Task Force Introduction and Background

Kim English
Research Director
Colorado Division of Criminal Justice
June 2016

Task Force Membership

• Subject matter experts/stakeholders
• Criminal justice system stakeholders
• Geographic representation
• Connection to other relevant boards and initiatives
Task Force Membership

- Staff compiles names of stakeholders and potential task force members
- Suggest names to Task Force Chairs and Commission Chair and Co-chair
- Commission Chair and Co-chair with the input of the task force chairs
  - decide group membership
    - based on person's expertise and role in the system
- Invitations issued
- First meeting date identified

Roles and Responsibilities of Task Force Members

The Task Force shall conduct a thorough analysis of the issue(s) sent from the Commission.

- Spend time defining the problem
  - Do not assume we know the problem
  - Do not assume we know the solution
- Use data and evidence when available
Roles and Responsibilities of Staff to the Task Force

- **Division of Criminal Justice/Office of Research and Statistics**—provides research and staff support to the Commission and its task forces
  - Minutes are posted on the Commission website once approved
- **Task Force support**
  - Kim English
  - Germaine Miera
  - Christine Adams
  - Peg Flick
  - Laurence Lucero

Richard Stroker

- Serves as consultant for the Commission
  - Plays an active role in strategic planning; facilitates most task force meetings; ties together the work of the task forces
- 25+ S.C. Department of Corrections
- 10+ years at Center for Effective Public Policy
  - Worked with dozens of policy groups in more than 40 states, in Indian Country, and dozens of local jurisdictions
  - Worked with Denver’s Community Corrections Board Director of National Parole Resource Center
  - Worked with DOC’s strategic planning group
Mission of the Commission

C.R.S. 16-11.3-102

- Enhance public safety
- Ensure justice
- Ensure the protection of the rights of victims
- Focus on cost effective expenditure of funds
- Work with other state-established boards
- Establish advisory committees that make recommendations to the full Commission
- Focus on evidence-based recidivism reduction

Source: National Institute of Corrections

Guiding Principles

1. Public safety should always be paramount in our thoughts.
2. It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to nonpartisanship.
3. We agree to question our assumptions, maintain respect for differences and work towards common goals that meet the Commission’s mandate.
4. We should seek outside help for areas where we are lacking in knowledge.
5. Because our decisions impact all Colorado, we should carefully consider the perspectives of the various regions and diverse populations of citizens, victims, and offenders across the state.
Guiding Principles

6. To the best of our ability, our decisions should be straightforward and timely.

7. Our decisions are guided by data and should be aimed at crime prevention, reducing recidivism, achieving public safety through the most cost-effective means, and achieving justice.

8. We should be mindful that a need for treatment is not an adequate reason for incarceration (other options should be available).
Task Force Process

- Look at the **Big Picture** from multiple lenses
  - From a system’s perspective
  - From a stakeholder perspective
  - Incorporating data/evidence
- Identify gaps/issues/problems
- Clarify gaps/issues/problems
- Prioritize issues for the Task Force to focus on
- Identify working groups to study issues

Working Groups

- Receive direction from the Task Force
- Sometimes have chairs/co-chairs that are task force members
- Are not typically staffed by DCJ
- Include non-task force members
- Undertake careful study of an issue
- Report back monthly to Task Force
- Develop recommendations for Task Force review and consideration
Example of working groups

Recommendations

Business practice

Policy

Legislation
Task Force/Commission

Working Group Studies and makes recommendation

Task Force Discusses / clarifies recommendation

Commission votes on recommendation

Strive for consensus 51% vote=majority

Task Force/Commission

Working Group Studies and makes recommendation

Task Force Discusses / clarifies recommendation

Commission votes on recommendation

Strive for consensus 51% vote=majority

Strive for consensus 66% vote=majority

Strive for consensus 66% vote=majority

Yes

I can live with it

No

Mental Health / Jails Task Force
Prior Task Forces/Committees

- Bail Subcommittee
- Community Corrections Subcommittee
- Cost Savings Subcommittee
- Direct File Subcommittee
- Re-entry Oversight Subcommittee
- Behavioral Health Task Force
- Probation Task Force
- Incarceration Task Force
- Post-incarceration Task Force
- Juvenile Justice Task Force
- Transition Task Force
- Sex offense Task Force
- Cyberbullying Subcommittee
A few Commission accomplishments

- Eliminate statutes that require mandatory revocation / suspension of driver’s license for conviction of non-driving offenses (exclude child support enforcement) (2008)
  - HB09-1266:
    - In FY09, 10,746 lost license
    - In FY10, 1,055 lost license
- Clarify jail time credits/jail inmates awarded earned time (2008)
  - 7220 bed days saved annually in Arapahoe County alone ($490,960/year)
- Mandate that parolees receive credit for time spent in jail pending a technical parole revocation (2008)
  - HB09-1263
- **Increased the age of eligibility to 19 (at time of the crime) for individuals sentenced to the DOC’s Youthful Offender System (2009)**
  - HB09-1122
- **Introduce a structured decision-making guide for use by the Colorado parole board** (2009)
  - HB10-1374
  - *Colorado Parole Board Release Guidelines Instrument*
    - Use of actuarial risk scale
    - Determination of readiness
    - Annual report of progress and findings
- **Expand probation eligibility for those with multiple felony convictions** (2009)
  - HB10-1338
  - Estimated to save $2.5M in DOC costs
- **Provide for sealing certain drug offenses** (2010)
  - HB 11-1167

