



## Colorado Commission on Criminal and Juvenile Justice

### Minutes

January 13, 2017

480 South Allison Parkway  
Lakewood, CO 80226

#### Commission Member Attendance

Stan Hilkey, Chair	Daniel Kagan	Lang Sias
Doug Wilson, Vice-Chair	Bill Kilpatrick	Scott Turner
Jennifer Bradford	Evelyn Leslie	Michael Vallejos - ABSENT
John Cooke - ABSENT	Joe Morales	Dave Weaver
Valarie Finks	Norm Mueller	Peter Weir
Kelly Friesen	Joe Pelle	Robert Werthwein
Charles Garcia	Rick Raemisch	Meg Williams
Mike Garcia	Rose Rodriguez	Dave Young
Jessica Jones	Joe Salazar	Jeanne Smith, <i>Ex Officio</i>

#### Substitutes:

#### CALL TO ORDER AND OPENING REMARKS

##### Stan Hilkey, Chairman and Executive Director of the Department of Public Safety

Stan Hilkey, Chairman of the Commission and Executive Director of the Department of Public Safety, called the meeting to order at 1:07 pm. and noted that three Commissioners would be attending via phone as follows: Rick Raemisch, Joe Pelle and Robert Werthwein. Mr. Hilkey welcomed newly appointed legislative Commissioners Senator Daniel Kagan and Representative Joe Salazar and asked all of the Commissioners to introduce themselves. Mr. Hilkey reviewed the meeting agenda and asked for any corrections, suggestions or additions to the December minutes and seeing none he called for a motion to approve the minutes. Following a motion and a second the minutes were approved unanimously.

#### ANNUAL COMMISSION REPORT DISTRIBUTION

##### Richard Stroker, Commission consultant

Consultant Richard Stroker explained that the annual Commission report for Fiscal Year 2016 has been provided to each Commissioner, along with a single page synopsis of the Commission's work and accomplishments for calendar year 2016. He pointed out that the one-page document is a condensed snapshot outlining the major accomplishments and activities in terms of recommendations, legislative actions and educational presentations throughout the year. The full report offers a more comprehensive review of what has transpired in the Commission, the Task Forces and the Working Groups during the past fiscal year. Mr. Stroker concluded that the information in both the report and the synopsis document will help to set the stage for the work that will continue in 2017. The report is available on the Commission web site at [colorado.gov/ccjj](http://colorado.gov/ccjj).

**PUBLIC COMMENT****Stan Hilkey, Chairman and Executive Director of the Department of Public Safety**

Mr. Hilkey explained that a final vote is scheduled to take place later in the meeting on four Mental Health/Jails Task Force recommendations and that a public comment section has been included on the agenda in advance of that vote. He added that a sign-up sheet has been made available for those who want to participate and offer their comments and feedback. Two individuals signed up to partake in the public comment as follows:

**Joe Miklosi, Former Colorado Representative**

Joe Miklosi introduced himself and explained that he is a former Colorado Representative from District 9 in southeast Denver and Arapahoe County. Mr. Miklosi reported that he is representing himself and is also working with Representative Dan Pabon, Senator John Cooke and Senator Rhonda Fields on a piece of legislation that addresses similar issues to the recommendations that are scheduled for a vote by Commissioners today. That legislation fills a gap in public safety where law enforcement personnel cannot always identify a person who has been involved in an M1 (emergency mental health) hold. The legislation calls for creating a statewide database in which various law enforcement and public safety agencies could share publicly available information and steer an individual who has been an M1 hold toward mental health services instead of towards the criminal processing system. Mr. Miklosi noted that he has spoken to various police chiefs and sheriffs who estimate that at least 30% of the people that law enforcement personnel interact with on a monthly basis are dealing with mental health issues. He added that the legislation coming forward would likely carry a price tag of approximately \$1.5M. Mr. Miklosi summarized that he is testifying today primarily to inform Commissioners about this complimentary ongoing effort, as he believes it dovetails nicely with the recommendations currently under consideration by the Commission.

