

Pretrial Release Task Force

Minutes

October 22, 2019, 8:30am - 4:00pm
4th Floor Training Room, 700 Kipling St., Lakewood CO 80215

ATTENDEES

TASK FORCE MEMBERS

Stan Hilkey, Chair, Department of Public Safety
Chris Bachmeyer, 1st Judicial District Judge
Maureen Cain, Office of the State Public Defender
Steve Chin, Mesa County Pretrial Services
Shawn Day, Aurora Municipal Court Judge
Janet Drake, Attorney General's Office
Rick Kornfeld, Defense Attorney
Greg Mauro, Denver Community Corrections
Tom Raynes, Colorado District Attorneys' Council (CDAC)
Clifford Riedel, Larimer County District Attorney
Monica Rotner, Boulder County Community Justice Services
Glenn Tapia, Judicial, Division of Probation Services
Bo Zeerip, 21st Judicial District Attorney's Office

ABSENT

Valarie Finks, Victim Services, 18th Judicial District
Bill Kilpatrick, Golden Police Department
Lucienne Ohanian, Office of the State Public Defender
Sean Smith, La Plata County Sheriff's Office
Adam Zarrin, Governor's Office

STAFF

Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice

GUESTS

Becca Curry, ACLU
Tim Lane, CDAC
Victoria Terranova, UNC
Rebecca Wallace, ACLU

Issue/Topic	Discussion
<p>Welcome and Introductions</p>	<p>Chair Stan Hilkey welcomed the group and asked everyone to introduce themselves.</p> <p>Stan introduced Dr. Victoria Terranova (University of Northern Colorado) who will provide an update on the Colorado Pretrial Assessment Tool (CPAT).</p>

Issue/Topic	Discussion
<p>Presentation: CPAT-R Risk Assignment and Success Rate</p> <p>Action Data Working Group will explore adding FTA in the list of data elements in FY20-PR01</p>	<p>Victoria Terranova from the University of Northern Colorado handed out documents titled, "Performance for Pretrial Outcomes-Test Data" and "CPAT-R-Pilot" and presented data on the CPAT and CPAT-R preliminary validation. The documents can be found on the CCJJ website at colorado.gov/ccjj/ccjj-cPRTF under "Materials."</p> <p>Following the presentation, there was discussion and questions from Task Force members.</p> <p>A member pointed out that one of the recommendations from the <i>Recommendations/HB19-1226 Review Working Group</i> requests that the risk assessment instrument provide outcomes on the risk category of the defendant along with the predicted success rates for each category.</p> <p>Victoria responded that the CPAT-R would work well for both of these outcomes. However, there will be only low- and high-risk categories due to the small number of events, but Victoria expected more complete data with 8,500 cases from Phase 3 of the UNC data collection project.</p> <p>CPAT and CPAT-R do not predict domestic violence protection order violations because the number of cases is too low. However, Victoria was optimistic that the prediction will be ultimately feasible with the new data collection project mentioned above.</p> <p>The group discussed the issue of Failure to Appear (FTA) and the need for consistency in data collection. FTAs are currently not included as a data element in the CPAT. It was suggested that the Data Advisory Group, could explore adding FTAs into the elements to collect. (See Recommendations FY20-PR#01 and #02 from the <i>Data Working Group</i>) Additionally, FTAs could be statutorily defined to exclude persons incarcerated in other jurisdictions or people who turn themselves in to law enforcement. Additionally, although</p>

<p>Issue/Topic: Presentation: CPAT-R Risk Assignment and Success Rate (continued)</p>	<p>highly desirable, there might be some challenges in collecting FTA data at three points in time (30, 90 and 120 days).</p> <p>Victoria was asked whether the CPAT could predict serious crimes or crimes falling under the Victims Right Act. Victoria responded affirmatively.</p> <p>Research was mentioned that demonstrates that there are more releases when a risk assessment tool is used.</p>
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<p>Issue/Topic:</p>	<p>Discussion</p>
<p>Recommendations/HB19-1226 Review Working Group</p> <p>Preliminary recommendations presentations</p>	<p>Maureen Cain directed the Task Force to the materials included in the meeting packet, including draft recommendations from the <i>Recommendations Review/HB19-1226 Working Group</i>. Discussion points are listed below each recommendation.</p> <p>FY2020 - #03 - EXPAND PRETRIAL SERVICES STATEWIDE AND PROVIDE STATE RESOURCES FOR CERTAIN ASSESSMENT AND SUPERVISION COSTS WITH THE PRIORITY GIVEN TO ASSESSMENT COSTS</p> <p>The group discussed the funding of counties with existing pretrial services and how these counties would be eligible for grant dollars.</p> <p>FY2020 - #04 - EXPAND THE USE OF SUMMONS TO INCLUDE MANDATORY SUMMONS, PRESUMPTIVE ARREST AND DISCRETIONARY SUMMONS EACH WITH APPROPRIATE PUBLIC SAFETY OVERRIDES</p> <p>Becca Curry distributed a handout with recommended changes to Rec. #4. The group discussed law enforcement discretion and the recommendation’s relationship with HB19-1225 (<i>Concerning prohibiting the use of monetary bail for certain levels of offenses except in certain circumstances.</i>). The group agreed to move on without making modifications at this point.</p> <p>FY2020 – #05 ELIMINATION OF SECTION 18-8-212 – VIOLATION OF BAIL BOND CONDITIONS AND CLARIFICATION OF THE CRIME OF PROTECTION ORDER VIOLATION. ESTABLISHMENT OF A CONTEMPT PROCESS FOR VIOLATION OF BAIL BOND CONDITIONS</p> <p>It was opined that there will be a lack of enforcement and accountability if there is no crime of violation of bail bond. Maureen indicated that only eight states in the U.S. have a statute for violation of bail bond conditions. Under this proposal, courts would still have the ability to revoke bond and reinstate a new bond with certain amount of jail time. A person could still be charged with a</p>