---

- **Increase behavioral health treatment** (2008)
- **Increase treatment availability prior to restructuring drug laws** (2009)
  - Increase in Persistent Drunk Driver Surcharge ($550,000/year) (HB 10-1347)
  - Drug offender surcharge assessed doubled (HB10-1352)
  - $1,545,409 for community corrections treatment beds (HB10-1360)
  - $2,057,225 services for parolees (HB10-1360)
  - *First $2M in medical marijuana sales/use tax fund substance abuse treatment programs (HB10-1284)*
**Colorado Commission on Criminal & Juvenile Justice**

**Drug law reform (2009/2012)**

- **SB13-250**: created new drug grid, DF1-DF4/DM1, petty

<table>
<thead>
<tr>
<th>DRUG LEVEL</th>
<th>PRESUMPTIVE RANGE</th>
<th>AGGRAVATED RANGE</th>
<th>PAROLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DF 1</td>
<td>8 – 32 years</td>
<td>n/a</td>
<td>3 years</td>
</tr>
<tr>
<td>DF 2</td>
<td>4 – 8 years</td>
<td>8 – 16 years</td>
<td>2 years</td>
</tr>
<tr>
<td>DF 3</td>
<td>2 – 4 years</td>
<td>4 – 6 years</td>
<td>1 year</td>
</tr>
<tr>
<td>DF 4</td>
<td>6 months – 1 year</td>
<td>1 – 2 years</td>
<td>1 year</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MINIMUM</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>DM 1</td>
<td>6 months, $500 fine or both</td>
</tr>
<tr>
<td>DM 2</td>
<td>$50 fine</td>
</tr>
</tbody>
</table>

- Allows a “wobbler”—Court may vacate the felony conviction and enter a misdemeanor conviction if defendant completes community based sentence (certain cases ineligible based on prior record)

- Effective October 2013

---

**Colorado Commission on Criminal & Juvenile Justice**

**Restructuring Theft statute (HB 13-1160)**

<table>
<thead>
<tr>
<th>BEFORE</th>
<th>AFTER</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Offense Level</th>
<th>Value</th>
<th>Offense Level</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>F3</td>
<td>$20K and up</td>
<td>F2</td>
<td>$1M and up</td>
</tr>
<tr>
<td>F4</td>
<td>$1K - $20K</td>
<td>F3</td>
<td>$100K - $1M</td>
</tr>
<tr>
<td>F5</td>
<td>$1K - $20K (rental property)</td>
<td>F4</td>
<td>$20K - $100K</td>
</tr>
<tr>
<td>F6</td>
<td></td>
<td>F5</td>
<td>$5K - $20K</td>
</tr>
<tr>
<td>M1</td>
<td>$500 - $1K</td>
<td>F6</td>
<td>$2K - $5K</td>
</tr>
<tr>
<td>M2</td>
<td>Less than $500</td>
<td>M1</td>
<td>$750 - $2K</td>
</tr>
<tr>
<td>M3</td>
<td></td>
<td>M2</td>
<td>$300 - $750</td>
</tr>
<tr>
<td>PO1</td>
<td></td>
<td>M3</td>
<td>$100-$300</td>
</tr>
</tbody>
</table>

HB14-1266—thresholds applied to criminal mischief, fraud by check, defrauding a secured creditor, and unauthorized use of a financial transaction device, and computer crime
H.B. 13-1160 was signed into law on June 5, 2013. In the following tables cases filed in the six months after H.B. 13-1160 was enacted were compared to cases filed in the same six month period (July to December) of the previous year (2012). Denver County court records were not included.

Figure: Cases with Theft (C.R.S. 18-4-402) as most serious filing charge pre- and post-H.B. 13-1160, by offense level.

Data source: Court records were extracted from Judicial Branch’s Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records.

EVIDENCE-BASED DECISION MAKING

- Bail reform (2012)
- Implement evidence-based decision making practices
- Discourage the use of financial bond for pretrial detainees
  - HB 13-1236

More than 10 counties are now using the Colorado Pretrial Assessment Tool (CPAT)
**Recent Commission Bills**

**House Bill 15-1022**  Created a petty ticket option for law enforcement as an alternative to initiating formal proceedings for youth.

**House Bill 15-1072**  Made changes to the harassment statute to clarify cyberbullying behaviors.

**House Bill 15-1203**  Retroactively provided earned time credit to certain individuals sentenced under the habitual criminal statute.

**House Bill 16-1215**  Revised the purposes of parole to reflect a focus on successful outcomes.

---

**The Commission has a lot of moving parts...**
Check out the Commission web site

Next C.O.J.J Meeting
Friday, May 13, 2016
1:00 PM
Jefferson County Courthouse
1215 Cordero Road
Golden, Colorado 80401-1255

Public meeting:
June 16, 2016
9:00 AM
El Paso County Courthouse
1125 N. Nevada Street
Colorado Springs, CO 80904

Also see the EPJC Mission Calendar

Publications of interest
- Fast Track Legal Services: Drug Treatment and Reentry
- CJ/DJ Annual Report
- Elements of Change (EDCJ, EPJC
- In-15: 15-I500 Evaluation Analysis Report: First Ten Years
- Drug Policy Plan Team
- Trauma-Sensitive White Paper

Sent alone or salt more at:
Upset & Feelings

Questions?

Friend us on FACEBOOK!