

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

Recommendations Review / H.B.19 1226 Working Group

Minutes

August 6, 2019, 2019 11:30AM-1:30PM
710 Kipling St., 2nd Floor Meeting Room, Lakewood

ATTENDEES:

WORKING GROUP MEMBERS

Maureen Cain, WG Co-Leader, State Public Defender's Office
Steve Chin, Colorado Association of Pretrial Services, Mesa County Pretrial Services
Becca Curry, American Civil Liberties Union
Elizabeth Epps, Freedom Fund
Tom Raynes, Colorado District Attorney's Council
Glenn Tapia, Division of Probation Services

Bo Zeerip, District Attorney's Office, Mesa County

ABSENT:

Greg Mauro, WG Co-Leader, Denver Division of Community Corrections
Steve Vasconcellos, Director of Court Services

STAFF

Laurence Lucero, Division of Criminal Justice
Damien Angel, Division of Criminal Justice

Issue/Topic	Discussion
<p>Welcome & Introductions</p> <p style="text-align: center;">and</p> <p>Summary of Previous Discussion Points</p>	<p>Maureen Cain welcomed the group and initiated attendee introductions.</p> <p>Maureen distributed a document summarizing the main points of discussion from previous meetings.</p> <p>Following are the points of consensus from previous meetings:</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 risk assessment as a sole factor; other statutory factors should be considered and included in pretrial assessment. • Continue to support the prior recommendations regarding the use of a pretrial bonding commissioner authorized for release without court hearing (and prior to admission to jail population) through administrative order. • Expand pretrial assessment statewide to assist bond commissioner/court in making release decisions and to avoid reliance on money. Include a presumption that money, as a condition of bond, must be justified by the court at a hearing. (Note: ACLU position is that pretrial assessment should be used for release and not for the setting of conditions of bond). • Retain the language regarding bias in assessment from HB19-1226. • Develop a statewide funding source for assessment, which will be prioritized. The assessment will be a county function and shall not be contracted to for-profit or non-profit entities. • Data is being collected to better estimate the costs. Significant funding for assessment is being considered through the allocation of FTEs to each county. DCJ is currently collecting arrest data. • Limit the supervision funding only for supervision of high/higher risk folks. • Require that there be a nexus between conditions and the factors of the case. The current language of “least restrictive” is not effective. • Funding would be through DCJ. • Delay consideration of bond hearings within 48 hours until Judicial provides a report from local jurisdictions in the fall (by November 2019; HB19-191). • Clarify the language that pretrial services programs have discretion to report technical violations to the court. • Allow for robust hearings and presence of counsel and victims as needed. <p><u>Additional issues/ideas for later discussions</u></p> <ul style="list-style-type: none"> • Decriminalization of bail bond violations except for protection orders. What kind of protection order? Specific person? • Monitor sobriety only when required by statute. • Can there be a system to promote voluntary participation in support services that would reduce the necessity of pretrial conditions?

<p>Issue/Topic Summary of Previous Discussion Points</p>	<ul style="list-style-type: none"> • Data collection and data sharing. • DCJ role in evaluation and monitoring of programs. • How can the use of summons be increased? • Think of ways that court appearances can be more convenient by offering more appearance options. Time and location and other factors.
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<p>Issue/Topic:</p>	<p>Discussion</p>
<p>Review of Recommendations and HB19-1226</p> <p>ACTION Add language for data point at 120 days in revised H.B. 1226.</p> <p>ACTION Use language in H.B.1226 (page 17) and re-write reporting provisions for 30 and 90 days.</p> <p>ACTION Maureen request arrest data from Peg Flick (DCJ) for all offense codes.</p> <p>ACTION Maureen to draft language for the Administrative Order.</p> <p>ACTION Maureen draft language about unethical pretrial practices</p>	<p>Following the summary of progress and discussions to date, the group continued their discussions of the pretrial recommendations and HB 19-1226:</p> <ul style="list-style-type: none"> • H.B. 1226 language requires reporting the total number of closed cases in which the person was released from custody, was supervised by the pretrial services programs and, while under supervision, did not have a failure to appear in court that was not followed up by a court appearance in that case within 30 days and 90 days. <u>Add another data point at 120 days.</u> • The issue of people missing court dates when they are in jail. Often times, a warrant is issued. The group agreed that the person conducting the assessment in the jail should be obligated to check on pending cases and notify the prosecutor and defense counsel of pending cases and inform the court the defendant is in jail in another county. • Use language in HB19-1226 (page 17) and re-write the reporting provisions for 30 and 90 days. • Maureen asked Peg Flick at DCJ to run arrest data. Peg provided the group a document including Uniform Offense Data Code from NCIC and asked whether all offenses or a subset of offenses should be included. Maureen asked the group to look at the data codes and to provide feedback. The group decided to request all offense codes. Once the group gets the number of arrests by offense, it will be possible to assess how many assessments are done per county and estimate funding. • Clarify “...statewide funding source for assessment, which will be prioritized.” Maureen explained that funding for assessments should be prioritized over supervision. • <u>Continuing issue:</u> Discussion about increasing the use of summons. The group agreed that the courts should develop an Administrative Order in conjunction with a best practice model that guides the chief judges in jurisdictions about who gets detained and released while leaving discretion within the jurisdictions. Mandatory arrests will still go to a judge. Maureen will draft language. • <u>Continuing issue:</u> DCJ role in evaluation and monitoring of programs. Discussion of unethical pretrial practices ensued and it was agreed that courts should develop a process/standards for unethical practices. • <u>Continuing issues:</u> Monitor sobriety only when required by statute.

