

Sentencing Reform Task Force MINUTES

November 9, 2022 / 1:30PM-4PM
Virtual Meeting

ATTENDEES

TASK FORCE MEMBERS

Michael Dougherty, *Task Force Co-chair*, District Attorney/20th Judicial District (JD)
Rick Kornfeld, *Task Force Co-chair*, Defense Attorney
Maureen Cain, Office of the State Public Defender
Valerie Finks, Victim Compensation Program/DA Office, 1st JD
Justin "JR" Hall, Colorado State Board of Parole
Kazi Houston, Rocky Mountain Victim Law Center
Jes Jones, Defense Attorney
David Kaplan, Defense Attorney
Brian Mason, District Attorney/17th JD
Andrew Matson, Colorado CURE
Greg Mauro, Denver Division of Community Corrections
Heather McClure, Adams County Division of Community Safety & Well-Being
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, Research Director, Division of Criminal Justice
Laurence Lucero, CCJJ Staff, Division of Criminal Justice
Kevin Ford, CCJJ Staff, Division of Criminal Justice
Stephané Waisanen, CCJJ Staff, Division of Criminal Justice

ABSENT

Taj Ashaheed, Second Chance Center
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
David "Dave" Hayes, Police Chief/ Louisville, CO
Henry Jackson, Metro State University
Sarah Keck, Court Services/Judicial Branch
Dan Rubinstein, District Attorney/21st JD
Dean Williams, Colorado Department of Corrections

