

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
Minutes

January 19, 2021 / 3:00PM-5:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Dean Williams, DOC, WG Leader
Joseph Archambault, Office of the State Public Defender
Valarie Finks, Crime Victim Compensation, 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, DOC
Catrina Weigel, District Attorney's Office, 20th J.D.

STAFF

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

ABSENT

Bob Gardner, State Senate
Michael Rourke, District Attorney, 19th J.D.

GUESTS

Merideth McGrath, DOC
Lauren Snyder, Mental Health Colorado

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Dean Williams, WG Leader</i></p>	<p>Dean Williams thanked members for participating in the meeting and proceeded with introductions.</p>

Issue/Topic	Discussion
<p>Define Transitional Confinement Program Elements <i>Dean Williams & Members</i></p>	<p>Dean Williams summarized that, at the last meeting, the group agreed that advice and consent to run the Transitional Confinement program should be obtained from local reentry boards or city/county governments, and that DOC should work with local communities to establish eligibility criteria (possibly including automatic acceptance criteria).</p> <p>Dean asked the group which of the program elements should be included in the MOU/agreement between DOC and the local communities, and whether eligibility be defined in the document. Below are the highlights of the discussion:</p> <ul style="list-style-type: none"> • To ensure consistency across jurisdictions, it is important to define the eligibility criteria including the time from Mandatory Release Date (MRD), and whether those with VRA (Victim Rights Amendment) crimes should be included. Local communities would have the ability to restrict the acceptance of individuals who have committed VRA crimes. • 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. • It was suggested that individuals who committed VRA crimes should be assessed for risks/needs with a validated risk assessment tool. Amber will research the language used in the Community Corrections statutes regarding risk assessment. • It was also suggested to “de-identify” individuals being evaluated for entry into the program (no name, picture, race or ethnicity) to minimize minority over-representation and prevent bias in decision-making. • The group agreed with an eligibility timeframe of 12-15 months from MRD for non-VRA crimes and 6 months for VRA crimes (providing that the local community approves acceptance of VRA crimes). • The group discussed whether individuals who committed a Code of Penal Discipline violation (COPD) while incarcerated should be eligible to participate. Concern was expressed that, according to recent research, many of individuals in correctional facilities who commit rule infractions have serious mental health conditions that contribute to disruptive behavior. The group agreed to include a waiver allowing for an exceptional review in cases involving someone with a COPD violation who has behavioral health problems.

<p>Issue/Topic Define Transitional Confinement Program Elements <i>Dean Williams & Members</i> (continued)</p>	<ul style="list-style-type: none"> • Should there be a minimum amount of time served before eligibility? For community corrections, eligibility is based on the Parole Eligibility Date (PED). The challenge is that the length of a sentence varies across jurisdictions; someone could serve 2 years for a Felony 4 crime when another could serve 30 days in jail in another jurisdiction. The group will further discuss this issue. <p>Below are the highlights of today’s discussion and points to be further discussed at the next meeting:</p> <ul style="list-style-type: none"> - Agreement points with DOC and local entities to be drafted - 12-15 months from MRD for non-VRA and 6 months for VRA crimes - No serious COPD at least 1 year before eligibility for the program, but allow a waiver for exceptional circumstances - Risk/need assessment process (included in the MOU/Agreement with local entities/policy?) - Consideration of time served or just MRD - Crime of violence (COV) vs. non-COV - Other factors
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<p>Issue/Topic Public Comment</p>	<p style="text-align: center;">Public Comment</p> <p>Ms. Lauren Snyder from Mental Health Colorado reported that their research found that incarcerated individuals with serious behavioral health problems are more likely to commit rule infractions including assaults on correctional facility staff. These individuals are often found incompetent to proceed. Lauren expressed concern that a high number of the target population will not be eligible for this program due to their mental health condition, if the COPD violation criterion is inflexible.</p>
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<p>Issue/Topic Next Steps & Adjourn <i>Dean Williams</i></p>	<p style="text-align: center;">Discussion</p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> • Review of agreement points regarding the DOC and local entity agreement • Continue discussing COPDs, Risk/Need assessments, Time served, time to MRD, Crimes of Violence, other factors. • 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 4:35pm.</p> <p>The next Sentence Progression Working Group meeting: Tuesday, January 26, 2021, 3pm-4pm.</p>
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