

***Sentencing Reform Task Force***

**Sentencing Alternatives/Decisions & Probation Working Group**

**MINUTES**

December 04, 2020 / 9:00-11:00 AM

Virtual Meeting

**ATTENDEES**

**WORKING GROUP MEMBERS**

Glenn Tapia, Director, Probation Services/ Judicial Branch, *WG Leader*

Terri Carver, State Representative/ House District 20

Chris Gallo, Deputy District Attorney/ 18<sup>th</sup> JD

Kristin Heath, Assistant Director, Jefferson County Justice Services

Kathryn Herold, Public Defender Office/ Boulder County

Kazi Houston, Rocky Mountain Victim Law Center

Matthew James, Denver District Attorney's Office

Heather McClure, Adams County Division of Community Safety and Well-Being

Jenifer Morgen, Chief Probation Officer/ 17<sup>th</sup> Judicial District

Greg Otte, Deputy Chief Parole Officer/ 8<sup>th</sup> Judicial District

Elaina Shively, District Attorney's Office/ 20<sup>th</sup> Judicial District

Abigail Tucker, Psychologist/ Mental health services provider and consultant

**GUESTS**

Jack Reed, Office of Research and Statistics, Division of Criminal Justice

Terry Scanlon, Legislative Liaison for Courts and Probation

**STAFF**

Richard Stroker, CCJJ Consultant

Kim English, Division of Criminal Justice

Stephane Waisanen, Division of Criminal Justice

Laurence Lucero, Division of Criminal Justice

Kevin Ford, Division of Criminal Justice

<b>Issue/Topic</b>	<b>Discussion</b>
<p>Welcome &amp; Introductions <i>Glenn Tapia, Richard Stroker</i></p>	<p>Glenn Tapia, welcomed everyone and prompted introductions from the other group members. Glenn then provided a brief overview of meeting agenda:</p> <ul style="list-style-type: none"> <li>• Review scope of work</li> <li>• Jack Reed to present on Alternative Sentencing Options</li> <li>• Glenn to present on trends in Probation</li> <li>• Public comment</li> </ul>

<b>Issue/Topic</b>	<b>Discussion</b>
<p>Review: Scope of Work <i>Glenn Tapia, All</i></p>	<p>Glenn presented the group with the following scope of work that integrated feedback from the Sentencing Reform Task Force and the CCJJ:<sup>1</sup></p> <ol style="list-style-type: none"> <li>1. Examine probation practices regarding the use of conditions, length of supervision, responses to violations, and revocations</li> <li>2. Examine ethnic and gender disparities in probation outcomes/practices and recommend strategies to abate disparate treatment and/or outcomes</li> <li>3. Examine impact on prison population</li> <li>4. Redefine statutory purpose of probation</li> <li>5. Evaluate probation level of supervision in the interest of proper dosage and approaches (e.g. avoiding over-supervision)</li> <li>6. Examine impact of Traumatic Brain Injury (TBI) in revocations and other outcomes and recommend strategies to better accommodate persons with TBI</li> <li>7. Consider alternatives that can be utilized at the time of sentencing</li> </ol> <p>The group concurred with this scope of work.</p>

<b>Issue/Topic</b>	<b>Discussion</b>
<p>Presentation: Alternative Sentencing Approaches <i>Jack Reed, All</i></p>	<p>Jack Reed provided a Power Point presentation on alternative sentencing approaches. This presentation is available on the CCJJ website under “Materials” at, <a href="http://ccjj.colorado.gov/ccjj-srtf">ccjj.colorado.gov/ccjj-srtf</a>.</p> <p>Following the presentation, Jack answered questions from the group. The major areas of discussion were:</p> <ul style="list-style-type: none"> <li>• The need for research that analyzes how often alternative sanctions are used vs. how often individuals qualify for alternative sanctions.</li> <li>• Timing issues that surround knowing an individual’s risk and/or needs levels.</li> </ul>

<sup>1</sup> See “Working Group: Scope of Work Development” available on the CCJJ/SRTF webpage under “Materials - Working Groups” [December 4, 2020] at [ccjj.colorado.gov/ccjj-srtf](http://ccjj.colorado.gov/ccjj-srtf).

	<ul style="list-style-type: none"> <li>• The use of fines, fees, supervision fees, and restitution collected in Colorado.</li> </ul>
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<b>Issue/Topic</b>	<b>Discussion</b>
Presentation: Probation Trends <i>Glenn Tapia, All</i>	Glenn presented data on probation caseloads and client profiles and fielded questions from the Working Group members. This presentation, and subsequent conversation, touched on the following points: <ul style="list-style-type: none"> <li>• Probation population and its drivers.</li> <li>• Recent legislative impacts on probation.</li> <li>• Ten year trends in probation data.</li> <li>• LSI (Level of Service Inventory) assessment classification among probationers.</li> <li>• Divergence between the severity of a probationer’s crime and their LSI score.</li> <li>• Termination and Recidivism data trends.</li> <li>• Revocation and re-granting of probation.</li> <li>• Use of specialty courts.</li> <li>• The role of behavioral health treatment in probation.</li> <li>• Individualizing probation conditions.</li> <li>• Case law and statutes that speak to the purpose of probation.</li> </ul>

<b>Issue/Topic</b>	<b>Discussion</b>
Public Comment	Glenn opened the floor for public comment. Linda Summers thanked the group members for their work and implored that they continue challenging the current state of the system and look for solutions that meet the individual needs of each person in the criminal justice system.

Issue/Topic	Conclusion
<p>Summary of Work &amp; Adjournment <i>Glenn Tapia</i></p> <p><b>ACTION</b> Statute and case law research <i>Glenn Tapia, Greg Otte, &amp; Jenifer Morgen</i></p>	<p>Glenn and recapped the deliverables that emerged from the day’s meeting:</p> <ul style="list-style-type: none"> <li>• Glenn, Greg, and Jenifer to gather information on statutes and case law that speak to the purpose of probation, and the goals of sentencing for their next meeting.</li> </ul> <p>The group confirmed moving the next meeting to Jan. 08, 2021 (from the regularly scheduled “first Friday” meeting date). Hearing no further comment, Glenn adjourned the meeting.</p> <p>Next meeting: <b>Friday, January 8, 2020, 9:00-11:00am</b></p>