

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation Working Group
MINUTES

June 3, 2022 / 9:00AM-11:30AM
Virtual Meeting

ATTENDEES:

WORKING GROUP MEMBERS

Glenn Tapia, Director, *Working Group Leader*, Probation Services/ Judicial Branch
Kazi Houston, Rocky Mountain Victim Law Center
Heather McClure, Adams County Division of Community Safety and Well-Being
Clay McKisson, Judge/ 3rd JD
Jenifer Morgen, Chief Probation Officer/ 17th JD
Megan Ring, Office of the State Public Defender
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)
Kristin Heath, Assistant Director, Jefferson County Justice Services
Matthew James, Denver District Attorney's Office/ 2nd JD
Greg Otte, Deputy Chief Parole Officer/ 8th JD
Elaina Shively, District Attorney's Office/ 20th JD

GUESTS

Erin Crites, Probation Services/Judicial Branch

<p>Issue/Topic Welcome & Agenda <i>Glenn Tapia,</i> <i>Working Group Leader</i></p>	<p>Discussion</p>
	<p>Glenn Tapia, WG Leader, welcomed members and reviewed the meeting agenda. He proposed that the focus of the meeting be a discussion of the elements of a preliminary proposal on early termination for individuals on probation with a behavior-based incentive model. Glenn anticipated that the recommendation could be developed and presented to the SRTF at the end of the summer.</p>

<p>Issue/Topic Review of May Meeting <i>Glenn Tapia,</i> <i>Working Group Leader</i></p>	<p>Discussion</p>
	<p>At the May meeting, Richard Stroker, CCJJ Consultant offered a presentation to the WG: <i>Probation Practices: Supervision term, early termination, and earned credit options</i> on general information to probation supervision and a few models that other states/jurisdictions have used to address sentence lengths and early termination of probation. [The referenced presentation from May 6, 2022 is available under “Materials - Working Groups” at, ccjj.colorado.gov/ccjj-srtf]</p> <p>Glenn summarized the early termination discussion from the May 6 WG meeting with points for an initial proposal:</p> <ul style="list-style-type: none"> • An opportunity to recommend an early termination process for review when probationers complete 50% of their sentences, are in good standing and restitution is not owed • Establish a definitive point of 50% for the court to consider early termination cases determined by the probation office • Early termination is considered on an individual basis, behavior-based model • Violent offenses vs non-violent offenses, misdemeanor/felonies (early termination timeline needs to be determined) • Include victims’ perspectives and transparency in the process

<p>Issue/Topic Draft elements for an Early Termination recommendation <i>Glenn Tapia,</i> <i>Working Group Leader</i> <i>All</i></p>	<p>Discussion</p>
	<p>Glenn asked the group the following questions:</p> <ul style="list-style-type: none"> • Should courts consider early termination at 50% of the sentence served regardless of the crime? • Or, should the timeframe be different for violent cases, misdemeanors and felonies? • Should there be a possibility for early termination before 50% of the sentence is served? <p>Richard suggested that the group discuss the following considerations:</p> <ul style="list-style-type: none"> • What are the criteria/factors the probation officer could use to determine whether early termination is appropriate? • If early termination review is to occur at 50% of the sentence served on probation, should there be options for earlier or later considerations? • Behavior incentive – When an individual reach 50% of his/her sentence served but has not completed one part of the program, should there be a

<p>Issue/Topic Draft elements for an Early Termination recommendation <i>Glenn Tapia,</i> <i>Working Group Leader</i> All (cont.)</p>	<p>review at a future date when an individual has complied with all conditions?</p> <p>It was agreed that the possibility of an early termination before 50% of the sentence served was not feasible. Also, a standard process should be established to review all cases once 50% of the sentence has been served, with the exception of deferred judgments and sex offender cases with indeterminate sentences. It was suggested to differentiate the completion of sentences by type of crime (property crimes at 50% and person crimes at 75% completion of sentence).</p> <p>Glenn asked the group if an individual completes 50% of their conditions, should it fall under the probation office to review the case and consider an early termination rather than the court?</p> <p>Members agreed that probation officers should be involved in the process of determining early termination since they have the most contact/interaction with an individual on probation. However, the court should finalize and grant early termination.</p> <p>Glenn mentioned that the Crime and Justice Institute (CJI) will release a study on Colorado probation and revocations this summer. One of CJI’s recommendations is on early termination and standardizing early termination policies due to not having consistency throughout jurisdictions.</p> <p>Richard suggested that the group may want to approach an early termination recommendation by identifying criteria and to define what factors should be included in the review process:</p> <ul style="list-style-type: none"> • Additional levels of review/consideration may be needed in certain cases • The additional levels of review would not preclude the consideration of an early termination <p>Glenn explained that a statutory recommendation would mandate probation to consider early termination while implementing policies and standards. A policy recommendation would allow the State Court Administrator’s Office to develop standards. He asked the group whether they felt the recommendation should be statutory or a policy.</p> <p>After a lengthy discussion, the group decided to begin with a policy recommendation and include a mandatory training component for new probation officers (POs).</p> <p>Glenn requested whether Jenifer might ask for feedback from the Chief Community Probation Officer about a possible recommendation to develop standards on early termination.</p> <p>Glenn asked Erin about data on the length of a probation sentence by type of crime. Erin presented 2017 data on sentence lengths, the categories of the crime types, and how they are defined in the statute:</p>
---	---

<p>Issue/Topic Draft elements for an Early Termination recommendation <i>Glenn Tapia,</i> Working Group Leader All (cont.)</p>	<ul style="list-style-type: none"> • Probation sentences have a wide range and average about 2.5 years for felony offenses • Misdemeanor offenses average about 1.5 years • Assault 2.6 years for direct crimes • Property crimes 2.2 years • Robbery 2.5 years <p>Glenn suggested the group consider a behavior incentive model for early termination. This sentencing option would be used to moderate and deter future criminal behavior by supporting individuals in behavior change. For criminal justice-involved individuals, research has shown that the effective use of incentives and sanctions can promote behavior change when expectations are clearly defined and performance is measured.</p> <p>Glenn stated that he would begin working a draft recommendation for a policy on early termination, which would include mandatory training for probation officers. A draft will be forwarded to the group and Glenn asked the WG members to review/discuss the elements of the proposal with their stakeholders and to provide feedback at the July meeting.</p>
--	---

Issue/Topic	Discussion
<p>Next Steps & Adjourn <i>Glenn Tapia</i> Working Group Leader</p>	<p>Glenn reminded the group that the next meeting is on July 1, from 9:00 am to 11:30 am.</p>
<p>Action Item <i>Glenn Tapia</i> Draft an Early Probation Termination Policy recommendation</p>	<p>Glenn will draft an early termination probation policy proposal and the Division of Criminal Justice staff will send it to the WG before the next meeting.</p> <p>The WG will obtain feedback from stakeholders, and report back at the July meeting.</p>
<p>Action Item <i>Jenifer Morgen</i> Gather and present feedback from Chief Community Probation Officers on the proposed Early Probation Termination policy</p>	<p>Jenifer will discuss with the Chief Community Probation Officer a possible policy recommendation for early termination consideration when 50% of the sentence has been served.</p> <p>Glenn thanked the group for their contributions seeing no further discussion adjourned the meeting.</p>

Next Meeting

Friday, July 1, 2022 / 9:00am – 11:30am

Due to the coincident July 4th holiday weekend, the July 1 meeting was subsequently canceled. The next scheduled WG meeting is Friday, August 5, 2022 / 9:00am – 11:30am.