

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES

July 6, 2021 / 3:00 PM - 4:30 PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Greg Mauro, *WG Co-leader*, Denver Division of Community Corrections
Kristen Hilkey, *WG Co-leader*, Colorado State Parole Board
Joseph Archambault, Office of the State Public Defender
Bob Gardner, State Senate/ Senate District 12
Andrew Matson, Colorado CURE
Meredith McGrath, Division of Parole, CDOC
Amber Pedersen, Exec. Dir. Office, CDOC
Michael Rourke, District Attorney/ 19th JD
Abigail Tucker, CCJJ Vice Chair
Catrina Weigel, District Attorney Office/20th JD

STAFF

Kevin Ford, Division of Criminal Justice
Linda Harrison, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Jack Reed, Division of Criminal Justice
Richard Stroker, CCJJ Consultant

ABSENT

Taj Ashaheed, Second Chance Center
Valarie Finks, Crime Victim Compensation, DA Office/1st JD
Rick Kornfeld, Defense Attorney
Steve O'Doriso, Adams County Commissioner
Dean Williams, CDOC

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Kristen Hilkey & Greg Mauro, WG Co-leaders</i></p>	<p>Co-leaders Greg Mauro and Kristen Hilkey welcomed the Sentence Progression Working Group members and reviewed the agenda.</p>

Issue/Topic	Discussion
<p>Previous Meeting Recap <i>Richard Stroker, CCJJ Consultant</i></p>	<p>At the June meeting, the group reviewed preliminary data analyses of community corrections and Intensive Supervision Program-Inmate (ISP-I) referral patterns and continued to discuss broader considerations within the topic of community transition including:</p> <ul style="list-style-type: none"> - <i>How to better prepare people for release and reentry into the community?</i> - <i>How to refine and differentiate the transition options to address the risks/needs of the incarcerated individuals who are approaching their Mandatory Release Date (MRD) and engage community-based providers to be part of the solution?</i> <p>In light of the potential expanded scope of work, CCJJ staff discussed with the CCJJ leadership, the Sentencing Reform Task Force Co-chairs and the Progression Working Group Leaders the idea of creating a Task Force within which considerations could be more efficiently and effectively addressed.</p> <p>The idea was discussed at the June Sentencing Reform Task Force. Several Task Force members expressed concerns regarding the creation of a new Task Force (see Task Force minutes on 6/9/21 at ccjj.colorado.gov/ccjj-srtf, under the Previous Meetings tab) and the Task Force asked that the Progression Working Group develop an outline of the proposed topics and the solutions for efficiently accomplish the work.</p>

Issue/Topic	Discussion
<p>Progression Working Group Draft Proposal <i>Kristen Hilkey & Greg Mauro, WG Co-leaders</i></p>	<p>A draft proposal document regarding the establishment of a new Task Force was displayed and highlights of the document can be found below:</p> <p>Background:</p> <p><i>The Sentence Progression Working Group (“Progression WG”) was formed by the Sentencing Reform Task Force and tasked with exploring certain actions that could be taken to ensure that the end of a person’s period of incarceration was substantially different than the beginning of their period of incarceration. A small Working Group was established. One idea that was initially examined involved the creation of an entirely new program that would have allowed the DOC to place offenders, not already placed in the community, into a community placement one year or more prior to their mandatory release date (MRD). After several meetings and discussions this idea was not ultimately adopted.</i></p>

