

Pretrial Release Task Force

Minutes

December 10, 2019 / 9:00 AM - 5:00 PM
2nd Floor Meeting Room, 710 Kipling St., Lakewood CO 80215

ATTENDEES:

TASK FORCE MEMBERS

Stan Hilkey, TF Chair, Department of Public Safety
Chris Bachmeyer, Judge, 1st Judicial District
Maureen Cain, Office of the State Public Defender
Steve Chin, Mesa County Pretrial Services
Shawn Day, Judge, Aurora Municipal Court
Janet Drake, Attorney General's Office
Bill Kilpatrick, Golden Police Department
Greg Mauro, Denver Community Corrections
Lucienne Ohanian, Office of the State Public Defender
Tom Raynes, Colorado District Attorneys' Council (CDAC)
Sean Smith, La Plata County Sheriff's Office
Glenn Tapia, Division of Probation Services, Judicial Branch
Ann Tapp, Safehouse Alliance for Nonviolence
Adam Zarrin, Governor's Office
Bo Zeerip, District Attorney's Office, 21st Judicial District

ABSENT

Valarie Finks, Victim Services, 18th Judicial District
Rick Kornfeld, Private Defense Attorney
Clifford Riedel, District Attorney's Office, 8th Judicial District
Monica Rotner, Boulder County Community Justice Services

STAFF

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

GUESTS

Tim Lane, CDAC
Rebecca Wallace, ACLU
Aubree Cote, Denver Pretrial Services

| Issue/Topic | Discussion |
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| <p>Welcome and Introductions Stan Hilkey, Chair</p> | <p>Stan Hilkey welcomed the group and asked if anyone had corrections or additions to the minutes from the November meeting. A motion was offered and seconded to approve the previous minutes; the minutes were unanimously approved.</p> |

| Issue/Topic | Discussion |
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| <p>General Updates</p> <p>Data: Initial Bonds Set CY 2011 to 2018 Kim English</p> | <p><u>Data: Initial Bond Set CY 2011 to 2018</u></p> <p>Kim English directed the group to a handout entitled, “<i>Initial Bonds Set, CY 2011 to 2018</i>”. This is an update of a previous analysis presented to the Task Force in 2017 that displays cash/surety bonds and personal recognizance bonds before and after 2013. The document includes analysis of initial bond type for felony cases and misdemeanor/traffic cases by judicial district and by county.</p> <p>Maureen Cain commented that she compared data between those judicial districts that do have pretrial services and those that do not. She described how the data seems to indicate that the existence of pretrial services doesn’t seem to correlate with the increase of personal recognition (PR) bonds. Some jurisdictions with established pretrial services programs still set PR bonds at a very low frequency while jurisdictions that do not have pretrial services have substantially increased their use of PR bonds in recent years.</p> |
| <p>Update: Judicial Branch Bail Blue Ribbon Commission Stan Hilkey</p> | <p><u>Update: Judicial Branch, Bail Blue Ribbon Commission</u></p> <p>Stan Hilkey shared that on November 25, members of this Task Force and the Bail Blue Ribbon Commission (BBRC) met to discuss the differences between last year’s BBRC recommendations (that aligned with the FY 2019 Pretrial Release Task Force recommendations) and the revised FY 2020 Pretrial Release Task Force (PRTF) recommendation.* The purpose of the meeting was to provide an opportunity to discuss the recommendation revisions derived from modifications found in House Bill 2019-1226.</p> <p><i>[*For FY 2020, multiple pretrial recommendations have been combined as a single recommendation with multiple parts.]</i></p> <p>Stan relayed that the BBRC supports the new PRTF recommendation with a couple of exceptions, regarding data collection by and evaluation of each jurisdiction and regarding mandated training.</p> <p>Glenn Tapia added that, while supporting the concept of the recommendation, the BBR Commissioners will abstain from engaging in this legislative process.</p> |

