicial Branch. While occupying and representing his state-level position, he feels responsible to represent all levels of probation across the state. Rural areas have different needs and capacities than urban areas. He feels it’s important to evaluate whether evidence-based solutions will have broad applicability and to adapt solutions to the variety of needs across the state.
3. Ms. Clark was asked about her role as a county commissioner. County Commissioners are typically concerned with non-criminal justice matters and rarely discuss criminal justice issues, unless they result in unfunded mandates. It is left up to the specific county commissioner to express an interest in and address criminal justice issues. An important observation from her perspective is that national level developments are sometimes overlooked. She pointed out that there are federal-level decisions regarding criminal justice that should be monitored and discussed to prepare for the impacts on state and local governments.

[..the orientation presentation continued...]

Ms. English noted that staffing for the Commission is provided by the Division of Criminal Justice, specifically the Office of Research and Statistics. DCJ is legislatively mandated to provide support to the Commission and its task forces and working groups.

In the first years, the Commission produced 66 recommendations to improve the re-entry process and remove barriers to employment. Several of the early recommendations were general policy statements. Cost savings have resulted from several of the past recommendations. In response

to critical issues identified by the Commission, \$4.3 million in JAG grants were awarded to specific programs (for example see the EPIC Program, colorado.gov/ccjdir/L/EPIC.html). Overall, the Commission has produced over 200 recommendations. The status of each may be found on the Commission's website (see, colorado.gov/ccjdir/L/Recommendations.html).

Legislative Mandates

In May 2013, the Commission was briefed on an April 29, 2013 letter from the Governor and legislative leadership concerning "Jessica's Law" (see, colorado.gov/ccjdir/L/Mandates.html). There are a number of factors included in Jessica's Law which originated in Florida (See the Jessica Lunsford Act, Florida House Bill 2005-1877). The letter made specific requests of the Commission. Staff are currently researching how other states have adopted Jessica's Law. There are two specific areas that are often considered the primary elements of the law (namely, a mandatory 25-year minimum sentence for crimes against children and electronic monitoring for life) and these are adopted differently in states where a version of Jessica's Law has been enacted. Those issues and a draft response will be reviewed at the next CCJJ meeting.

Also, a bill was passed during the 2013 legislative session directing the Commission to review criminal statutes in light of the passage of Amendment 64 (see Senate Bill 2013-283 at colorado.gov/ccjdir/L/Mandates.html). The CCJJ is required to review and identify any conflicts between criminal statutes and the state Constitution (Section 16 [Personal Use and Regulation of Marijuana] of Article XVIII), review the adequacy of current statutes with regard to youth, review adequacy of rules being promulgated by the Department of Regulatory Agencies, and make recommendations for any changes. The Drug Policy Task Force has met three times and has found few conflicts. At this time, no recommendations for statutory changes have been identified.

Task Force Updates

Comprehensive Sentencing Task Force

Ms. Smith reported that the Task Force has four working groups:

- a. Value-Based Working Group: Last year, the Comprehensive Sentencing Task Force developed a recommendation that consolidated theft statutes. This working group is extending this effort by reviewing other non-violent, value-based (i.e., property) crimes to determine whether they may be consolidated and standardized using the process developed for theft statutes.
- b. The Extraordinary Risk Working Group: Last year, the Commission approved a recommendation from the Task Force to eliminate one of several existing sentence enhancers, specifically, extraordinary risk. A proposed bill was drafted during the recent legislative session (House Bill 2013-1148), but, based on last-minute review, the Commission suggested to the sponsor that the bill be withdrawn to allow the Task Force/Commission to make revisions. A revised recommendation will be presented again to the Commission for review in advance of the upcoming legislative session.
- c. Sex Offense Working Group: This group has held three meetings and is reviewing the potential for creating a new F-4 (Felony Class 4) sex offense. This group is also looking at

ways offenders who meet strict offense categories and who satisfy stringent performance criteria might petition for removal from lifetime supervision.

- d. Non-Value-Based Working Group: There was no update at this time from this working group whose efforts mirror the task of the Value-Based Working Group. This group is reviewing non-value based property crime.

Community Corrections Task Force

Ms. Cisneros presented an update on the Community Corrections Task Force. This group has reviewed and delineated seven different pathways for an offender to enter community corrections. The Task Force has also reviewed the crimes for which a sentence to community corrections is prohibited. They continue the work to identify opportunities to improve the system.

