

Colorado Commission on Criminal and Juvenile Justice

Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation Working Group

MINUTES

June 4, 2021 / 9:00-11:00 AM

Virtual Meeting

ATTENDEES

WORKING GROUP MEMBERS

Glenn Tapia, Director, Probation Services/ Judicial Branch, *WG Leader*

Kristin Heath, Assistant Director, Jefferson County Justice Services

Kathryn Herold, Public Defender Office/ Boulder County

Kazi Houston, Rocky Mountain Victim Law Center

Clay McKisson, Judge/ 3rd Judicial District

Heather McClure, Adams County Division of Community Safety and Well-Being

Jenifer Morgen, Chief Probation Officer/ 17th Judicial District

Greg Otte, Deputy Chief Parole Officer/ 8th Judicial District

Abigail Tucker, Psychologist/ Mental health services provider and consultant

STAFF

Richard Stroker, CCJJ Consultant

Jack Reed, 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

Terri Carver, State Representative/ House District 20

Chris Gallo, Deputy District Attorney/ 18th JD

Matthew James, Denver District Attorney's Office

Elaina Shively, District Attorney's Office/ 20th Judicial District

Guests

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Glenn Tapia, Working Group Leader</i></p>	<p>Glenn Tapia, Working Group Leader, welcomed everyone and then provided a brief overview of meeting agenda.</p>

Issue/Topic	Discussion
<p>Review Draft Proposal for CCJJ on Petty Offenses and Probation <i>Glenn Tapia, All</i></p>	<p>Glenn presented a draft of the Working Group’s recommendation regarding petty offenses and probation. This recommendation is preliminary and will be found on the Commission if and when it receives Commission later in the fall.</p> <p>The group discussed how the alternatives to sentencing that are outlined in their recommendation differ from the diversion options currently available in Colorado. Members agreed that it was important to provide additional alternatives to sentencing in addition to Diversion, especially since some counties do not offer Adult Diversion.</p> <p>Jenifer Morgen suggested that the recommendation be updated to include guidance on where to place the FTEs (full time employee) that the recommendation would create (e.g. within existing Diversion programs or Office of Behavioral Health). Glenn, Jenifer, and the working group members worked together to draft this language for their recommendation.</p> <p>Glenn confirmed that the recommendation language allows flexibility for counties to choose where they procure programming for alternatives to sentencing. Group members had no objections to this language; however, Kazi Houston voiced her concern that victim services organizations may resist providing additional funding for offenders given that there is currently inadequate state funding for victim’s services.</p> <p>Glenn asked whether they supported branding of the recommendation as a Swift Restorative Intervention Program (SRIP) and there were no objections.</p> <p>With no further comments, Glenn concluded discussion of the recommendation and informed the group of his intent to present it to the Sentencing Reform Task Force in late summer or early fall 2021.</p>

Issue/Topic	Discussion
<p>Presentation: Emerging Research on Telehealth <i>Dr. Abigail Tucker</i></p>	<p>Dr. Abigail Tucker presented research to the group on best practices in tele-health. This presentation can be found on the Commission website under the “Materials – Working Groups” tab (ccjj.colorado.gov/ccjj-srtf). Abigail answered questions from the Working Group members following the presentation.</p> <p>Judge McKisson inquired about the role of judges in tele-health. Abigail answered by describing how judges have a real and perceived authority in the criminal justice system and how they are uniquely poised to instill trust in systems such as tele-health.</p>