**Chrissie Hodges, Mental Health Advocate**

Chrissie Hodges introduced herself and explained that she is a mental health advocate, a peer support specialist and a recovery coach for Obsessive-Compulsive Disorder (OCD) treatment in Denver. Ms. Hodges stated that she believes every person with a mental illness and a brain disorder deserves treatment, the opportunity for recovery, and deserves to be treated like a human being. Ms. Hodges noted that she sits on the Colorado Mental Health Advisory Board for Service Standards and Regulations and that she was extremely pleased when she first saw these four recommendations under consideration by the Commission. She recounted that she has worked in state institution for the last couple of years with individuals suffering from severe mental illness and sees the barriers they experience in securing housing and receiving treatment, along with all the other things needed to succeed in recovery, simply because they have a criminal record based on their illness. Ms. Hodges also reported that she herself lives successfully with a mental illness. She explained that she avoided having her mental illness criminalized because during her own mental health crisis she was taken to a medical facility instead of a jail, and was treated and directed to another facility for recovery. The two biggest barriers that individuals with mental illness face are societal stigma and dealing with a criminal

record. Ms. Hodges thanked Commissioners and asked them to become an advocate for people with mental illness and vote to support the recommendations.

Following Ms. Hodge's comments, Mr. Hilkey asked if there was any additional public comment. Seeing none he thanked the presenters for their feedback.

## **MENTAL HEALTH/POINT OF CONTACT THROUGH JAIL RELEASE TASK FORCE UPDATE**

**Richard Stroker, Commission consultant**

**Abigail Tucker, Community Reach Centers**

**Frank Cornelia, Colorado Behavioral Healthcare Council**

Mr. Hilkey introduced this segment of the agenda and noted that Mr. Stroker would set the stage for the presentation of the Mental Health/Jails Task Force recommendations.

Mr. Stroker explained that Sheriff Pelle is the Chair of this Task Force and would be joining the conversation momentarily via phone. In the meantime, Mr. Stroker explained that there are four recommendations being presented to Commissioners for consideration and that those recommendations are organized into two groups. The first two recommendations focus largely on the Crisis Response System and specifically on M1 hold cases. The second two recommendations focus on training for law enforcement personnel to assist with identification of issues associated with potential mental health problems. Mr. Stroker introduced two members of the Mental Health/Jails Task Force and explained that they would present the specifics of the recommendations. Dr. Abigail Tucker is the Clinical Director of Community Reach Centers and Frank Cornelia is with the Colorado Behavioral Healthcare Council.

Mr. Stroker began a PowerPoint presentation describing the background and work of the Mental Health/Jails Task Force. He added that Dr. Tucker and Frank Cornelia would provide more in-depth details of the recommendations. The full presentation can be found on the Commission website at [colorado.gov/ccjj](http://colorado.gov/ccjj). Discussion points following the presentation are noted below.

### **FY17-MH #01. Strengthen a Community-Based Crisis Response**

#### **Recommendation FY17-MH #01**

Position the Colorado Crisis Services System as the comprehensive response to behavioral health emergencies in all Colorado communities.

- Strengthen and enhance existing crisis services and provide resources to expand the system to ensure an appropriate health care response to behavioral health crises across Colorado.
- Amend statute (enacted by SB13-266, C.R.S. 27-60-103) to clarify the intent of the crisis system and formally introduce the responsibilities of being the preferred response to behavioral health crises across the state, and for engaging in community partnerships that facilitate such a response.

- Crisis System contracting and regulatory reform should specify the operational components necessary to achieve these responsibilities.
- The general assembly should commit resources to incentivize the development and expansion of an adequate crisis services provider network.

### *DISCUSSION*

Sheriff Pelle addressed Commissioners and stated that he is extremely supportive of all of the recommendations coming forward today. He reported that Task Force members agreed their first priorities would be to address strengthening the Crisis Response System, removing jail placement as an option for M1 holds, and increasing available resources in outlying areas. Sheriff Pelle add that one thing that could make the package more acceptable to rural sheriffs is if there were some delay in banning the use of jails for M1 holds while the alternative system is being strengthened. He clarified that some sheriffs are worried about legislation that would be implemented immediately without having alternatives available and that a built in delay (possibly 12 months) could make the recommendation more palatable.

