Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES

December 29, 2020 / 3:00PM-4:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS
Dean Williams, CDOC, *WG Leader*
Joseph Archambault, Office of the State Public Defender
Bob Gardner, State Senate/ Senate District 12
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Steve O'Dorisio, Adams County Commissioner
Amber Pedersen, CDOC
Catrina Weigel, District Attorney's Office/ 20th Judicial District

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

ABSENT
Valarie Finks, Crime Victim Compensation, DA's Office/ 1st J.D.

GUESTS
David Johnson, CDOC
Merideth McGrath, CDOC

Issue/Topic	Discussion

Welcome & Introductions
Dean Williams
	Working Group Leader Dean Williams thanked members for participating in the meeting and proceeded with introductions. Dean reviewed the goals for the meeting as follows:
	
	• Define Transitional Confinement program elements
	• Outline recommendation
	  - Define problem to be addressed
	  - Target population
	  - Identify statutory language
	• Recommendation: Discussion/Pros and Cons
	• Next Steps: Draft recommendation

Issue/Topic	Discussion
Define Transitional Confinement Program Elements *Members*	Dean Williams reminded the members that the focus of this Working Group is to expand opportunities for incarcerated individuals to help successful transition to the community and consequently reduce recidivism. Dean acknowledged the recent discussion (see minutes 12/23/20) and explained that he suggested a Transitional Confinement program as he felt this would implement small changes in the correctional system compared to other alternatives such as focusing on modifying the Intensive Supervision Program-Inmate (ISP-I). Rick Kornfeld supported the concept of a Transitional Confinement program and stated that, while there is no vote at the Working Group level, he was hopeful that the Working Group could reach consensus and bring a recommendation forward for the Sentencing Reform Task Force's consideration. Greg Mauro said he didn't want to miss an opportunity to fix ISP-I and was concerned that the Transitional Confinement program has the same components of the ISP-I but excludes the local community corrections boards' discretion. Dean Williams acknowledged the concerns and agreed that all alternatives should be considered. In an effort to advance today's discussion, Dean proposed to define the Transitional Confinement program elements and revisit other options at future meetings.

Issue/Topic	Amber Pedersen presented the outline of the Transitional Confinement program:
Define Transitional Confinement Program Elements *Members* (continued)	Suggested Discretionary Factors for Transitional Confinement:

Amber Pedersen presented the outline of the Transitional Confinement program:

Suggested Discretionary Factors for Transitional Confinement:

- Approaching Mandatory Release Date (MRD)
  → Prioritize those approaching their MRD from 6, 12, 18, or 24 months out.

- Non VRA Status
  →To consider those with VRA crime, either:

  - 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.

  Potential population (non-Community Correction/ISP-I)

Months to MRD	Non-VRA	VRA	Total by Range
<=6	388	330	718
<=12	770	607	1377
<=18	1120	939	2059
<=24	1395	1242	2637

- Presence of approved housing placement

- Address a need for treatment, education, employment, or social adjustment in the community

- Conduct in prison
  → Individuals who have engaged in violent or gang related activity in prison or who have incurred a COPD within the last year would not receive priority

Non-Compliance in Transitional Confinement

- 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

Issue/Topic	DISCUSSION
Define Transitional Confinement Program Elements *Members* (continued)	- Would DOC pay for housing, treatment, education, employment, and other social support? DOC would pay for housing and treatment with the exception of those medical expenses that are paid by employers (worker compensation) or federal entities. The program would not have fiscal impact on local communities and individuals will remain under the DOC supervision. - The issue of the limited resources for those who are near their MRD was mentioned. - A concern was expressed about the acceptance in a program of individuals who have been denied by Parole, community corrections or ISP-I. Dean responded that only 40% of individuals are referred to community corrections, and that in many cases, inmates do not submit applications for ISP-I. Some individuals do not have the confidence that they would be accepted in Community Corrections or other programs. - It was suggested to not include VRA crimes as it would add another layer of uncertainty for victims of crime as to what a sentence to DOC means. Victim input is solicited when an inmate is seeking release to community corrections and/or parole. - Who will have the discretion to accept individuals in the Transitional Confinement program? Will there be stakeholder input? - Is there a way to run transitional release through the parole board? Could the parole board release someone to transitional confinement? That might help address concerns about (a) creating a new governmental layer and (b) simply giving authority to a state agency to bypass local decision-making. - What services/treatment would individuals receive compared to other programs? Dean responded that those would be primarily home-based such as social belonging programs, reentry services, etc. Andrew added that this would get individuals in environments that are conducive to change, give them a sense of belonging and an opportunity to practice reentry skills. - The development of a pilot program was suggested. The duration of the pilot should be determined as well as the number of individuals eligible to the program. Additionally, data requirement should be included so the pilot could be evaluated and programs compared.

Issue/Topic	
Issue/Topic Define Transitional Confinement Program Elements *Members* (continued) **ACTION** See "homework" assignments at right	Dean suggested the following "homework" assignments for next week meeting. Each member will come back with their comments around the program elements (bullet points) as follows: - Time to Mandatory Release Date - Non VRA/VRA status - Presence of approved housing placement - Need for treatment, education, employment, or social adjustment in the community - Conduct in prison - Non-compliance in Transitional Confinement - Pilot Program

Issue/Topic	
Issue/Topic Public Comment	No public comment was offered.
Issue/Topic Next Steps & Adjourn *Dean Williams*	**Discussion** The agenda for the next meeting: - Review of homework assignment (above) - Outline recommendation (define the problem, target population, statutory language) - Recommendation: Discussion/Pros and Cons The meeting adjourned at 4:00pm. The next Sentence Progression Working Group meeting is **Tuesday, January 5, 2021** at 3pm.