

*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, 1<sup>st</sup> 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, 20<sup>th</sup> 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, 19<sup>th</sup> J.D.

**GUESTS**

Merideth McGrath, DOC  
Lauren Snyder, Mental Health Colorado

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

<b>Issue/Topic</b>	<b>Discussion</b>
<p>Define Transitional Confinement Program Elements <i>Dean Williams &amp; 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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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).</li> <li>• 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.</li> </ul>

<p><b>Issue/Topic</b>                  Define Transitional Confinement Program Elements  <i>Dean Williams &amp; Members</i>                  (continued)</p>	<ul style="list-style-type: none"> <li>• 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.</li> </ul> <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"> <li>- Agreement points with DOC and local entities to be drafted</li> <li>- 12-15 months from MRD for non-VRA and 6 months for VRA crimes</li> <li>- No serious COPD at least 1 year before eligibility for the program, but allow a waiver for exceptional circumstances</li> <li>- Risk/need assessment process (included in the MOU/Agreement with local entities/policy?)</li> <li>- Consideration of time served or just MRD</li> <li>- Crime of violence (COV) vs. non-COV</li> <li>- Other factors</li> </ul>
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<p><b>Issue/Topic</b>                  Public Comment</p>	<p style="text-align: center;"><b>Public Comment</b></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><b>Issue/Topic</b>                  Next Steps &amp; Adjourn  <i>Dean Williams</i></p>	<p style="text-align: center;"><b>Discussion</b></p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> <li>• Review of agreement points regarding the DOC and local entity agreement</li> <li>• Continue discussing COPDs, Risk/Need assessments, Time served, time to MRD, Crimes of Violence, other factors.</li> <li>• Recommendation draft:                         <ul style="list-style-type: none"> <li>- Define the problem to be addressed</li> <li>- Target population</li> <li>- Program elements</li> <li>- Identify statutory language</li> </ul> </li> </ul> <p>The meeting adjourned at 4:35pm.</p> <p>The next Sentence Progression Working Group meeting:  <b>Tuesday, January 26, 2021, 3pm-4pm.</b></p>
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