

**Sentencing Reform Task Force
MINUTES**

April 6, 2022 / 1:30PM-2:00PM
Virtual Meeting

THIS MEETING DID NOT ACHIEVE A QUORUM

ATTENDEES

TASK FORCE MEMBERS

Michael Dougherty, *Task Force Co-chair*, District Attorney/20th Judicial District (JD)
Maureen Cain, Office of the State Public Defender
Valerie Finks, Victim Compensation Program/DA Office, 1st JD
Kazi Houston, Rocky Mountain Victim Law Center
Jessica Jones, Defense Attorney
Brian Mason, District Attorney/17th JD
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Tom Raynes, Colorado District Attorneys' Council
Michael Rourke, District Attorney/19th JD
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

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
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
Heather McClure, Adams County Division of Community Safety & Well-Being
Dan Rubinstein, District Attorney/21st JD
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 noted 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 approvals of the February and March minutes are postponed to the Task Force meeting on May 11.</p>
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<p>Issue/Topic Working Group Updates Sentencing Alternatives/Decisions & Probation Working Group and Sentence Structure Working Group</p> <p>ACTION The Sentencing Alternatives/Decisions & Probation WG will hear a presentation regarding early termination and revocation to identify problem areas.</p> <p>ACTION The Sentence Structure WG will hear a presentation on discretionary parole and its role in certainty in sentencing.</p> <p>The Working Group will continue its efforts to categorizing felony offenses in its crime severity chart</p>	<p>Discussion</p> <p><u>Sentencing Alternatives/Decisions & Probation WG - Glenn Tapia, WG Leader</u> As reported at the March Task Force meeting, the Probation WG did not reach a consensus on a strategy to develop a proposal to reform the statutory structure of the Sex Offender Intensive Supervision Program (SOISP) laws and tabled this issue. The WG has pivoted to examine the areas of over-supervision for the general probation population and prioritized the areas of study related to early termination and revocation. At the next meeting, Richard Stroker will present on other states’ early termination models. Glenn anticipated that the work around revocation practices and early termination will continue through the summer and early fall.</p> <p><u>Sentence Structure WG – Michael Dougherty, WG Leader</u> Michael reported that the Sentence Structure WG has met less frequently these past weeks, given that several members of the WG have been very engaged in the legislative session. The Sentence Structure WG and its Study Group (which meets weekly) will continue the review and analyses of discretionary parole, the enhanced felony severity classification chart, sentencing ranges, habitual sentence enhancers, mandatory consecutive sentences for crimes of violence, and the felony sentencing grid. At the next WG meeting, Maureen Cain, Jes Jones, and Dan Rubinstein will present on discretionary parole and its role in the context of building more certainty in sentencing. The same presentation will be offered at the Sentencing Reform Task Force at a later date.</p> <p>Michael noted that the Governor’s Office invited members of the SRTF and CCJJ, tomorrow, Thursday, April 7, 2022, to the signing of:</p> <ul style="list-style-type: none"> • <i>House Bill 2022-1229: S.B.21-271 Clean-up.</i> 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. There were additional • <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 including criminal offenses related to professional licensing, the probation recommendations, and the list of additional offenses that would be POWPO-eligible. • <i>House Bill 2022-1224: Theft of Public Benefits</i>
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Issue/Topic	Discussion
<p>Reactivation of the Sentence Progression Working Group</p> <p>ACTION</p> <p>Co-Leaders will present a potential scope of work at next TF meeting and membership and representation will be discussed</p> <p>Laurence will solicit interest by email to CCJJ members, SRTF members and members of the previous Sentence Progression WG in the reactivated WG.</p>	<p>Sentence Progression Working Group. Michael Dougherty, Rick Kornfeld, and Greg Mauro (previous Co-Leader of the Sentence Progression WG) met to discuss the reactivation of the Sentence Progression Working Group. Greg expressed interest in participating in the Working Group and the opportunity to provide continuity to the work done a few months ago.</p> <p>Greg Mauro, Brian Mason, and Emily Fleischmann (Office of the State Public Defender) have been designated Co-leaders of the reactivated Sentence Progression Working Group and were asked to propose a potential scope of work and timeline at the next Task Force meeting in May.</p> <p>Michael suggested that those interested or who might recommend participants, as well as entities or organizations that should be represented, should contact CCJJ Staff, Laurence Lucero with that information.</p>

Issue/Topic	Public Comment
<p>Next Steps and Adjournment</p> <p><i>Richard Stroker, CCJJ Consultant & Michael Dougherty, Task Force Co-chair</i></p>	<p>Michael solicited public comment, and hearing none, moved to the conclusion of the meeting</p> <p>Conclusion</p> <p>Richard Stroker, CCJJ Consultant, thanked Michael and Task Force members for their time and effort on this significant work. Richard believed that one of the challenges for the Sentence Progression WG is whether there will be a continued role for discretionary parole in the design of the future sentencing structure. Richard recommended that, as the Co-leaders discuss the scope of work, discussions and decisions related to discretionary parole occur at the level of the Task Force to provide guidance to the Working Group Co-leaders.</p> <p>Richard summarized that the Sentencing Alternatives/Decisions & Probation WG will continue to explore over-supervision with an immediate focus on early termination and revocation. The Sentence Structure WG will continue categorizing felony crimes by severity level. At the next Task Force meeting, the Co-leaders of the Sentence Progression WG will propose a scope of work and timeline and a list of potential members and entities for the WG will be compiled.</p> <p>Michael reminded the Task Force members that a new Parole Board Director position was posted last week on the Government jobs website and Michael encouraged members to share the job posting with their contacts.</p> <p>The next Task Force meeting in May will be offered as a hybrid meeting (choice of in-person or virtual attendance) and details will be forwarded. With no further business, Michael adjourned the meeting. The next meeting of the SRTF is May 11, 2022, at 1:30pm.</p>

Next Meeting
Wednesday, May 11, 2022 / 1:30-4:00pm (Hybrid: Choice of In-person or Virtual attendance)
Meeting information will be emailed to members and posted at, colorado.gov/ccjj/ccjj-meetings.