

**Sentencing Reform Task Force
MINUTES**

November 10, 2020 / 1:30PM-4:00PM
Virtual Meeting

ATTENDEES

TASK FORCE MEMBERS

Michael Dougherty, Co-chair/District Attorney, 20th Judicial District
Rick Kornfeld, Co-chair/Defense Attorney
Taj Ashaheed, Second Chance Center
Maureen Cain, Office of the State Public Defender
Terri Carver, State Representative
Christie Donner, Colorado Criminal Justice Reform Coalition
Valerie Finks, Victim Compensation Program, 1st Judicial District DA Office
Bob Gardner, State Senator
Julie Gonzales, State Senator
Serena Gonzales-Gutierrez, State Representative
Kristen Hilkey, Adult Parole Board
Kazi Houston, Rocky Mountain Victim Law Center
Jessica Jones, Defense Attorney
Matt Lewis, Mesa County Sheriff
Andrew Matson, Colorado CURE
Heather McClure, Adams County Division of Community Safety & Well-Being
Tom Raynes, Colorado District Attorneys' Council
Dan Rubinstein, District Attorney, 21st Judicial District
Glenn Tapia, Division of Probation Services, Judicial Branch
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

Henry Jackson, Metro State College
Jeff Chostner, District Attorney, 10th Judicial District

Issue/Topic	Discussion
<p>Welcome, Approval of Minutes, & Agenda <i>Rick Kornfeld, Co-chair</i></p>	<p>Rick Kornfeld welcomed and thanked everyone for participating in the Sentencing Reform Task Force. Rick reviewed the agenda and asked for any additions or corrections to the October minutes. A motion was offered and seconded to approve the minutes. Task Force members unanimously approved the minutes.</p>

Issue/Topic	Discussion
<p>Guiding Principles <i>Rick Kornfeld, Richard Stroker, All</i></p>	<p>Rick recapped the purpose of the guiding principles of the Task Force and Richard led the group through a discussion of desired additions and revisions. (Draft available under “Materials” at, ccjj.colorado.gov/ccjj-srtf.)</p> <p>The following potential changes to the guiding principles were discussed:</p> <p>1) <u>Sentencing policy should encompass fairness, transparency, proportionality and consistency;</u></p> <ul style="list-style-type: none"> • <i>Incorporate public safety language (see #3)</i> <p>2) <u>Sentencing should be consistent with the articulated purposes of sentencing as reflected in the criminal code, and related policies should be logical, understandable and transparent to stakeholders and the public;</u></p> <ul style="list-style-type: none"> • <i>No changes from the group at this time.</i> <p>3) <u>Sentencing policies must be resource sensitive as they affect cost and public safety;</u></p> <ul style="list-style-type: none"> • <i>Create new guiding principle addressing public safety on its own, separate from resources issues.</i> • <i>Change language from “must” to “should.”</i> • <i>Discuss potentially removing this guiding principle (members expressed concern with financial aspect).</i> <p>4) <u>A continuum of sentencing options should be available, with imprisonment reserved for the most serious and dangerous offenders;</u></p> <ul style="list-style-type: none"> • <i>Include language that advances the notion of sentence progression.</i> • <i>Reconsider “imprisonment reserved for the most serious and dangerous offenders” and potentially expand on what is included in the term “dangerous offenders.”</i> • <i>Change “and” to “or.”</i> <p>5) <u>Sentencing policy should be based in part upon available justice and sentencing data;</u></p> <ul style="list-style-type: none"> • <i>Make this guiding principle address the issue of systemic racism and bias more explicitly.</i> • <i>Include language that speaks to using “evidence based practices.”</i> <p>6) <u>Sentencing policy should reflect current needs and circumstances.</u></p> <ul style="list-style-type: none"> • <i>No changes from the group at this time.</i> <p>After hearing and reading the comments from the group, Michael stated that he and Rick would meet to discuss ways in which they could more thoroughly incorporate language from Colorado’s current statute into the guiding principles. Doing so may better address concerns around disparities in sentencing and restoration of victims.</p>

Issue/Topic	Discussion
<p>Parole Working Group Report <i>Kristen Hilkey</i></p>	<p>Kristen provided the Task Force with an update on the activity of the Parole Working Group, as follows:</p> <ul style="list-style-type: none"> • Established a scope of work. <ul style="list-style-type: none"> ○ Explore and update to the current standard parole conditions. ○ Investigate whether there should be a prescribed parole length. • Identified additional representation that would expands the perspectives represented on the Working Group.

Issue/Topic	Discussion
<p>Probation Working Group Report <i>Glenn Tapia</i></p>	<p>Glenn requested feedback on the scope of work that the Probation Working Group established during their October meeting:</p> <ol style="list-style-type: none"> 1. Examine probation practices regarding the use of conditions, length of supervision, responses to violations, and revocations 2. Examine cultural disparities in probation outcomes/practices 3. Examine impact on prison population 4. Redefine statutory purpose of probation 5. Evaluate probation level of supervision in the interest of proper dosage and approaches (e.g. avoiding over-supervision) 6. Consider alternatives that can be utilized at the time of sentencing <p>The following additions were requested by Task Force members:</p> <ul style="list-style-type: none"> • An objective to reduce or eliminate bias within probation, and disparate outcomes of probation. • An objective to reduce disparate outcomes between genders. • Investigate the role of Traumatic Brain Injury among probationers. <p>Glenn provided the Task Force with an update on the activity of the Probation Working Group, as follows:</p> <ul style="list-style-type: none"> • Established a scope of work. • Identified additional representation for the Working Group.

Issue/Topic	Discussion
<p>Structure Working Group Report <i>Michael Dougherty</i></p>	<p>Michael provided the Task Force with an update on the activity of the Structure Working Group. The Study Group met many times and will report to the full Working Group every other week.</p> <p>The Working Group accomplished the following since the last SRTF meeting:</p> <ul style="list-style-type: none"> • Established a scope of work. <ul style="list-style-type: none"> ○ Achieve greater consistency, fairness, and certainty in sentencing by focusing on the following: <ul style="list-style-type: none"> ▪ Misdemeanor and traffic sentencing grids. ▪ Felony sentencing grid. ▪ Sentencing ranges (misdemeanor and felony).

	<ul style="list-style-type: none"> ▪ Habitual Criminal and Extraordinary Risk sentencing enhancements. ○ The Study Group is reviewing every crime for redundancy, frequency of use, seriousness and whether its current classification as misdemeanor/felony/petty offense makes sense. • Established timeline of work to prepare a recommendation for the 2021 legislative session.
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Issue/Topic	Discussion
Sentence Progression Working Group Report <i>Dean Williams</i>	Dean provided the Task Force with an update on the activity of the Sentence Progression Working Group, as follows: <ul style="list-style-type: none"> • Identified additional representation for the Working Group. • Reached consensus on the philosophy of sentence progression. • Identified scope of work. <ul style="list-style-type: none"> ○ Explore ISP-I statutory reform. ○ Explore home confinement / electronic monitoring statutes. ○ Revise re-entry statutes.

Issue/Topic	Conclusion
Next Steps and Adjourn <i>Rick Kornfeld</i>	Rick thanked everyone for their contributions to the day’s discussion and asked if anyone had addition questions or further comment. Hearing none, Rick adjourned the meeting.

Next Meeting

Wednesday, December 9 1:30-4:00pm ***Virtual - details forthcoming***

Wednesday, January 6 1:30-4:00pm ***Virtual - details forthcoming***