<p>Welcome & Agenda Welcome, Approval of Minutes, and Agenda <i>Michael Dougherty & Rick Kornfeld</i> <i>Task Force Co-chairs</i></p>	<p>Discussion Rick Kornfeld, Task Force Co-chair welcomed attendees. Rick reviewed the agenda and solicited any additions or corrections to the October 12 minutes. A motion was offered and seconded to approve the minutes. Task Force members unanimously approved the October 12 minutes.</p>
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<p>Issue/Topic Biennial Letter from Governor: Regarding Auto Theft <i>Michael Dougherty & Rick Kornfeld</i> <i>Task Force Co-chairs</i></p>	<p>Discussion Rick Kornfeld explained that the Commission received the Governor Polis Biennial Letter on September 15, 2022 (<i>see §16-11.3-103 (7), C.R.S.</i>), which suggests study topics for the Commission. The latest topics include auto theft, felony sentencing, probation/alternative sentences, and reentry services. The biennial letter may be found on the Commission website at, ccjj.colorado.gov/ccjj-mandates.</p> <p>At the CCJJ October 14 meeting, Commissioners tasked the Sentencing Reform Task Force, specifically, within its Sentence Structure Working Group, to prioritize enhanced penalties associated with auto theft.</p> <p>Tom Raynes stated that, under Colorado statute, the crime classification for auto theft is based on the value of the vehicle. District Attorneys recently met in September and agreed to promote a bill during the upcoming legislative session to remove the valuation of the vehicle as determinative of the applied penalties in the auto theft statute. In other words, the crime penalties for auto theft would be independent of the value of the car.</p> <p>Maureen Cain reminded the group that a “General Felonies” chart, developed and presented by the Sentence Structure WG last year, addresses the crime classification for aggravated motor vehicle theft, motor vehicle theft, and joy-riding offenses. The “General Felonies” chart is included in today’s materials. The Working Group acknowledged the value of the vehicle does not reflect the impact of the loss and agreed that the valuation should be removed from the theft statute.</p>
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<p>Issue/Topic Draft Recommendation FY23-SR #01. Standardize Early Termination Policy in Probation [Policy] Sentencing Alternatives/Decisions & Probation WG <i>Glenn Tapia, WG Leader</i></p>	<p>Discussion <u>Draft Recommendation FY23-SR #01. Standardize Early Termination Policy in Probation [Policy]</u></p> <p>On behalf of the Sentencing Alternatives/Decisions & Probation WG, Glenn Tapia offered a PowerPoint presentation that can be found on the Commission website on the SRTF page under the “Materials - Task Force” tab at, ccjj.colorado.gov/ccjj-srtf and is appended below.</p> <p>Highlights of the presentation</p> <ul style="list-style-type: none"> - The Scope of Work determined for the WG includes the evaluation of the levels of probation supervision, the examination of probation practices regarding the use of conditions, length of supervision, responses to violations, and revocations.
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<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Draft Recommendation FY23-SR #01. Sentencing Alternatives/Decisions & Probation WG <i>Glenn Tapia, WG Leader</i> (continued)</p>	<ul style="list-style-type: none"> - The Problems <ul style="list-style-type: none"> ○ Sentence lengths are necessarily broad in statute, especially for felonies, yet, they do not correspond with the individual risks and needs of persons on probation. Some individuals are readier than others to terminate probation early. ○ There are long-standing and wide variations among and within districts in early terminations. ○ The process for early termination is confusing for those on probation, victims, and others in the community due to broad inconsistencies in policy and practice. ○ Over-supervision can result in collateral consequences for some people and new criminal behavior for others, especially for those who are lower risk. - The Goals <ul style="list-style-type: none"> ○ Reduce over-supervision for appropriate persons on supervision on an individualized basis. ○ Advance goals of SRTF for consistency and transparency in sentencing by fostering a clear timeline at which early termination is requested for most adults on probation. ○ Address issues at the probation policy and practice levels. ○ Retain discretion at the judicial and prosecutorial levels. - Policy Proposal to the Task Force <ul style="list-style-type: none"> ○ SCAO to collaborate with probation staff and other CJ stakeholders to standardize early termination policy and practice for adult cases. This would exclude deferred judgments and indeterminate sentences/sex offenders with indeterminate sentences ○ Probation Standards require a mandatory review for early termination once a probationer achieves 50% of sentence completion. ○ Development of standardized tools (forms and checklists) to aid districts in practice, and to be transparent to and incentivize persons on probation ○ Probation will develop the means to educate stakeholders at the state and local levels on early termination practice. ○ Develop procedures to notify eligible victims of new early termination protocol. ○ SCAO will develop training for current and new probation staff as well as quality assurance tools and data collection by June 30, 2024 <p>The excerpt of the draft recommendation presented below was forwarded to the group prior to the meeting.</p>
