

**Colorado Commission on Criminal and Juvenile Justice**  
**Sentencing Reform Task Force**

**Sentence Progression Working Group**  
**MINUTES**

September 6, 2022 / 9:00 AM - 11:00 AM  
VIRTUAL MEETING

**ATTENDEES**

**WORKING GROUP MEMBERS**

Emily Fleischmann, *WG Co-leader*, Public Defenders' Office  
Brian Mason, *WG Co-leader*, District Attorney/ 17<sup>TH</sup> Judicial District (JD)  
Greg Mauro, *WG Co-leader*, Denver Division of Community Corrections  
Joseph Archambault, Office of the State Public Defender  
Christie Donner, CO Criminal Justice Reform Coalition  
JR Hall, Parole Board Chair  
Rick Kornfeld, *SRTF Co-chair*, Criminal Defense  
Andrew Matson, Colorado CURE  
Meredith McGrath, Division of Parole/CDOC  
Amber Pedersen, Exec. Dir. Office/CDOC  
Emily Tofte Nestaval, Rocky Mountain Victim Law Center  
Michael Rourke, District Attorney/ 19th JD  
Catrina Weigel, District Attorney Office/20th JD

**STAFF**

Laurence Lucero, Division of Criminal Justice  
Jack Reed, Division of Criminal Justice  
Richard Stroker, CCJJ Consultant

**ABSENT**

Taj Ashaheed, Second Chance Center  
Richard Morales, Latino Coalition  
Steve O'Doriso, (CCJJ member) Adams County Commissioner, (former Progression WG)  
Abigail Tucker, CCJJ Chair

**Guests**

Anne Andrews, Parole Board  
Chystal Owin, OCC, Division of Criminal Justice  
Mike Tessean, Parole Board  
Andrew Wozniak, OCC, Division of Criminal Justice

Issue/Topic	Discussion
<p>Welcome &amp; Introductions Emily Fleischmann, Brian Mason, &amp; Greg Mauro, <i>WG Co-leaders</i></p>	<p>On behalf of all Co-leaders, Greg Mauro welcomed all participants. Greg then provided a brief overview of the meeting agenda:</p> <ul style="list-style-type: none"> <li>• Discuss data from Community Corrections and Parole</li> <li>• Determine whether more information is needed</li> <li>• Identify top areas of interest</li> <li>• Prioritize areas of interest</li> <li>• Next Steps</li> </ul>

Issue/Topic	Discussion
<p><b>Presentations</b> Community Corrections Data Chrystal Owin, DCJ/Office of Community Corrections &amp; Parole Board Data Anne Andrews, CO Board of Parole</p>	<p>Chrystal Owin (DCJ/Office of Community Corrections) summarized the following materials sent before the meeting: The reports and PowerPoint presentation below are posted on the CCJJ website under the tab, "Materials-Working Group," at <a href="http://ccjj.colorado.gov/ccjj-srtf">ccjj.colorado.gov/ccjj-srtf</a>.</p> <ul style="list-style-type: none"> <li>• Reports: FY20, FY21 and FY22 referral data/acceptance rates, including ISP-I (FY22 is still considered DRAFT until boards confirm their submitted numbers)</li> <li>• PowerPoint presentation on DOC denial reasons (CACCB in June) for appx 5 month of denial data (from 12/22/21 when the denial reasons were updated)</li> <li>• Link to Residential Community Corrections Dashboard at <a href="http://ors.colorado.gov/ors-commcorr">ors.colorado.gov/ors-commcorr</a> <ul style="list-style-type: none"> <li>○ Link to all Community Corrections Annual Reports and HB 1251 Annual Reports at <a href="http://dcj.colorado.gov/dcj-offices/office-of-community-corrections">dcj.colorado.gov/dcj-offices/office-of-community-corrections</a></li> </ul> </li> <li>• Performance-based Contracting information, target and pay-out charts can be found at <a href="http://dcj.colorado.gov/performance-based-contracting">dcj.colorado.gov/performance-based-contracting</a>.</li> </ul> <p>Chrystal also provided data on Risk Informed Outcomes targets (Risk category of Program based on &gt;50% of clients' LSI Risk scores).</p> <p>Successful Completions</p> <ul style="list-style-type: none"> <li>- 62% for Low/Medium Programs</li> <li>- 61% for High/Very High Programs</li> </ul> <p>Recidivism</p> <ul style="list-style-type: none"> <li>- 5% for Low/Medium Programs</li> <li>- 5% for High/Very High Programs</li> </ul> <p>Chrystal suggested that waiving the placement to community corrections could occur after acceptance, rather than prior to referral to incentivize the client's desire for and perceived benefit of the community corrections placement when the opportunity is already approved.</p>

