

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES

November 9, 2020 3:00PM-4:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Dean Williams, DOC, WG Leader
Bob Gardner, State Senate
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Amber Pedersen, DOC

STAFF

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

ABSENT

Valarie Finks, Crime Victim Compensation, 1st JD DA's Office
Greg Mauro, Denver Division of Community Corrections

GUEST

Nicole Gellar, Attorney General's Office

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Dean Williams</i></p>	<p>Working Group Leader Dean Williams thanked members for participating in the meeting and proceeded with introductions.</p> <p>Dean reviewed the goals for the meeting:</p> <ul style="list-style-type: none"> • Intensive Supervision Program – Inmate (ISP-I) history and statutes • Group discussion • Update on membership

Issue/Topic	Discussion
<p>OVERVIEW: ISP-I history and statutes</p>	<p>Dean summarized that the Working Group agreed last week with the principle of expanding opportunities and alternatives for people who are in the last phase of their sentence.</p> <p>Dean invited Amber Pedersen, DOC policy advisor, to present on the Intensive Supervision Program – Inmate (ISP-I).</p> <p>Amber explained that she will discuss the legislative history of ISP-I, describe the ISP-I current statute, and explore other potential progression topics.</p> <p><u>ISP-I legislative history</u> The original ISP-I statute passed in 1986, which was repealed and re-enacted in 1989. The 1989 re-enacted version included the role local community corrections boards in the ISP-I placement. The statute has been amended six times since 1989 as follows:</p> <ul style="list-style-type: none"> - 1991: Gave courts the authority to directly sentence offenders to ISP-I. - 1993: Expanded eligibility from within 30 days from parole eligibility to 180 days. - 1995: Added the requirement that placement in ISP-I not increase the vacancy rate in community correction beds. - 1996: Added provisions for local governments to run their own ISP-I programs and accept referrals from DOC or from community corrections boards. - 1998: Added the completion of an inmate discipline program as criteria for eligibility in ISP-I and removed the maximum sentence length. - 2002: Updated the statutory references. <p><u>Key Provisions</u> The key provisions in the statutes are as follows:</p> <ul style="list-style-type: none"> • C.R.S. 17-27.5-101. Gives authority to establish intensive supervision programs.

<p>Issue/Topic OVERVIEW: ISP-I history and statutes</p> <p style="text-align: center;">ACTION</p> <p>The group will next explore home detention, electronic monitoring, and other re-entry statutes</p>	<p>--Gives authority to the Department of Corrections to establish and directly operate an intensive supervision program for individuals who are at 180 days to their parole eligibility date.</p> <p>--Limits the eligibility to those who have been referred to and approved for placement in a community corrections program. The placement should not increase the overall vacancy rate for the community corrections program.</p> <ul style="list-style-type: none"> • C.R.S. 17-27.5-102. Creates minimum standards and criteria for the operation of intensive supervision programs. <p>--Provides community corrections boards discretion for all ISP-I placements.</p> <p><u>Home Detention</u> C.R.S 17-27. 8-105 – Home detention program – operated by the Department of Corrections for parolees.</p> <p>Individuals can be placed directly from detention or directly from parole. Amber suggested that the Working Group discuss how to increase placements of individuals in ISP-I and also the possible expansion of home detention programs.</p> <p>DISCUSSION <i>Are all types of offenses eligible to access ISP-I?</i> Yes. However, local community corrections boards have internal standards/policies that limit eligibility based on crime type.</p> <p>At the next meeting, Dean will bring suggested language changes to the ISP-I statute for the group review.</p> <p>The group agreed to explore the following:</p> <ul style="list-style-type: none"> - Home detention and/or electronic monitoring – Flexibility within 90 days to early release home confinement. - Electronic monitoring. - Other re-entry statutes. <p>Dean will ask the Attorney General’s Office to present on these options at the next meeting.</p>
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Issue/Topic	Discussion
<p>Membership, Next Steps, & Adjourn</p>	<p>The group would like to add a county commissioner and a representative from a district attorney’s office. Kim English will reach out to these new potential members and update the group at the next meeting.</p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> - Update on membership - Discussion about statutory changes to ISP-I, home detention, electronic monitoring, and other reentry statutes. - <p>Nicole Gellar from the Attorney General’s Office will present on home detention, electronic monitoring and other reentry statutes, and other possible options for sentence progression.</p> <p>The next Sentence Progression Working Group meeting is Tuesday, November 17 at 3pm.</p> <p>The meeting adjourned at 4:00pm</p>