

**Sentencing Reform Task Force
Minutes**

April 07, 2021 / 1:30PM-4:00PM
Virtual Meeting

ATTENDEES

TASK FORCE MEMBERS

Michael Dougherty, *TF Co-chair* /District Attorney, 20th Judicial District
Rick Kornfeld, *TF Co-chair* /Defense Attorney
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
Sarah Keck, Court Services
Matt Lewis, Mesa County Sheriff
Andrew Matson, Colorado CURE
Heather McClure, Adams County Division of Community Safety & Well-Being
Tom Raynes, Colorado District Attorneys' Council
Michael Rourke, District Attorney, Weld County
Dan Rubinstein, District Attorney, 21st Judicial District
Dean Williams, Department of Corrections
Lisa Wayne, Defense Attorney

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

Guests

Amber Pedersen, Department of Corrections

ABSENT

Taj Ashaheed, Second Chance Center
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
Glenn Tapia, Division of Probation Services

Issue/Topic	Discussion
<p>Welcome, Approval of Minutes, and Agenda <i>Michael Dougherty</i></p>	<p>Michael welcomed everyone to the Sentencing Reform Task Force meeting and reviewed the agenda. A motion was offered and seconded to approve the minutes from March 10th. Task Force members unanimously approved the minutes.</p> <p>Michael stated that members of the public were welcome to offer comments in the Zoom chat and that comment would be solicited at the end of the meeting.</p>

Issue/Topic	Discussion
<p>Update: Sentence Progression Working Group <i>Kristen Hilkey, WG Co-Leader</i></p>	<p>Kristen provided an update on behalf of the Sentence Progression Working Group that included the following:</p> <ul style="list-style-type: none"> • Presentation on Adult Parole by Meredith McGrath (CO Dept. of Corrections, Deputy Director) • Presentation on parole referral processes by Patti Gabriel (CO Community Corrections, Case Manager) • Presentation on referral data by Linda Harrison (CO Division of Criminal Justice, Statistical Analyst) • Identification of potential topics of work moving forward <p>The group plans to present their scope of work in a future meeting.</p>

Issue/Topic	Discussion
<p>Update: Sentencing Alternatives/Decisions & Probation Working Group <i>Kazi Houston, WG Member</i></p> <p>ACTION Staff will distribute the <i>Misdemeanor Prosecution NBER Working Paper</i> to TF members</p>	<p>Kazi provided an update on behalf of the Sentencing Alts./Decs. & Probation Working Group that included the following:</p> <ul style="list-style-type: none"> • Reached consensus that petty offenses should not be probation eligible and began identifying potential alternatives • Received a presentation on a recent academic working paper regarding misdemeanor prosecution by Suzann Ferrere (CO Judicial Branch, Analyst)* • Discussed resource challenges for probationers and those engaged with alternative sentencing options <p>Kazi informed members that after the Probation Working Group concludes their work on petty offenses they will shift their attention to topics regarding over-supervision.</p> <p><i>* Working Paper and Summary available under "Materials - Working Groups" (April 2, 2021) at ccjj.colorado.gov/ccjj-srtf</i></p>

Issue/Topic	Discussion
<p>Update: Sentence Structure Working Group <i>Michael Dougherty, WG Leader, Maureen Cain, WG Member, All</i></p>	<p>Michael provided an update on behalf of the Sentence Structure Working Group that included the following:</p> <ul style="list-style-type: none"> • A bill containing all of the recommendation elements voted on by the Task Force has been drafted • Revisions to Title 39 statutes were discussed with the Department of Revenue

<p>Issue/Topic Update: Sentence Structure Working Group <i>Michael Dougherty, WG Leader, Maureen Cain, WG Member, All</i> (continued)</p> <p>ACTION Staff will distribute the updated Title 39 document to TF members</p>	<ul style="list-style-type: none"> ○ Offenses with value-based cut points were excluded from the recommendation element and the group will work on this over the summer ○ An updated recommendation element for Title 39 offenses will be distributed to the group <p>Michael encouraged members to review the Title 39 recommendation elements and provide feedback prior to the CCJJ meeting on Friday, April 9. The Title 39 elements will be offered as an amendment to the misdemeanor sentencing/offenses recommendation previously approved by the Commission on March 12: Recommendation FY21-SR #01.</p>
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<p>Issue/Topic Public Comment <i>Michael Dougherty, Public</i></p>	<p>Public Comment No members of the public were present to offer comment.</p>
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<p>Issue/Topic Update: Parole Working Group & Recommendation Vote (FY21-SR #02) <i>Kristin Hilkey, WG Leader</i></p>	<p>Discussion Kristin presented <i>Recommendation DRAFT FY21-SR #02. Update the Standard Conditions of Parole and Revise the Additional Conditions of Parole [Statutory; Policy]</i> for consideration by the Task Force.*</p> <p>During and after the presentation, members of the Task Force discussed various aspects of the recommendation, including the following:</p> <ul style="list-style-type: none"> ● Refining language around the payment of restitution ● Parole revocations pertaining to violation of conditions ● Language referring to substance use versus substance abuse ● No-contact orders <p>Following the discussion, Michael called for a vote on the recommendation. A motion was offered, seconded, and <i>Recommendation DRAFT FY21-SR #02</i> was approved.</p> <p>* <i>The presentation is available under "Materials - Task Force" (April 9, 2021) at, ccjj.colorado.gov/ccjj-srtf</i></p>
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<p>Issue/Topic Adjournment <i>Rick Kornfeld & Michael Dougherty</i></p>	<p>Conclusion With no further business and no further comments from members, Rick thanked the group for their efforts and adjourned the meeting.</p> <p>The next meeting of the Sentencing Reform Task Force is scheduled: Wednesday, May 12, 2021 at 1:30pm</p>
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