



Comprehensive Sentencing Task Force

March 2014

Colorado Commission on Criminal and Juvenile Justice

Comprehensive Sentencing Task Force

CO-CHAIRS

Norm Mueller, Private Defense Attorney

Jeanne Smith, Division of Criminal Justice

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Glenn Tapia, Division of Criminal Justice

Dianne Tramutola-Lawson, CURE

Dana Wilks, Judicial Department

Dave Young, DA, 17th Judicial District

Commission members in red



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Topic Areas

1. Sex Offense Issues: Determinate F4 and Lifetime Supervision
2. Habitual Offenders
3. Recent Impacts on County Jails
4. Mandatory Consecutive Sentences

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Topic #1 / SO: Determinate F4 and Lifetime Supervision

Statements of the Problem

- Problem #1 / Determinate F4
 - In January 2013, the CCJJ requested a group be convened to study the potential for creating a new Determinate F4 Sex Offense and to assess the impact on the need and availability for sex offender treatment.
- Problem #2 / Lifetime Supervision
 - The CCJJ also requested this group explore the possibility of creating a legal remedy whereby an offender may work their way through successful supervision and become eligible for removal from lifetime supervision.

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Topic #1 / SO: Determinate F4 and Lifetime Supervision

Pros/Cons/Feasibility

- Sentencing for sex offense crimes is very complex, cost of services is high, people on both sides of the issue are polarized.
- There is disagreement about whether there's a need for a Determinate F4.

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Topic #1 / SO: Determinate F4 and Lifetime Supervision

Plan to address topic / Timeline

- The Sex Offense Working Group has created four teams to examine sex offense issues from a broader context (Money, Crime Classification, Front End Issues and Data Issues). The goal of these four teams is to get clear about current practice, gaps, and ideal future practice.
- Original work timeline for this group called for recommendations to be prepared and presented to the CCJJ by fall 2014, with work to conclude thereafter.

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Topic #2 / Habitual Offenders

Statement of the Problem

- Significant inconsistency exists in the practice of filing habitual counts.

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Topic #2 / Habitual Offenders

Pros/Cons/Feasibility

- Current law weighs prior convictions (violent and non-violent) equally.

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Topic #2 / Habitual Offenders

Plan to address topic / Timeline

- Habitual charges and convictions are being studied as they pertain to the seriousness of the crime along with data on gender, race, length of sentence, charging frequency, and judicial district.
- Once the data compilation is complete and the outcomes are examined, the Sentencing Task force could begin work on a recommendation.
- Discussion are underway in the task force on next steps.

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Topic #3 / Recent Impacts on County Jails

Statement of the Problem

- Mandatory DUI sentences with no option for alternative sentencing.
- Increased mental health populations with longer lengths of stay and limited services to fit their needs.
- Frequent front-end users.

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Topic #3 / Recent Impacts on County Jails

Pros/Cons/Feasibility

- Sheriffs are receptive to assistance from CCJJ.
- There are limited non-justice alternative options for offenders with mental health and DUI issues.
- Funding for alternatives is limited.
- There is a lack of statewide jail data to inform decision making.

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Topic #3 / Recent Impacts on County Jails

Plan to address topic / Timeline

- This is a new topic for the task force and a plan of action has not yet been determined.

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Topic #4 / Mandatory Consecutive Sentences

Statement of the Problem

- Mandatory Consecutive Sentences may be in conflict with evidence based sentencing practices. Those practices include selecting a placement, a sentence length, and a level of supervision that addresses the offender's individual characteristics and reduces recidivism.

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Topic #4 / Mandatory Consecutive Sentences

Pros/Cons/Feasibility

- The Sentencing Task Force has attempted to address mandatory consecutive sentences several times with limited success.
- However, task force members agree that this is an important topic but have not agreed on a solution.

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Topic #4 / Mandatory Consecutive Sentences

Plan to address topic / Timeline

- Discussions are underway in the task force on next steps.

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Discussion

Priorities

Next Steps

Topics Reminder

1. Sex Offense Issues: Determinate F4 and Lifetime Supervision
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