

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES (Planning Meeting)

May 13, 2022 / 9:00AM-10:00AM
Virtual Meeting

ATTENDEES

Emily Fleischman, *Working Group Co-leader*, Public Defender’s Office
Brian Mason, *WG Co-leader*, District Attorney/17th JD
Greg Mauro, *WG Co-leader*, Denver Division of Community Corrections
Michael Dougherty, *Sentencing Reform Task Force Co-chair*, District Attorney/ 20th Judicial District (JD)
Rick Kornfeld, *Sentencing Reform Task Force Co-chair*/ Defense Attorney

STAFF

Richard Stroker, CCJJ Consultant
Jack Reed, Research Director, Division of Criminal Justice
Laurence Lucero, Sentencing Reform Task Force Staff, Division of Criminal Justice
Kevin Ford, CCJJ Staff, Division of Criminal Justice

Issue/Topic	Discussion
Welcome <i>Brian Mason, WG Co-leader</i>	<p>Brian Mason, WG Co-leader, welcomed attendees. He explained that the meeting was convened to request guidance from the Sentencing Reform Task Force (SRTF) Co-chairs regarding the mission and goals of the newly reactivated Sentence Progression Working Group.</p> <p>Brian mentioned that he and Emily recently met with Greg, who provided the historical background and the areas of work tackled by the “pre-hiatus” Sentence Progression Working Group.</p>

Issue/Topic	Discussion
Background of the previous Sentence Progression WG and mission of the reactivated WG	<p style="text-align: center;"><u>Background</u></p> <p>Rick Kornfeld believed that, in retrospect, it eventually became clear that the areas of focus, and the issues presented by these areas of focus, were rather broad in scope for the initial Sentence Progression WG.</p> <p>The WG group agreed that very thoughtful attention was necessary to develop an overall strategy to engage in the work. The group drafted 9 topics of potential areas of work and asked the Sentencing Reform Task Force for guidance regarding the work assignment at its June 7, 2021 meeting. Upon review of the list, and following comments offered by Task Force members, the Sentence Progression WG was placed on hiatus until the suggestions for</p>

<p>Issue/Topic</p> <p>Background of the previous Sentence Progression WG and mission of the reactivated WG (continued)</p>	<p>improved coordination of work topics were delineated by the Sentence Structure Working Group (of the SRTF).</p> <p><u>Suggestions/Guidance</u></p> <p>The Sentence Structure WG is currently assigned to review the felony offense structure and sentences. The reactivated Sentence Progression WG is assigned to examine issues related to the timelines and options to transition from prison to community and related services and programs. These efforts are somewhat interdependent and, therefore, require some coordination. The proposed timeline for the Sentence Progression WG suggests that recommendations developed for the SRTF and CCJJ would be ready in time for the FY 2023 legislative session.</p> <p><i>Is the focus of this WG to review and improve existing off-ramps or to create new ones?</i></p> <p>Rick responded that the response to this question was unclear during the earlier efforts by the Sentence Progression WG, which undermined its effectiveness. Rick felt the goal should be a combination of both improving existing programs and examining the need for alternative options.</p> <p><i>Has a list of prioritized topics been developed by the SRTF?</i></p> <p>The WG will be asked to develop and define a prioritized set of work topics for review by the SRTF.</p> <p><i>What is the Sentence Structure WG currently working on?</i></p> <p>Michael Dougherty summarized that the Sentence Structure WG had met infrequently these past weeks, given that several WG members had been very engaged with the legislative session. The Sentence Structure WG and its Study Group (which meets weekly) will continue the review and analysis of discretionary parole, the enhanced felony severity/classification chart (placing 600 felony charges into Classes F1 to F5, eliminating the F6 Class level), sentencing ranges along with habitual sentences, mandatory consecutive sentences for crimes of violence, and the felony sentencing grid.</p> <p>The group gathered data on sentence lengths and length of stay in CDOC. With an intention to build more certainty and consistency in sentencing, the WG is discussing how the CDOC might use earned time to determine release dates while incentivizing appropriate behavior within the facility. By the end of this year, the Sentence Structure WG will roll out a new felony grid proposal with proposed ranges for all felony offenses.</p> <p>Michael returned his attention to guidance and suggestions for the Sentence Progression WG. He suggested the group examine what transition options</p>
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<p>Issue/Topic</p> <p>Background of the previous Sentence Progression WG and mission of the reactivated WG (continued)</p>	<p>(“off-ramps”) should be available, what improvements can be made to the existing programs, and whether new alternatives be developed. Michael expressed concern that, too often, individuals approaching their release date are scheduled for reviews by both Community Corrections Boards and the Parole Board in the same year which can be confusing and burdensome for offenders and victims.</p> <p>Greg Mauro stated that parole and parole eligibility will be a complex issue for the group when discussing transition timing if the future of discretionary parole is unclear.</p> <p>Michael explained that such discussions (of discretionary parole) will need to be informed by any Sentence Structure WG recommendations, the discussion of which will occur at the SRTF. The Sentence Structure WG is indeed examining discretionary parole and several members of the WG are preparing information on other jurisdictions’ practices, possibly for presentation at the July SRTF meeting. The SRTF will discuss decisions regarding any recommendation regarding discretionary parole and its role in the sentencing structure in Colorado.</p> <p>Michael suggested that the mission of the WG is to use a global perspective of the “off-ramp” options and examine how related programs can be improved and how these options are coordinated in the overall system.</p> <p>Richard Stroker relayed that the earlier Sentence Progression Working Group identified some critical issues associated with the “off-ramp” options (Parole, COMCOR, ISP-I, TAKETWO). Richard believed it would be valuable for the group to understand where efforts can be coordinated and to identify the most appropriate program for each individual. The WG could examine consistency, operations, efficiencies in program operations, eligibility, timing, and program criteria to tailor the options to individual risk and needs to aid in the successful transition to the community. Richard also suggested that the group set aside discussions about parole or community correction supervision, violations and revocations issues.</p> <p>Richard agreed that the issue of discretionary parole in the sentencing structure must be settled due to the many interrelated issues to be addressed by the WG. The abolition of discretionary parole would have a significant impact on the sentencing grid under development by the Sentence Structure WG as well as on existing and potential “off-ramp” options the Sentence Progression WG will examine. Richard felt it is essential for the SRTF to decide soon its position on discretionary parole, which will allow the Sentence Progression WG to effectively conducts its work. Richard added that if discretionary parole were eliminated, it would be eliminated <i>prospectively</i>. This</p>
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