Chairman Hilkey replied that an amendment addressing a delay could take place during this meeting or alternatively, that additional element could be addressed during the legislative drafting process (if the recommendation were to be approved today). Mr. Stroker noted that there has already been some assistance with legislative verbiage and that a copy of draft legislative language has been provided to Commissioners.

Golden Police Chief Bill Kilpatrick reported that he is supportive of the concepts in general and that he has been a long-time advocate of mental health reform in the criminal justice system. He added, however, that he is concerned about how smaller, more rural areas would be affected by these proposals. He explained that even though he was shocked when he first learned that someone with a mental health issue could be held in jail, it is difficult to support a recommendation that completely bans its use in geographic areas where there may be no alternative. He pointed out that members of law enforcement have a significant responsibility to the individual in the midst of a mental health crisis, but also to other individuals who may be on the receiving end of a mental health crisis. Chief Kilpatrick explained that he has been told by police officers, police chiefs and sheriffs that in some cases, in rural areas, there are absolutely no alternatives other than a jail. He added that resources are lacking in rural areas and that he is a bit skeptical with the actual follow-through by the state regarding the promise of allocated funds to strengthen crisis alternatives. He summarized that it would be difficult to support these recommendations without the addition of an extended roll-out period.

Pete Weir added that he shares the Chief's concerns and that his apprehension centers more on messaging because he does not view this as a criminal justice issue. He clarified that the problem lies more with the General Assembly which has statutorily provided law enforcement with the authority to place someone in detention who is having a mental health crisis. He summarized that this is a very important issue, just not a criminal justice issue.

Vice-chairman Doug Wilson replied that he agrees with Mr. Weir on the face of the issue, but that someone being held in jail on a civil hold often becomes either a criminal defendant or a

victim. In response to Chief Kilpatrick's statements, Mr. Wilson noted that it has been extremely challenging to acquire any data or information from jails around the state about how many individuals are affected by the M1 hold situation. Mr. Wilson shared that there are reports this issue only affects a handful of people, but that there are no hard statistics.

Mr. Wilson explained that he serves on both the Commission's Mental Health/Jails Task Force and the Governor's Mental Health Holds Task Force. He noted that the primary recommendation from the Mental Health Holds Task Force is to eliminate the use of jails for individuals under an M1 hold and that mentally ill people should not be detained in correctional facilities. He reported that the Governor's office has committed \$8M to support recommendations coming forward regarding M1 hold reform. The recommendations from the Mental Health Holds Task Force goes one step further and suggests that in those jurisdictions with adequate resources, the practice of detaining people who have a mental illness only should stop immediately. The Task Force recommends that in jurisdictions lacking significant resources, funds will be allocated to help build capacity and that the phase out of the use of mental health holds would not go into effect until January 2018.

Chief Kilpatrick replied that he cannot answer the question about the number of people who have been held on M1 holds because there is no mechanism to track the data. However, he noted that he has talked to two groups of police chiefs and not one has told him that they support the recommendation without concrete confirmation of a phase-in approach.

Chairman Hilkey offered an anecdote to Commissioners. He explained that when he was the Sheriff of Mesa County he sat on the board of a behavioral healthcare agency that served ten counties in rural Colorado and that the perception of services not being available in those ten counties was greater than the reality. He noted that oftentimes there were many services available that were not utilized. Mr. Hilkey clarified there is no data to quantify how often an M1 hold is in custody in jail, but his belief is that it does not occur very often. He added that it is tremendously difficult to try to get good data from the jails.

Mr. Cornelia explained that, since December 2015, representatives from the behavioral healthcare system have committed to working alongside stakeholders from the criminal justice system to address this issue. He added that system navigation is an enormous part of the forthcoming recommendations and that is where the Governor's fiscal commitment of \$8M comes into play.

