

**Sentencing Reform Task Force
MINUTES**

March 9, 2022 / 1:30PM-4:00PM
Virtual Meeting

THIS MEETING DID NOT ACHIEVE A QUORUM

ATTENDEES

TASK FORCE MEMBERS

Michael Dougherty, *Task Force Co-chair*, District Attorney/20th Judicial District
Maureen Cain, Office of the State Public Defender
Kazi Houston, Rocky Mountain Victim Law Center
Jessica Jones, Defense Attorney
Brian Mason, District Attorney/17th Judicial District
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Heather McClure, Adams County Division of Community Safety & Well-Being
Tom Raynes, Colorado District Attorneys' Council
Michael Rourke, District Attorney/19th Judicial District
Dan Rubinstein, District Attorney/21st Judicial District
Glenn Tapia, Director, Div. of Probation Services/Judicial Branch

STAFF

Richard Stroker, CCJJ Consultant
Jack Reed, Interim Research Director, Division of Criminal Justice
Laurence Lucero, Sentencing Reform Task Force Staff, Division of Criminal Justice
Stephane Waisanen, Sentence Structure Working Group Staff, Division of Criminal Justice
Kevin Ford, Commission Staff, Division of Criminal Justice

ABSENT

Rick Kornfeld, *Task Force Co-chair*/Defense Attorney
Taj Ashaheed, Second Chance Center
Terri Carver, State Representative/House District 20
Chad Dilworth, Adult Parole Board
Christie Donner, Colorado Criminal Justice Reform Coalition
Valerie Finks, Victim Compensation Program/DA Office, 1st Judicial District
Bob Gardner, State Senator/Senate District 12
Julie Gonzales, State Senator/Senate District 34
Serena Gonzales-Gutierrez, State Representative/House District 4
Henry Jackson, Metro State University
Sarah Keck, Court Services/Judicial Branch
Lisa Wayne, Defense Attorney
Dean Williams, Colorado Department of Corrections