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<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Draft Recommendation FY23-SR #01. Sentencing Alternatives/Decisions & Probation WG <i>Glenn Tapia, WG Leader</i> (continued)</p>	<p>FY23-SR #01. Standardize Early Termination Policy in Probation [Policy]</p> <p>There should be a standardized process within all of the Colorado Probation judicial districts to ensure a transparent, consistent, and timely review of each adult case for early termination. Following these recommendations (Appendix A) is a list of technical considerations and areas that will need to be addressed by a working group for this process to be successful.</p> <ul style="list-style-type: none"> • <u>Process development</u>: The State Court Administrators Office (SCAO) and the Division of Probation Services (DPS), in collaboration with probation staff, stakeholders (e.g. treatment providers, prosecuting and defense attorneys), and victim representatives, should develop a protocol for the standardization of reviewing adult cases for early termination by June 30, 2024. • <u>Policy and Standards</u>: The protocol should result in a statewide policy that provides direction on the process. The <i>Standards for Probation in Colorado</i>, issued by the Supreme Court, should also incorporate a mandatory petition for review of adult cases once a probationer completes 50% of their sentence. The <i>Standards</i> should be revised by June 30, 2024. • <u>Structured Tools</u>: The protocol should rely on standardized forms and structured tools to ensure consistency statewide. There should be a form provided to the probationer at the beginning of probation that describes the behavioral response system and the incentive for early termination, as well as a checklist for the probation staff to determine eligibility for early termination. • <u>Specialized Intensive Programs</u>: Standards should be developed to ensure that probationers placed on intensive supervision serve at least 6 months on regular supervision before being submitted for early termination or that judicial officers at least consider the amount of time served on regular supervision before granting early termination at 50% of the sentence period for those who were assessed at high risk and high need at intake on probation. • <u>Stakeholder Education</u>: Stakeholders should be informed of the early termination protocol. The workgroup that develops the protocol should decide if stakeholder education should happen at the state level (e.g. presentations to victims’ groups, the chief judges’ council, the public defenders’ office, district attorneys' council) or at the local level. • <u>Victim Notification</u>: There should be procedures developed so that victims of eligible crimes are given appropriate education and time to opt in for notification in Victims Right Act cases. • <u>Training</u>: The Division of Probation Services should develop and administer a stand-alone training on the protocol for all current employees. After statewide implementation, this training portion should be incorporated into the Probation Academy, which is mandatory for all new probation officers. • <u>Quality Assurance</u>: The protocol should result in additional data entry to track the frequency and timeliness of early termination reviews. Staff at DPS/SCAO should annually review district compliance with the protocol and provide feedback to districts on the metrics. • <u>Implementation</u>: The SCAO/DPS should develop a strategy to consider district-level workload impact, docket impact, victim transparency, and victim impact in implementing the new policies and standards for current cases for those are newly eligible and those who are pending eligibly for early termination under the new model as of June 30, 2024.
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<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Draft Recommendation FY23-SR #01. Sentencing Alternatives/Decisions & Probation WG Glenn Tapia, WG Leader (continued)</p>	<p style="text-align: center;">DISCUSSION</p> <p>Several members asked for clarification whether the draft recommendation proposes a mandatory <i>PETITION</i> for early termination at 50% of the probation sentence or a mandatory <i>REVIEW</i> by probation to consider whether to petition for early termination.</p> <p>Kazi Houston highlighted the following language in the “Discussion” section of the recommendation: <i>“The goal is to create a standardized process to review all cases once 50% of the sentence length has been served, with the exception of deferred judgments, indeterminate sentences, and sex offender cases with indeterminate sentences. Considerations beyond the initial mandatory petition for early termination will remain discretionary. Probation’s review will result in a determination whether to file a petition for early termination, based on the individual’s progress and in conjunction with victim input, pursuant to §24-4.1-303(13.5)(a)(III), C.R.S. Local policy will be required to provide direction to the probation staff, based on the results of the standardized review process.”</i></p> <p><i>How was the 50% of the sentence length determined?</i> It was suggested that the Working Group add an explanation in the Discussion regarding how the timing at 50% of the sentence was decided.</p> <p>Some members of the group expressed concern about the potential overload of court hearings if all probationers were to be considered for early termination. Might standard criteria be developed for Probation officers to determine which cases should even be eligible for such a petition?</p> <p>Some stakeholders expressed hesitation to notify victims of a possible early termination hearing in cases where the offender would not actually get a hearing because he/she might not be ready for early termination.</p> <p>Following a lengthy discussion, Glenn acknowledged the need for clarity regarding the issues raised during the discussion. He will return the proposal to the Working Group for further discussion.</p>