Charles Garcia stated that it is high time to enact legislation that would halt the practice of incarcerating people with disabilities. He added that while studying the recommendations and support documents he was shocked to learn that Colorado is one of only eight states in the country that incarcerate people on these types of holds.

Representative Joe Salazar noted that he and the Governor agree on this issue and that the way the statutory language is currently written is unacceptable. He added that it is a violation of the 4<sup>th</sup> amendment to hold people in jail facilities who have not committed a crime. This is a criminal justice issue because it involves criminal justice facilitates and allows people to be

incarcerated without committing a crime. He summarized that the pledge of \$8M represents the Governor's resolute commitment to address this issue.

Meg Williams asked if the two appendices in FY17 – MH #01 (decriminalization of mental illness and expansion of facilities and operations) are intended to go forward at the same time. She added that it might be beneficial for one agency or another to be named as the organization responsible for ensuring that law enforcement can count on them if and when a situation might arise. That way the practice that has been in existence up to now will be replaced with a more appropriate response. She summarized that this change is important and she believes the system will respond. The more that progress is delayed due to lack of resources the longer that lack of resources will remain.

Dr. Tucker replied that the goal of the appendices is to support the existing recommendations. The recommendations were developed at this level of operational detail so as not to remove an existing option without having an alternative option in place. She agreed with Ms. Williams that another system or entity needs to take responsibility and that system needs to be the behavioral healthcare system. Currently, the Office of Behavioral Health is the regulatory agency for the Crisis System and this proposal recommends that they bolster this to become the first responder agency and create specific operational details to support it. This proposal will require that agencies get creative and use responses like telehealth in order to have responses that are within one or two hours. She reiterated that it is difficult to pull all agencies together to work on this issue without knowing the data and the volume of the concern.

Mr. Cornelia added there is a bill draft from the office of legislative legal services in Commissioner's packets which describes the statutory recommendations along with direction for policy change. He noted there is also verbiage from the Governor's office outlining their commitment to reform in the recommendation as well.

Mr. Wilson emphasized that there is a great deal of momentum behind these reform measures including work by the Equitas Foundation, the Governor's Mental Health Holds Task Force and the Commission's Mental Health/Jails Task Force.

Rick Raemisch shared that he was appalled when he first started working as the Executive Director of the Department of Corrections and learned that people being held in the State Hospital who are deemed to be dangerous, could be held in a prison without having any criminal conviction whatsoever. Whether a patient is put into a jail or put into a prison they are no longer a patient, they are an inmate and they are treated accordingly. He summarized that it is unconscionable to place someone who is mentally ill in prison, and likely in solitary confinement, without any treatment.

Norm Mueller added that he has served on the Commission for four years and has never seen the level of expertise and detail that has been applied to these recommendations. He noted that the Task Force has been extremely responsive to input during the recommendation creation process and even switched the order of the recommendations after Senator Cooke's input that the first recommendation should address strengthening a response system and the second recommendation should address removal of jails for individuals on an M1 hold.

Representative Lang Sias agreed and said that he shares the same thoughts and concerns expressed by many Commissioners at the thought of anyone winding up in a situation where they might be victimized instead of treated for a mental illness. Representative Sias proposed a compromise wherein a county or jurisdiction could delay immediate implementation of banning M1 holds by demonstrating a special circumstance. The implementation could also be contingent upon the actual appropriation of funds. Representative Sias asked if that would address the concerns raised during the discussion.

Mr. Wilson replied that when Senate Bill 16-169 was making its way through the legislature there was an option of delayed implementation due to special circumstance as a compromise, and it was rejected. He added that this is one of the reasons the Mental Health Holds Task Force proposed a staggered approach, so communities that can implement this now will take action and those communities that cannot have until January 2018.

Senator Kagan asked if there has been a fiscal analysis or any indication showing that \$8M would be enough. Mr. Wilson replied that this question goes back to the problem of the lack of any data indicating the size of the problem. Dr. Tucker added that the recommendations have been vetted by the Colorado Behavioral Healthcare Council which represents many of the providers, and that there has been no indication that the \$8M that has been committed would not be enough. Additionally, much of the money would not go toward new services, but would rather be put toward enhancing and developing existing services in order to reach all four corners of the state. Another one of the main drivers for the proposal is for jurisdictions to be creative in using existing resource.