Juvenile Justice Task Force

The Juvenile Screening and Assessment Working Group of the Juvenile Task Force was tasked with examining assessment instruments and procedures used across the state. The group determined that a single instrument could not be developed to address the variety of issues faced by youth and children.

The working group conducted a search for instruments that effectively screen and assess juveniles in the areas of behavioral health, trauma and risk classification. Jeff McDonald distributed the “Colorado Reference Guide: Juvenile Screening and Assessment Instruments” which provides a list of the most effective tools currently in use. The working group recommends this document be reviewed every two years by the Juvenile Task Force to ensure the information is current. The Guide will be posted on the Commission website.

Drug Policy Task Force

The work of this group was reported during the update on the Amendment 64-related mandate.

Own Your Future Colorado

In 2008, the Commission approved a recommendation that promoted an increase in offenders’ access to higher education (FY08-GP24: Educational Opportunities for Offenders and Staff [specifically referring to the Department of Corrections staff]). Corresponding to this Commission priority, College in Colorado (CiC; CollegeInColorado.org), a division of the Colorado Department of Higher Education (higher.ed.colorado.gov/DHE/Divisions.html), has developed a planning and goal-setting resource titled, “Own Your Future” (OwnYourFutureColorado.com) that ex-offenders can use to create a plan to build a new life “on the outside.” CiC Executive Director Dawn Taylor Owens and director of Web and Curriculum Development Julia Pirnack offered a PowerPoint presentation and live “walk-through” of the site to Commissioners. It was emphasized that the brief introduction can only scratch the surface of the full user experience of the site. The CiC campaign is federally funded (through College Assist, the State Guarantee Agency; college-assist.com/) and its purpose is to help students of all ages in Colorado find a path to pursue higher education.

The site kicked off operation on July 3rd. Some of the more primary goals of site development were to present topics in simple terms and to use a graphics-heavy design rather than an over-reliance on complicated text. In developing the site, College in Colorado held several focus groups that included ex-offenders as well as criminal justice experts.

A user can create a private account on the site and complete various exercises. The informational assessments and planning guides are all collected in the user's account portfolio. It is also possible for a client to work with an organization or agency representative (for example, a re-entry specialist or parole officer) to collaboratively navigate and utilize the site as part of a supervision relationship. Working together, the agency and the client accounts can be linked which allows the agency to monitor the ex-offender's progress and to provide assistance and guidance.

The first step when creating an account is to complete a general "life self-assessment." This assessment identifies the immediate and impending needs and challenges one is facing. The user is then provided with possible solutions and options to address the identified concerns.

The follow-up exercises may address immediate needs, such as "I don't have a place to stay; where can I sleep tonight?" or may address longer term goals such as how to find a job, further one's education, or effectively manage one's money and time. During the site demonstration, examples of some of the capabilities of the site were presented:

- a. In "Your Money," users have access to information on how to budget;
- b. In "Your Work," users can access information on how to find a job, how to apply for a job, and how to plan a career. Ex-offenders can read about the effect a conviction may have on possible jobs and careers.
- c. In "Back to School," offenders can plan to acquire a GED or plan and gather information on post-secondary educational options. The Education page helps the user select a college, choose a major or field of study that will complement a planned career, and obtain financial aid. The site can also store GED score reports and transcripts in one's portfolio.

Discussion:

- a. Is the site in any way tied to county workforce centers? In focus groups, the site developers were frequently asked, "How do I find felony-friendly employers?" The users are encouraged to go to the county workforce centers because those centers will often develop a list of such employers. Ms. Pirnack navigated to the area where workforce center resources were linked
- b. Ms. Clark asked whether the design could be altered to make county workforce center information more readily accessible. Ms. Pirnack will explore this matter. [Note: A follow-up message from Ms. Pirnack on Aug. 12, 2013, indicated that there were four locations on the website that include links to workforce center information in both the "Resources" and "Finding a Job" areas of the site. As a result of CCJJ feedback, such links were added to the "Your Life" and the "Your Work" areas of the site.]
- c. How is CollegeInColorado.org and OwnYourFuture.com publicizing the site to offenders exiting institutions and to agencies receiving parolees? The Department of Corrections is now inserting an OwnYourFuture.com flier in every "Go Guide" (ccjrc.org/reentry-

- [guide.shtml](#)), which is provided to every released offender. CollegeInColorado.org is also sending information to county jails and conducting direct outreach to prisons.
- d. Is this site available only to ex-offenders leaving prison or is it also available to individuals on probation? It is available to anyone.
 - e. What kind of personal data is needed to create an account? The user's name and gender are the only required fields. The program does not ask for social security number or prison ID. Programmers attempted to design the interface to be as simple as possible and to avoid an interface and requests for information that might be perceived as intimidating.
 - f. How does an organization that works with ex-offenders gain access as a "program site?" Agencies simply send CollegeInColorado.org an email and ask to be enrolled as a program site.