<p>Welcome & Agenda Welcome, Approval of Minutes, and Agenda <i>Michael Dougherty, Task Force Co-chair</i></p>	<p>Discussion Michael Dougherty, Task Force Co-chair, welcomed attendees and informed them that Co-chair Rick Kornfeld would be absent due to a work conflict. Michael reviewed the agenda and noted that, in the absence of a quorum, the approval of the February minutes is postponed to the Task Force meeting on April 6.</p>
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<p>Issue/Topic Working Group Updates Sentencing Alternatives/Decisions & Probation Working Group <i>Glenn Tapia, Working Group Leader</i> and Sentence Structure Working Group <i>Michael Dougherty, Working Group Leader</i></p> <p>ACTION The Sentencing Alternatives/Decisions & Probation WG will identify priorities for the next areas of study regarding over-supervision and probation practices</p>	<p>Discussion</p> <p><u>Sentencing Alternatives/Decisions & Probation WG - Glenn Tapia, WG Leader</u> The Working Group continues to examine areas of over-supervision in probation. Over the last several months, the workgroup has examined outcome data in the Sex Offender Intensive Supervision Probation Program (SOISP) and has examined data from the Division of Criminal Justice's Sex Offender Management Board (SOMB) regarding the application of the Risk/Need/Responsivity Model in treatment settings for sex offenders. WG members generally agreed that over-supervision of low-risk sex offenders in the SOISP program is a concern. However, members did not reach consensus on a strategy to develop a proposal for the SRTF and CCJJ to reform the statutory structure of the SOISP laws at the current time. The Probation WG will table this issue and will pivot to examine the areas of over-supervision for the general probation population this Spring and Summer and identify opportunities for recommendations to submit to the SRTF.</p> <p><i>Elements of Recommendation FY22-SR#05: Implement Individualized Behavioral Responses to Probation Violations</i> are included in <i>House Bill 2022-1257: Concerning the Adoption of 2022 Recommendations of the Colorado Criminal Juvenile Justice Commission regarding Sentencing Provisions for Offenses</i>. The bill makes changes to the powers of probation officers and requires the Judicial Department to create a system of individualized behavioral responses. A bill amendment was recently introduced to add an implementation date "Before July 1, 2023" in <i>C.R.S. 16-11-205. Arrest of Probationer – Revocation</i>. The CCJJ Legislative Subcommittee convened on March 1 and determined that the amendment was consistent with <i>FY22-SR #05. Implement Individualized Behavioral Responses to Probation Violations</i>.</p> <p><u>Sentence Structure WG – Michael Dougherty, WG Leader</u> Several members of the Sentence Structure Working Group have been very engaged with this legislative session and provided the following updates:</p> <ul style="list-style-type: none"> • <i>House Bill 2022-1229: S.B.21-271 Clean-up</i> is making its way through the legislative process. Senate Bill 21-271 created a civil infraction as a penalty for violations of the law that do not rise to criminal conduct. Senate Bill 21-271 included procedures for civil infractions. The bill repeals those provisions and replaces them with new procedures for handling civil infractions. • <i>House Bill 2022-1257: FY22 CCJJ Recs.</i> Six substantive recommendations from the Sentencing Reform Task Force and CCJJ are contained in HB 22-1257. There were robust discussions about the criminal offenses related to
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<p>Issue/Topic Working Group Report-outs Sentencing Alternatives/Decisions & Probation Working Group <i>Glenn Tapia,</i> <i>Working Group Co-chair</i> and Sentence Structure Working Group <i>Michael Dougherty,</i> <i>Task Force Co-chair</i> (continued)</p> <p>ACTION The Sentence Structure WG will continue its efforts on the categorization of crimes in the crime severity charts for categories of offenses</p> <p>ACTION Discussions about re-activation of the Working Group are postponed to April 6</p>	<p>professional licensing, the probation recommendations, and the list of offenses that would be POWPO-eligible. Based on that discussion, as well as the conversations since the hearing, it seems as though many of the questions and concerns have been addressed. The bill is making its way through the House. Because it is critically important to add the offenses that the CCJJ approved for the POWPO statute, members of the Sentence Structure WG will continue to monitor the bill’s progress.</p> <ul style="list-style-type: none"> • <i>House Bill 2022-1224: Theft of Public Benefits</i> - This bipartisan bill will be heard in the House Judiciary Committee this week and is expected to pass. <p>The Sentence Structure Working Group and its Study Group (which meets weekly) will continue the review and analysis of discretionary parole, the enhanced felony severity/ classification chart, and sentencing ranges through 2022, along with habitual sentences, mandatory consecutive sentences for crimes of violence, and the felony sentencing grid.</p> <p>Maureen Cain mentioned that Christie Donner will move from the WG’s Sentence Structure Study Group to join the proposed Progression Working Group. David Kaplan, former CCJJ Vice-Chair and defense attorney will join the Sentence Structure WG.</p> <p><u>Progression Working Group</u> In the absence of Co-chair Rick Kornfeld, Michael suggested summarizing the discussion about re-activating the Progression Working Group at the next Task Force meeting in April.</p>
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<p>Issue/Topic Next Steps and Adjournment <i>Richard Stroker, CCJJ Consultant & Michael Dougherty,</i> <i>Task Force Co-chair</i></p>	<p>Public Comment Michael solicited public comment, and hearing none, moved to the conclusion of the meeting</p> <p>Conclusion Richard Stroker, CCJJ Consultant, thanked Michael and Task Force members for their time and effort on this significant work. He summarized that the Sentencing Alternatives/Decisions & Probation WG will explore over-supervision and that the Sentence Structure WG will continue categorizing felony crimes by severity level. Discussions regarding a reactivated Progression WG will occur at the next SRTF meeting in April. Regarding the Progression WG, he posed for thought whether ways to improve the current system will be explored (eligibility process, parole and community corrections placements) or whether a new prison-to-community transition process will be designed.</p> <p>With no further business, Michael adjourned the meeting. The next meeting of the SRTF is April 6, 2022, at 1:30pm. Note: The Friday, March 11, 2022 CCJJ meeting is canceled.</p>
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Next Meeting
 Wednesday, April 6, 2022 / 1:30-4:00pm (Virtual meeting)
 Virtual meeting information will be emailed to members and posted at, colorado.gov/ccjj/ccjj-meetings