

Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation Working Group

MINUTES

April 2, 2021 / 9:00-11:00 AM

Virtual Meeting

ATTENDEES

WORKING GROUP MEMBERS

Glenn Tapia, *WG Leader*, Director, Probation Services/ Judicial Branch
Kristin Heath, Assistant Director, Jefferson County Justice Services
Kazi Houston, Rocky Mountain Victim Law Center
Heather McClure, Adams County Division of Community Safety and Well-Being
Clay McKisson, Judge/ 3rd Judicial District
Jenifer Morgen, Chief Probation Officer/ 17th Judicial District
Abigail Tucker, Psychologist/ Mental health services provider and consultant
Elaina Shively, District Attorney's Office/ 20th Judicial District
Greg Otte, Deputy Chief Parole Officer/ 8th Judicial District

STAFF

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

Absent

Kathryn Herold, Public Defender Office/ Boulder County
Terri Carver, State Representative/ House District 20
Chris Gallo, Deputy District Attorney/ 18th JD
Matthew James, Denver District Attorney's Office

Guests

Sue Ferrere, Analyst, Division of Probation Services

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Glenn Tapia, WG Leader</i></p>	<p>Glenn Tapia, Working Group Leader, welcomed everyone and Glenn then provided a brief overview of meeting agenda:</p> <ul style="list-style-type: none"> • Presentation by Sue Ferrere, Division of Probation Services. • Continue work on the Purpose of Probation. • Petty Offenses on Probation Eligibility. • Discuss next area from "Scope of Work" (time permitting).

Issue/Topic	Discussion
<p>Stakeholder Feedback on the Purpose of Probation <i>Glenn Tapia, Elaina Shipley, Clay McKisson, All</i></p>	<p>Elaina and Judge McKisson provided feedback on the following topics:</p> <ul style="list-style-type: none"> • Language surrounding the cost effectiveness of probation programming, • Language regarding probation serving as both a form of punishment and source of rehabilitation, and • The impact of using "Community Supervision" versus "Community Placement" in the Purpose of Probation language.

Issue/Topic	Discussion
<p>Presentation: Research on Low Level, Non-Violent Offenders <i>Sue Ferrere, Div. of Probation Services</i></p> <p>Petty Offenses and Probation Eligibility <i>Glenn Tapia, All</i></p>	<p>Sue presented a summary of a National Bureau of Economic Research working paper on the impacts of prosecuting low level, non-violent offenders. The paper and Sue's summary can be found under "Materials-Working Groups" (April 2, 2021) on the CCJJ website at, ccjj.colorado.gov/ccjj-srtf (Also see the direct links below¹).</p> <p>Glenn recapped the discussion of petty offenses and probation eligibility from the previous meeting. The group then discussed the following topics:</p> <ul style="list-style-type: none"> • Individuals with multiple petty offenses, • Individuals with a petty offense(s) AND a prior felony charges, and • Individuals with petty offenses who were originally charged with a VRA misdemeanor. <p>Following the discussion, the group decided not to pursue probation eligibility for petty offenses, including those with 3rd and subsequent offenses. The group decided to pursue a recommendation that would target additional options the court may prescribe to individuals that focus on behavioral health, psycho-education, useful community service, life coaching or peer mentoring, self-directed entry to treatment, and/or restorative justice programming.</p>

¹ *Misdemeanor Prosecution (NBER Working Paper 28600)*: cdpsdocs.state.co.us/ccjj/Committees/SRTF/Materials/2021-04-02_Misd-Prosecution_NBER-WP28600_2021-03.pdf
SUMMARY (of above): cdpsdocs.state.co.us/ccjj/Committees/SRTF/Materials/2021-04-02_Summary_Misd-Prosecution_NBER-WP28600_2021-03.pdf

<p>Issue/Topic Recommendation Structure <i>Glenn Tapia, All</i></p>	<p>Discussion</p> <p>The group discussed whether to develop a statutory or policy recommendation. The following topics were discussed:</p> <ul style="list-style-type: none"> ○ Training of judges on new guidance or policy, ○ Resource accessibility for those ordered by the court as described in their recommendation, ○ Allowing courts to individualize responses to petty offenses in accordance with available resources, ○ Court responses for individuals who fail to comply with ordered programming, ○ Potential Full Time Employee positions that may be necessary result from a statutory recommendation, and ○ Where costs for programming would fall if courts were statutorily mandated to comply with the recommendation. <p>Glenn told the group that they would continue this conversation at their next meeting with an eye towards finalizing their recommendation.</p>
--	---

<p>Issue/Topic Public Comment</p>	<p>Discussion</p> <p>Glenn opened the floor for public comment. There were no members of the public in attendance for this portion of the meeting.</p>
---	---

<p>Issue/Topic Adjournment <i>Glenn Tapia</i></p>	<p>Conclusion</p> <p>Glenn confirmed the next Working Group meeting on May 07, 2021 and, with no further business, adjourned the meeting.</p> <p>Next meeting: Friday, May 7, 2021, 9:00-11:00am.</p>
--	---