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<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Update: Sentence Structure Working Group Michael Dougherty, WG Leader Maureen Cain, WG Member</p>	<p style="text-align: center;">Discussion</p> <p style="text-align: center;"><u>Sentence Structure WG – Michael Dougherty, Leader</u></p> <p>Michael Dougherty shared that the goal of the update was to provide a summary of the work from the Sentence Structure Working Group and to request feedback on particularly challenging issues. Some topics may be compiled into recommendations in the coming weeks and others may require several months of additional study. The topics chosen for feedback today <u>does not</u> imply that these will be chosen for action more imminently.</p> <p>Maureen Cain presented several documents reflecting the current work. The documents will be forwarded to Task Force members for feedback in the upcoming days.</p>
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<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Update: Sentence Structure Working Group <i>Michael Dougherty, WG Leader</i> <i>Maureen Cain, WG Member</i> (continued)</p>	<p>- Sentencing Class Conversion Chart (see below) includes a proposed conversion chart for Enhanced Felonies, General Felonies, and Sex Offense Felonies. Colorado statute currently comprises six levels of felony class. The Working Group proposes a five-level felony class model.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><i>Enhanced Felonies</i></td> <td style="text-align: center;"><i>General Felonies[^]</i></td> <td style="text-align: center;"><i>Sex Offense Felonies*</i></td> </tr> <tr> <td style="text-align: center;">EF1 = F1</td> <td style="text-align: center;">GF1 = F2</td> <td style="text-align: center;">SF1 = F2</td> </tr> <tr> <td style="text-align: center;">EF2 = F2</td> <td style="text-align: center;">GF2 = F3</td> <td style="text-align: center;">SF2 = F3</td> </tr> <tr> <td style="text-align: center;">EF3 = F3</td> <td style="text-align: center;">GF3 = F4</td> <td style="text-align: center;">SF3 = F4</td> </tr> <tr> <td style="text-align: center;">EF4 = F4</td> <td style="text-align: center;">GF4 = F5</td> <td style="text-align: center;">SF4 = F5</td> </tr> <tr> <td style="text-align: center;">EF5 = F5 and 6</td> <td style="text-align: center;">GF5 = F6</td> <td style="text-align: center;">SF5 = F6</td> </tr> <tr> <td></td> <td style="text-align: center;">^There were no F1s categorized into the General Felony list</td> <td style="text-align: center;">*There were no F1s categorized into the Sex Offense list</td> </tr> </table> <p>- Sex Offenses Chart The chart includes: <i>Crimes, Elements, Statutory Citations, Current Felony Level, # of Times Filed, Life Time Supervision (LSA), Recommended Felony Level, New Class, Current Sentencing Range Presumptive, Current Sentencing Range Aggravated, and Sentence Enhancers.</i></p> <p>- General Felonies Chart This chart was presented to the Task Force in November 2021. Some updates were added to include <i>Presumptive and Aggravated ranges, Sentenced to DOC, and Average Length of Stay.</i> A <i>Sentence Enhancer</i> column will be added. Most of the crimes in the “General Felonies” chart (about 200 felonies) do not involve crimes of violence (no bodily injury or use of weapon).</p> <p>- Enhanced Felonies Chart This chart comprises crimes of violence including homicide crimes and at-risk crimes. Separate charts were presented for “Assault” and “Kidnapping.”</p> <p>Highlights:</p> <ul style="list-style-type: none"> • “Extreme Indifference”: A sentence enhancer that can apply to 1st degree murder and assault cases. First-degree murder has a sentence of life without the possibility of parole. The WG members continue to discuss how different elements of a case can pose challenges in the determination whether “Extreme Indifference” should be filed. • Vehicular Homicide: WG members heard a presentation and recommendations from Colorado Mothers Against Drunk Driving (MAAD) on this topic and continue to discuss potential changes in classification and sentencing ranges for vehicular homicide. Colorado Law defines vehicular homicide “<i>as driving a motor vehicle in a reckless manner or under the influence of alcohol or drugs, and thereby causing an accident that kills another person.</i>” The sentencing range for vehicular homicide ranges from 2 to 6 years in prison (or up to 12 years for a DUI). The Working Group is discussing whether to change the maximum sentencing 	<i>Enhanced Felonies</i>	<i>General Felonies[^]</i>	<i>Sex Offense Felonies*</i>	EF1 = F1	GF1 = F2	SF1 = F2	EF2 = F2	GF2 = F3	SF2 = F3	EF3 = F3	GF3 = F4	SF3 = F4	EF4 = F4	GF4 = F5	SF4 = F5	EF5 = F5 and 6	GF5 = F6	SF5 = F6		^There were no F1s categorized into the General Felony list	*There were no F1s categorized into the Sex Offense list
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<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Update: Sentence Structure Working Group <i>Michael Dougherty, WG Leader</i> <i>Maureen Cain, WG Member</i> (continued)</p>	<p>range for vehicular homicide or create a new “Aggravated Vehicular Homicide,” which would capture the more egregious vehicular fatalities.