

**Pretrial Release Task Force**

**Minutes**

November 5, 2019 / 12:00 - 4:00 PM  
2nd Floor Meeting Room, 710 Kipling St., Lakewood, CO 80215

**ATTENDEES:**

**TASK FORCE MEMBERS**

Stan Hilkey, Chair, Department of Public Safety  
Maureen Cain, Office of the State Public Defender  
Steve Chin, Mesa County Pretrial Services  
Shawn Day, Aurora Municipal Court  
Janet Drake, Attorney General's Office  
Valarie Finks, Victim Services, 18th Judicial District  
Bill Kilpatrick, Golden Police Department  
Lucienne Ohanian, Office of the State Public Defender  
Tom Rayne, Colorado District Attorneys' Council  
Clifford Riedel, Larimer County District Attorney  
Sean Smith, La Plata County Sheriff's Office  
Glenn Tapia, Judicial, Division of Probation Services  
Bo Zeerip, 21<sup>st</sup> Judicial District Attorney's Office

**ABSENT**

Chris Bachmeyer, 1<sup>st</sup> Judicial District Judge  
Rick Kornfeld, Defense Attorney  
Greg Mauro, Denver Community Corrections  
Monica Rotner, Boulder County Community Justice Services  
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  
Rebecca Wallace, ACLU

<p><b>Issue/Topic</b>  <b>Welcome and Introductions</b>                  Stan Hilkey</p>	<p><b>Discussion</b></p> <p>Chair Stan Hilkey welcomed the group and initiated member introductions. Stan asked if anyone had corrections or additions to the minutes from the October 8 and October 22 meetings. A motion was made and seconded to approve both sets of minutes; the minutes were unanimously approved.</p>
<p><b>Issue/Topic</b>  <b>Budget Update</b>                  Stan Hilkey</p>	<p><b>Discussion</b></p> <p>Stan referred to an email sent last week regarding the Governor’s budget delivered to the Joint Budget Committee. Within the budget, there is a legislative earmark of \$5M for the pretrial recommendations and the 48-hour detention hearing model. The amount was established with the assistance of members of the Pretrial Release Task Force and stakeholders, and should be enough for each effort to begin the work that is described. Because the \$5M is a placeholder, the details of how the money is split between the two concepts will be determined through the legislative process. The advocacy for additional funds to be added next year has begun.</p>
<p><b>Issue/Topic</b>  <b>Working Group Update</b>  <b>Recommendations/HB19-1226</b>  <b>Review Working Group</b>  <b>Preliminary Recommendations</b>  <b>Presentation</b>                  Maureen Cain</p>	<p><b>Discussion</b></p> <p>Maureen Cain directed Task Force members to the meeting materials, which included the draft recommendations from the <i>Recommendations Review/HB19-1226 Working Group</i>. The recommendations have been re-numbered to start at FY20-PR#03, which follows the two recommendations from the <i>Data Collection Working Group</i> (FY20-PR#01 and PR#02).</p> <p>The group made several changes to the recommendations and discussion points are listed below each recommendation.</p> <p><b>FY20-PR#03. Require a pretrial risk assessment instrument that will assist the court in release decisions for felony, misdemeanor and traffic level offenses that do not qualify for a mandatory summons [Statutory]</b>                  The effective date of this recommendation was changed to January 1, 2021.</p> <p><b>FY20-PR#04. Criteria for the use of a pretrial risk instrument and data collection for validation and impact of an instrument [Statutory]</b>                  Some changes have been made including the effective dates regarding the use and re-evaluation of the risk assessment instrument.</p> <p><b>FY20-PR#05. Expand pretrial services statewide and provide state resources for certain assessment and supervision costs with the priority given to assessment costs [Statutory]</b>                  The group discussed funding for counties and how the cost and number of FTEs will vary across jurisdictions. It was specified that the fund will not be a cash</p>

