

**Sentencing Reform Task Force  
Minutes**

September 09, 2020 1:30PM-4:30PM  
Virtual Meeting

**ATTENDEES**

**TASK FORCE MEMBERS**

Michael Dougherty, Co-chair/District Attorney  
Rick Kornfeld, Co-chair/Defense Attorney  
Taj Ashaheed, Lived Experience  
Chris Bachmeyer, District Court Judge  
Maureen Cain, Office of the State Public Defender  
Terri Carver, State Representative  
Jeff Chostner, District Attorney  
Christie Donner, Offender Advocate  
Valerie Finks, Victim Representative  
Bob Gardner, State Senate  
Julie Gonzales, State Senate  
Serena Gonzales-Gutierrez, State Representative  
Kristen Hilkey, Parole Board  
Kazi Houston, Victim Representative  
Henry Jackson, Sentencing Disparity Academic  
Jessica Jones, Defense Attorney  
Matt Lewis, Law Enforcement  
Andrew Matson, Lived Experience  
Heather McClure, Lived Experience  
Tom Raynes, District Attorney  
Dan Rubinstein, District Attorney  
Lisa Wayne, Defense Attorney  
Dean Williams, Department of Corrections

**STAFF**

Richard Stroker, CCJJ Consultant  
Kim English, Division of Criminal Justice  
Damien Angel, Division of Criminal Justice  
Laurence Lucero, Division of Criminal Justice  
Kevin Ford, Division of Criminal Justice

**ABSENT**

|  |   |
|--|---|
| <p><b>Issue/Topic</b><br/>Welcome and Agenda<br/><i>Rick Kornfeld and Michael Dougherty</i></p>  | <p><b>Discussion</b><br/>Co-chairs Michael Dougherty and Rick Kornfeld welcomed and thanked everyone for participating in the Sentencing Reform Task Force.</p>   |
| <p><b>Issue/Topic</b><br/>CCJJ Task Force 101<br/><i>Kim English</i></p>   | <p><b>Discussion</b><br/>Kim English (Research Director, Office of Research and Statistics in the Division of Criminal Justice and CCJJ Staff) presented a PowerPoint outlining the Commission and Task Force processes including membership, roles, and responsibilities.<br/><br/>The presentation can be found on the Commission website in the “Materials” section at, <a href="http://ccjj.colorado.gov/ccjj-SRTF">ccjj.colorado.gov/ccjj-SRTF</a>.</p>  |
| <p><b>Issue/Topic</b><br/>Criminal Sentencing in Colorado:<br/>A Look Back over the Last 40+ Years<br/><i>Maureen Cain and Michael Dougherty</i></p>         | <p><b>Discussion</b><br/>Maureen Cain and Michael Dougherty presented a PowerPoint outlining the history of criminal sentencing and reforms in Colorado.<br/><br/>The presentation can be found on the Commission website in the “Materials” section at, <a href="http://ccjj.colorado.gov/ccjj-SRTF">ccjj.colorado.gov/ccjj-SRTF</a>.</p>  |
| <p><b>Issue/Topic</b><br/>Colorado Prison Population Drivers:<br/>Growth, Forecasts &amp; Factors<br/><i>Linda Harrison</i></p>                              | <p><b>Discussion</b><br/>Linda Harrison presented a PowerPoint outlining the major drivers of Colorado’s prison population and forecasts through year 2026. Linda pointed out how policy and practice drive the size of the population more than crime rates; the number of individuals admitted to prison and that how long they stay drives the size of the population; and how efforts to reform the “back end” of the system (such as parole modifications) have a short-term impact whereas focusing on length of stay and who gets admitted have longer-term impacts.<br/><br/>The presentation can be found on the Commission website in the “Materials” section at, <a href="http://ccjj.colorado.gov/ccjj-SRTF">ccjj.colorado.gov/ccjj-SRTF</a>.</p> |
| <p><b>Issue/Topic</b><br/>Legislative Efforts Outside<br/>the CCJJ &amp; SRTF<br/><i>Dan Rubenstein, Michael Dougherty, Adam Zarrin, Julie Gonzales.</i></p> | <p><b>Discussion</b><br/>Members discussed whether the Task Force and Commission will be the primary driver of upcoming sentencing legislation in the State. While committing to do their best to generate good sentencing recommendations, they concluded that this will not preclude legislators from potentially producing legislation independent of Commission efforts.</p>  |