</p> <ul style="list-style-type: none"> • Crime against at-risk persons: Should the classification of the crime increase by one level of felony or should it be included in the “aggravated” range? Should the “at-risk” definition be revised? In Colorado law, the “at-risk” age starts at 70 years old and a 3rd degree assault committed on a person “at-risk” becomes a felony. • Assault on Police Officer: The WG met with Mental Health Colorado and Disability Law Colorado and heard specific concerns expressed about the offense of 2nd degree assault on a police officer. There is a significant percentage of people arrested for that crime who suffer from a mental health disorder. The WG is considering a recommendation to classify the crime level based on the status of the victim. <p>- Mandatory Consecutive Sentencing: There is general consensus among WG members regarding the following:</p> <ul style="list-style-type: none"> • <i>Safety valve at sentencing</i> – The court would not have to impose a mandatory consecutive sentence if the following factors are proven by a preponderance of the evidence by the defendant at the sentencing hearing or by stipulation of the parties: <ul style="list-style-type: none"> ○ Defendant has no prior VRA felony convictions; and ○ Defendant has not used or possessed a firearm or explosive in the commission of the offense or threatened the use of a firearm or explosive during the commission of the offense; and ○ The defendants’ action did not result in Serious Bodily Injury. • <i>Post-conviction review</i> – When consecutive sentences are imposed for crime of violence (COV) offenses arising out of the same incident, the defendant would be allowed to file for a modification of the sentence between 119 days and 4 years (1,460 days) after the sentence is imposed. The defendant would be entitled to court-appointed counsel and a hearing. There would be a requirement for victim notification and an opportunity to be heard. • <i>Suggest as a standard of review</i> – The court could modify the sentence when the case involves substantial mitigating factors and the defendant has demonstrated actions toward rehabilitation, evidenced by positive programming and engagement at the CDOC that justify a modification of sentence. <p>- Extraordinary Risk and Enhanced Felony Crimes The group continues to discuss Extraordinary Risk and Enhanced Felony Crimes. Extraordinary Risk for Misdemeanor crimes was eliminated in 2001 and may be proposed for elimination for “General Felonies.”</p> <p>- Certainty in Sentencing The group continues to discuss certainty and is considering several options to enhance certainty and clarity in sentencing.</p>
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<p style="text-align: center;">Issue/Topic</p> <p>Update: Sentence Structure Working Group <i>Michael Dougherty, WG Leader</i> <i>Maureen Cain, WG Member</i> (continued)</p>	<p style="text-align: center;">DISCUSSION</p> <p>Brian Mason offered feedback that if penalties for vehicular homicide were to change drastically, he would agree with the exclusion of a charge for extreme indifference murder. He believed that life without the possibility of parole for extreme indifference murder is an appropriate outcome.</p> <p>Kazi Houston expressed interest in hearing more from stakeholders about those categorized as “at-risk.” She reported that victims frequently feel that offenders should be charged with an “at-risk” enhancer. Maureen will circle back with the Mental Health Colorado and Disability Law Colorado on this issue.</p> <p>Rick Kornfeld stated that the “safety valve” concept at sentencing for Mandatory Consecutive can be an effective tool and is currently used by the U.S. Attorney’s Office.</p>
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<p style="text-align: center;">Issue/Topic</p> <p>Update: Sentence Progression Working Group <i>Brian Mason, Greg Mauro, WG Co-leaders</i></p> <p style="text-align: center;">ACTION:</p> <p>Prepare a summary of issues and a suggested scope of work identified by the WG for continued exploration by the Re-entry Task Force</p>	<p style="text-align: center;">Discussion</p> <p><u>Sentence Progression WG – Brian Mason, Emily Fleischmann, & Greg Mauro, Co-leaders</u></p> <p>Brian Mason and Greg Mauro reported that the WG Co-leaders and staff met to discuss the Governor Biennial Letter and the consequent Commission decision to create a new Re-entry Task Force. The new Task Force will have a broader mission than the WG. Namely, the task scope will include a thorough review of and how to improve programs for incarcerated individuals returning to the community.</p> <p>At the Sentence Progression WG meeting on 11/8/22, members discussed whether the Working Group should continue to work on three narrowly-defined areas identified in Community Corrections, Intensive Supervision Program-Inmate (ISP-I), and Parole: the timing of eligibility, the population serving short sentences, and the ISP-I program.</p> <p>WG members expressed concern about potential overlap and duplicative work with the newly created Re-entry Task Force and agreed that the continuation of the WG would not be a productive use of time.</p> <p>The group decided to offer a summary of the issues and a suggested scope of work identified for continued exploration by the Re-Entry Task Force. Once approved by the Working Group leaders, the summary will be submitted to the Sentencing Reform Task Force to pass along to the Commission to aid in the planning for the Re-entry Task Force.</p> <p>The Working Group leadership asked the Sentencing Reform Task Force members whether there was any objection to discontinuing the Sentence Progression Working Group. No objection was made. The WG meeting on December 6, 2022 was canceled and staff will remove the meeting schedule of the Sentence Progression Working Group from the CCJJ meeting calendar.</p>
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Issue/Topic	Discussion
<p>Update: Sentencing Alternative/Decisions & Probation Working Group <i>Glenn Tapia, WG Leader</i></p>	<p><u>Sentencing Alternatives/Decisions & Probation WG – Glenn Tapia, Leader</u></p> <p>Glenn reported that, in addition to the efforts leading to the draft recommendation presented above, the WG continues to focus on its next topic regarding gender and race/ethnic disparities in probation. The WG has heard general presentations on data related to disparity issues.</p> <p>The initial focus on the topic is involves studying any additional data and information that is available to address potential disparities in the Pre-Sentence Investigation (PSI) process.</p> <p>The WG will revise the draft recommendation at its next meeting on December 2 and re-submit the draft for consideration at the next meeting of the Task Force.</p>

