

Colorado Commission on Criminal and Juvenile Justice

**Sentencing Reform Task Force
Minutes**

February 24, 2021 / 1:30PM-4:00PM
Virtual Meeting

ATTENDEES

TASK FORCE MEMBERS

Michael Dougherty, Co-chair/District Attorney, 20th Judicial District
Rick Kornfeld, Co-chair/Defense Attorney
Taj Ashaheed, Second Chance Center
Maureen Cain, Office of the State Public Defender
Christie Donner, Colorado Criminal Justice Reform Coalition
Valerie Finks, Victim Compensation Program, 1st Judicial District DA Office
Kristen Hilkey, Adult Parole Board
Kazi Houston, Rocky Mountain Victim Law Center
Jessica Jones, Defense Attorney
Matt Lewis, Mesa County Sheriff
Andrew Matson, Colorado CURE
Tom Raynes, Colorado District Attorneys' Council
Michael Rourke, District Attorney, Weld County
Dan Rubinstein, District Attorney, 21st Judicial District
Glenn Tapia, Division of Probation Services
Meredith McGrath, Deputy Director, Adult Parole for Dean Williams, Department of Corrections

STAFF

Richard Stroker, CCJJ Consultant
Kim English, Division of Criminal Justice
Damien Angel, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Kevin Ford, Division of Criminal Justice

ABSENT

Terri Carver, State Representative
Jeff Chostner, District Attorney, 10th Judicial District
Bob Gardner, State Senator
Julie Gonzales, State Senator
Serena Gonzales-Gutierrez, State Representative
Henry Jackson, Metro State College
Sarah Keck, Court Services
Heather McClure, Adams County Division of Community Safety & Well-Being
Lisa Wayne, Defense Attorney

Issue/Topic	Discussion
<p>Welcome, Approval of Minutes, and Agenda <i>Rick Kornfeld & Michael Dougherty, Task Force Co-chairs</i></p>	<p>Rick welcomed everyone to the Sentencing Reform Task Force meeting and reviewed the agenda. A motion was offered and seconded to approve the minutes. Task Force members unanimously approved the minutes.</p> <p>Rick explained that the Structure Working Group recommendation would be presented to the Commission for initial consideration on February 26th. Rick also informed the group that there would be a Commission-sponsored Q&A session for the public on March 5th.</p> <p>Rick informed members of the public that they were welcome to leave comments in the chat and that there would be time at the end of the meeting for additional comments.</p>

Issue/Topic	Discussion
<p>Sentence Progression Working Group Report <i>Meredith McGrath, Rick Kornfeld</i></p>	<p>Meredith McGrath outlined the direction of the Sentence Progression Working Group moving forward and discussed the following:</p> <ul style="list-style-type: none"> • Examining incentives and alternatives that relate to release and re-entry, and • Review available community resources for those released from DOC. <p>Rick stated that the Working Group had achieved consensus in identifying the problems they hope to solve but are taking time to study current practices before developing a recommendation.</p>

Issue/Topic	Discussion
<p>Sentencing Alternatives/Decisions & Probation Working Group Report <i>Glenn Tapia</i></p>	<p>Glenn updated the Task Force with the following regarding the “Probation” Working Group:</p> <ul style="list-style-type: none"> • Glenn met with members of the Structure WG to discuss concerns with the recommendation they had produced (regarding petty offenses and Probation eligibility). • The Probation Working Group is focused on the purposes of probation and has reviewed the statutory purposes of parole and also community corrections. • The Probation Working Group is also discussing over-supervision.

Issue/Topic	Discussion
<p>Parole Working Group Report <i>Kristin Hilkey</i></p>	<p>Kristin Hilkey presented an overview of the recommendation prepared by the Parole Working Group. A copy of this presentation can be found under the “Materials” section on the on the CCJJ website: ccjj.colorado.gov/ccjj-srtf</p> <p>Kristen opened the floor for questions from the SRTF members. The following topics were raised for discussion:</p> <ul style="list-style-type: none"> • Addition of “destructive devices” (explosives, etc.) to the list of controlled weapons • Costs of parole (costs to parolees for electronic supervision, etc.) <ul style="list-style-type: none"> ○ Existing programming to assist with costs associated with parole supervision • Elimination of “associations” as a standard condition of parole (associating with a person with a criminal history) • Consideration of the statutory purposes of parole • Special-needs parole • Parole plans as a pre-requisite for parole eligibility • Promoting compliance with protection orders among those discharged from parole • Comprehension of parole conditions by parolees <p>Rick stated that the Working Group would use the above feedback to consider revisions to their recommendation at their next meeting (March 17th) rather than having the SRTF vote on it today.</p>

Issue/Topic	Discussion
<p>Structure Working Group Report & Recommendation Votes <i>Michael Dougherty, Maureen Cain, All</i></p>	<p>Michael initiated the voting procedure for recommendation elements that had been presented at the February 10th SRTF meeting; the following elements were moved, seconded, and approved:</p> <ul style="list-style-type: none"> • Jail time credits • Alternative sentencing • Fine ranges • Titles 2-6, 11, 12, 13, 17, 22, 28-32, 42 <p>During the vote there was discussion regarding the circumstances under which victims receive notification of the offender’s movements within, into, and out of the jail system. There was general support for finding ways to clarify and strengthen this language in statute outside of this recommendation.</p> <p>Members of the Task Force also discussed the recommendation element addressing jail time credit. There was concern that the recommendation would hinder the ability to incentivize inmate worker (trustee) programs, and the Working Group agreed to make revisions in accordance with that feedback. This recommendation element was moved, seconded, and passed with the</p>

<p>Issue/Topic Structure Working Group Report & Recommendation Votes <i>Michael Dougherty, Maureen Cain,</i> <i>All</i> (continued)</p>	<p>original language intact but under the caveat that additional language may be added that includes the feedback provided by SRTF members.</p> <p>Michael and Maureen Cain presented the following recommendation elements, highlighting statutes that generated robust discussion among Working Group members. These elements were also moved, seconded, and approved:</p> <ul style="list-style-type: none"> • Titles 7-10, 14-16, 19, 23-27, 33-40, 43,44 <p>The SRTF then moved, seconded, and approved the complete Structure Working Group recommendation (comprised of all recommendation elements previously voted on by the SRTF). This draft recommendation can be found under the “Materials” tab on the SRTF webpage: ccjj.colorado.gov/ccjj-srtf</p>
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<p>Issue/Topic Public Comment & Adjourn <i>Rick Kornfeld & Michael Dougherty</i></p>	<p style="text-align: center;">Conclusion</p> <p>There were no members of the public present during this portion of the meeting.</p> <p>Hearing no further comments from the group, Michael thanked the group for their efforts and adjourned the meeting.</p> <p>The next meeting of the Sentencing Reform Task Force is: Wednesday, March 10, 2021 at 1:30pm.</p>
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