

Colorado Commission on Criminal and Juvenile Justice
Pretrial Release Task Force

Recommendation Review / H.B.19 1226 Working Group

Minutes

September 12, 2019, 8:30-10:30am
4th Floor Training Room, 700 Kipling St., Lakewood

ATTENDEES

WORKING GROUP MEMBERS

Maureen Cain, Co-leader, State Public Defender's Office
Greg Mauro, Co-leader, Denver Division of Community Corrections
Steve Chin, Colorado Association of Pretrial Services, Mesa County Pretrial Services
Becca Curry, American Civil Liberties Union
Elizabeth Epps, Freedom Fund
Glenn Tapia, Division of Probation Services
Tom Raynes, Colorado District Attorneys' Council
Bo Zeerip, District Attorney's Office, Mesa County

ABSENT:

Steve Vasconcellos, Director of Court Services
Adam Zarrin, Governor's Office

STAFF

Laurence Lucero, Division of Criminal Justice

Issue/Topic	Discussion
<p>Ongoing recommendation preparation</p>	<p>Bo summarized that the last meeting focused on allocating funds for pretrial services and determining a set-aside amount for the Governor’s Office. The estimate includes:</p> <ol style="list-style-type: none"> 1. DCJ Admin costs (data gathering and reporting, assessment tool selection and analysis, best practices/standards, trainings) 2. Initial start up and training costs – available grants for counties without pretrial services and a maximum dollar amount per county 3. Pretrial – Initial assessment (counties may request funding up to 2 FTEs (Full-Time Employees) – based on the number of filings per year) 4. Pretrial service – Supervision (counties may request funding for up to 2 FTE’s – based on estimated number of higher risk defendants needing supervision. <p>Maureen handed out a proposed outline of recommendations. <i>[NOTE: The following recommendation index codes are temporary.]</i></p> <p>Consensus from the group on the following recommendations:</p> <p><i>FY20-PR#01 Require pretrial risk assessment instrument that will assist the court in release decisions for felony, and misdemeanor and traffic level offenses that do not qualify for a mandatory summons.</i></p> <p><i>FY20-PR#02 – Use of instrument and data collection for instrument. Any pretrial risk assessment tool used in Colorado shall meet criteria. Recommendation includes list of criteria.</i></p> <p><i>FY20-PR#03 – Requirement for pretrial and funding for pretrial</i></p> <p>Points of discussion for today’s meeting</p> <p><i>FY20-PR#04 – Use of summons – Mandatory issuance of summons, mandatory arrest and discretionary arrest.</i></p> <ul style="list-style-type: none"> • Bo drafted statutory language to repeal and replace C.R.S. 16-5-206 and 16-5-207 with C.R.S. 16-5-206 – <i>Standards and Criteria for Arrest or Issuance of a Summons.</i> • The group discussed the drafted language and agreed on some revisions. Bo will revise the document. <p><i>FY20-PR#05 – Elimination of violation of bail bond (VBB) offenses and clarification of violation of protective order (VPO).</i></p> <ul style="list-style-type: none"> • VBB are handled very differently across the state. • Idea of making VBB a contempt of court violation. Penalty would be revocation and not a new crime. • Becca drafted language. VPO is kept as a crime when in contact with the victim or stalking.

<p>Issue/Topic Ongoing recommendation preparation (continued)</p>	<p>FY20-PR#06 – <i>Conditions of release – limited supervision</i></p> <ul style="list-style-type: none"> • In Denver, supervision is limited to 60 days unless the district attorney extends it. • Bo and Tom disagreed about putting a “sunset” on conditions, especially in VRA cases, and the group was reminded that the defense can always ask for reconsideration of the supervision conditions. • Steve and Greg agreed with limiting supervision for compliant defendants but only for GPS monitoring. • Should supervision be unlimited only in very dangerous cases? • This topic will need further discussion. • It was suggested to include language that defendants cannot not be charged or revoked for failure to pay pretrial services. <p>FY20-PR#07 – <i>Expedited process of release by bonding commissioners before court within 24 hours</i></p> <p>FY20-PR#08 – <i>Revisions to the initial bond hearing process and consideration of conditions of bond</i></p> <ul style="list-style-type: none"> • Incorporate elements of HB19-1226 • Maureen suggested to make it clearer that the court must receive evidence on ability to pay at initial appearance. Consistent with recent case law. • This topic will need further discussion. <p>FY20-PR#09 – <i>Clarify district attorney and public defender involvement</i></p> <ul style="list-style-type: none"> • Make sure everyone gets a copy of the risk instrument questions, discussion issues. Necessary to avoid disparate impact. <p>FY20-PR#10 – <i>Establish an expedited appeal process and requirement for appellate court to address constitutional issues raised in the appeal.</i></p> <p>FY20-PR#11 – <i>Mandated training</i></p> <ul style="list-style-type: none"> • As described in last year’s recommendations. <p>FY20-PR#12 – <i>Language on video conferencing</i></p> <ul style="list-style-type: none"> • Language from HB18-1131? • Need sheriff representation.
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Issue/Topic	Discussion
<p>Next Steps & Adjourn</p> <p>ACTION See notes at right</p>	<p>Maureen reminded the group of the timelines to present recommendations to the Task Force for a vote in November.</p> <p>The group will ask Peg Flick for additional data on duration of cases and length of time of supervision (from 1st bond hearing to close case).</p> <p>Maureen will incorporate 3 years filings in the funding analysis and the group will revisit funding at future meeting.</p> <p>The meeting adjourned at 10:30am</p>

NEXT MEETING

October 1, 2019, 3pm-5pm
700 Kipling St., 2nd Floor CICJIS Room, Lakewood CO