Issue/Topic	Public Comment
<p>Public Comment <i>Michael Dougherty, Rick Kornfeld Task Force Co-chairs</i></p>	<p>Rick solicited public comment, and hearing none, moved to the conclusion of the meeting.</p>

Issue/Topic	Conclusion
<p>Next Steps/Adjourn <i>Michael Dougherty & Rick Kornfeld Co-chairs</i></p>	<p>Richard Stroker (CCJJ Consultant) recapped the meeting. The Sentencing Alternatives/Decisions & Probation WG will review the issues raised regarding the draft recommendation on Early Termination in probation and will continue its work on disparity issues.</p> <p>The Sentence Structure WG will continue its work on the specific areas discussed today.</p> <p>The Sentence Progression WG will prepare a suggested scope of work and a summary of the issues identified for potential exploration by the Re-Entry Task Force. Once approved, the WG Co-leaders will submit the document to the Sentencing Reform Task Force that will pass along the document to the Commission to assist in the development of its charge to the Re-Entry Task Force.</p> <p>With no further business, Rick Kornfeld adjourned the meeting. The next Sentencing Reform Task Force meeting is Wednesday, December 7 at 1:30 pm.</p>

Next Meeting

Wednesday, December 7, 2022 / 1:30-4:00 pm

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



**Preliminary Recommendation
FY23-SR #01. Standardize Early
Termination Review in Probation [Policy]**

Sentencing Reform Task Force

[Sentencing Alternatives/Decisions and Probation Working Group]

Presentation to the Colorado Commission on Criminal and Juvenile Justice
December 9, 2022

Scope of Work from Commission and SRTF

1. Redefine statutory purpose of probation
2. Evaluate probation level of supervision in the interest of proper dosage and approaches (e.g. avoiding over-supervision)
3. Examine probation practices regarding the use of conditions, length of supervision, responses to violations, and revocations
4. Examine impact of Traumatic Brain Injury (TBI) in revocations and other outcomes and recommend strategies to better accommodate persons with TBI
5. Examine ethnic and gender disparities in probation outcomes/practices and recommend strategies to abate disparate treatment and/or outcomes
6. Examine impact on prison population
7. Consider alternatives that can be utilized at the time of sentencing



PRELIMINARY

Recommendation FY23-SR#01.

**Standardize Early Termination
Review in Probation**

(Policy Recommendation)