Mr. Weir reiterated his position by stating that as the recommendations stands, he can live with it and believes that it is an important step forward. He stated that he is sympathetic to the concerns expressed by Chief Kilpatrick but that those concerns are not significant enough to overcome his support for the proposal. He noted again that there is concern around the semantics and that using the verbiage “decriminalization” may not be the most accurate way to describe the issue being addressed in the recommendations. Dr. Tucker replied that she appreciates Mr. Weir’s concerns and clarified that when an individual is not involved in a crime, yet is still placed in jail or detention, the *experience* is one of being criminalized. She added that she does not believe this is the intention of any criminal justice agency, but regardless of intent the result is the restriction of treatment, and immediate treatment is known to improve outcomes. Individuals have a right to recovery and they are denied that right when they do not have access to treatment.

Chief Kilpatrick clarified that his concerns on this issue are layered. He emphasized that he does not believe that people suffering from mental illness should be in jail at all. The struggle is that in rural areas, the availability of treatment and services is far less prevalent than in the metro area. Additionally, he explained that while at times there is no criminal activity involved in a mental health episode, other times there is significant criminal involvement, which raises the question of what level of circumstance justifies the need for criminal charges. He summarized that the plan laid out in the recommendations appears to be workable and a significant step forward, but that he is still concerned about what exactly will happen to someone between now and full implementation of an improved system.

Sheriff Pelle reported that Boulder County Jail has refused to accept people on an M1 hold for years and that this action created a need to find alternative ways for law enforcement and behavioral health professionals to handle these cases. He believes that this proposal will do the same thing and will result in creating and forcing change.

Chairman Hilkey asked for a motion to approve recommendation FY17-MH #01 as it stands or a motion to modify it. Norm Mueller moved to accept the recommendation as written and Representative Salazar seconded the motion.

The process for voting on a final recommendation was explained. To pass, a Commission recommendation requires approval by 66% of the members, combining the A and B votes of:

A = I support it

B = I can live with it

C = I do not support it

***Final Vote: FY17-MH #01.***

Strengthen a Community-Based Crisis Response

- A: 20
- B: 4
- C: 0

***FY17-MH #01 was APPROVED***

**FY17-MH #02. Changes to Emergency Mental Health Commitment Statute**

**Recommendation FY17-MH #02**

Amend Title 27 of Colorado Revised Statutes (C.R.S), Section 65-105, to remove jails and correctional facilities as a placement option for individuals on an M1 (emergency mental health) hold. Introduce language that allows intervening professionals to transport individuals to an outpatient facility for immediate evaluation for treatment based on evidence of need.

***DISCUSSION***

Please see discussion points above for FY17 – MH #01 as they pertain to Recommendation FY17 – MH #02.

Chairman Hilkey asked for a motion to approve recommendation FY17-MH #02 as it stands or a motion to modify it. Rick Raemisch moved to accept the recommendation as written and Charles Garcia seconded the motion.

***Final Vote: FY17-MH #02.***

Changes to Emergency Mental Health Commitment Statute

- A: 18
- B: 6
- C: 0

***FY17-MH #02 was APPROVED.***



**FY17-MH #03. Include Mental Health First Aid® curriculum in POST:In-service Training****Recommendation FY17 –MH #03**

Officials from the Colorado Peace Officer Standards and Training (POST) will work with staff from the Colorado Behavioral Health Council (CBHC) to review and include Mental Health First Aid® training through POST for the purpose of training up to 200 officers per month on this topic with training beginning in the spring of 2017.

***DISCUSSION***

Sheriff Pelle presented the next two recommendations to Commissioners, FY17 – MH #03 and FY17 – MH #04. Full details of the recommendations can be found on the Commission website at [colorado.gov/ccjj](http://colorado.gov/ccjj).

