

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

Recommendations Review / H.B.19-1226 Working Group

Minutes

July 23, 2019 10:00AM-12:00PM

Ralph Carr Judicial Center, 1300 Broadway, Room 12-107, Denver

ATTENDEES:

TASK FORCE MEMBERS

Greg Mauro, WG Co-Leader, Denver Division of Community Corrections
Maureen Cain, WG Co-Leader, State Public Defender's Office
Steve Chin, Colorado Association of Pretrial Services, Mesa County Pretrial Services
Tom Raynes, Colorado District Attorney's Council
Glenn Tapia, Division of Probation Services
Bo Zeerip, District Attorney's Office, Mesa County

ABSENT:

Steve Vasconcellos, Director of Court Services

STAFF

Stephané Waisanen, Division of Criminal Justice
Damien Angel, Division of Criminal Justice

GUESTS

Becca Curry, American Civil Liberties Union
Cooper Reveley, Colorado Department of Public Safety

Issue/Topic	Discussion
Welcome & Introductions	Greg Mauro welcomed the group and asked everyone to introduce themselves.

Issue/Topic	Discussion
Summary of June Meeting: Maureen Cain	At the June meeting, the Working Group discussed reviewing items that were not originally addressed in H.B. 1226 in regards to additional funding and structure problems. Greg and Maureen worked together on these items that had consensus from the group.

Issue/Topic	Discussion
Consensus/Partial Consensus Greg Mauro	<p>Greg Mauro distributed a document summarizing some of the main points from the meeting:</p> <p>Consensus/ Partial Consensus of the Working Group:</p> <ul style="list-style-type: none"> • Require that Pretrial Risk Assessment be available and utilized by Judicial Officers in all counties throughout Colorado to assist in release decisions. The court shall not use the results as sole basis (as per FY19-PR #01). • Expand pretrial assessment statewide to assist courts in making release decisions and to avoid reliance on money. • Funding provided by state to counties to complete assessment and bond reports for court. This process will be limited to a county-operated function (no for-profit or non-profit entity shall provide these functions). <p>OR</p> <ul style="list-style-type: none"> • No funding to counties. Counties are required to provide assessment and report to the court regarding bond. <p>OR</p> <ul style="list-style-type: none"> • Funding for the assessment for counties that apply and demonstrate that the county cannot afford so the State to pay up to a certain percentage of the program costs. This would be creating a partnership. • Funding available by State to counties to develop/enhance supervision of pretrial defendants possibly based after the S.B. 94 model. Judicial vs counties. Will State be paying for all counties? • Limit over – supervision through funding to only high risk clients such as; CPAT 3 and 4s. • Limit conditions and supervision at initial bond hearing. • Funding would be administered through CDPS/DCJ.

Issue/Topic	Discussion:
Use of Pretrial Risk Assessment	Glenn mentioned that if there was risk assessment and it was similar to the parole board that uses a structured decision making framework to include risk assessment? Maybe make that the sole basis.

<p>Issue/Topic Use of Pretrial Risk Assessment (continued)</p>	<p>Becca stated that the ACLU would like to be a part of the bond-setting conversation. It is believed that risk assessment overshadows other release considerations, for example the ability to pay. ACLU would like there to be an assumption of quick release decided within the full context of all the available decision factors. She feels that vulnerable populations tend to score higher on risk assessments and their risk score overwhelms these other considerations, like the ability to pay. For example, when bond is based solely on a risk score, it may result in a bond that is higher than an individual can afford, even though the court may actually want the person released.</p> <p>The discussion by the group touched on creating a system where all the factors are considered in making the release decision. Maureen added that the defense community would like the courts to allow the financial status of the person be included on the record. This would require better access to defendants.</p> <p>Maureen mentioned that she expanded the funding language because it needs to be clearer about the money that State would provide. There have been discussions of finding state dollars to complete assessments and bond reports. The question is how to balance the State dollars for counties who are not providing these services and for those counties that already provide these services? There should be more conversation about what the State will be funding and who they should fund. Is it the assessment piece, supervision or both? A second option would be that State pays for the entire things and they let the counties decided on the assessment piece. The last option would be that State pays for a certain percentage for counties that cannot afford it.</p> <p>Bo had mentioned that the Attorney General is very interested in pretrial reform and believes the cost would be around \$10 million. He would like to see new innovations on diversion.</p> <p>The group was in agreement for the Division of Criminal Justice to manage the funding instead of Judicial. Supervision to only be for high risk individuals by crime type.</p> <p>It was discussed whether to allocate FTEs to administer the assessments at the jails. Bigger counties may need up to 3 FTEs while smaller counties may need 1-2. The State covers an FTE model for assessment with universal screenings but not for FTCs and FTAs. The startup costs funded for counties through formula funding through population or filings.</p> <p>Maureen asked if there was any feedback on the amended language regarding the evaluation of bias in pretrial assessments in H.B. 1226?</p>
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Issue/Topic	Discussion
<p>Need for Further Exploration: Greg Mauro</p>	<p>Topic for further exploration:</p> <ol style="list-style-type: none"> 1. Pretrial Risk Assessment – What tool should be used? 2. Lower level individuals not needing supervision in initial bond setting 3. Amended language for final draft of H.B. 1226 4. DCJ decide the risk assessment tools, how will it be evaluated? 5. 5. Explore funding options in regards to metrics and how it will be distributed?

Issue/Topic	Discussion
<p>New Topics: Greg Mauro</p>	<p>New topics:</p> <ol style="list-style-type: none"> 1. Clarifying language in regards to technical violations. Violation to be a new crime. 2. Technical violation – terms and conditions on release of bond, revoked or held in contempt. 3. Agencies to partner with PTS for low to moderate risk. 4. Monitor sobriety when required by statute

Issue/Topic	Discussion
<p>Next Steps & Adjourn Greg Mauro</p>	<p>Maureen stated she would write up some of these ideas and she would make a data collection request to the Division of Criminal Justice staff Kim English and Peg Flick on a money analysis.</p> <p>Maureen was also going to go through #04-#09 and make some changes to the language.</p> <p>Greg thanked everyone for their contributions.</p>

NEXT MEETING

Tuesday, August 6, 2019 11:30am- 1:30pm
710 Kipling St., 2nd Floor Conference Room, Lakewood CO