Problems

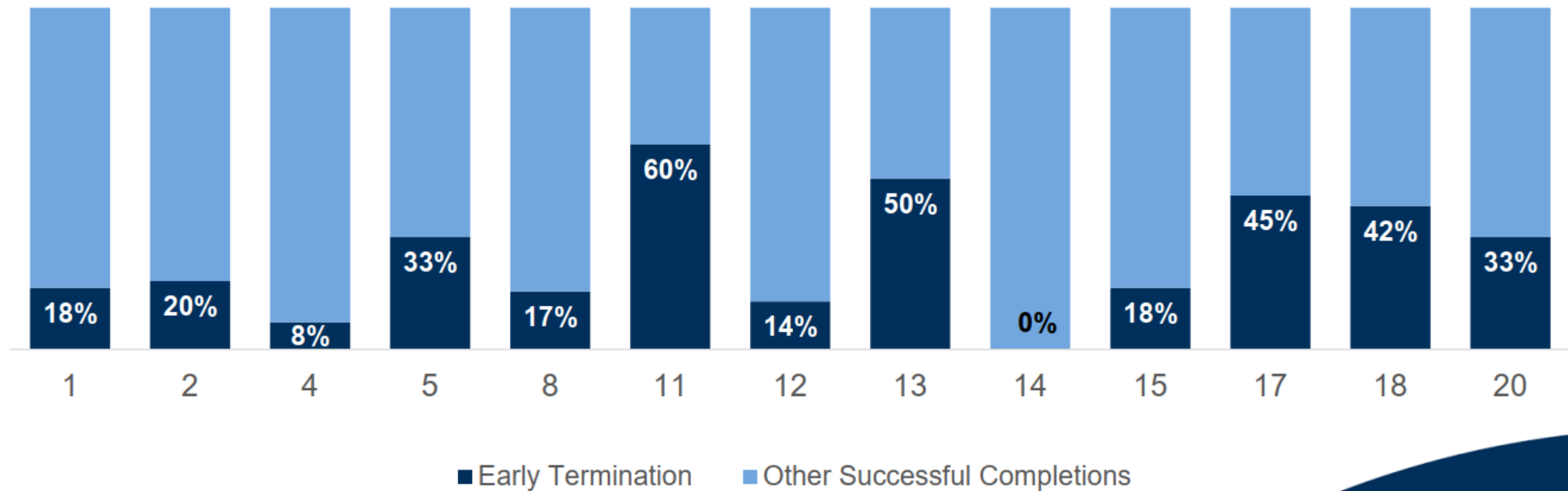
- **Sentence lengths are necessarily broad in statute, especially for felonies yet do not correspond with individual risks and needs of persons on probation. Some are more ready than others to terminate probation early.**
- **There are long-standing and wide variations among and within districts in early terminations**
 - **Due to policies in probation**
 - **Due to practice outside probation's control**

Problems

- **The process for early termination is confusing for those on probation, for victims, and for others in the community due to broad inconsistencies in policy and practice.**
- **Over-supervision can result in collateral consequences for some people and new criminal behavior for others, especially those that are lower risk to begin with.**

Use of Early Termination Varies Greatly Based on Judicial District

Early Termination of Probation by District of Supervision



75 Source: File Review

Goals and Values

- **Reduce over-supervision for appropriate persons on supervision yet on an individualized basis.**
- **Advance values of SRTF for consistency, certainty and transparency in sentencing by having a clear timeline at which early termination is reviewed for most adults on probation.**
- **Address issues at the probation policy and practice level.**
- **Retain discretion at judicial and prosecutorial level.**

POLICY RECOMMENDATION TO CCJJ

- **SCAO to collaborate with probation staff and other CJ stakeholders to standardize early termination policy and practice for adult cases.**
 - **Except deferred judgments and indeterminate sentences/sex offenders with indeterminate sentences**
- **Probation Standards require mandatory review for early termination once a probationer achieves 50% of sentence completion.**
- **Development of standardized tools (forms and checklists)**
 - **to aid districts in practice**
 - **and to be transparent to and incentivize persons on probation**

POLICY RECOMMENDATION TO CCJJ

- **Probation to develop means to educate stakeholders at state and local levels on early termination practice**
- **Develop procedures to notify eligible victims of new early termination protocol.**
- **SCAO to develop training for current and new probation staff as well as quality assurance tools and data collection**
- **by June 30, 2024**

Appendix A: Technical and Procedural Issues to Address by Judicial

- **Probationers with multiple cases**
- **Contingency planning when client doesn't meet all requirements but is close**
- **Courtesy supervision and interstate compact cases**
- **Private probation procedures**
- **Treatment considerations when treatment may need to outlast supervision**
- **Automated notification for probation staff**
- **Supervisory review**
- **Information provided to the court**
- **Model local policies**