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| <p>Issue/Topic General Updates (continued)</p> <p>Update: Judicial Engagement Working Group Lucy Ohanian</p> | <p><u>Update: Judicial Engagement Working Group</u></p> <p>Lucy Ohanian reported that she and Judge Day met with Justice Moore and Justice Boatright in early November. The group agreed that one of the most effective ways to increase judicial engagement is by collecting information around local bail practices, by sharing this information through the training of individual stakeholders involved in pretrial, and by inviting stakeholders to plenary conferences around pretrial.</p> <p>Lucy will provide a copy of the bonds analysis described above to the judges at the Education Committee, as well as a report on recidivism and public safety.</p> <p>Glenn Tapia mentioned one of the Bail Blue Ribbon Commission (BBRC) recommendations regarding training and added that the State Court Administrator’s Office is committed to developing training curriculum for judicial officers. While agreeing that there is a necessity to train judicial officers, the concern expressed by the BBRC was specific to the precedent of mandating training of judicial officers in statute.</p> <p>The group discussed the elements of prior <i>policy</i> Recommendation FY19-PR#08, which focused specifically on training for pretrial stakeholders. Considering that nothing has occurred to date on this <i>policy</i> recommendation and there is continuing concern about the failure of stakeholders to enact pretrial elements currently in statute, the Task Force agreed to develop <i>statutory</i> language to include a mandate for training of stakeholders.</p> |
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| <p>Issue/Topic FY20-PR#03 Statutory Language Review and Vote</p> <p>Recommendations/HB19-1226 Review Working Group Maureen Cain</p> | <p style="text-align: center;">Discussion</p> <p>Maureen Cain directed the group to a handout provided in the meeting materials that included the Proposed Statutory Language that will accompany Recommendation FY20-PR #03. The document, which was forwarded to Task Force members for initial review before the meeting, included several suggested changes and annotations from Maureen, Bo and Rebecca. Maureen offered to review all statutory language, that the group make any necessary revisions and vote on the statutory language as a package. Maureen added that the statutory language for the mandated stakeholder training will be developed at a later date and proposed that the Task Force vote on the conceptual elements for inclusion in the package. The group agreed.</p> <p>The group made revisions to the draft statutory language. Below are the elements included in the proposed statutory language in Colorado Revised Statutes order:</p> <ul style="list-style-type: none"> • 16-4-102. Right to bail – before conviction • 16-4-103. Pretrial assessment process – Development of criteria by each judicial district – Risk assessment and release program |
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| <p style="text-align: center;">Issue/Topic FY20-PR#03 Statutory Language Review and Vote</p> <p style="text-align: center;">Recommendations/HB19-1226 Review Working Group (continued)</p> | <ul style="list-style-type: none"> • 16-4-103.5. Duties of the Department of Public Safety - Development of best practice standards for pretrial release – Inventory and approval of pretrial assessment instruments - Measurement of risk factors and bias evaluation and monitoring • 16-4-104. Initial Hearing – Factors for setting type of bond – Presumption of release – Least restrictive conditions - Presumption of release without monetary conditions – Right to competent counsel • 16-4-104.5. Types of Bond • 16-4-105. Conditions of release • 16-4-106. Pretrial services programs – Mandate for risk assessment and annual report • 16-4-106.5. Pretrial services fund created • 16-4-107. Time frames for commencement of action • 16-4-109. Reconsideration and modification of conditions of release – Hearing – Violation of conditions • 16-5-206. Summons in lieu of warrant or arrest – Mandatory summons – Exceptions - Presumptions • 16-4-207. Contents of a summons – Court reminders • 16-4-204. Appellate review of terms and conditions of bail or appeal bond • 18-8-212.5. Violation of bail bond conditions • 18-6-803.5. Crime of violation of a protection order - Penalty - Peace officers' duties – Definitions • 18-1-1001. Protection order against defendant <p>The group discussed elements of the recommendation regarding mandated stakeholder training and the data elements that should be reported to the Division of Criminal Justice (DCJ) <i>[Refer to FY20-PR #01 and #02, regarding new pretrial reporting requirements to DCJ as the pretrial data repository.]</i></p> <p>These data reports should include:</p> <ul style="list-style-type: none"> - The training curriculum and how the training was delivered; - The number of hours dedicated to the training by state department, state agency or district attorney’s office, and the number of hours of training provided/supported within each jurisdiction; - Number of persons who engaged in the training in each jurisdiction; - The percentage of total judges, judicial officers, district attorneys and defenders that participated in the training; and |
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| <p>Issue/Topic FY20-PR#03 Statutory Language Review and Vote</p> <p>Recommendations/HB19-1226 Review Working Group (continued)</p> <p>ACTION Recommendation FY20-PR#03 was moved and seconded and the motion to approve passed.</p> | <ul style="list-style-type: none"> - A description of how the jurisdiction has coordinated/jointly trained with other stakeholders and entities to ensure that pretrial practices are delivered effectively and efficiently. <p>Due to the limited time before the preliminary presentation to CCJJ, the final draft of the statutory language to accompany the recommendation will be drafted and forwarded to the Task Force after the Commission meeting on Friday, December 13, 2019.</p> <p>A motion was offered and seconded to approve all statutory language attached to FY20-PR#03 Implement Bail Bond Reform.</p> <p>The motion was unanimously approved with two abstentions.</p> |
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| <p>Issue/Topic Next Steps & Adjourn</p> <p>ACTION Pretrial Release TF meeting on January 7, 2020 is canceled</p> | <p style="text-align: center;">Discussion</p> <p>The Task Force meeting on January 7 will be canceled.</p> <p>Maureen Cain will present preliminary recommendation and statutory language at the Commission meeting on Friday, December 13, 2019.</p> <p>Meeting adjourned at 4:00 pm.</p> |
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Next Meeting

TENTATIVE: February 11, 2020 / 1:30-4:00PM
 2nd Floor Meeting Room
 710 Kipling St., Lakewood, CO 80215