<p><b>Issue/Topic</b>  <b>Presentations</b>                  Community Corrections Data                  Chrystal Owin, DCJ/Office of                  Community Corrections                  &amp;                  Parole Board Data                  Anne Andrews, CO Board of Parole</p> <p><b>ACTION</b>                  Chrystal will forward performance-based contracting data by risk-level</p>	<p>As requested by members of the group, Chrystal will also forward performance-based contracting by risk level.</p> <p>Anne Andrews from the Colorado State Parole Board provided the FY21 Parole Board Annual Report. The report can be found on the CCJJ website under the tab, "Materials-Working Group," at <a href="http://ccjj.colorado.gov/ccjj-srtf">ccjj.colorado.gov/ccjj-srtf</a>.</p> <p>Anne followed up on the discussion regarding individuals entering the Colorado Department of Corrections (CDOC) who are close or past their Parole Eligibility Date (PED) or even their Mandatory Release Date (MRD).</p> <p>At the previous meeting, there was a concern for individuals who have failed Community Corrections programs, are regressed to CDOC, and are now close to MRD/PED. While this is true and a concern, the Parole Board also noticed an increase in individuals coming directly to CDOC (not due to Community Corrections failures) who are past the PED or even close to or past the MRD. This represents a challenge for individuals to receive any programming, treatment, or even for CDOC staff to enter adequate information prior to their parole application hearing before the Board.</p>
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<p><b>Issue/Topic</b>                  Prioritizing Areas of Interest                  Initial Discussion of Scope of Work</p>	<p style="text-align: center;">Discussion</p> <p>Richard Stroker provided the list of topics that summarized the areas of interest discussed by the "pre-hiatus" Working Group. The goal of today's meeting is to review these topics and prioritize the list.</p> <p><b>Over-arching considerations:</b></p> <ul style="list-style-type: none"> <li>• Can release options be integrated into a system that works with greater coordination and harmony?</li> <li>• Increasing consistency in the application of transition options</li> <li>• What can be done to better match individuals with existing release options?</li> <li>• Can specific recommendations be developed that would help increase long-term public safety by addressing the needs of particular populations?</li> </ul> <p><b>Specific items:</b></p> <ol style="list-style-type: none"> <li>1. Which populations/individuals are best served by Community Corrections? Community Corrections can help provide structure and services to individuals, prepare people to work and be reintegrated into communities, while addressing certain needs and problems.                         <ol style="list-style-type: none"> <li>a. What types of individual/populations are most "successful" in community corrections?</li> <li>b. What risk/needs/issues/populations may not fit well with residential community corrections?</li> <li>c. Are there populations that should be prioritized for Community Corrections placements?</li> </ol> </li> </ol>
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<p><b>Issue/Topic</b>                  Prioritizing Areas of Interest                  Initial Discussion of Scope of Work  <i>(continued)</i></p>	<ol style="list-style-type: none"> <li>2. Is eligibility for Community Corrections occurring at the right time, are current recommendations for placement helpful, and can more consistency in results be achieved?                         <ol style="list-style-type: none"> <li>a. Should the timing of eligibility be impacted by risk or other factors?</li> <li>b. Should the criteria for recommendations be reviewed? Is there any data or information to share regarding recommendations being made by CDOC staff?</li> <li>c. Are there issues concerning inmates waiving community options that the work group would like to address?</li> <li>d. There is variation in acceptance rates by local CC Boards. Is there interest in exploring ways to promote more consistency or increase acceptance rates?</li> </ol> </li>   <li>3. How is Community Corrections integrated with parole consideration?                         <ol style="list-style-type: none"> <li>a. For individuals who are placed in Community Corrections and eligible for parole, how are these options integrated?</li> <li>b. Community Corrections can be recommended by the Parole Board. How often is this done? How often are these cases accepted by CC Boards?</li> <li>c. Which individuals/circumstances might be most appropriate for CC recommendations by the Parole Board?</li> </ol> </li>   <li>4. Which populations are best served by ISP-I?                         <ol style="list-style-type: none"> <li>a. What role can/should risk or needs play in determining ISP-I placement?</li> <li>b. What other populations might be served by ISP-I?</li> <li>c. Issues concerning COPD and regression. What other approaches could be taken?</li> <li>d. Given the low number of actual placements, should the focus of ISP-I be reconsidered?</li> </ol> </li>   <li>5. Identifying the populations that are best served by Parole.                         <ol style="list-style-type: none"> <li>a. How is parole integrated with community corrections and ISP-I to help create a “system” of release options that promotes long-term public safety?</li> <li>b. Are there particular populations that are best “served” by parole, rather than CC or ISP-I?</li> <li>c. If so, how should this impact the criteria or eligibility for other programs?</li> </ol> </li>   <li>6. Short sentences. Individuals with short sentences might be immediately eligible for any or all of these “off-ramps.” However, given the amount of time necessary to process cases individuals may reach their MRD before being reviewed/placed.                         <ol style="list-style-type: none"> <li>a. What goals related to release options does the work group have for this population?</li> <li>b. What other approaches or options might be developed to address the timing or eligibility of this release for this population?</li> </ol> </li> </ol>
