

**Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force**

**Sentence Progression Working Group
Minutes**

January 26, 2021 / 3:00PM-5:00PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Dean Williams, DOC, *WG Leader*
Joseph Archambault, Office of the State Public Defender
Rick Kornfeld, Defense Attorney
Valarie Finks, Crime Victim Compensation, 1st JD DA's Office
Bob Gardner, State Senate
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Amber Pedersen, DOC
Michael Rourke, District Attorney, 19th JD
Catrina Weigel, 20th JD District Attorney's Office

STAFF

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

ABSENT

Steve O'Doriso, Adams County Commissioner

GUESTS

Hassan Latif, Second Chance Center
Merideth McGrath, DOC

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.</p>

Issue/Topic	Discussion
<p>Define Transitional Confinement Program Elements <i>Dean Williams, WG Leader & Members</i></p>	<p>Dean summarized that, at the last meeting, the group agreed that advice and consent to run a Transitional Confinement program should be obtained from local reentry boards and city/county governments, and that DOC should work with local communities to establish eligibility criteria.</p> <p>Amber presented a draft recommendation and below are the highlights of the draft:</p> <ul style="list-style-type: none"> • Amend statute (C.R.S. 17-27.8-105) to authorize the Department of Corrections, in collaboration with a local entity, to refer for placement offenders approaching their mandatory release date (MRD) to a transitional confinement pilot program funded by the DOC. • The community must first agree to have transitional confinement in their area to determine local criteria for placement. • The program will operate under a sunset provision and will be evaluated for efficacy and performance to determine viability for extension---<i>More discussion to determine evaluation metrics.</i> • Additional elements of the recommendation: <ul style="list-style-type: none"> - DOC in consultation with local community boards shall develop comprehensive standards governing the operation of Transitional Confinement in each local area. Baseline parameters for consideration will be discerned at the state level and will include the following non-discretionary factors: <ul style="list-style-type: none"> Approaching MRD – For those who were sentenced to a non VRA offense, eligibility can be considered no sooner than 12-15 months from their MRD. For those who were sentenced to a VRA offense, eligibility can be considered no sooner than 6 months from their MRD. - Further discretionary factors will be determined in a local agreement with a local board entity which would refine the pool of eligibility for placement. Documented in an MOU or appendix agreement, local criteria might include factors such as a risk/need assessment (i.e. conduct during sentence or housing/treatment needs) and placement in community partner services. • Elements yet to be determined: <ul style="list-style-type: none"> - Level/area of local representation - Definition of local boards/entities

<p style="text-align: center;">Issue/Topic Define Transitional Confinement Program Elements <i>Dean Williams, WG Leader & Members</i> (continued)</p>	<p>DISCUSSION</p> <ul style="list-style-type: none"> • Some members expressed concerns and objected to 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 notification requirement process. • Other members supported the inclusion of VRA crimes. Those individuals will soon be released to the community as they are approaching their mandatory release date but will be left with no support. Many individuals who have committed VRA crimes are assessed high risks/needs and would benefit from this opportunity to help prepare for reentry to the community and consequently reduce recidivism. Should VRA crimes be included in the recommendation with the condition that local communities approve acceptance of VRA crimes? It was suggested to let the Sentencing Reform Task Force and the Commission decide on whether to include VRA crimes. • The group agreed with the implementation of the pilot program for three years. • It was suggested that the qualification or eligibility criteria should be established for consistency across jurisdictions, rather than making it contingent on input from the local community. The baseline criteria for eligibility could be similar to those used by ISP-I or Community Corrections. • The group discussed electronic monitoring. Electronic monitoring is not mandatory for ISP-I but is included in the home detention statute. • The recommendation should define the problem and how the program will address the problem (housing, employment, risk assessment/criminogenic needs) and clearly show the program is intended to promote successful release and reentry in the community. • Below a summary of the points agreed upon: <ul style="list-style-type: none"> - Non VRA crime, 12-15 months before MRD - Criteria for eligibility similar to ISP-I and Community Corrections - Referral component to be added that include risk assessment/criminogenic needs - Review of the home confinement statute (possibly to be included in the recommendation) - Problem to be addressed (in the discussion part of the recommendation) including the current number of individuals who
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<p>Issue/Topic Define Transitional Confinement Program Elements <i>Dean Williams, WG Leader & Members</i> (continued)</p>	<p>are approaching their MRD (not enrolled in Community Corrections or ISP-I) and recidivism data</p> <ul style="list-style-type: none"> - How will the program address this problem? (types of service, housing, employment, etc.) <p>Amber, Kim, Richard and Laurence will meet before the next meeting to continue drafting the recommendation to present at the next meeting.</p>
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<p>Issue/Topic Public Comment</p>	<p style="text-align: center;">Public Comment</p> <p>Linda Summers stated that she attends as many Sentencing Reform Task Force and Working Groups meetings as possible but feels that her intent to contribute and share her professional experience is not heard by the groups. She believes a lot of work needs to be done and a broader approach is necessary and should be undertaken. Dean Williams reassured Linda that her voice is heard and appreciated and encouraged her to continue to attend so the groups benefit from her perspective.</p>
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<p>Issue/Topic Next Steps & Adjourn <i>Dean Williams, WG Leader</i></p>	<p style="text-align: center;">Discussion</p> <p>The agenda for the next meeting:</p> <ul style="list-style-type: none"> • Review 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 4:00 pm.</p> <p>The next Sentence Progression Working Group meeting is Tuesday, February 2, 2021 at 3pm-4pm.</p>
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