



## Colorado Commission on Criminal and Juvenile Justice

### Minutes

April 10, 2020 / 1:30pm  
(Virtual meeting)

#### Commission Member Attendance

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

**Guests:** Maureen Cain, Office of Public Defender; Shawn Cohn, Denver Probation Office

**Please note:** During this virtual meeting, some Commissioners offered comments verbally and others offered comments via text through the meeting messaging feature that all attendees could see. As these messages appeared, they were also conveyed verbally to attendees by the Vice Chair.

#### CALL TO ORDER AND OPENING REMARKS

Dr. Tucker, Commission Vice Chair, called the meeting to order at 1:03pm. Dr. Tucker informed the group that Mr. Stan Hilkey, Commission Chair was unable to attend the meeting. She asked Commissioners to introduce themselves, and for any additions or corrections to the March meeting minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

Dr. Tucker reviewed the agenda and explained that the goal of today's meeting is to hear preliminary recommendations from the Task Forces and Subcommittee for a vote in May. Dr. Tucker commented that the recommendations presented today are the result of significant work and thanked members of the Committees for their time and contributions.

#### CONSIDERATION: MOTION TO SUSPEND CCJJ ACTIVITIES

Senator Gardner suggested that before proceeding with the meeting agenda, Commissioners should discuss the agenda and determine whether the current April agenda and the planned May meeting should be suspended. He offered that, due to the expected budget shortfall resulting from the COVID-19 pandemic, it is doubtful any Commission initiatives will be drafted as bills in the General Assembly this

year. Senator Gardner moved to suspend the current (April) agenda, cancel the May meeting and defer all Commission activities until the subsequent Commission meeting scheduled on June 12, 2020. Tom Raynes seconded the motion.

Dr. Tucker pointed out that there was no voting scheduled for today's meeting. With a motion on the floor, Dr. Tucker opened discussion on the motion.

#### DISCUSSION

Ms. Paccione asked whether any of the recommendations presented today require legislative action this year. She believed that it would be worthwhile to proceed today with the presentations of the recommendations by the Task Forces and Subcommittee, given all their hard work.

Ms. Jackson, Mr. Matson, and Sen. Gonzales supported Ms. Paccione comments and added that Commissioners are present and available to hear about the work of the committees.

Dr. Tucker and Mr. Thome clarified that, once approved by the Commission, recommendations that require legislative action are shepherded by a point person who looks for a bill sponsor to draft a recommendation into a bill. These actions can occur during any future legislative session and do not need to occur during the current legislative session. In fact, as this legislative session is well under way, it was not intended nor expected that any of the recommendations presented today would reach the General Assembly during this year's legislative session.

Chief Kilpatrick expressed concern that the Commission was given legislative mandates to report by June 30, 2020 [*Age of Delinquency Task Force recommendations*] and by July 1, 2020 [*Drug Offense Task Force and Opioid Investigations Subcommittee recommendations*], and Commissioners should hear the preliminary recommendations today and vote in May to meet these legislative deadlines. He believed that it is the responsibility of the General Assembly to decide whether to support and provide funding to the Commission's recommendations whether that's sooner or later.

Ms. Ring, Mr. Raynes, and Judge Day agreed with the motion and would favor delaying the Commission's activities until June. Mr. Raynes reiterated the earlier point that none of the recommendations were being prepared for action this session; therefore, acting on the recommendations was not urgent. They added that many Commissioners currently face many pressing issues related to the pandemic and their ability to prioritize, interpret, and focus on the Commission's work is limited. In regard to the deadline to submit recommendation reports to the General Assembly, Mr. Raynes felt that a delay in the submission of the required reports will be understood by the Legislature and/or the Governor's Office. Continuing, he added that listening to presentations in this virtual modality would be very cumbersome, given the necessity to pause and allow Commissioners to read the materials.

Mr. Riedel believed that virtual meetings are not conducive to the typical discussion of recommendations by Commissioners in a face-to-face meeting and agreed with the motion to suspend the activities of the Commission until June.

Dr. Tucker summarized the two lines of thought expressed thus far through comments and text messages: concerns regarding the ability to consider effectively the work being presented and concerns regarding the work that is required pursuant to the legislative mandate deadlines and whether there

might be some flexibility in these, given the pandemic. Dr. Tucker solicited members for additional thoughts or feedback regarding the legislative deadlines.