<p>Issue/Topic: Recommendations/HB19-1226 Review Working Group</p> <p>Preliminary recommendations presentations (continued)</p>	<p>new crime or failure to appear. Members agreed to remove violation of bail bond conditions, but keep failure to appear as a crime.</p> <p>FY2020 - #06 - CONDITIONS OF RELEASE – LIMITATIONS ON OVERUSE OF CONDITIONS</p> <p>This recommendation focuses on the philosophical positions regarding the value of using monitored sobriety to force treatment of individuals on pretrial services.</p> <p>Some changes have been made, including revising language from “clear and convincing evidence” to “sufficient evidence.” Additionally, the group agreed to allow the monitoring of sobriety in DUI cases. The role of bondsmen was discussed.</p> <p>FY2020 – #07 - ESTABLISH AN EXPEDITED PRETRIAL RELEASE PROCESS (STATUTORY)</p> <p>This recommendation is similar to provisions in last year’s recommendations, but additional language has been added. Maureen will also add language that DCJ will establish standards of practice and training.</p> <p>FY2020 -#08 - REVISE THE INITIAL BOND HEARING PROCESS AND THE CONSIDERATIONS OF MONETARY CONDITIONS OF BOND [STATUTORY]</p> <p>This recommendation is generally consistent with last year’s recommendation.</p> <p>FY2020-#09. CLARIFY PUBLIC DEFENDER AND DISTRICT ATTORNEY INVOLVEMENT IN BAIL HEARINGS [STATUTORY]</p> <p>This recommendation is similar to language in H.B. 19-1226.</p> <p>FY2020 --#10. MANDATE TRAINING FOR STAKEHOLDERS CONSISTENT WITH FY2019- #08</p> <p>This recommendation is similar to language in H.B. 19-1226.</p> <p>FY2020 - #11 - ESTABLISH AN EXPEDITED APPEAL PROCESS AND A REQUIREMENT FOR THE APPELLATE COURT TO ADDRESS CONSTITUTIONAL ISSUES RAISED IN THE APPEAL.</p> <p>This recommendation provides a clear process for bond appeals and establishes time frames for the process. Extended time may be needed for preparation of court briefings (current statute allows seven days). Bo and Maureen will work on drafting language.</p>
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<p>Issue/Topic: Recommendations/HB19-1226 Review Working Group Preliminary recommendations presentations (continued)</p> <p>ACTION: Revisions will be made per discussion today and presented at the November Task Force meeting</p> <p>Statutory language will be drafted to present at the December Task Force meeting</p>	<p>FY2020 - #12 - CREATE A TELEJUSTICE PROGRAM CASH FUND IN THE STATE TREASURY</p> <p>This recommendation was modeled after House Bill 18-1131 (<i>Concerning a program to facilitate conducting judicial proceedings via networking technology</i>) that previously failed to pass due to funding issues. The group discussed recommending that the State Court Administrator’s Office develop a plan in collaboration with Sheriff’s Offices to implement telejustice statewide. Maureen will draft language.</p> <p>FY2020 - #13 - INCREASE THE REPRESENTATION OF THE COMMUNITY ON THE PRETRIAL COMMUNITY ADVISORY BOARDS</p> <p>This recommendation added language regarding local pretrial community advisory board and removed “bail bondsman” from C.R.S. 16-4-106.</p> <p>Tom Raynes proposed that all recommendations included in this packet should be voted on as a whole. The group agreed to present one recommendation with multiple elements to the Commission.</p> <p>Rebecca Wallace stated that the ACLU agrees with the recommendations discussed today and may support these efforts at the Legislature providing that funding is made available.</p>
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<p>Issue/Topic: Next Steps</p>	<p style="text-align: center;">Discussion</p> <p>Maureen and Greg will make corrections to the document before the next meeting in November. The statutory language will be drafted by the following Task Force meeting in December.</p> <p>The Task Force members will review and vote on the general concepts of the recommendations at the November 5 Task Force meeting and will review and vote on the statutory language at the December Task Force meeting.</p> <p>It is anticipated that the recommendations (collapsed into one recommendation with elements) will be presented to the Commission for preliminary review at the December 2019 meeting and voted on January 2020.</p> <p>Meeting adjourned at 4:00 pm.</p>
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Next Meeting

Tuesday, November 5, 2019/ **12:00PM – 4:00PM (EXTENDED MEETING)**
 2nd Floor Meeting Room, 710 Kipling St., Lakewood, CO 80215