

**Sentencing Reform Task Force
MINUTES**

May 11, 2022 / 1:30PM-2:10PM
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)
Rick Kornfeld, *Task Force Co-chair*, Defense Attorney
Taj Ashaheed, Second Chance Center
Chad Dilworth, Adult Parole Board
Valerie Finks, Victim Compensation Program/DA Office, 1st JD
Kazi Houston, Rocky Mountain Victim Law Center
Jessica Jones, Defense Attorney
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Heather McClure, Adams County Division of Community Safety & Well-Being
Michael Rourke, District Attorney/19th JD
Dean Williams, Colorado Department of Corrections

STAFF

Richard Stroker, CCJJ Consultant
Jack Reed, Research Director, Division of Criminal Justice
Kevin Ford, CCJJ Staff, 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

Maureen Cain, Office of the State Public Defender
Terri Carver, State Representative/House District 20
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
Brian Mason, District Attorney/17th JD
Tom Raynes, Colorado District Attorneys' Council
Dan Rubinstein, District Attorney/21st JD
Glenn Tapia, Director, Div. of Probation Services/Judicial Branch
Lisa Wayne, Defense Attorney

<p>Welcome & Agenda Welcome, Approval of Minutes, and Agenda <i>Michael Dougherty, Task Force Co-chair</i></p>	<p>Discussion Michael Dougherty and Rick Kornfeld, Task Force Co-chairs, welcomed attendees. Michael reviewed the agenda and noted that, in the absence of a quorum, the approvals of the February 9, March 9 and April 6 minutes are postponed until the Task Force meeting on June 8. Rick mentioned that he and Michael are meeting regularly with the Governor’s Chief Legal Counsel who reiterated that the Governor remains committed to the work of the Commission and the Sentencing Reform Task Force.</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 continue discussing 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 categorize felony offenses in its crime severity chart</p>	<p>Discussion <u>Sentencing Alternatives/Decisions & Probation WG – Richard Stroker, CCJJ Consultant</u> In the absence of Glenn Tapia, WG Leader, Richard Stroker offered an update on the progress of the WG. The group is focused on the length of probation supervision, particularly on how the behavior and performance of probationers should affect the length of their probation. Richard presented general information related to probation supervision practices in the U.S. regarding, probation terms imposed for misdemeanors and felonies, the impact of longer probation terms, earned credits, and early discharge and termination practices in different jurisdictions. Richard also discussed how “dosage probation” (a specific initiative supported by NIC) is explored in different jurisdictions. Finally, the presentation included the time imposed resulting from a probation revocation and summarized practices regarding revocation options and the length of revocation periods. Next, the WG will examine various models and discuss early termination from probation. Richard anticipated that recommendations will be developed for presentation to the Task Force in late summer/early fall.</p> <p><u>Sentence Structure WG – Michael Dougherty, WG Leader</u> Given that several members of the WG were very engaged in the recent legislative session, Michael reported that the Sentence Structure WG had met less frequently these past weeks. The Sentence Structure WG and its Study Group (which typically meets weekly) will continue the review and analyses of the enhanced felony severity classification chart, felony sentencing grid, sentencing ranges, habitual sentence enhancers, mandatory consecutive sentences for crimes of violence, discretionary parole, and length of stay for felony offenses. At the next WG meeting, Maureen Cain, Jes Jones, and Dan Rubinstein are scheduled to 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 and is expected in July.</p>
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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><u>Sentence Progression WG – Greg Mauro, WG Co-leader</u></p> <p>Greg Mauro, Co-Leader of the Sentence Progression Working Group (WG) informed members that he met with the other Co-leaders, Emily Fleischman (State Public Defender’s Office) and Brian Mason (17th JD District Attorney) to provide some historical context of the previous areas of work and issues discussed by the WG prior to the start of its hiatus in July 2021. On Friday, May 13th, a planning meeting is scheduled that will include the Task Force Co-chairs and the WG Co-leaders to discuss the scope of work and membership. The Co-Leaders will follow up with the individuals who have expressed interest in participating on the WG. The planning meeting is open to the public and details of the meeting can be found on the CCJJ website (ccjj.colorado.gov/ccjj-meetings). Greg welcomed any suggestions or comments from Task Force members regarding the scope of work for the WG.</p> <p>Richard reiterated the importance for Task Force members to determine whether the prison-to-community transition process will be redesigned, if discretionary release to parole is eliminated from the proposed future sentencing structure, or whether the WG will focus on improvements to the existing transition processes regarding parole eligibility and release to parole, supervision, violations, and community corrections. If changes are made to discretionary release to parole or community corrections eligibility, the WG would have to make recommendations about how parole supervision, community corrections and other transition alternatives might operate in the future. Richard reminded members that statutory changes made to parole eligibility or the elimination of discretionary release to parole would be prospective (and not retroactive) and therefore any significant prison population impacts would not occur for a few years.</p> <p>Dean Williams mentioned that only about 40% of incarcerated individuals are released to community corrections or other transition programs. He expressed interest in participating in the development of alternative “exit-ramp” options.</p> <p>Rick welcomed any insight regarding the scope of work for the Progression WG.</p>

Issue/Topic	Public Comment
<p>Next Steps and Adjournment</p> <p><i>Michael Doughert & Rick Kornfeld, Task Force Co-chairs and Richard Stroker, CCJJ Consultant</i></p>	<p>Rick solicited public comment, and hearing none, moved to the conclusion of the meeting</p> <p>Conclusion</p> <p>Richard reiterated the details of the planning meeting for the Sentence Progression Working Group to be held, this Friday, May 13 at 9 am (details of the virtual meeting can be found on the CCJJ calendar). The TF Co-chairs and WG Co-leaders will discuss the direction and membership of the WG and will offer an update at the next Task Force meeting in June.</p>

<p style="text-align: center;">Issue/Topic Next Steps and Adjournment <i>Michael Doughert & Rick Kornfeld,</i> <i>Task Force Co-chairs and</i> <i>Richard Stroker, CCJJ Consultant</i> (continued)</p>	<p>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.</p> <p>Rick relayed a discussion with Michael and the CCJJ staff regarding hybrid meeting logistics (option to attend in-person or virtually). It is proposed that a threshold of 50% in-person attendees will be required to offer the in-person attendance option. Rick asked the group whether this seemed a reasonable proposal and members agreed.</p> <p>With no further business, Rick adjourned the meeting. The next meeting of the SRTF is on June 10, 2022, at 1:30 pm.</p>
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Next Meeting

Wednesday, June 10, 2022 / 1:30-4:00 pm

At least 50% of Task Force members must RSVP to attend in person to allow a hybrid meeting (choice of in-person or virtual attendance); otherwise, the meeting will only be held virtually (via Zoom).

Meeting information and logistics will be emailed to members and updated information posted at, colorado.gov/ccjj/ccjj-meetings.