

*Colorado Commission on Criminal and Juvenile Justice*  
***Sentencing Reform Task Force***

**Sentence Structure Working Group**  
**MINUTES**

November 02, 2020 3:00PM-4:30PM  
Virtual Meeting

**ATTENDEES**

**WORKING GROUP MEMBERS**

Michael Dougherty, District Attorney, 20<sup>th</sup> Judicial District, WG *Leader*  
Maureen Cain, Office of the State Public Defender  
Christie Donner, Colorado Criminal Justice Reform Coalition  
Valerie Finks, Crime Victim Compensation, 1<sup>st</sup> Judicial District  
Rick Kornfeld, Defense Attorney  
Tom Raynes, Colorado District Attorneys' Council  
Dan Rubinstein, District Attorney, 21<sup>st</sup> Judicial District

**STAFF**

Richard Stroker, CCJJ Consultant  
Kim English, Division of Criminal Justice  
Laurence Lucero, Division of Criminal Justice  
Stephane Waisanen, Division of Criminal Justice  
Kevin Ford, Division of Criminal Justice

**ABSENT**

Jessica Jones, Defense Attorney  
Lisa Wayne, Defense Attorney

<p><b>Issue/Topic</b> Welcome <i>Michael Dougherty</i></p>	<p><b>Discussion</b> Michael began the meeting by leading introductions and thanking everyone for their willingness to serve on the working group.</p>
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<p><b>Issue/Topic</b> Scope of work &amp; timeline <i>Michael Dougherty</i></p>	<p><b>Discussion</b> Michael reviewed the scope of work for the group. He stated that the group will pursue the goal of achieving greater consistency, fairness, and certainty in sentencing by focusing on the following:</p> <ul style="list-style-type: none"> <li>• Misdemeanor and traffic sentencing grids.</li> <li>• Felony sentencing grid.</li> <li>• Sentencing ranges (misdemeanor and felony).</li> <li>• Habitual Criminal and Extraordinary Risk sentencing enhancements.</li> </ul> <p>Michael stated that the short-term goal was to produce a recommendation before the next legislative session and that working on the misdemeanor grid and traffic offenses would be the simplest way to achieve that goal.</p> <p>Michael also asked if the group was comfortable with the formation of a Study Group composed of himself, Christie Donner, Tom Raynes, and Maureen Cain that would meet frequently to produce work for the larger Structure Working Group to review. With no objections, they agreed to form the Study Group that would report out during the semi-monthly meeting of the Working Group.</p>
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<p><b>Issue/Topic</b> Structure of Misdemeanor Grid <i>Michael Dougherty, All</i></p>	<p><b>Discussion</b> Michael believed that it would be beneficial if the group could reach agreement on the overall structure of the misdemeanor grid and the number of levels it would contain. He suggested that the grid contain three levels: M1, M2, and Petty Offenses. The group expressed support for this structure.</p> <p>Michael informed the group that Maureen had begun collecting data on misdemeanors (number of times charged, average length of sentence) and that information would be integrated into the Study Group’s reports to the Working Group to inform discussion.</p>
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<p><b>Issue/Topic</b> Contacting Stakeholder Groups <i>All</i></p>	<p><b>Discussion</b> The group agreed that it was prudent to begin reaching out to stakeholder groups for input on changes made to the misdemeanor grid.</p>
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<p><b>Issue/Topic</b> Time Credits <i>Maureen Cain</i></p>	<p><b>Discussion</b> Maureen reported that she had requested time credit policies from all the jails in Colorado. The Study Group intends to analyze these policies and make recommendations accordingly. Additionally, Maureen stated that she and Christie are interested in ensuring that OBH’s Jail Based Behavioral Services are integrated into the misdemeanor grid where appropriate and that the Working Group may see recommendations pertaining to that as well.</p>
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<b>Issue/Topic</b>	<b>Discussion</b>
<p>Next Steps and Adjournment <i>Michael Dougherty</i></p> <p><b>ACTION</b> Set up meeting with Michael, Jess, and Lisa. <i>DCJ Staff</i></p>	<p>Michael requested that DCJ staff help set up a meeting with him and those Working Group members who were unable to attend the meeting today. Kim English agreed to facilitate.</p> <p>Michael proposed that the group meet every other Monday from 3:00-4:30pm and all members agreed that the time would be convenient.</p> <p>Michael summarized the day’s meeting and recapped the deliverables that members should expect before the next meeting. Michael asked if there were any final comments, and hearing none, he concluded the meeting.</p>

<b><u>Next Meeting</u></b>		
Monday, November 30	3:30-5:00pm	<b><i>Virtual - details forthcoming</i></b>
Monday, December 14	3:30-5:00pm	<b><i>Virtual - details forthcoming</i></b>