

***Colorado Commission on Criminal and Juvenile Justice***

**Pretrial Release Task Force**

**Minutes**

January 8, 2019 1:30PM-4:00PM  
710 Kipling, 3<sup>rd</sup> Floor Meeting Room

**ATTENDEES:**

**TASK FORCE MEMBERS**

Bo Zeerip, District Attorney 21<sup>st</sup> Judicial District (on phone)  
Monica Rotner, Boulder County Community Justice Services  
Greg Mauro, Denver Community Corrections  
Glenn Tapia, Judicial, Probation Services  
Judge Shawn Day, Aurora Municipal Court  
Maureen Cain, Criminal Defense Attorney  
Valarie Finks, Victim Services, 18<sup>th</sup> Judicial District (on phone)  
Judge Chris Bachmeyer, 1<sup>st</sup> Judicial District  
Steve Chin, Mesa County Pretrial Services  
Tom Raynes, CDAC  
Clifford Riedel, Larimer County District Attorney  
Lucienne Ohanian, Public Defender's Office

**STAFF**

Richard Stroker, CCJJ Consultant  
Kim English, Division of Criminal Justice  
Laurence Lucero, Division of Criminal Justice  
Stephane Waisanen, Division of Criminal Justice

**ABSENT**

Bill Kilpatrick, Golden Police Department  
Mindy Masias, State Court Administrator's Office  
Kirk Taylor, Pueblo County Sheriff  
Rick Kornfeld, Defense Attorney

**ADDITIONAL ATTENDEES**

David Schuck, ACLU  
Becca Curry, ACLU  
Tim Lane, CDAC  
Doug Erler, Weld County

<b>Issue/Topic:</b>	<b>Discussion</b>
Welcome and Introductions	CCJJ Consultant Richard Stroker informed the group that Task Force Chair Stan Hilkey was unable to attend and had asked Richard to chair the meeting. Richard then welcomed the group and asked attendees introduce themselves.

<b>Issue/Topic:</b>	<b>Discussion</b>
Recap of December Meeting Review of Agenda  Outcomes & Presentation of Preliminary Recommendations to CCJJ	<p>Richard started the meeting with an overview of the agenda and asked for a motion to approve the minutes. Greg Mauro offered changes to the minutes that he would discuss later with DCJ staff.</p> <p>The recap started with the four recommendations (FY19-PR #06, FY19-PR #07, FY19-PR #08 and FY19-PR #09) that were approved at the last Task Force meeting in December. The four recommendations were presented to the Commission at its December meeting, and will be voted on by the Commission at its meeting on Friday, later this week.</p> <p>Richard mentioned that Maureen Cain was on today’s agenda and would give an update on some of the recommendations that the Implementation Working Group has been focusing on. Bo Zeerip would also give an update on the Preventative Detention Working Group progress.</p> <p>Richard noted that the Task Force will have a recommendation, FY19-PR #04, to consider at this meeting. There was considerable discussion at the last meeting whether probation should be involved in the delivery of pretrial services in certain counties. There have been some modifications to the recommendation that Greg and Glenn Tapia will discuss. If this recommendation passes today within our Task Force, it will be presented to CCJJ this Friday.</p> <p>Finally, the last topic on the agenda are three issues that came up in discussions with the Preventive Detention Working Group that may be possible future areas of study for the Task Force.</p>

<b>Issue/Topic:</b>	<b>Discussion</b>
Update- Implementation Working Group	Maureen Cain confirmed that the four recommendations were presented to the Commission at its December meeting. In Recommendation FY19-PR #07, subsection 4a, a question was raised about the statutory language regarding the verified application by the district attorney or bonding or release commissioner stating facts or circumstances constituting a breach or a threatened breach of bond conditions. We originally deleted the language, however, we would like to reinsert the language because the presumption is that any conditions of bond should already be individualized, directed towards individual risk. The DA can ask for a warrant but the judge does not have to issue a warrant. The concern was that if you had a person on bond, and they were planning to leave the jurisdiction, they have not breached their bond yet. Would this be considered a threatened breach?