The main goal for the two recommendations is to enhance the level of training for peace officers in Colorado who deal with mental health calls and are required to make evaluations and decisions about various options. Sheriff Pelle praised Crisis Intervention Training (CIT) and noted that approximately 4500 peace officers in Colorado have been trained in CIT. The difficulty with CIT training is that it is 40-hours and requires small agencies to back-fill or back-hire in order to send officers to the training.

Mental Health First Aid® is a four-hour training program with a cadre of instructors already in place to deliver the curriculum. Additionally, financing and grants are available to pay for the training. The goal of these recommendations is to make the training available through Colorado Peace Officer Standards and Training (POST) at both the in-service level and also at POST academies.

The recommendations do not require any legislative or policy changes but instead were the result of a meeting between representatives of the Colorado Behavioral Healthcare Council and POST. The two organizations started a dialogue about how to alter the curriculum for law enforcement and first responders and to make it acceptable as a POST-approved curriculum along with providing backing for funding.

The recommendation includes verbiage that POST has committed up to \$40K to fund classes in ten law enforcement training regions. Sheriff Pelle clarified that those dollars are subject to approval. He summarized that this is really about the creation of a new relationship and marketing of a good program.

Mr. Weir asked if the recommendation is to be mandated and if it is in addition to CIT training, or if it is intended to be another option or substitute for CIT training. Sheriff Pelle replied that this would be supplemental to the training currently provided and that instead of being mandated it would be incentivized by grant funding and POST funding. One of the challenges with CIT is that it simply is not practical in most places; therefore this is a good starting place. Additionally, Mental Health First Aid® can be used as a refresher for officers who have been trained previously in CIT. This training would not be mandated but is simply an alternative for the

academies. The training hours would count towards an officer's 24-hours of mandatory in-service training annually.

Chairman Hilkey clarified that the element of the recommendation concerning the \$40K is not in the actual recommendation portion of the proposal but rather in the 'Discussion' section, and therefore there is no need to modify the recommendation.

Scott Turner added that POST and CDAC have had discussions about this recommendation that have been positive and fruitful and that all parties look forward to continuing those discussions.

Dr. Tucker added that Mental Health First Aid®, which is a national model, also has a law enforcement specific training module.

Sheriff Pelle added that the \$40K figure was the result of an estimate of what it would cost to train 250 peace officers a month for a year based on cost per pupil. The discussion was not a commitment of \$40K but rather an estimate to show that the price tag is not out of reach.

Mr. Cornelia added that research on a national level shows exposure to Mental Health First Aid® training actually increases interest in the 40-hour CIT training.

Mr. Hilkey asked for a motion to approve recommendation FY17-MH #03. A motion to approve was made and seconded.

***Final Vote: FY17-MH #03.***

Include Mental Health First Aid® curriculum in POST: In-service Training

- A: 24
- B: 0
- C: 0

***FY17-MH #03 was APPROVED.***

**FY17-MH #04. Include Mental Health First Aid® curriculum in POST: Basic Academy**

**Recommendation FY17-MH #04**

Officials from the Colorado Peace Officer Standards and Training (POST) will work with staff from the Colorado Behavioral Health Council (CBHC) to review the Mental Health First Aid® curriculum, and modify when possible, for inclusion in the POST basic academy standard curriculum.

***DISCUSSION***

Dr. Tucker explained that the fourth recommendation is similar to recommendation FY17 – MH #03 and would provide for an eight-hour training to be offered during the POST Basic Academy focused on risk factors and warning signs for mental health and addiction concerns, along with strategies to help individuals in both crisis and non-crisis situations. The curriculum is in place and there is a cadre of instructor in place as well.

Sheriff Pelle emphasized again that this does not mandate this particular curriculum for the Basic Academy but instead provides for the approval of curriculum as POST curriculum along with offering some financial incentive for the POST Academy directors. It is not a mandate but a convenient and incentivized curriculum for POST directors.

Mr. Turner added that once again, this curriculum will need approval by the POST Board to be included in the Basic Academy.

Mr. Hilkey asked for a motion to approve recommendation FY17-MH #04. A motion to approve was made and seconded.

