



Colorado Commission on Criminal and Juvenile Justice

Minutes

August 9, 2019

Colorado Department of Human Services
 900 Jefferson County Parkway
 Golden, CO 80401

Commission Member Attendance

Stan Hilkey, Chair	*Serena Gonzales-Gutierrez	Tom Raynes
Joe Thome, Interim Vice Chair	Kristen Hilkey	Cliff Riedel – ABSENT
Chris Bachmeyer	Nancy Jackson - ABSENT	Megan Ring
*Minna Castillo-Cohen	Jessica Jones	Gretchen Russo
Shawn Day	Bill Kilpatrick	*Matt Soper
*Janet Drake	Rick Kornfeld	Jennifer Stith
Valarie Finks	*Matt Lewis	Glenn Tapia
Bob Gardner - ABSENT	Andrew Matson	Anne Tapp - ABSENT
*Priscilla Gartner	*Greg Mauro	Abigail Tucker
*Julie Gonzales	*Angie Paccione	*Dean Williams

Guest: Phil Weiser

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair and Executive Director of the Department of Public Safety

Mr. Hilkey, called the meeting to order at 1:08 pm and asked Commissioners to introduce themselves. Mr. Hilkey thanked Commissioners for attending and welcomed Ms. Priscilla Gartner, Ms. Minna Castillo-Cohen, Sheriff Matt Lewis and Representative Matt Soper to their first Commission meeting.

Mr. Hilkey announced the recent appointments of Ms. Priscilla Gartner and Senator Bob Gardner to the Commission and acknowledged the contributions and service of former Commissioners Ms. Cindy Cotten and Senator Cook.

Mr. Hilkey reviewed the agenda and asked for any additions or corrections regarding the June minutes. A motion was made and seconded to approve the minutes; the motion was unanimously accepted by the Commissioners.

[NOTE: Prior to the regular meeting of the Commission, the recently appointed Commission members noted above with an asterisk (*) attended the CCJJ New Member Orientation. Members were briefed on the Commission Background & Mandates, Norms, and Foundation. The Background information covered such topics as the Commission mission, history, statutory duties, membership, staff member roles and CCJJ website. The presentation on Commission Norms instructed Commissioners on the Guiding Principles, Bylaws, and all Commission policies and procedures. The Foundations portion of the orientation provided a basic introduction to evidence-based decision making and some of the Commission’s recent efforts and accomplishments.]*

BEST PRACTICE TRAINING: BOARDS AND COMMISSIONS**Ingrid Carlson Barrier, Attorney General's Office**

Mr. Hilkey introduced Ingrid Carlson Barrier from the Attorney General's Office. He explained that Ms. Barrier is the attorney assigned to the Colorado Department of Public Safety and is also connected to the work of the Commission. Ms. Barrier explained that legislation was passed in 2018 calling for a fairly robust, annual training for all of Colorado's boards and commissions (H.B. 2018-1198). The training highlights topics ranging from statutory mandates and staff duties to appropriate decision-making norms, the Sunshine Law, and Colorado Open Records Act. Ms. Barrier provided a PowerPoint presentation, the full content of which can be found on the Commission website at, colorado.gov/ccjj.

Mr. Hilkey thanked Ms. Carlson Barrier for her presentation and welcomed Attorney General Phil Weiser who joined the meeting.

ONGOING CRIMINAL JUSTICE INITIATIVES**Joe Thome, Division of Criminal Justice**

Mr. Thome directed Commissioners to a handout in their packets entitled: "State of Colorado – 2019 Statewide Criminal Justice Reform and Planning Initiatives." The handout can be found on the Commission website at, colorado.gov/ccjj/ccjj-mtgs2019

Mr. Thome highlighted criminal justice initiatives that are currently underway in Colorado. This document will be updated on a regular basis to ensure Commissioners are aware of the goals of these parallel criminal justice initiatives. Mr. Thome indicated that, as some Commissioners participate in these meetings, Commission members are encouraged to both share issues discussed at the Commission and also to report back to the Commission.

PRESENTATION: POLICY MATTERS**Linda Harrison, Division of Criminal Justice****Kim English, Division of Criminal Justice**

Mr. Hilkey welcomed Linda Harrison and Kim English of the Office of Research and Statistics in the Division of Criminal Justice. The presentation highlighted the methods used by the Division to produce the prison population projections and factors affecting the accuracy of such projections.

Some highlights of the presentation are provided below.

- Pursuant C.R.S. 24-33.5-503, the duties of the Division of Criminal Justice (DCJ) includes collecting and disseminating information concerning crime and criminal justice and providing information to legislative council concerning population projections, research data, and other information relating to the projected long range needs of correctional facilities and juvenile detention facilities.
- DCJ prepares two forecasts per year. The first is generated each winter, using offender-based data provided by the Department of Corrections. The second is prepared each summer, making adjustments to the prior forecast based on current patterns of admissions and discharges, policy changes, and new legislation passed in the prior legislative session.