<p>Issue/Topic Progression Working Group Draft Proposal Kristen Hilkey & Greg Mauro, WG Co-leaders (continued)</p>	<p>However, it did lead the Working Group to examine a variety of issues related to a person’s transition to the community from prison, and a review and consideration of the current methods and programs that are available and could be used to release a person from prison prior to their MRD. After reviewing some initial data and information and engaging in significant consideration of this area, the Working Group determined that the following areas deserved much more review and consideration:</p> <ol style="list-style-type: none"> 1. Placement in Community Corrections; the timing and criteria used for placement; reasons for acceptance/rejection; and the relationship of these placements to processes of the Parole Board (“Board”), the Division of Adult Parole (“Division”) and Intensive Supervised Program-Inmate status (ISP-I). 2. Placement on ISP-I; including criteria for placement; reasons for or value of the program; reasons for acceptance/rejection; and its relation to the Board, Division and Community Corrections. 3. Release on Parole; consideration of criteria for placement; timing of review; and the relationship to the Board and Division and with Community Corrections and ISP-I considerations. 4. Improve the reentry preparation of individuals for release to the community prior to placement in any of the above programs or prior to release on MRD. 5. Program specification. Clarify, specify and improve the relationship and differentiation between the selection criteria for and services within each program to identify the appropriate and desirable candidates for each program. 6. Client specification. Relatedly, regarding candidate selection, develop methods and processes to determine which candidates are best placed in which option based on the program specifications developed above and the clients’ risk/need, research, and evidence-based practices. 7. Client movement. Define the circumstances and criteria when clients are moved (“progressed” or “regressed”) within or between these transition options. 8. Data coordination. Improve processes to share and coordinate (case/services) data and information between the programs and individuals involved with the above efforts. 9. Evaluate/ensure proper victim notification processes are in place related to applicable placements and movements of program clients. <p>Greg Mauro and Kristen Hilkey agreed to serve as Co-Chairs of the Working Group.</p>
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<p>Issue/Topic Progression Working Group Draft Proposal Kristen Hilkey & Greg Mauro, WG Co-leaders (continued)</p>	<p>Current Situation:</p> <p><i>After the initial review of data and discussions about some of the above topics, it became clear that the areas of focus, and the issues presented by these areas of focus, were rather broad in scope. While the areas of focus were inter-related, each area presented a variety of specific issues or opportunities for consideration, involved data maintained by various organizations, and had unique, but in some cases overlapping, programmatic concerns. It was agreed that very thoughtful attention was necessary to develop an overall strategy to engage in this work.</i></p> <p><i>Conversations between the Co-Chairs and CCJJ project staff occurred, and options for moving forward were discussed. It has become apparent that additional individuals are necessary in order to ensure that all critical organizations and perspectives are appropriately represented in the Working Group. It is also felt that additional subgroups would have to be established so that work could move forward on particular topics in a timely fashion. The potential options to accomplish this work include:</i></p> <ul style="list-style-type: none"> <i>- Remain a Working Group. To remain consistent with CCJJ protocols within the current Sentencing Reform Task Force framework, the only option available would be to form study groups for several individual topics. For a variety of reasons, including the nature of the work that needs to be done, the broad issues that would have to be explored by each group, and the impact that being placed on a study group would have on current Working Group members, this did not seem to be a satisfactory solution.</i> <i>- Additional SRTF Working Groups. Another option would be to recommend that some number of additional Working Groups be created within the SRTF. However, this option would diminish the ability of individuals to work collectively and collaboratively on a number of inter-connected issues, to share information at a meeting that would require attendance by multiple Working Groups, and would require members of the SRTF to chair each new Working Group – which would place additional burdens on SRTF members. This also did not seem to be a satisfactory solution.</i> <i>- Propose a new Task Force. A final solution was discussed, which was embraced by the Working Group Co-Leaders and deemed workable by project staff, to establish a new Task Force. A new Task Force would allow for the involvement of many additional members and the presence of all necessary organizations and perspectives. It would also allow for the creation of new Working Groups within the new Task Force. Finally, it would allow for work to be done at a more expedited pace and would allow for the concentrated expertise necessary to address the Task Force’s inter-connected themes. Importantly, this would allow issues to be effectively explored within one specialized Task Force. DCJ/CCJJ staff felt that this solution was workable.</i>
