

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES

December 1, 2020, 3:00PM-4:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Dean Williams, DOC, WG Leader
Joseph Archambault, Office of the State Public Defender
Valarie Finks, Crime Victim Compensation, 1st JD DA's Office
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Amber Pedersen, DOC
Catrina Weigel, 20th JD District Attorney's Office

STAFF

Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Richard Stroker, CCJJ Consultant

ABSENT

Bob Gardner, State Senate

GUESTS

Aaron Greco, DOC
Kavya Kannan, Governor'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 as follows:</p> <ul style="list-style-type: none"> • Continuing discussion <ul style="list-style-type: none"> - Penalty for violations of ISP-I/Home Detention - Target population/eligibility criteria

Issue/Topic	Discussion
<p>Information on DOC penalties for violations in ISP-I and eligibility for ISP-I target population <i>Amber Pedersen, DOC & Members</i></p>	<p>Amber Pedersen presented on the targeted population and the sanctions used by the Department of Corrections for non-compliance. Highlights of the presentation can be found below:</p> <ul style="list-style-type: none"> • There are 423 incarcerated people who have an MRD (mandatory parole release date) of less than 180 days and 3034 who have a PED of less than 180 days. These individuals' cases are not subject to VRA notification, and are not in Community Corrections or the ISP-I program. • Graduated sanctions/regression practices/consequences used by the Department are described in the Administrative Regulations (AR). <ul style="list-style-type: none"> - <i>AR 250-46</i>: Intermediate sanctions in lieu of revocation/regression include a range of options, including the following: verbal review of the rules; verbal reprimands; modifications of parole; <i>Sure and Swift</i> advisements include sanctions such as increase in treatment, substance abuse testing, curfew restrictions, or short-term jail sanctions. - <i>AR 250-41</i>: Parole violation through the Colorado violation decision-making process. Community parole officers (CPO) can exhaust all appropriate or available interventions, sanctions, treatment, and support services before seeking revocation when the underlying behavior is not a criminal offense. Response options can include coaching offenders on alternative behavior, assigning parolees homework, daily reporting with CPO, referrals to behavioral health treatment, educational programs, community corrections as a condition of parole. Sanctions include withholding earned time, ISP placement, community corrections as a condition of parole. - <i>AR 150-01</i>: Code of Penal Discipline (COPD) Hearing and Sanctions. Violations of the code of penal discipline may be punishable as disciplinary violations and could be considered for criminal prosecution. Violations range from Class I-II and sanctions can include loss of good time, loss of privileges, housing restriction sanction or restrictive housing. For the Community Corrections Programs and ISP-I offenders, intermediate interventions in lieu of regression can be used to more appropriately address the offender's criminogenic needs and allows the offender to remain in the community.

<p style="text-align: center;">Issue/Topic</p> <p>Information on DOC penalties for violations in ISP-I and eligibility for ISP-I target population <i>Amber Pedersen, DOC & Members</i></p>	<p>Amber suggested the following points to discuss further.</p> <ul style="list-style-type: none"> - A variety of supervision needs: Frequency of face-to-face contact, monitored curfew, electronic monitoring depending on risk of individual. - Ways to improve case/supervision capacity: Ongoing pilot with BI monitoring—a digital supervision app/hub that includes a “Facetime”- like check in and other resources like uploading a paystub, landlord letter, all remotely. (Caveat: requires offender to own a smart phone.) Potential to expand for some populations. <p>DISCUSSION</p> <ul style="list-style-type: none"> • A clarification was requested regarding the designation...<i>“not subject to VRA notification.”</i> The sample was to exclude individuals whose case required victim notification. However, this does not mean that individuals did not commit a VRA-related crime. Can the sample be separated to identify how many did and did not commit a VRA-related crime (if, in fact, the sample already excluded all those who committed a VRA-related crime, but were subject to VRA notification)? Amber will follow-up with the group on the selection criteria for this sample of individuals. • Dean suggested utilizing similar framework for ISP-I or Home Detention options. • The suggestion was made to look further into the reasons why people are so close to their MRD and not in community corrections programs, ISP-I or parole. Dean and Andrew responded that there may be various reasons such as the type of crimes committed (sex offenses, violent crimes), the short length of sentence, challenges for some to engage in the processes to apply for these programs, locations of community corrections or ISP-I programs, and even concern about costs. • The group agreed that more release options should be available as a way for individuals to practice the skills of being a responsible citizen before final release. • Why have these individuals not already been referred to ISP-I? Is this because Community Corrections boards denied access or is this an issue with case managers not making referrals? Dean believed that a large reason is the perception among inmates that ISP-I is not easily available. When an inmate is turned down from ISP-I, there is a negative perception that the “door is not really open.” These negative perceptions affect participation rates. • How many of those individuals had significant disciplinary actions, housing issues? Were they eligible for ISP-I but not accepted? • Amber will research the reasons why people who are close to their MRD are not already on/in parole, community corrections or ISP. • The Office of Community Corrections is collecting information about the referral source. Kim will find data and bring back to the group at next meeting.
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Issue/Topic	Discussion
Public Comment	Linda Summers commended these efforts and encouraged discussion around making reentry as successful as possible.

Issue/Topic	Discussion
Next Steps & Adjourn <i>Dean Williams</i>	<p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> • Continue discussion • Inmate/Comcor study • Clarify recommendation coming from Working Group: <ul style="list-style-type: none"> - Problem to be addressed - Target population - Statutory requirement - Next steps/Recommendation draft <p>The next Sentence Progression Working Group meeting is Tuesday, December 8, at 3pm.</p> <p>The meeting adjourned at 4:00pm</p>