- Overview of the forecast methodology.
- The drivers of DCJ December 2018 forecast included:
 - Criminal court filings increased (+43%) over the prior 5 years,
 - Filings increased 12.5% each year between FY2016 and FY2017
 - New sentences to prison increased 11.9% in FY2017 and 9.7% in FY2018, the largest degrees of growth observed in over a decade.
 - Growth in the proportion of probation sentences ending in revocation...
 - ...With an increasing proportion of those revoked sentenced to prison.
 - Strong growth expected in the Colorado population, especially among those in the 24- to 44-year old age range.
- The DCJ June 2019 forecast: Rationale
 - HB 19-1263 reclassifies several existing drug felonies as misdemeanors.
 - SB 19-143 will result in increases in parole releases and far fewer parole revocations.
 - Prison admissions for technical parole violations have declined.
 - Revocations during the most recent three months (March-May 2019) fell by 31.7% over the number observed during the same time frame in the previous year.
 - Growth in new court commitments has slowed.
 - Overall releases increased slightly in FY 2019.
 - In particular, discretionary parole releases increased.
 - Growth is expected to return by the end of FY 2022, though at a slower rate than previously projected.

The full presentation can be found on the Commission website under the August 9, 2019 meeting tab at, colorado.gov/ccjj/ccjj-mtgs2019.

DISCUSSION

Mr. Raynes asked whether it is possible to obtain prison incarceration rate calculated per capita, considering the increase of adult population in Colorado. Ms. English responded affirmatively and Ms. Harrison offered to also provide projections per capita based on estimates from the Colorado State Demography Office (demography.dola.colorado.gov/).

Ms. English commented that the projections are updated every six months and the accuracy rate remains within 1 to 2 percent. Ms. Harrison added that the factors that affect the accuracy of the forecasts have been explained and documented over the years and offered to share this information with the Commissioners.

Ms. Paccione noted that discretionary parole releases increased by 58% in the past year and questioned whether policy changes have led to this significant increase. Ms. Hilkey answered that she along with the Executive Directors from the Departments of Corrections and the Public Safety had several meetings at the Governor's Office to address the issue of prison bed capacity. Three recent measures have been adopted. The first is to release people who are within 90-days of their mandatory release dates; the second is to decrease the time served for technical parole violations; and, the third is to release people who have been granted release by the Parole Board but their release date was tabled until completion of a specific program or treatment at Department of Corrections facilities. Ms. Hilkey stated that she shares the Governor's philosophy about second chances, collaborative efforts, and increasing the use of community resources for transitioning inmates.

Mr. Thome asked whether data are collected on the number of beds that are saved when people are released on discretionary release in lieu of their mandatory date. Ms. Hilkey will follow-up on this information and report back to the Commission. She added that research shows that people released on discretionary parole have a higher success rate than those released on their mandatory release date.

Representative Soper asked how the projections presented today compare to the Legislative Council projections. Ms. English responded that the projections are calculated differently, but the trends are very similar. The Legislative Council and the Division of Criminal Justice use the same drivers and inputs, but the Legislative Council projects the prison population once a year for a three-year projection period. The Division of Criminal Justice projects the population twice a year for a seven-year forecast period.

The projections represent the total jurisdictional population and Mr. Mauro suggested to separate in-prison population from the community based-inmate population.

UPDATE: DENVER COMMUNITY CORRECTIONS

Mr. Mauro shared that Denver had a verbal agreement in place with both GEO Group and CoreCivic to continue community corrections operations in Denver for a period of time, and there is no immediate plan to return people into custody settings. *[NOTE: On Monday, August 5, 2019 the Denver City Council voted to withdraw \$10 million in contracts from two companies (GEO Group and CoreCivic) that are the primary providers of community corrections services in Denver. In the long-term, this decision could affect the Colorado prison population, involving up to 500 individuals who could be returned to prison, if comparable alternative community placements cannot not be found.]*

TASK FORCE UPDATES

Richard Stroker, CCJJ Consultant

Mr. Stroker offered a power point presentation which can be found on the Commission website under the August 9, 2019 meeting tab at, colorado.gov/ccjj/ccjj-mtgs2019.

Age of Delinquency Task Force

Jessica Jones and Joe Thome, Co Chairs

This Task Force was formed in February 2018, whereupon the group agreed on principles and values associated with managing the juvenile population and identified the following areas of study:

- Examine intervention options and alternatives for 10-12 year olds who have committed an offense and may be placed in the juvenile justice system.

Work-to-date:

- The work on this topic has been completed. The Task Force developed a recommendation (FY19-AD01: Develop a Comprehensive Juvenile Services Plan) that was approved by the Commission.
- Explore options and approaches regarding the management of emerging adults (18-21 years old).
 - House Bill 19-1149 directs the Age of Delinquency Task Force to compile data, review established brain research and develop recommendations regarding 18-24 year olds.
 - This recommendation will include considerations of using juvenile justice system options and resources for this population.
 - A report with recommendations will be provided by July 1, 2020 to the General Assembly.