<p><b>Issue/Topic:</b> Update- Implementation Working Group (continued)</p>	<p>There were questions on how the recommendation could be modified since it was already approved by this Task Force and presented to the Commission.</p> <p>Richard mentioned that it was a technical change and that the language would be unstruck and included back into the final version; this would be explained to the Commission. The group unanimously approved it.</p> <p>In Recommendation FY19-PR #09 Maureen suggested to remove "...there shall be no bail schedules so person not released pursuant to administrative order shall be held until the court hearing and will not be allowed bail..." She mentioned that when it was drafted, the understanding was that there would be a quick timeframe for hearings. In the current statutory language, it states if you have a bail schedule it shall be individualized, taking into consideration individual circumstances. We are not changing the language or the matrix of the bail schedules. The motions to modify and approve were followed by a unanimous vote.</p>
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<p><b>Issue/Topic:</b> Update- Pretrial Preventative Detention Working Group</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Bo gave an update on the Working Group’s progress and some of the proposed changes that the defense and prosecution tentatively agreed upon. He mentioned that the group will meet 4-6 more times to revise the proposal and come to agreement before submitting to the Task Force. He stated that, during a lengthy discussion during the Working Group meeting, three topics were identified as potential areas of future work for the Task Force:</p> <ol style="list-style-type: none"> <li>1. Expand of the availability of audiovisual device capabilities.</li> <li>2. Address the problem of intrastate transport of jail inmates.</li> <li>3. Collecting data.</li> </ol> <p>Regarding #3, Bo stated that insufficient data was a big concern to the Working Group. This was discussed by the Task Force, and several members suggested gathering information or requesting studies from a variety of entities. DCJ staff will discuss this with Working Group members after the meeting today.</p>
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<p><b>Issue/Topic:</b> Update- Assessment Tools &amp; Pretrial Services Working Group</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Glenn and Greg discussed Recommendation FY19-PR #04. They reviewed their presentation from the last meeting, which identified a three-year average of the number of bonds set by counties in Colorado. The previous version suggested that counties with 1,500+ cases would be ineligible to request that Judicial provide pretrial services. If the cases numbered under 1,500 annually, these would be eligible for assistance from Judicial. Instead, in today’s proposal, we categorized the counties (A, B, C or D) according to C.R.S. 13-16-201. Based on this new categorization, A and B are ineligible and C and D are eligible to ask Judicial to implement a pretrial program. This requires modifying C.R.S. 13-16-201.</p> <p>This new version of the recommendation includes three things that were discussed last month:</p>
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<p><b>Issue/Topic:</b> Update- Assessment Tools &amp; Pretrial Services Working Group (continued)</p>	<ol style="list-style-type: none"> <li>1. Develop a better way to categorize the 64 counties that would be eligible, or not, to request assistance from Judicial.</li> <li>2. Authorize judicial districts to use state appropriations to provide pretrial functions upon written request by a local government and upon approval of the Chief Judge in each judicial district, and set an implementation date.</li> <li>3. State judicial shall assure that pretrial services conform to the standards of the State Court Administrator’s Office and adhere to the underlying purpose of pretrial justice, and clean up the statutory language to make sure it is consistent with prior recommendations.</li> </ol> <p>The allocation would go from the state to Judicial and, using formula funding, then would be distributed to eligible counties requesting assistance. This proposal empowers Judicial to create standards for pretrial programs under its purview. If counties receive money through formula funding, they have to comply with Judicial’s standards for pretrial.</p> <p>Several modifications to the statutory language in Recommendation FY19-PR #04 were suggested. The group agreed and the language was modified. There was a motion to vote, and the recommendation was approved unanimously. The recommendation will be presented to the Commission at its meeting on Friday.</p>
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<p><b>Issue/Topic:</b> Future Study Topics</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Richard thanked the Task Force for its hard work and great recommendations that have come forward. He stated that this Task Force has finished its recommendations and asked the group if there were future topics the group had an interest in studying. He then reiterated the three recommendations that the Preventive Detention Working Group had suggested as possible topics.</p> <p>There was a lot of discussion on each of the topics and the group thought it would be good to have more conversation about them.</p>
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<p><b>Issue/Topic:</b> Next Steps &amp; Adjourn</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Next meeting to discuss potential topics and the three suggested topics from the preventative detention working group:</p> <ol style="list-style-type: none"> <li>1. Expansion of the availability of audiovisual device capabilities.</li> <li>2. Address the problem of intrastate transport of jail inmates.</li> <li>3. Collecting more data.</li> </ol> <p>Several members mentioned that during the legislative session, most of the hearings are conducted in the afternoons and there will be scheduling conflict with this task force. The group agreed to move the time of this task force to mornings from 9am-11am until the end of the legislative session in June.</p>
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**Next Meeting**

February 5, 2019/ 9:00am – 11:00am    710 Kipling, 3<sup>rd</sup> Floor Meeting Room