

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
Minutes

December 23, 2020 / 11:00AM-12:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Dean Williams, Exec. Dir. DOC, *WG Leader*
Joseph Archambault, Office of the State Public Defender
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Steve O'Doriso, Adams County Commissioner
Amber Pedersen, DOC
Catrina Weigel, District Attorney's Office/ 20th Judicial District

STAFF

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

ABSENT

Valarie Finks, Crime Victim Compensation/ 1st JD DA's Office
Bob Gardner, State Senate, District 12
Rick Kornfeld, Defense Attorney

GUESTS

David Johnson, CDOC
Merideth McGrath, CDOC

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Dean Williams, WG Leader</i></p>	<p>Working Group Leader Dean Williams thanked members for participating in the meeting and proceeded with introductions. Dean welcomed Steve O’Dorisio as a new member of the Progression Working Group.</p> <p>Dean reviewed the goals for the meeting as follows:</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

Issue/Topic	Discussion																				
<p>Target population Program elements & framework <i>Amber Pedersen, CDOC</i></p>	<p>Amber presented the outline of a program with the suggested label, “Transitional Confinement,” based on the initial discussions of the group. The outline of the Transitional Confinement program follows:</p> <p>Suggested Discretionary Factors for Transitional Confinement:</p> <ul style="list-style-type: none"> • Approaching Mandatory Release Date (MRD) <ul style="list-style-type: none"> → Prioritize those approaching their MRD from 6, 12, 18, or 24 months out. • Non VRA Status <ul style="list-style-type: none"> → To consider those with VRA crime either: <ul style="list-style-type: none"> ▪ Provide an option waiver for eligibility, to be signed off by warden and director of prisons, granted by virtue of positive performance or behavior to those with VRA crimes. ▪ Stagger eligibility time to a half or a quarter of non-VRA eligibility requirement. <p style="text-align: center;"><u>Potential population (non-Community Correction/ISP-I)</u></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Months to MRD</th> <th style="text-align: center;">Non-VRA</th> <th style="text-align: center;">VRA</th> <th style="text-align: center;">Total by Range</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><=6</td> <td style="text-align: center;">388</td> <td style="text-align: center;">330</td> <td style="text-align: center;">718</td> </tr> <tr> <td style="text-align: center;"><=12</td> <td style="text-align: center;">770</td> <td style="text-align: center;">607</td> <td style="text-align: center;">1,377</td> </tr> <tr> <td style="text-align: center;"><=18</td> <td style="text-align: center;">1,120</td> <td style="text-align: center;">939</td> <td style="text-align: center;">2,059</td> </tr> <tr> <td style="text-align: center;"><=24</td> <td style="text-align: center;">1,395</td> <td style="text-align: center;">1,242</td> <td style="text-align: center;">2,637</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Presence of approved housing • Established need for treatment, education, employment, or social adjustment in the community • Prison conduct <ul style="list-style-type: none"> → Individuals who have engaged in violent or gang related activity in 	Months to MRD	Non-VRA	VRA	Total by Range	<=6	388	330	718	<=12	770	607	1,377	<=18	1,120	939	2,059	<=24	1,395	1,242	2,637
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<p>Issue/Topic Target population Program elements & framework <i>Amber Pedersen, CDOC</i> (continued)</p>	<p>prison or who have incurred a COPD within the last year would not receive priority</p> <p>Non-Compliance in Transitional Confinement</p> <ul style="list-style-type: none"> • Prioritize use of Intermediate Sanctions and IARs (Immediate Accountability) over a COPD (Code of Penal Discipline) response • Encourage the use of electronic monitoring where appropriate to prevent violations <p>DISCUSSION</p> <ul style="list-style-type: none"> • The group discussed which timeframe would be the most appropriate and agreed that at least 18 months before the MRD would allow adequate time to develop the necessary skills before final release. • A concern was expressed regarding the removal of local community boards' approval and it was believed that those local boards should keep some discretion when an individual is placed in their community. • 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. It was suggested to examine existing programs and how to expand the opportunities within those programs. • Dean said that there are multiple reasons that can explain why those individuals are so close to their MRD (see 12/1/20 minutes) and believed that the focus on developing different pathways and opportunities to progress will result in better preparing and assisting with successful reentry into the community and consequently reduce recidivism. • Steve expressed concern regarding this concept which would by-pass the community stakeholder's discretion. Dean invited Steve to discuss this further and will reach out to set a one-on-one meeting.
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<p>Issue/Topic Public Comment</p> <p>Next Steps & Adjourn <i>Dean Williams, WG Leader</i></p>	<p>Discussion</p> <p>No public comment was offered.</p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> • Continue discussion on program elements ("bullet points") and framework • Outline recommendation <ul style="list-style-type: none"> - Define problem to be addressed - Target population - Identify statutory language <p>The meeting adjourned at 4:00pm. The next Sentence Progression Working Group meeting is: Tuesday, December 29 at 3pm.</p>
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