Work-to-date:

- The Task Force heard several presentations on brain development and trauma, gathered a significant amount of information and data regarding this emerging adult population, and received presentations regarding the operation of the Youthful Offender System and the Division of Youth Services.
- The Task Force is now discussing opportunities in the following areas: 1) Meaningful information needs to be provided to decision makers at appropriate times; 2) Expanding the eligibility criteria for the DYS and YOS; 3) Describing the impact on DYS, YOS, Probation and Community Corrections; and 4) Exploring a community-based system for “Emerging Adults”
- Reviewing repercussions associated with “mingling” younger and older justice-involved youth.

Work-to-date:

- This topic will be addressed following the efforts on HB 19-1149.

Pretrial Release Task Force**Stan Hilkey, Chair**

The Task Force was formed in 2017 and, so far, has developed ten recommendations (policy and statutory) that were approved by CCJJ in the course of 2018 and early 2019.

- Six of the statutory recommendations were combined into House Bill 19-1226, which did not pass during the 2019 legislative session.
- The Task Force decided to revisit the CCJJ recommendations and some of the elements of H.B. 19-1226, consider modifications to these recommendations and explore additional topics related to pretrial work.
- Three working groups have been created to study the following:

- 1) Revisit original PRTF/CCJJ recommendations and H.B.19-1226 and explore modifications and potential improvements of previous recommendations.
- 2) Examine existing pretrial data and identify opportunities to improve information at many stages of the pretrial process.
- 3) Examine opportunities to enhance judicial engagement in pretrial reform.

The Preventive Detention Working Group was created in 2018 to develop a preventive detention model. Considerable discussion and efforts have occurred and the group has resolved many issues. The Preventive Detention Working Group is currently on hold to allow the Task Force to complete its work and create a foundation for pretrial reform.

Drug Offense Task Force

Tom Raynes and Megan Ring, Drug Offense Co-Chairs

Mr. Raynes presented an update on the newly created Drug Offense Task Force. Membership on the Task Force and the Subcommittee is still being developed.

- Senate Bill 19-008 directs the Commission to study and make recommendations on specific issues concerning individuals with substance use disorders who come into contact with the criminal justice system:
 1. Alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses;
 2. Best practices for investigating unlawful opioid distribution in Colorado, including the potential creation of black market opioid investigatory entities at the state and local levels; and
 3. A process for automatically sealing criminal records of convictions for drug offenses.
- To address this mandate, the Commission has created a new Drug Offense Task Force (DOTF) and an Opioid Investigations Subcommittee. The DOTF will create two working groups to prepare recommendations for the Task Force.

A Diversion Working Group, co-chaired by Mr. Thome (DCJ) and Mr. Adam Zarrin (Governor's Office), and a Sealing Working Group, chaired by Ms. Audrey Weiss (1st Judicial District Attorney's Office), will be created to address the above mandates #1 and #3, respectively, while mandate #2 above will be addressed by the Opioid Investigations Subcommittee.

- Mr. Raynes invited Commission members interested in the work of the Drug Offense Task Force or the Opioid Investigations Subcommittee to participate.
- The first meetings of the Task Force and Subcommittee are scheduled to occur on September 12, 2019.

COMMISSION BUSINESS

TASK FORCE PARTICIPATION. Mr. Hilkey reminded the group that Commissioners are encouraged to participate on Task Forces and Subcommittees and invited members to inform staff which groups they will join.

NOVEMBER MEETING PLAN. Mr. Hilkey explained that typically we set aside time for Commissioners to discuss potential areas of interest, but due to the recent increase in legislative mandates directing the Commission's areas of study and limited staff resources, this discussion has been postponed. Mr. Hilkey announced that the November meeting will be dedicated to these discussions and asked Commissioners to think about potential areas of interest for that meeting.

CINFLICT OF INTEREST. Following Ms. Ingrid Carlson Barrier's presentation, *Conflict of Interest* forms were provided to Commissioners for signature.

NEW MEETING LOCATION. The regular Commission meeting space in the Jefferson County Human Services building is about to undergo remodeling and, starting in September 2019, the Commission meetings will be held in the Lookout Mountain Meeting Room at the Jefferson County Government Center, 100 Jefferson County Parkway, Golden. Reminders of the meetings and change of location will be communicated to Commissioners.

PUBLIC COMMENT

No members of the public signed up to offer comment.

WRAP-UP AND ADJOURNMENT

The next meeting of the Commission is September 13 at 1:00 pm at the new location mentioned above.

Mr. Hilkey thanked Commissioners for their time and asked the group for any final comments.

Seeing no further business, Mr. Hilkey adjourned the meeting at 3:15 pm.