<p style="text-align: center;"><b>Issue/Topic</b></p> <p style="text-align: center;"><b>Working Group Update</b></p> <p style="text-align: center;"><b>Recommendations/HB19-1226</b></p> <p style="text-align: center;"><b>Review Working Group</b></p> <p style="text-align: center;"><b>Preliminary Recommendations</b></p> <p style="text-align: center;"><b>Presentation</b></p> <p style="text-align: center;">Maureen Cain</p>	<p>fund but rather General Funds, referenced as the “Pretrial Services Fund” (the word Cash will be omitted throughout the recommendations). Language about funding priorities was added: <i>“Any cost associated with start-up of a new pretrial services program.”</i></p> <p><b>FY20-PR#06. Expand the use of summons to include mandatory summons and discretionary summons each with appropriate public safety overrides [Statutory]</b>                  Bo Zeerip suggested new language. The group discussed and agreed with the new language: <i>“Replace § 16-5-206 and 207. To expand the mandatory use of summonses for misdemeanors, traffic and petty offenses, and to give local jurisdictions discretion to use summonses for felony offenses.”</i></p> <p><b>FY20-PR#07. Eliminate Section 18-8-212 – Violation of bail bond conditions and establish the crime of violation of bail bond appearance conditions. Establish a contempt process for violation of non-appearance bail bond conditions. Clarify the crime of protection order violation. [Statutory]</b>                  Some changes have been made to this recommendation with regard to defendants who knowingly and intentionally fail to appear for court. Language has been added to describe an alternative process for revocation where the court may refer the person for treatment services.</p> <p><b>FY20-PR#08. Conditions of release – limitations on use of conditions [Statutory]</b>                  This recommendation is generally consistent with last year’s recommendation and focuses on the philosophical positions regarding the value of using monitored sobriety to force treatment of individuals on pretrial services. The group discussed exceptions at length and language was suggested to include an exception for imminent risk of serious bodily harm. The group will continue this discussion at the next Task Force meeting in December.</p> <p><b>FY20-PR#09. Establish an expedited pretrial release process [Statutory]</b>                  This recommendation is similar to last year recommendation with added language that DCJ will establish standards of practice and training.</p> <p><b>FY20-PR#10. Division of Criminal Justice of the Department of Public Safety – duties - pretrial services [Statutory]</b>                  This recommendation has been added to clarify the duties of the Division of Criminal Justice.</p> <p><b>FY20-PR#11. Revise the initial bond hearing process and the considerations of monetary conditions of bond [Statutory]</b>                  Bo Zeerip suggested new language. The group discussed and agreed with the new language.</p> <p><b>FY20-PR#12. Clarify public defender and district attorney involvement in bail hearings [Statutory]</b>                  This recommendation is similar to language in H.B. 19-1226. No changes have been made.</p>
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<p><b>Issue/Topic</b>  <b>Working Group Update</b></p> <p><b>Recommendations/HB19-1226</b>  <b>Review Working Group</b></p> <p><b>Preliminary Recommendations</b>  <b>Presentation</b>                  Maureen Cain</p> <p><b>ACTION</b>                  Glenn Tapia will contact Judicial IT specialists to obtain more information</p> <p><b>ACTION</b>                  Motion to approve the recommendations was successful (advice on drafting statutory language will be pursued)</p>	<p><b>FY20-PR#13. Mandate training for stakeholders [Statutory]</b>                  This recommendation is similar to language in H.B. 19-1226. Language defining stakeholders has been added.</p> <p><b>FY20-PR#14. Establish an expedited appeal process and a requirement for the appellate court to address constitutional issues raised in the appeal [Statutory]</b>                  This recommendation provides an expedited appeal process in Title 16. Some changes have been made to the language regarding motions for reconsideration for felony cases and subsequent reconsiderations.</p> <p><b>FY20-PR#15. Create a telejustice program fund in the state treasury</b>                  The group discussed the challenges related to information technology varying by jurisdiction. Glenn Tapia will reach out to Judicial IT specialists within the Judicial Branch and identify the different systems used in Colorado. It was suggested that funding be allocated to study the feasibility of a statewide system.</p> <p><b>FY20-PR#16. Increase the representation of the community on the pretrial community advisory boards</b>                  No changes have been made to this recommendation.</p> <p><b>FY20-PR#017. All recommendations FY20-PR#03 through PR#16 shall be submitted to CCJJ as a package and shall be, in essence, one recommendation</b>                  A successful motion was made and seconded to approve the draft recommendations. Statutory language will be drafted and added to the package at the next Task Force meeting in December.</p>
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<p><b>Issue/Topic</b>  <b>Next Steps &amp; Adjourn</b></p>	<p><b>Discussion</b></p> <p>An extended Task Force meeting on December 10 will be scheduled from 9am through 5pm. Mr. Hilkey will be unable to attend because he will testify at a meeting of Joint Budget Committee at the same time.</p> <p>At the December meeting, the group will discuss Recommendation PR#08 and review the statutory language. Maureen Cain will submit the statutory language to the Task Force members about a week prior to the December meeting. The preliminary recommendations will be presented at the Commission meeting on December 13.</p> <p>The Meeting adjourned at 4:00 pm.</p>
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**Next Meeting**

Tuesday, December 10, 2019

**9:00AM – 5:00PM (EXTENDED MEETING)**

2<sup>nd</sup> Floor Meeting Room, 710 Kipling St., Lakewood, CO 80215