

**Sentencing Reform Task Force  
MINUTES**

December 09, 2020 / 1:30PM-4:00PM  
Virtual Meeting

**ATTENDEES**

**TASK FORCE MEMBERS**

Michael Dougherty, Co-chair/District Attorney, 20<sup>th</sup> Judicial District  
Rick Kornfeld, Co-chair/Defense Attorney  
Taj Ashaheed, Second Chance Center  
Maureen Cain, Office of the State Public Defender  
Jeff Chostner, District Attorney, 10<sup>th</sup> Judicial District  
Christie Donner, Colorado Criminal Justice Reform Coalition  
Valerie Finks, Victim Compensation Program, 1<sup>st</sup> Judicial District DA Office  
Bob Gardner, State Senator, Senate District 12  
Julie Gonzales, State Senator, Senate District 34  
Kazi Houston, Rocky Mountain Victim Law Center  
Henry Jackson, Metro State College  
Jessica Jones, Defense Attorney  
Matt Lewis, Mesa County Sheriff  
Andrew Matson, Colorado CURE  
Heather McClure, Adams County Division of Community Safety & Well-Being  
Dan Rubinstein, District Attorney/ 21<sup>st</sup> Judicial District  
Glenn Tapia, Probation Division/ Judicial Branch  
Lisa Wayne, Defense Attorney  
Dean Williams, Colorado 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**

Terri Carver, State Representative/ House District 20  
Sarah Keck, Court Services, Colorado Judicial Branch  
Serena Gonzales-Gutierrez, State Representative/ House District 4  
Kristen Hilkey, Adult Parole Board  
Tom Raynes, Colorado District Attorneys' Council

| Issue/Topic  | Discussion   |
|--|--|
| <p>Welcome, Approval of Minutes, &amp; Agenda<br/> <i>Rick Kornfeld &amp; Michael Dougherty, Co-chairs</i></p> | <p>Rick Kornfeld welcomed and thanked everyone for participating in the Sentencing Reform Task Force meeting. Rick reviewed the agenda and asked for any additions or corrections to the November minutes. A motion was offered and seconded to approve the minutes. Task Force members unanimously approved the minutes.</p> <p>Michael informed members of the public that they were welcome to leave comments in the chat and that there would be time at the end of the meeting for additional public comment.</p> |

| Issue/Topic   | Discussion   |
|---|--|
| <p>Parole Working Group Report<br/> <i>Kazi Houston</i></p> | <p>Kazi provided the Task Force with an update from the Parole Working Group, as follows:</p> <ul style="list-style-type: none"> <li>• The group evaluated the language of the current standard parole conditions and are considering the following proposals:                             <ul style="list-style-type: none"> <li>○ Clarify and simplify some language in order to make it easier to understand.</li> <li>○ Allow parolees to provide notice of when they change addresses rather than requiring them to ask permission.</li> <li>○ Make conditions concerning the use of alcohol or drugs specific conditions rather than general conditions.</li> <li>○ Add a specific condition for compliance with protection orders.</li> </ul> </li> </ul> <p>Kazi stated that the Working Group has been meeting weekly in order to accommodate a short turnaround for recommendations and potentially to generate a recommendation for the next legislative cycle.</p> |

| Issue/Topic   | Discussion  |
|---|---|
| <p>“Probation Working Group” Report<br/> <i>Glenn Tapia</i><br/> <i>(officially, Sentencing Alternatives/Decisions &amp; Probation Working Group)</i></p> | <p>Glenn updated the Task Force with the following regarding the Probation Working group:</p> <ul style="list-style-type: none"> <li>• During the prior meeting, they viewed a presentation on sentencing alternatives as well as a presentation on trends in CO’s probation system.</li> <li>• They began discussions around the statutory purpose of probation and will continue those discussions in the next meeting.</li> </ul> <p>Glenn stated that finalizing the Working Group membership would take place next week when they are assigned a judicial officer. In response to a Task Force member question, Glenn also confirmed that the Working Group would be investigating the role that traumatic brain injury plays among probationers as part of their long-term goals.</p> |

| <b>Issue/Topic</b>   | <b>Discussion</b>   |
|--|---|
| <p>Sentence Structure Working Group Report<br/><i>Michael Dougherty, All</i></p> | <p>Michael provided the Task Force with the following updates on the activity of the Structure Working Group:</p> <ul style="list-style-type: none"> <li>• They reached consensus regarding changes to the misdemeanor grid and misdemeanor offenses.</li> <li>• They established a timeline for presenting two recommendations to the Task Force for discussion and voting.                             <ul style="list-style-type: none"> <li>○ Present misdemeanor reform recommendations for final discussion and vote on 1/6/21.</li> <li>○ Present felony reform recommendations for discussion on 1/20/21.</li> <li>○ Present felony reform recommendations for final discussion and vote on 2/10/21.</li> </ul> </li> </ul> <p>Michael presented an overview of the Working Group’s recommended changes to the misdemeanor grid, 450 misdemeanor offenses, Possession Of a Weapon by Prior Offender (POWPO) offenses, contraband offenses, and Title 1 offenses. Rick Kornfeld pointed out that there were federal laws (put in place by the Brady Bill) that might complicate the POWPO offense reform and that the group should take them in to consideration. Damien Angel distributed all materials associated with this presentation to the Working Group members during this meeting via email.</p> |

| <b>Issue/Topic</b>  | <b>Discussion</b>  |
|---|--|
| <p>Sentence Progression Working Group Report<br/><i>Dean Williams</i></p> | <p>Dean provided the Task Force with an update on the activity of the Sentence Progression Working Group, as follows:</p> <ul style="list-style-type: none"> <li>• Identified issues that currently exist in ISP-I statute.                             <ul style="list-style-type: none"> <li>○ Discussed feasibility of DOC running its own ISP-I program.</li> </ul> </li> <li>• Explored creating statute to permit the use of a home confinement programs in CO.</li> <li>• Identified the bucket of individuals who would be eligible for either ISP-I or home detention.</li> </ul> <p>Dean stated that his group would be determining the breadth and depth of consensus for developing a recommendation regarding either the ISP-I or home confinement in their next meeting.</p> |

| <b>Issue/Topic</b>   | <b>Discussion</b>   |
|--|---|
| <p>Guiding Principles<br/><i>Rick Kornfeld, Richard Stroker, All</i></p> | <p>Rick presented the changes that he had made to the <i>Guiding Principles</i> document based on suggestions gathered in the November SRTF meeting. There were no additional comments regarding revisions at this time. (Draft available under “Materials” at, <a href="http://ccjj.colorado.gov/ccjj-srtf">ccjj.colorado.gov/ccjj-srtf</a>)</p> |

| <b>Issue/Topic</b>   | <b>Conclusion</b>   |
|--|---|
| Public Comment and Adjourn<br><i>Michael Dougherty Rick Kornfeld,<br/>Public</i> | Michael stated that the comments submitted to the chat by members of the public would be recorded and distributed to all Task Force members. He then invited additional comments from the public. No further public comment or input was offered.<br><br>Rick thanked the group for their efforts thus far and concluded the meeting. |

**Next Meeting**

- Wednesday, January 6      1:30-4:00pm    ***Virtual - details forthcoming***
- January ??, 2021            *An additional Task Force meeting is to be determined*
- Wednesday, February 10    1:30-4:00pm    ***Virtual - details forthcoming***