| Issue/Topic  | Discussion   |
|--|--|
| <p>Structure of Work and Topics of Interest<br/><i>Richard Stroker, All Members</i></p>  | <p>Richard Stroker, CCJJ Consultant, explained that the Task Force could use Working Groups to organize, study and complete its work. Richard stated that if the Task Force decides to pursue working groups, these would be limited in number as the DCJ only has the capacity to staff four working groups at this time.</p> <p>The group discussed topics that would meet Task Force goals for potential assignment to working groups. The following topics were discussed:</p> <ul style="list-style-type: none"> <li>- Sentence progression</li> <li>- Statutory clean-up of sentencing structure and modifications (i.e. misdemeanor / felony sentencing grids, offense consolidation, etc.)</li> <li>- Community level drivers of recidivism (probation/parole/community corrections)</li> <li>- Restorative justice</li> <li>- The role of plea bargaining in the sentencing process</li> <li>- Collateral consequences that follow individuals after the sentence is complete</li> <li>- Addressing programming and services for those who enter DOC after their parole eligibility date (PED) has passed.</li> </ul> <p>Members shared their concerns around the formation of working groups and discussed the following:</p> <ul style="list-style-type: none"> <li>- Membership diversity</li> <li>- Timing of deliverables (e.g. what should be considered short term vs. long-term goals)</li> <li>- The value of developing Task Force guiding principles that could help direct the working groups</li> <li>- The importance of data informed decision making</li> </ul> |
| <p><b>ACTION ITEM</b><br/>Presentation of preliminary work on potential sentence structure reforms<br/><i>Tom Raynes, Maureen Cain, Christie Donner, Michael Dougherty</i></p> | <p>Some members of the Task Force had started working on structural sentencing reform many months prior to the formation of the Task Force. Task Force members agreed that it would be prudent to review and discuss that work during the October meeting. The smaller group agreed to present to the rest of the group the variety of issues they have been considering and learning about so that the Task Force can provide feedback and determine the direction to proceed.</p>  |
| <p><b>ACTION ITEM</b><br/>Presentation on sentence progression (...the design of and options to serve a prison sentence)<br/><i>Dean Williams</i></p>                          | <p>Richard asked Dean Williams (CDOC Executive Director) whether he might present his ideas regarding sentence progression at the October meeting of the Task Force. Dean agreed to provide additional information, including examples from other states.</p>  |

| Issue/Topic   | Discussion  |
|---|---|
| <p>Summary of Work and Adjournment<br/> <i>Rick Kornfeld, Michael Dougherty &amp; Richard Stroker</i></p> | <p>Richard recapped the potential working group topics discussed and reiterated the group’s desire to discuss the purpose of sentencing and guiding principals at the next meeting. Staff agreed to disseminate the purposes of sentencing as stated in Colorado statutes.</p> <p>Michael and Rick thanked the group for their participation and adjourned the meeting.</p> |

| <u>Next Meeting</u>         |             |  |
|-----------------------------|-------------|--|
| Wednesday, October 7        | 1:30-4:00pm | <i>Virtual - details forthcoming</i>                                       |
| <b>TUESDAY!</b> November 10 | 1:30-4:00pm | <i>Virtual - details forthcoming (Moved from Wed. due to Veterans Day)</i> |
| Wednesday, December 9       | 1:30-4:00pm | <i>Virtual - details forthcoming</i>                                       |