Senator Gonzales reminded the group that budgetary considerations of any bill is the purview of the Legislature and not the role of the Commission.

Mr. Raynes reminded members that [*as is sometimes true during the recommendation development process*] some ideas discussed today might be returned to Committees for further work.

Ms. Hilkey suggested that, if the Legislature does require the Commission to adhere to the mandated deadlines, the Commissioners could meet by phone, if there is any new information on the deadlines.

Dr. Tucker followed up by asking whether staff had ideas how to proceed if the legislative reports could not be delayed and Commission action was deemed necessary. Mr. Thome offered that Commission leadership would monitor any Legislative direction to adhere to the report deadlines and that it might be possible for committees to meet, even though the Commission meetings were suspended, in order to continue with other work. Mr. Thome expressed concern that that DCJ might still be required to submit the reports by the deadline.

Senator Gardner suggested that the Commission inform the General Assembly that, considering the current pandemic circumstances, the activities of the Commission had been delayed and consequently the reports due to the General Assembly would be deferred to a future date.

Dr. Tucker solicited any additional comments after which she requested that Sen. Gardner be prepared to remind the members the motion.

Senator Gonzales reminded the group that the Commission meeting reminder was sent on April 1, 2020, along with instructions for this virtual meeting. She expressed concern that Senator Gardner waited until minutes after the meeting had started to raise concerns around the agenda. For that reason and to honor the work and time Commissioners allocated to attend the Commission meeting, Senator Gonzales proposed to proceed with the preliminary recommendation presentations.

Senator Gardner responded that his motion resulted from conferring with other members of the Commission and suggested that the question be called and to conduct the vote on the motion. He offered to clarify the motion via text in the message window.

Dr. Tucker read aloud the text message of the motion offered by Senator Gardner: "To suspend CCJJ proceedings until June." Mr. Raynes seconded the motion. With no further discussion, Dr. Tucker requested that members submit their vote via the message window. [*Commission votes that do not involve recommendations are conducted by simple majority (51%)*].

**Final Vote:**

I support it: 13

I do not support it: 11.

Abstention: 1

***The motion to suspend CCJJ proceedings until June 2020 was APPROVED.***

Dr. Tucker offered that, when the Commission reconvenes in June, if the meeting is held under similar circumstances [*a virtual meeting*], that Mr. Raynes suggestions would be advantageous. Namely, that

recommendations be distributed in advance to allow members an opportunity to review the materials prior to the meeting. She asked whether Commissioners had any further comments or questions. Ms. Hilkey asked whether Commissioners should remain available to meet via phone in the event additional guidance and information is received from the General Assembly regarding the report deadlines. Dr. Tucker responded that the motion is very specific and clear regarding our work on recommendations and conducting votes. However, any information received from the General Assembly on this matter will be communicated first by email and possibly by phone should the information received require action and discussion from the Commission. She felt that simply sharing information would still honor the motion that was passed, but would make sure that Commission stay connected between now and June.

Representative Gonzales-Gutierrez thanked the committee members who worked on the recommendations. She acknowledged the significant work and dedication necessary to meet the deadlines and extended her appreciation and gratitude to all Committee members. When next the Commission meets in June and if similar circumstances exist, the Commission will need to adapt to these circumstances to continue the work.

Mr. Raynes offered a comment by text regarding Senate Bill 2020-161 (Concerning Pretrial Release) that the Commission approved the recommendation underlying the bill with the promise of \$5 million in funding in the Governor's budget. Given COVID-19 circumstances, this funding may disappear and the Commission will have to determine whether the bill is still a viable CCJJ supported bill.

Dr. Tucker reiterated the suggestions by Ms. Hilkey and Rep. Gonzales-Gutierrez that the Commission may have to function under a "new normal" and she believes that, when the Commission reconvenes, the group can find a way to conduct its business in a way that respects the integrity of the Commission processes.

#### **ADJOURNMENT**

Dr. Tucker thanked Commissioners for their time and thanked the individuals who had prepared to offer presentation today. She encouraged members to take care of themselves and wished everyone well over the coming weeks.

The next Commission meeting is scheduled on June 12, 2020 at 1:00 pm. Details of the meeting will be posted on the CCJJ website and communicated to Commissioners by email.

With no further business or questions, Dr. Tucker adjourned the meeting at 1:45 pm.