

**Colorado Commission on Criminal and Juvenile Justice
Pretrial Release Task Force**

**Pretrial Preventive Detention Working Group
Minutes**

May 28, 2019 10:00AM-12:00PM
700 Kipling, 4th Floor Training Room

ATTENDEES:

WORKING GROUP MEMBERS

Bo Zeerip, WG Leader, District Attorney, 21st Judicial District
Aubree Cote, Denver Pretrial Services
Janet Drake, Attorney General's Office
Rick Kornfeld, Defense Attorney
Tom Raynes, Colorado District Attorneys' Council
Megan Ring, Attorney General's Office
Colette Tvedt, Defense Attorney (on the phone)

STAFF

Laurence Lucero, Division of Criminal Justice

ABSENT

Maureen Cain, Office of the State Public Defender
Margie Enquist, District Judge, 1st Judicial District
Bill Kilpatrick, Golden Police Department
Lucy Ohanian, Office of the State Public Defender

GUEST

Tim Lane, Colorado District Attorneys' Council

Issue/Topic:	Discussion
Welcome	Working Group Chair Bo Zeerip welcomed the group and Megan Ring from the Office of the State Public Defender who was attending for Maureen Cain.

Issue/Topic:	Discussion
What's Next	<p>Bo reminded the group that they were tasked by the Pretrial Release Task Force to work on a preventive detention proposal. At the May Task Force meeting, the Task Force members requested a report on the Working Group proposal and the areas of disagreement. The Task Force intends to vote on the alternatives for each area of disagreement and the overall proposal. From Bo's perspective, the failure of H.B.19-1226 does not change the charge assigned to the Working Group.</p> <p>Bo recapped that, at the last Working Group meeting on 05/08/19, there was a majority agreement to move forward with a preventive detention model. Defense representatives had planned to meet and present language they could live with. After that meeting occurred, Maureen sent a letter to Stan Hilkey and Working Group members stating that the Office of State Public Defender (OSPD) was stepping back from the preventive detention work. The letter can be found on the Commission website at, colorado.gov/ccjj/ccjj-cPRTF (under "Materials").</p> <p>Bo disagreed that the work should be stopped. The Working Group has met for almost two years and invested a lot of work and energy to create this proposal. While acknowledging the concerns expressed in Maureen's letter, Bo believed it is important to complete the work.</p> <p>Bo asked members of the group to share their perspectives.</p> <ul style="list-style-type: none"> • Megan confirmed the Office of State Public Defender (OSPD) is stepping back from the work of preventive detention in support of the arguments listed in Maureen's letter. There are serious concerns about the viability of passing an initiative through the legislature for a Constitutional amendment with a 2/3 majority and then gaining passage by the electorate. The necessary groundwork mentioned in Maureen's letter should be in place before continuing these efforts. • Rick Kornfeld agreed with the OSPD position. Given the political realities and lessons learned from this legislative session, time and efforts should be dedicated to prepare for next year's session and to lay the groundwork. • Aubree Cote added that Colorado has yet to see a culture change with regards to detention and this might explain why the 2013 legislation (which was based on work by the Commission's Bail Subcommittee and resulted in House Bill 13-1236, <i>Concerning pretrial release from custody</i>) had not been fully implemented. Culture change must happen and judges must be on board for such reform to occur.

<p>Issue/Topic: What's Next (continued)</p> <p>ACTION: At the next Pretrial Release Task Force, report that the Preventive Detention Working Group members <u>strongly recommended</u>:</p> <ul style="list-style-type: none"> - Suspension of further development of the Pretrial Preventive Detention Proposal until a foundation for reform is established, and - That the Task Force should not take action on the draft Pretrial Preventive Detention Proposal at this time. <p>The current draft of the proposal will be submitted to the Task Force on June 11 to immortalize the work to date.</p> <p>The June 11 Working Group meeting was canceled.</p>	<ul style="list-style-type: none"> • Colette Tvedt acknowledged the significant effort by the Working Group and agreed with the OSPD. She mentioned that New Jersey bond reform required buy-in from committed stakeholders. Colette remains dedicated to work with stakeholders toward the necessary culture change. • Janet Drake was very appreciative of the efforts from this Working Group. She understood from today's previous statements that the preventive detention work is on hold until all stakeholders are involved in these efforts and a strategy is in place. • Tom Raynes agreed with the sentiments expressed today. H.B.19-1226 needed the Governor's support during this complicated process. Additionally, the ACLU expressed concerns about the use of risk assessment instruments and Maureen worked to draft amendments to the bill pertaining to risk assessment tools. These amendments are good starting points, and these discussions about pretrial, funding and building a foundation should continue. A lot of work has been done but it is necessary to step back and work on the foundational elements and build engagement from stakeholders. <p>Bo thanked the group for sharing their perspectives and expressed his disappointment.</p> <p>Bo proposed to cancel the June 11 Working Group meeting and will report this discussion to the Task Force on June 11. He invited Working Group members to attend the Task Force meeting. Bo will submit the draft proposal, including the remaining points of disagreement, to the Task Force and indicate that the Working Group was unable to resolve those disagreements prior to or at this last meeting on May 28.</p> <p>The June 11 Working Group meeting was canceled.</p> <p>The meeting adjourned at 11 a.m.</p>
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