

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
Minutes

January 12, 2021 / 3:00PM-4:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Dean Williams, CDOC, *WG Leader*
Joseph Archambault, Office of the State Public Defender
Valarie Finks, Crime Victim Compensation, DA's Office, 1st Judicial District
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Steve O'Dorisio, Adams County Commissioner
Amber Pedersen, CDOC
Michael Rourke, District Attorney, 19th Judicial District
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

Bob Gardner, State Senate, District 12

GUESTS

Hassan Latif, 2nd Chance Center
Mark Weser, Comcor, Inc.

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 thanked Hassan Latif from the 2nd Chance Center for attending the meeting. Dean reviewed the agenda for the meeting as follows:</p> <ul style="list-style-type: none"> • Outline recommendation/Transitional Confinement program elements <ul style="list-style-type: none"> - Finalize Target Population: VRA eligibility - Should individuals first go through the normal Community Corrections /ISP-I processes? - Review/Approval process - Address the “WHAT” questions • Recommendation draft

Issue/Topic	Discussion
<p>Define Transitional Confinement Program Elements <i>Dean Williams & Members</i></p>	<p>Amber Pedersen presented a document summarizing the decisions the group discussed and items that have yet to be discussed:</p> <p><u>Items Discussed:</u></p> <ul style="list-style-type: none"> • Timeframe from MRD <ul style="list-style-type: none"> ➤ Consensus is forming around the 6-12-month timeframe, as long as the bureaucratic application process starts enough in advance to allow for that amount of time in practice. • VRA vs non VRA <ul style="list-style-type: none"> ➤ Prioritize by non- VRA status, but not by felony type considering the inconsistencies within felony types and sentencing. • Pilot <ul style="list-style-type: none"> ➤ Sunsetting - Consensus is forming on sunsetting a pilot within a time frame, to provide expectation of analysis/ program evaluation and viability. Capped Capacity - If we are limiting the population capacity, it needs to be large enough to be representative of the population for accurate inferences to be drawn. ➤ Leaning towards it being a standalone bill. • Victim and Community Participation: <ul style="list-style-type: none"> ➤ There is desire to maintain stakeholder input in <ul style="list-style-type: none"> ▪ Victim involvement/notification ▪ Community involvement/notification

<p style="text-align: center;">Issue/Topic</p> <p>Define Transitional Confinement Program Elements <i>Dean Williams & Members</i> (continued)</p>	<p><u>Yet to be discussed:</u></p> <p>Eligibility:</p> <ul style="list-style-type: none"> • Accounted for housing/treatment needs • Conduct during sentence <p>Program Considerations:</p> <ul style="list-style-type: none"> • Supervision level • Non-compliance consequences <p>DISCUSSION</p> <ul style="list-style-type: none"> • Dean proposed a timeframe 12-15 months for non-VRA and 6 months for VRA (with eligibility criteria in place). • Some members expressed concerns with the inclusion of VRA crimes. As individuals who have committed VRA crimes approach the end of their sentence, victims receive multiple notifications regarding release information, transfers to community corrections and parole hearings. Including individuals who committed VRA crimes would complicate the process due to notification requirements to victims. • It was suggested to first flesh out what the program would look like and return to the eligibility criteria. The following questions should be discussed: what are the eligibility qualifications; who will make determination to approve; will there be local review/input; what are the safeguards? • Dean agreed that the approval process is an important issue and engaged the group to discuss 1) whether community boards should have discretion to approve each individual who would be placed in that community, or 2) communities should provide consultation and consent to the Department of Corrections to run the Transitional Confinement program. A Memorandum of Understanding (MOU) or agreement could be put in place between local communities and DOC which would give the DOC permission to set a process and criteria for the Transitional Confinement program. • It was commented that the approval of every individual might be a challenge as local entities have not invested the time working with these individuals the same way that DOC case workers have and some communities may be resistant to approve regardless of the circumstances.
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<p>Issue/Topic Define Transitional Confinement Program Elements <i>Dean Williams & Members</i> (continued)</p>	<ul style="list-style-type: none"> • Local communities could include city/county governments, community corrections or reentry boards. • Any local communities willing to participate, together with DOC, could develop criteria (possibly automatic acceptance criteria) and processes for the program and allow DOC to run the program in their community. • Steve referred to a supplement letter sent to the group at the last meeting. He proposed defining the eligibility criteria and the level of local community involvement (notification, input or decision-making) based on risks/needs grids. • The group agreed to not include VRA crimes. • It was suggested to “de-identify” individuals entering the program (no name, picture, race or ethnicity) to minimize minority over-representation and prevent bias in decision-making. The automatic acceptance criteria would also help reduce minority-over-representation as it might result in higher acceptance rates for minorities. • The group agreed that advice and consent to run the Transitional Confinement program should be obtained from local reentry boards, Community Corrections boards or city/county governments, and that DOC should work with local communities to establish eligibility criteria (possibly including automatic acceptance criteria).
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<p>Issue/Topic Public Comment</p>	<p>No public comment was offered.</p>
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<p>Issue/Topic Next Steps & Adjourn <i>Dean Williams</i></p>	<p style="text-align: right;">Discussion</p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> • Role of the community in decision making process • Recommendation draft: <ul style="list-style-type: none"> - Define the problem to be addressed - Target population - Program elements - Identify statutory language <p>The meeting adjourned at 4:00pm.</p> <p>The next Sentence Progression Working Group meeting is: Tuesday, January 19, 2021, 3pm-5pm (Note extended meeting).</p>
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