<p>Issue/Topic Presentation: Emerging Research on Telehealth <i>Dr. Abigail Tucker</i> (continued)</p>	<p>Jenifer thanked Abigail for the presentation and stated that she had been unable to locate research on tele-health during the COVID-19 pandemic that pertained directly to criminal justice. Abigail elaborated on how a blended model (in-person and tele-health) could be an effective approach to providing behavioral health services to those in the criminal justice system.</p>
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<p>Issue/Topic Dialogue on JCOIN Webinar <i>Glenn Tapia, All</i></p>	<p style="text-align: center;">Discussion</p> <p>Glenn provided a brief summary of a Justice Community Opioid Innovation Network (JCOIN) webinar titled “Substance Use, Criminal Justice System, Involvement, and Stigma.” This webinar can be found on the JCOIN website: jcoinctc.org/resources/#webinars (site requires users to register).</p> <p>Glenn, Abigail, and Kazi provided personal accounts demonstrating how stigma by medical and behavioral health providers can bias the services they provide to those involved in the criminal justice system.</p>
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<p>Issue/Topic Discuss CCJJ Recommendation on Tele-health and Stigma/Access to Treatment for Probationers <i>Glenn Tapia, All</i></p>	<p style="text-align: center;">Discussion</p> <p>Glenn led the group in brainstorming topics that would be important to consider when developing a recommendation that pertains to tele-health, stigma, and access to treatment for probationers.</p> <p>Heather McClure described her experiences in the criminal justice system and the barriers to treatment she encountered. Heather reiterated that a blended model of care would have been a great option for her and wished that it had been available. Heather and Abigail agreed that having tele-health options would also be a positive step towards individualizing treatment for the justice involved.</p> <p>The group discussed substance use programming and monitoring within the probation system. Jenifer and Greg described that current guidance allows for substance use programming to be more individualized but that urinalysis is mandatory for all new probationers. Jenifer described legislative changes to the juvenile system that may increase the individualization of programming for their juvenile probationers.</p> <p>Glenn delineated a disparity in the criminal justice system between the types of crimes committed by probationers and their assessed needs. He stated that probationer data in Colorado supports that there is no relationship between the types of crimes committed and the assessed needs of the individuals in those crime types. Glenn concluded that treatment decisions should be driven by individuals’ assessed needs, not the type of crime they committed or were charged with. Kazi echoed Glenn’s point and stated that, from a victim’s perspective, the crime type that an individual is charged with does not accurately reflect one’s needs and risks.</p>
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<p>Issue/Topic Discuss CCJJ Recommendation on Tele-health and Stigma/Access to Treatment for Probationers <i>Glenn Tapia, Al</i> (continued)</p>	<p>Glenn added that there was also a common misconception regarding risk assessment tools, like the Level of Supervision Inventory (LSI). He stated that risk, often conflated with threat severity or dangerousness, only describes the likelihood that an individual will commit another crime.</p> <p>The group discussed the typical/standard conditions of probation and the extent to which it is possible to tailor the conditions of probation to the needs of individuals. The challenge to the system is whether and how to take the time necessary to determine the conditions and whether judges are willing to provide the latitude for probation officers to determine the conditions appropriate to the individual probationer.</p> <p>Glenn stated that the same funds used to pay for urinalyses (UA) in probation are also used to pay for treatment. He then asked if there were thoughts on the allocation of those funds between UAs and treatment. Greg stated that the mandatory use of UAs for probationers in his county has more than doubled the money they spend on those services each month. Abigail stated that there may be room to move away from strict mandatory UAs through the education of judges. Abigail stated that continuing to pursue recommendations that reduce the number of individuals in the justice system, such as their recommendation on petty offenses and probation, may also free up the funding necessary to individualize treatment rather than mandating specific treatments uniformly.</p> <p>Glenn summarized the discussion of tele-health, stigma, and access to treatment that will provide an outline for a potential recommendation. He had compiled a list of topics for subsequent discussion at the next meeting.</p>
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<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>
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<p>Issue/Topic Summary of Work & Adjournment <i>Glenn Tapia</i></p>	<p>Conclusion</p> <p>Glenn confirmed the next meeting on July 2, 2021. Hearing no further comment, Glenn adjourned the meeting.</p> <p>Next meeting: Friday, July 2nd, 2021, 9:00am-12:00pm</p>
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