CCJJ Re-Entry Work

Mr. Herman led a discussion on the topic of Re-Entry as a "next step" for the Commission. He referred to the late Tom Clement's advocacy for the Commission to return to the topic as an area in need of further attention (The Commission previously addressed the topic between 2008 and 2010). During the January and February 2013 meetings, Commission members identified potential areas for study (see, colorado.gov/ccjdir/Resources/Resources/Handout/2013/2013-02-08_CCJJNextSteps.pdf) and tentatively designated re-entry as a topic for which a task force might be seated. "Re-entry" was generally defined to include offenders exiting jail or prison.

Ms. Kelli Wasko (Director of Clinical and Correctional Services, CDOC), substituting for Mr. Rick Raemisch (Executive Director, CDOC), offered that, with the current level of resources, CDOC is able to provide re-entry services to only 19% of offenders returning to the community. Mr. Herman asked Commission members for preliminary feedback on their perceived top issues in the area of re-entry. Members offered the following:

- a. Thirty to thirty-five percent of inmates in county jails have severe mental health problems. The percentage is larger when including those with co-occurring and substance abuse problems. Although offenders are stabilized in jail, they return to the street to a challenging and complicated set of self-care circumstances. The management of typical medical care can be daunting without the additional challenge of mental illness. There is often a lag in medical treatment due to the complex steps to continue a prescription for psychotropic medication. There can be a lag in locating a physician to prescribe, a lag in being accepted for service in community mental health, a lag in the fulfillment of the prescription, and/or a lag in establishing the method of payment to acquire the prescription. The perpetual issue of re-instatement following the suspension of Medicaid or Medicare causes problems in the continuity of care. Offenders with mental illness continue to be caught in the revolving door of incarceration.
- b. Offenders are released from institutions, but their medical information typically does not accompany their case files. The physician prescribing medication for an offender in jail does not provide care during the transition to the community or subsequently after the offender is released. It can take a month to locate a new physician.
- c. Can the outcomes of the Commission's previous focus on re-entry be summarized? What previous re-entry recommendations and initiatives were approved and what is the status of those recommendations? It seems a sufficient period of years has passed to allow the

- collection of data to determine the impact of those recommendations. [Note: The status of Commission recommendations may be found at colorado.gov/ccjdir/L/Recommendations.html].
- d. It would be critical to determine whether the right level of care for the physical and behavioral health of juvenile offenders is provided in DYC or community placements. Are wraparound services being offered effectively?
 - e. Some juveniles enter DYC having already attained their high school diploma. How do those individuals spend their time in DYC? What is the status of post-secondary education services for these juveniles?
 - f. In what DOC programs do inmates participate to prepare for their exit from the institution? Are programs in Community Corrections and in DOC designed to complement and extend learning experiences? The Commission needs more information about the inventory and curriculum of DOC pre-release programs. The exchange trip to Europe by a few of the Commissioners was mentioned where they learned about parole “in-reach” programs that begin the offender re-entry process 6 months prior to release.
 - g. Employment issues are a critical concern in establishing a successful return to the community. The task of getting a job can be extraordinarily difficult. There is a need to explore methods by which records for ex-offenders can be sealed after long periods of desistance from criminal activity.
 - h. Access to safe and stable housing can be another complex problem for ex-offenders.
 - i. The services in rural communities available to juveniles entering parole can be limited. This problem is also applicable to adults entering parole in rural communities.
 - j. Three years ago, DOC began releasing inmates with 30 days of medication in an effort to bridge the lag in services. DOC attempts to coordinate “in-reach” services to improve offender transition, but, for those returning to rural areas, these efforts are confounded by the lack of resources in these areas.

Mr. Herman concluded the preliminary discussion on re-entry noting the ease members had generating the list of re-entry concerns. In the near future, the Commission will plan a strategy to address the topic.

Mr. Wilson made reference to the next meeting on September 13, 2013. Due to several conflicting meetings, CCJJ task forces have rescheduled their meetings to the first week in September (for details see, colorado.gov/ccjdir/Calendar/CCJJCalendar.html).

The meeting adjourned at 4:00 p.m.