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<p>Issue/Topic Progression Working Group Draft Proposal Kristen Hilkey & Greg Mauro, WG Co-leaders (continued)</p>	<p>Gauging feasibility. <i>The possibility of creating a new Task Force was then discussed with the CCJJ leadership team (Stan Hilkey, Abigail Tucker, & Joe Thome), who indicated their approval for this idea. Meetings with the Co-Chairs of the SRTF and the Working Group Co-Leaders were conducted and all agreed the concept was worth further exploration. On June 9, the idea was offered for feedback to the members of the SRTF. At the June SRTF meeting, members suggested that the Progression WG have further discussions and provide additional information about the value of creating a new Task Force, and that they provide this information to the SRTF at its next meeting on July 7.</i></p> <p>PROPOSAL: <i>The Progression WG proposes that a new task force, which could be titled the Community Transition Task Force, be formed by CCJJ. It is believed that this solution will best allow for the work and issues outlined above to be effectively pursued, for all critical organizations and perspectives to be involved, for individual areas to be considered in a timely fashion, and for inter-connected issues to be collectively explored.</i></p> <p><i>It is further proposed that all current members of the Progression WG be invited to join the Community Transition Task Force, that the current Progression WG Co-Chairs be invited to serve as Co-Chairs of the new Task Force, that additional members be recruited to the new Task Force to assist with its work, and that members of the current SRTF who wish to join the new Task Force advise CCJJ staff of their interest in doing so. Additionally, the 14 CCJJ members who are not already members of any ongoing task force would be offered the opportunity to become involved in task force work by participating on the new task force, if interested. (Note: According to CCJJ Bylaws Section 5.8.4, all members of the Commission are expected to serve on at least one Commission subgroup.)</i></p> <p><i>A new task force would enable the Commission to recruit subject matter experts, mid-level management and line-level workers and provide them with an understanding of CCJJ and the valuable role CCJJ provides in creating a collaborative forum for multiple perspectives in the development of internal program policies to accomplish critical criminal justice reform.</i></p> <p>DISCUSSION</p> <ul style="list-style-type: none"> • In addition to the reasons supported in the proposal above, some members agreed with the creation of a new Task Force for the following reasons: <ul style="list-style-type: none"> - The initial focus of the Working Group was very narrowed but has expanded as the group examined information and data and discussed how to improve/enhance transitional paths to promote successful reentry in the community. Community Corrections, ISP-I or other transition paths are very complex and interconnected and this would require more flexibility in the ability to add expertise to the group and create sub-groups. This would reduce the likelihood of working as a siloed structure.
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<p>Issue/Topic Progression Working Group Draft Proposal <i>Kristen Hilkey & Greg Mauro,</i> <i>WG Co-leaders</i> (continued)</p>	<ul style="list-style-type: none"> - Opportunity to expand the membership of the group and add expertise in the community transition arena. - Typically, Working Groups have a very narrow charge. A Task Force could tackle a broader scope and allow for the creation of Working Groups. - An important aspect of the work discussed is to match the right program to the right person at the right time. It was expressed that this scope doesn't seem to be part of the Sentencing Reform Task Force. The problem is how to improve existing systems. <ul style="list-style-type: none"> • Other members expressed concerns regarding the creation of a new Task Force for the following reasons: <ul style="list-style-type: none"> - The topics discussed fall in the sentencing reform work because incarcerated people who transition to community are still serving their sentence. The work should still report to the Sentencing Reform Task Force and possibly create more working groups. - The topics mentioned in the proposals are too big for the Working Group to tackle. <i>What is the goal of the Working Group, what is the problem?</i> The mission of the Working Group should be more targeted and the Sentencing Reform Task Force should provide guidance on topics to address within this Working Group. - The focus of the Working Group should be more narrow. - Legislators are limited in the amount of bills to introduce per year and concern was expressed that this work could result in too large an initiative for next year's legislative session considering the upcoming work by the Sentence Structure Working Group regarding the revision of the felony grid and review of felony offenses. <p>The group will NOT submit the draft proposal document at tomorrow's Sentencing Reform Task Force meeting (6/7/2021) and will ask for guidance regarding the work assignment for the Progression Working Group.</p>
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<p>Issue/Topic Next Steps & Adjourn <i>Kristen Hilkey & Greg Mauro,</i> <i>WG Co-leaders</i></p>	<p style="text-align: center;">Discussion</p> <p>The next Sentence Progression Working Group meeting was scheduled for August 10 at 3pm-4:30pm (see NOTE below). Details of the meeting will be forwarded to the group and posted on the CCJJ calendar (ccjj.colorado.gov/ccjj-calendar).</p> <p>The meeting adjourned at 4:20.</p> <p><i>NOTE: At the Sentencing Reform Task Force meeting on July 7, 2021, the Sentence Progression Working Group was put on hiatus. The Task Force has requested that the Sentence Structure Working Group discuss general "architectural" issues regarding the structure of felony sentences. The August 10 meeting of the Sentence Progression Working Group was canceled</i></p>
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