



Colorado Commission on Criminal and Juvenile Justice

Minutes

November 13, 2020 / 1:00pm-1:40pm

Virtual Meeting

Commission Member Attendance

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

Guest: Michael Dougherty

Call to Order and Opening Remarks

Stan Hilkey, CCJJ Chair, Executive Director/Colorado Department of Public Safety

Abigail Tucker, CCJJ Vice Chair, representing Mental Health Treatment Providers

Mr. Hilkey called the meeting to order at 1:00 pm and thanked Commissioners for attending. Mr. Hilkey asked whether there were additions or corrections to the October minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

Mr. Hilkey announced that Commissioner Bachmeyer will retire at the end of November and this was her last meeting. Mr. Hilkey, joined by several Commissioners, thanked Judge Backmeyer for her contributions and service to the Commission.

Update: Legislative Subcommittee

Mr Hilkey informed Commissioners that he convened the Legislative Subcommittee on October 14, 2020 following a discussion with the Governor's Office.

Mr. Hilkey provided context for convening the Legislative Subcommittee. At the request of the Governor's Office, the Colorado Department of Public Safety submitted a decision item to fund pretrial reform efforts, based on the Pretrial Release Task Force's recommendations approved by the Commission on January 10, 2020. Mr. Hilkey reminded the group that aspects of the recommendations were included in Senate Bill 20-161 and that, during the delayed and abbreviated FY20 legislative session due to COVID-19, the bill was postponed indefinitely by the Senate Appropriations Committee on June 10, 2020.

At the October 14 meeting, Mr. Hilkey asked the Legislative Subcommittee to consider whether the Commission should continue to pursue the pretrial reform recommendations approved by the Commission, and move the decision item forward. This question is relevant in light of the fact that other stakeholders are currently working with legislators to introduce new pretrial reform bills during next year's legislative session.

The Legislative Subcommittee members acknowledged the significant amount of work undertaken to produce the pretrial recommendations. However, recent events, including the budget challenges related to COVID-19 and the significant reduction in the size of the pretrial jail population due to the pandemic, have shifted the Commission's priorities. As Mr. Hilkey later reported to the Governor's Office, the Legislative Subcommittee members agreed that, at this time, Commission priorities have shifted away from the previously approved pretrial reform recommendations, in part because upcoming pretrial bills will address many important issues included in the Commission recommendations. The Legislative Subcommittee also requested that the funding available for the decision item be held for other Commission-related justice priorities.

Sentencing Reform Task Force Update

Rick Kornfeld/Michael Dougherty, Task Force Co-chairs

Mr. Dougherty and Mr. Kornfeld offered a PowerPoint presentation that can be found on the Commission website under the November 13, 2020 meeting tab at ccjj.colorado.gov/ccjj-mtg2020.

A summary of the Task Force and Working Group efforts follows.

The Sentencing Reform Task Force has undertaken the following:

- Review of the Governor's letter,
- Review of sentencing reform discussions from an existing team working in the area of structural sentence reform,
- Discuss and draft guiding principles regarding sentencing-related work, and
- Establish four Working Groups.

Working Group Updates

- *Sentence Structure Working Group—Michael Dougherty, Leader*
The areas of focus include reviewing the felony and misdemeanor sentencing grids; sentence ranges; sentence enhancements (habitual and extraordinary risk statutes); promoting consistency and certainty in sentencing; and simplifying the sentencing code.
- The Working Group will initially focus attention on the following:
 - Misdemeanor and traffic offenses--identifying redundant crimes, reviewing crime levels and sentences ranges.
 - Examining jail time-credit policies.

- *Sentence Progression Working Group—Dean Williams, Leader*

The Working Group will examine the use of options and incentives to promote positive progress during incarceration, preparing individuals throughout incarceration for release and successful reentry; and review opportunities to expand community-based alternatives to serving the final part of a sentence in prison.

The first areas of focus will be as follows:

- Expanding community-based opportunities for people in prison who are in the last phase of their sentence.
- Reviewing and revising the statutes related to the Intensive Supervision Program-Inmate (ISP-I) program, home confinement, electronic monitoring and other potential methods of re-entry.

- *Probation Working Group—Glenn Tapia, Leader*

The Working Group identified the following priorities:

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

- *Parole Working Group—Kristen Hilkey, Leader*

The Working Group will focus on standard parole conditions and individualized conditions of parole, risk and protective factor information as these relate to conditions and parole supervision. The group will initially examine current Colorado and national practices regarding the following:

- Standard conditions of parole;
- Special conditions of parole;
- Length of parole supervision; and
- Disparate treatment based on race/ethnicity.

Roundtable discussion

Mr. Hilkey engaged the legislators attending the meeting to share with the group whether they are aware of legislative items in this upcoming 2020-2021 session that could impact the criminal justice reform.

Senator Gardner, Senator Gonzales and Representative Carver expressed that, while the agenda for this session will become more defined in the upcoming months, it is expected that work will focus on police accountability and integrity, felony murder, sentencing transparency and other initiatives that were halted last year due to COVID-19.

Public Comment

No members of the public signed up to offer comment.

Wrap-Up and Adjourn

Mr. Hilkey informed Commissioners that he was a member of the COVID Response Team for the Governor's Office and offered to present the latest epidemiology data once the Commission's meeting adjourned. Many Commissioners agreed to stay following adjournment to view the presentation.

Details of the next Commission meeting on December 11, 2020 at 1pm will be forwarded to the Commissioners and posted on the CCJJ website. Mr. Hilkey thanked members for their time and, with no further business raised by members, adjourned the meeting at 1:42pm.