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<p><b>Issue/Topic</b>                  Top areas of Interest                  Initial discussion of scope of work                  (Continued)</p>	<p>7. Special needs populations. Some individuals with significant health, mental health, or other needs may require additional assistance.</p> <ol style="list-style-type: none"> <li>a. How well equipped are the current options to address the needs of this population?</li> <li>b. What other approaches might be taken regarding release options for this population?</li> </ol> <p>8. Regression from CC or ISP-I.</p> <ol style="list-style-type: none"> <li>a. What impacts occur for individuals if they are returned to DOC?</li> <li>b. What other alternatives exist to ensure that individuals returned to DOC receive services that will help address reasons for regression or promote more successful outcomes in the future?</li> </ol> <p>9. Other off-ramp considerations [<i>This topic was added following discussion occurring at the meeting</i>]</p> <p>DISCUSSION</p> <ul style="list-style-type: none"> <li>• Brian Mason stated the importance of working with the Sentence Structure WG, which is currently working on the reclassification of felony offenses. What should be the progression path from the sentencing to CDOC? How is each transition-to-community (“off-ramp”) option used? How are they working and do they work in concert to build certainty and transparency?</li> <li>• The topic “Other ‘off-ramp’ considerations” was added to the list.</li> <li>• Need for a streamlined process that provides clarity for the length of the sentence that is actually served.</li> <li>• What are the systemic barriers for programs with less than 40% acceptance, and how to increase the rate?</li> <li>• Prioritize the topics with individuals receiving short sentences, special needs, and the aging population. Could ISP-I be expanded for the special needs population?</li> <li>• In the current system, victims receive notifications of upcoming referrals or placements and prepare victim statements every time an offender is referred to a program. This process is difficult and sometimes traumatic for victims. This is especially true when an individual is denied or waives his placement, and the process has to start again. Should the timing of referral/placement be considered? It is critical to have a system where victims have a meaningful voice.</li> <li>• Greg Mauro mentioned an idea discussed several years ago to change the timing of referral and for the Parole Board hearing to determine placement among the transition options at the initial or “PED hearing.” PED would be the entry point to the “off-ramp”/transition programs.</li> <li>• Regarding people who regressed from community corrections. What could be alternative options other than return to prison?</li> </ul>
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<p><b>Issue/Topic</b>                  Top areas of Interest                  Initial discussion of scope of work                  (Continued)</p>	<p>Richard summarized that the topic, “Other ‘off-ramp’ considerations,” was added to the list. The group had agreed to focus on areas that could be tackled over the next several months. Those may include:</p> <ul style="list-style-type: none"> <li>- Options for those serving short sentences</li> <li>- Expanding ISP-I to serve the special needs population</li> <li>- Alternative options for individuals who are regressed from Community Corrections.</li> </ul>
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<p><b>Issue/Topic</b>                  Public Comment</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Greg Mauro opened the floor for public comment. No member of the public offered public comment.</p>
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<p><b>Issue/Topic</b>                  Next Steps &amp; Adjourn                  Richard Stroker, <i>CCJJ Consultant</i>                  Emily Fleischmann, Brian Mason, &amp;                  Greg Mauro, <i>WG Co-leaders</i></p>	<p style="text-align: center;"><b>Discussion</b></p> <p>Richard referred to his discussion summary above and suggested the group will continue to prioritize the scope of work and define a process to work on these topics.</p> <p>The next Sentence Progression Working Group meeting is on <b>October 11, 9 am - 11:00 am.</b></p> <p>The meeting adjourned at 10:28 am</p>
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### Next Meeting

Tuesday, October 11, 2022 / 9:00 am – 11:30 am

Details of the meeting will be forwarded to the group and posted on the CCJJ calendar ([ccjj.colorado.gov/ccjj-calendar](http://ccjj.colorado.gov/ccjj-calendar)).