

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation Working Group
MINUTES

April 1, 2022 / 9:00AM-11:00AM
Virtual Meeting

ATTENDEES:

WORKING GROUP MEMBERS

Glenn Tapia, *Working Group Leader*; Director, Probation Services/ Judicial Branch
Kristin Heath, Assistant Director, Jefferson County Justice Services
Heather McClure, Adams County Division of Community Safety and Well-Being
Clay McKisson, Judge/ 3rd Judicial District (JD)
Jenifer Morgen, Chief Probation Officer/ 17th JD
Greg Otte, Deputy Chief Parole Officer/ 8th JD
Abigail Tucker, (CCJJ Vice Chair) Psychologist/ Mental health services provider and consultant

STAFF

Richard Stroker, CCJJ Consultant
Jack Reed, Research Director, Division of Criminal Justice
Stephané Waisanen, WG staff, Division of Criminal Justice
Laurence Lucero, SRTF staff, Division of Criminal Justice

ABSENT

Chris Gallo, Chief Deputy District Attorney/ 18th Judicial District (JD)
Kazi Houston, Rocky Mountain Victim Law Center
Matthew James, Denver District Attorney's Office/2nd JD
Megan Ring, Office of the State Public Defender
Elaina Shively, District Attorney's Office/ 20th JD

GUESTS

Amanda Terrell-Orr, Program Administrator, City of Colorado Springs
Aaron Stewart, Analyst II/Division of Probation Services
Dana Wilks, State Court Administrator's Office

<p>Issue/Topic Welcome & Agenda <i>Glenn Tapia,</i> <i>Working Group Leader</i></p>	<p>Discussion</p> <p>Glenn Tapia (Working Group Leader) welcomed Working Group (WG) members and guests to the meeting.</p> <p>Glenn reviewed the agenda and stated that he would initiate a poll of the members to determine the next area of work and prioritize the study areas for the WG to examine.</p>
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<p>Issue/Topic Areas of Study – Live Poll <i>Glenn Tapia, WG Leader</i> <i>All Members</i></p>	<p>Discussion</p> <p>Scope of work:</p> <ul style="list-style-type: none"> • Area I: Evaluate probation levels of supervision in the interest of proper dosage and approaches with the goal of avoiding over-supervision • Area II: Examine probation practices regarding the use of conditions and length of supervision <p>Specific study areas:</p> <ol style="list-style-type: none"> 1. Early Termination 2. Terms and Conditions 3. Outlier Offense Types on Probation 4. Cost of Supervision and Treatment 5. Stability Factors and Other Barriers (e.g. transportation, housing) 6. Revocation Petitions 7. Sentence Length 8. Specialized/Intensive Supervision (vs One Size Fits All) 9. Electronic Monitoring 10. Useful Public Service 11. Low Risk/Private Probation Supervision 12. Fidelity/Adherence to Assessment-Based Supervision <p>The WG decided to examine first, the scope of work related to “over-supervision for the general probation population” and prioritized the areas of study related to early termination, revocation, and intensive supervision.</p>
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<p>Issue/Topic Discuss Areas of Study: Early Termination <i>Glenn Tapia, WG Leader</i> <i>All Members</i></p>	<p>Discussion</p> <p><u>Discussion of Early Termination</u></p> <p>Glenn engaged the group to discuss the following questions:</p> <ol style="list-style-type: none"> 1. What is the problem we are trying to solve with early termination? 2. How do we know we have a problem with early termination? <p>After a lengthy discussion the group identified the following areas of concern with early termination:</p> <ul style="list-style-type: none"> • There is no consistency in Colorado as not all jurisdictions have the same policy regarding early termination, • Due to variation in jurisdictions, probation staff do not have discretion over when or how early termination is implemented, • In some districts, the District Attorneys have sole discretion to file for early termination, while in other districts this is at the discretion of the probation department,
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<p>Issue/Topic Discuss Areas of Study: Early Termination <i>Glenn Tapia, WG Leader</i> <i>All Members</i> <i>(continued)</i></p>	<ul style="list-style-type: none"> • In some cases, individuals are supervised longer when early termination is implemented, • Longer supervision can lead to collateral consequence with costs/finances and sometimes revocations, • Some districts have policies in place with regards to early termination: Probationer has to serve 50% of the sentence, terms and conditions should be met, and there are no outstanding obligations for restitution, • Counties that manage courtesy probation of individuals for another county, may not have the option of early termination, and • Probation sentences could double if early termination is part of the probation condition. <p>Discussion of Early Termination Glenn asked members whether early termination is a problem, or whether they believe the problem is in the length of the sentence. Some believed that sentences are too long and early termination is the solution, while others believed, early termination would create a longer probation sentence.</p> <p>Jenifer expressed that early termination would be acceptable for probationers whose risks and needs had been assessed and a determination made that they no longer need probation supervision.</p> <p>Kristen agreed on an individualized approach and, if early termination is implemented as an incentive, it might provide for more successful outcomes.</p> <p>Glenn asked Richard about early termination practices in other states. Richard is currently working with the state of Minnesota on a dosage probation model (a specific initiative supported by the National Institute of Corrections) and how different jurisdictions are reviewing it. The notion is that, if individuals successfully complete the program and have satisfied the conditions of supervision, then they are eligible for early termination.</p> <p>It was suggested that new probation officers may not be fully experienced with the procedures or resources and therefore might be reluctant to make decisions regarding early terminations.</p> <p>Some WG members believed that district attorneys should not have sole discretion regarding early termination decisions but that the decision should involve probation officers who work directly with the individuals and have the resources and information pertaining to probationers.</p> <p>Glenn asked the WG members whether they agreed on an individualized approach for probationers with early termination to be determined by the probation officer, rather than a judicial officer or prosecutor.</p> <p>Richard suggested that a compliance to programs and services is a powerful incentive for good behavior and an important condition to determine early termination.</p>
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<p>Issue/Topic Discuss Areas of Study: Early Termination <i>Glenn Tapia, WG Leader</i> <i>All Members</i> <i>(continued)</i></p>	<p>It was noted that victims’ perspectives and transparency of the process should be included in early termination considerations.</p> <p>Glenn invited Richard to present on existing dosage models at the next WG meeting on May 6.</p>
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<p>Issue/Topic Next Steps and Adjourn <i>Glenn Tapia, WG Leader</i></p> <p>ACTION ITEM Richard will offer a presentation regarding early termination and revocation and identify problem areas at the next meeting.</p>	<p style="text-align: center;">Discussion</p> <p>For the next meeting on May 6, Glenn asked if the group agreed to a shortened meeting from 9:00am - 11:00am because he has a previous commitment at 11:30 am.</p> <p>Jack Reed (Staff, Division of Criminal Justice) informed the group that the Governor’s Office of Boards and Commissions has provided guidance to host hybrid in-person/virtual meetings. An email to members prior to the next meeting will request RSVPs for those who would like to attend in-person. At least 50% of members will be necessary to provide the in-person attendance option.</p> <p>The Working Group will continue the discussion on early termination and pivot to a performance-based matrix, rather focusing on the length of time served. At the next meeting, Richard Stroker will present on probation practices such as, length of probation supervision, early termination, and earned credit options.</p> <p>Seeing no further discussion, Glenn thanked the group for their time and reminded members that the next meeting - a hybrid meeting (virtual and in-person attendance options...dependent on RSVPs) will be Friday, May 6, from 9:00 a.m. to 11:00 a.m.</p>
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Next Meeting

Next Meeting - Friday, May 6, 2022 / 9:00am – 11:00am (Hybrid Meeting)