***Final Vote: FY17-MH #04.***

Include Mental Health First Aid® curriculum in POST: Basic Academy

- A: 24
- B: 0
- C: 0

***FY17-MH #04 was APPROVED.***

**---Break---**

**LEGISLATIVE NEXT STEPS**

**Jeanne Smith, Division of Criminal Justice**

SMART Act Hearing Update

Jeanne Smith explained that the goal of this portion of the agenda is to inform Commissioners about what has already been done in relation to the legislature this year. She explained that in recent years the General Assembly has asked the Commission to present a SMART briefing to the House and Senate Joint Judiciary Committee. This year's update took place the first week in January and Ms. Smith explained she would walk Commissioners through the elements of the presentation. The briefing covered a small amount of what the Commission has accomplished in the past along with a preview of Commission inspired recommendations that may be presented as bills during the 2017 legislative session.

The full presentation can be found on the Commission website at [colorado.gov/ccjj](http://colorado.gov/ccjj).

Legislative Committee Update and Recommendation Sponsorship

Ms. Smith explained that this portion of the agenda will center on the current Commission recommendations and their status in the legislative process. The Commission's Legislative Committee met with Gabby Reed, the Department of Public Safety's Legislative Liaison, who is tracking all the legislative recommendations, and who is sponsoring which bills.

A synopsis of each of the recommendations is available here with Ms. Smith's updates on each:

**FY16-RE #01. Update the Statutory Conditions of Parole to Reflect Contemporary and Evidence Based Common Practices (Statutory)**

Update the statute governing parole conditions (§17-2-201, C.R.S.) to give the parole board and community parole officers discretion to select individualized conditions of parole.

*DISCUSSION*

This recommendation originated in the Re-entry Task Force and was approved by the Commission in June 2016. The Department of Corrections (DOC) has agreed to be the sponsoring agency for this recommendation. DOC's Legislative Liaison will approach legislators to find a sponsor for this bill.

**FY17-CC #01. Purpose of Community Corrections (Statutory)**

Codify the mission and purpose of Community Corrections in language similar to that of Parole as enacted by SB 16-1215 (§17-22.5-102.5, C.R.S.).

*DISCUSSION*

This recommendation was approved by the Commission in December 2016 and Representative Lang Sias agreed at that time to sponsor it as a bill. The bill is still in need of a Senate sponsor. Ms. Reed will be taking the lead on this recommendation to help move it forward.

**FY17-CC #02. New Community Corrections Reentry Referral Process (Statutory)**

Revise five elements of the process to refer inmates to community corrections: 1) COV and Non-COV offender referrals, 2) Community referral packets, 3) COV and Non-COV offender program acceptance/approval process, 4) Community corrections boards utilize structured, research-based decision-making, and 5) Repeal the statutory definition of Intensive Supervision Program-Inmate.

*DISCUSSION*

This recommendation was also approved in December 2016 and it is still in need of a sponsoring group as well as a legislative sponsor. As discussed previously, state agencies are not always at liberty to support certain recommendations. In some cases, a stakeholder agency may step in to help shepherd the recommendation through the legislative process including finding sponsors and assisting in legislative drafting.

Senator Kagan offered that he could tentatively agree to sponsoring legislation in relation to this recommendation, but that he would need to get extra bill permission and he would also have to become familiar with the specifics of the proposal.

**FY17-CC #03. Community Reentry Process Procedures (Statutory & Policy)**

Revise three elements within the reentry process: 1) timing of and criteria for the reentry process, 2) the definition of "successful community corrections completion" and 3) the eligibility for achievement earned time.

*DISCUSSION*

Representative Salazar offered that, as with Senator Kagan, he could offer to run legislation regarding the recommendation if he is able to receive permission to pull an extra bill title.

**FY17-MH #01. Strengthen a Community-Based Crisis Response (Statutory)**

Position the Colorado Crisis Services System as the comprehensive response to behavioral health emergencies in all Colorado communities by making the following reforms: a) Strengthen and enhance existing crisis services and resources; b) Amend §27-60-103, C.R.S. to clarify the intent of the crisis system; c) Undertake conforming regulatory changes to crisis system contracting; and d) Commit resources to incentivize the development and expansion of the crisis services provider network.

