

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES

December 8, 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, District Attorney's Office, 1st JD
Bob Gardner, State Senate
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Amber Pedersen, DOC
Catrina Weigel, District Attorney's Office, 20th JD

STAFF

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

ABSENT

Steve O'Dorisio, Adams County Commissioner

GUESTS

Merideth McGrath, CDOC

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"> - Characteristics of the target population (Victim Rights Amendment (VRA) program status, referral outcomes) - Community Corrections referral reporting - ISP-I referral process

Issue/Topic	Discussion
<p>Target population & Community Corrections referral reporting <i>Members</i></p>	<p>Dean Williams reminded the group that, at the last meeting, they asked for clarification about what it means when incarcerated people are “<i>not enrolled in Victim Rights Act (VRA) notification.</i>” Additionally, the group inquired about the reasons why people are so close to their MRD (Mandatory Release Date) and not in community corrections, ISP-I (Intensive Supervision Program—Inmate) programs or on parole.</p> <p>Amber Pedersen presented on VRA status, characteristics of the targeted population, and Community Corrections referral reporting. The presentation documents can be found on the CCJJ website under the “Materials” tab at, ccjj.colorado.gov/ccjj-srtf.</p> <p>Highlights of the presentation follow:</p> <ul style="list-style-type: none"> • At the end of last month, there were 2903 (<i>updated number excluding duplicates</i>) incarcerated people who have a Mandatory Parole Release Date (MRD) or a Parole Eligibility Date (PED) of less than 180 days. These individuals are not enrolled in the VRA notification programs, and are not in Community Corrections or ISP-I programs. • <i>How is VRA-status populated/defined in DOC? Does it capture all those with VRA Crimes or just those whose victims enroll?</i> House Bill 19-1064, <i>Victim Notification Criminal Proceedings</i>, eliminates requirements that victims must opt in to the Victim Rights Amendment notification program. This bill is retroactive. Amber clarified that, since last year, all victims with cases convicted of VRA crimes are automatically enrolled in DOC’s VRA notification program, and this enrollment identifies offenders convicted of these violent crimes. Therefore “not enrolled in VRA” means that the individual has not committed a VRA crime. However, because H.B.19 1064 is retroactive, there is currently a backlog of 20,535 of victims to be enrolled in DOC’s VRA program.

<p style="text-align: center;">Issue/Topic Target population & Community Corrections referral reporting <i>Members</i></p>	<ul style="list-style-type: none"> • Of those 2903 offenders: <ul style="list-style-type: none"> - 12% (337) had a COPD (Code of Penal Discipline) violation within last year - 5% (144) had a COPD violation within the last six months - 70.5% (2046) applied for Community Corrections - 9.6% (278) applied for ISP. • FY20 referral outcomes (averaged across Judicial Districts): <ul style="list-style-type: none"> ○ Residential Community Corrections: 41% of DOC Transition Referrals were approved, 48% of DOC Condition of Parole Referrals were approved. ○ ISP-I: 55% of ISP-I Direct Referrals were approved, 95% of ISP-I to Community Correction completion referrals were approved. • Community Corrections Referral reporting. For FY20: <ul style="list-style-type: none"> - The average IPS-I approval rate was 56.5% - The average community corrections approval rate was below 50% <p>Merideth McGrath from DOC’s Prison Division provided some information regarding the ISP-I referral process and offered some observations that can explained the low number of people in ISP-I programs.</p> <ul style="list-style-type: none"> • The criteria for ISP-I includes: people must be within 180 days of PED, have good institutional conduct and participate in recommended programs. Incarcerated individuals have the discretion to apply for ISP-I programs and in most case, a re-referral can be submitted every six months when an application was denied. Local community boards approve or deny direct referrals to ISP-I. • Over the past few years, an average of about 200 people were referred to ISP-I programs. In the spring of 2020, the number increased to 300 individuals due to DOC’s COVID-19 response efforts. • Challenges include the matching client needs with the appropriate program, the difficulty to gather full and complete client information necessary for communication with local community corrections boards, and ISP-I programs are not present in all jurisdictions. <p>DISCUSSION</p> <ul style="list-style-type: none"> • The group discussed the possible reasons of the low number of referrals to ISP-I programs. It was believed that the low number of referrals to ISP-I can be explained in part by the facts that ISP-I programs are not available in all jurisdictions, and by the perception among inmates that ISP-I is not easily available and consequently they do not apply for the program. • The risk of regression within the ISP-I programs was also discussed as a possible road block to apply to ISP-I programs.
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<p>Issue/Topic Target population & Community Corrections referral reporting <i>Members</i></p>	<p>Dean suggested the following homework assignments for next week meeting. Each member will come back with the framework for the following options.</p> <ul style="list-style-type: none"> - Option 1: Home confinement – Define the elements <ul style="list-style-type: none"> - Target population (non VRA) - Timeframe for eligibility (180 days, 12 months from MRD or more?) - Non-compliance (graduated sanctions) - Option 2: ISP-I – Define the elements <ul style="list-style-type: none"> - Target population (non VRA) - Timeframe for eligibility - Non-compliance (graduated sanctions) <p>Once Working Group members have agreed on a framework, the group will develop the outlines of a recommendation to present at the Sentencing Reform Task Force in January.</p>
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Issue/Topic	Discussion
<p>Public Comment</p> <p>Next Steps & Adjourn <i>Dean Williams</i></p>	<p>No public comment was offered.</p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> • Review of homework/program elements (“bullet points”) • Develop program framework • Outline recommendation <ul style="list-style-type: none"> - Define problem to be addressed - Target population - Identify statutory language. <p>The next Sentence Progression Working Group meeting is: Tuesday, December 15, at 3pm.</p> <p>The meeting adjourned at 4:00pm.</p>