*DISCUSSION*

The Governor's Office has already indicated that it will take on the responsibility of both this recommendation and Recommendation FY17 – MH #02 as far as finding sponsors, and serving as the shepherding entity.

**FY17-MH #02. Changes to Emergency Mental Health Commitment Statute (Statutory)**

Amend §27-65-105, C.R.S., to remove jails and correctional facilities as a placement option for individuals on an M1 (emergency mental health) hold. Introduce language that allows intervening professionals to transport individuals to an outpatient facility for immediate evaluation for treatment based on evidence of need.

*DISCUSSION*

See the discussion for Recommendation FY17 – MH #01

At this juncture, Ms. Smith explained that periodically the Commission will look back at recommendations approved in prior years that, for one reason or another, languished and never reached a legislative sponsorship level. These recommendations are revisited in order to see if they can be revived or if there is any renewed interest. There are three prior recommendations on the table for discussion as follows:

**FY15-CS #01. Early discharge from Lifetime Supervision Probation for sex offenders due to disability or incapacitation (Statutory)**

Amend §18-1.3-1008, C.R.S. to provide that offenders sentenced to the Lifetime Supervision Act, who suffer from a severe disability to the extent they are deemed incapacitated and do not present an unacceptable level of risk to public safety, may petition the court for early discharge from probation supervision. Also, if necessary, make conforming amendments to the Colorado Victims' Rights Act regarding a "critical stage" for victim notification.

*DISCUSSION*

This recommendation was approved by the Commission in 2014 and received fairly unanimous approval. The recommendation is available to be picked up and the Commission's approval remains active.

**FY13-CS #03. Eliminate Colorado's Extraordinary Risk Statute (Statutory)**  
**Recommendation FY13-CS#3**

Colorado's Revised Statutes pertaining to Crimes of Violence, Extraordinary Risk Crimes and Aggravated Ranges are complex, convoluted and often duplicative. The CCJJ Comprehensive Sentencing Task Force recommends several statutory changes.

*DISCUSSION*

This recommendation was approved by the Commission in 2013 and was fairly complicated and involved a good amount of work. However, at that point in time the Commission was unable to find a sponsor for the bill.

**FY11-SO #17. Address inconsistencies in the unlawful sexual contact statute (Statutory)**

Repeal the current mandatory prison sentence provisions for commission of unlawful sexual contact by force, threat, or intimidation (§18-3-404(3), C.R.S.).

*DISCUSSION*

This recommendation received the Commission's approval in 2011 but did not gain traction as a bill. This recommendation addresses inconsistencies in the sexual contact statute that have resulted in mandatory sentences for criminal behaviors that are less serious than this statute that does not carry a mandatory sentence. The recommendation proposes the harmonizing of these two statutes.

Ms. Smith reiterated that these recommendations are available for sponsorship if anyone is interested in carrying them or if anyone knows of someone who would be interested in carrying them.

**NEXT STEPS AND ADJOURNMENT****Stan Hilkey, Chairman and Executive Director of the Department of Public Safety**

Mr. Hilkey noted that the annual retreat is scheduled for Friday, February 10<sup>th</sup> at the Arbor House in Golden, from 9:00 am until 4:30 pm. He added that this is the time where Commissioners set the agenda for the coming 12 months regarding interest areas for study. Additionally, there may be an opportunity to add capacity to the work currently underway. He emphasized that capacity is a function of the availability for staffing of each of these Task Forces and commitment by Commissioners to participate on Task Forces. He explained that an email will go out in the next couple of weeks asking Commissioners for topics of interest for adding to the work plan for the next year and he asked that Commissioners put their thoughts in writing and email them to staff so they can be organized and grouped together for discussion. He noted that the retreat is also a time for anyone who would like to address procedural issues or any other Commission related topics.

Mr. Hilkey thanked Commissioners for their time and asked the group for any final comments. With no further business, he adjourned the meeting at 3:57 p.m.