



UPDATE

Sentencing Reform Task Force

Rick Kornfeld & Michael Dougherty
Task Force Co-chairs

Presentation to the Colorado Commission on Criminal and Juvenile Justice
December 11, 2020



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Members (CCJJ Members)

Rick Kornfeld, Co-chair	Defense/ Private defense
Michael Dougherty, Co-chair	Prosecution/ District Attorney's Office, 20th Judicial District (J.D.)
Chris Bachmeyer	District Court Judge/ 1st J.D.
Terri Carver	Legislature/ State Representative, District 20
Valarie Finks	Victim Representative/ District Attorney's Office, 1st J.D.
Bob Gardner	Legislature/ State Senator, District 12
Julie Gonzales	Legislature/ State Senator, District 34
Serena Gonzales-Gutierrez	Legislature/ State Representative, District 4
Kristen Hilkey	Parole Board/ Chair
Jessica Jones	Defense/ Private defense
Matt Lewis	Law Enforcement/ Mesa County Sheriff
Andrew Matson	Lived Experience/ Colorado CURE
Tom Raynes	Prosecution/ CO District Attorneys' Council
Glenn Tapia	Judicial Branch/ Probation Division
Dean Williams	Department of Corrections/ Executive Director
Taj Ashaheed	Lived Experience/ Second Chance Center
Maureen Cain	Defense/ State Public Defender's Office
Jeff Chostner	Prosecution/ District Attorney's Office, 10th J.D.
Christie Donner	Advocate/ CO Criminal Justice Reform Coalition
Kazi Houston	Victim Representative/ Rocky Mountain Victim Law Center
Henry Jackson	Sentencing Disparity Expert/ Metro State University
Sarah Keck	Judicial Branch/ Office of the State Court Administrator
Heather McClure	Lived Experience/ Adams County Criminal Justice Council
Dan Rubinstein	Prosecution/ District Attorney's Office, 21st J.D.
Lisa Wayne	Defense/ Private defense



Sentencing Reform Task Force

Work-to-date

The Task Force received presentations of potential recommendation topics from Working Groups.

The Task Force drafted guiding principles.



Sentencing Reform Task Force

Working Groups

- ***Parole WG***

Kristen Hilkey, Leader

- ***Sentencing Alternatives/Decisions & Probation WG***

Glenn Tapia, Leader

- ***Sentence Progression WG***

Dean Williams, Leader

- ***Sentence Structure WG***

Michael Dougherty, Leader





Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

Parole Working Group

Membership

Kristen Hilkey, Parole Board Chair

Taj Ashaheed, Second Chance Ctr. & Lived experience

Michelle Aswad, Victim representative

Jeff Chostner, DA Office/ 10th J.D.

Valarie Finks, Crime Victim Comp., DA Office/ 1st JD

Kazi Houston, Victim Representative/ RM Victim Law Ctr.

Mollie Schultz, DA Office/ 2nd JD

Susan White, Parole Division/ CDOC





Parole Working Group

Meeting Schedule

This group meets Wednesdays at 3 pm.

Upcoming 2020 meetings:

Wednesday, December 16

Wednesday, December 23 (*tentative*)

Wednesday, December 30 (*tentative*)





Parole Working Group

Areas of focus

- Examine the current operation of parole related to supervision length and conditions
- Explore risk information and protective factors as they relate to parole supervision options
- Examine parole eligibility options





Parole Working Group

Initial Discussions/Priorities

The Working Group is examining current Colorado and national practices regarding:

- Standard conditions of parole
- Special conditions of parole
- Length of parole supervision
- Abate disparate treatment

* Immediate focus in blue!





Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation WG

Membership

Glenn Tapia, Judicial Branch/ Probation Division

Terri Carver, State Representative, District 20

Chris Gallo, DA Office/ 18th JD

Kristin Heath, Jefferson County Justice Services

Kathryn Herold, Defense/ Boulder Public Defender Office

Kazi Houston, Victim Representative/ Rocky Mt. Victim Law Center

Matt James, DA Office/ 2nd JD

Heather McClure, Lived Experience/ Adams County CJ Council

Jenifer Morgen, Probation/ 17th JD

Greg Otte, Probation/ 8th JD

Abigail Tucker, Behavioral Health Treatment Provider

Elaina Shively, Restorative Justice Colorado

TBD, Court/ Trial judge





Sentencing Alternatives/Decisions & Probation WG

Meeting Schedule

The Working Group meets on the first Friday of each month from 9am - 11am. Upcoming meetings:

- 2021 Friday, January 8
- Friday, February 5
- Friday, March 5
- Friday, April 2





Sentencing Alternatives/Decisions & Probation WG

Areas of focus

- Examine the operation of probation regarding the use of conditions, the length of supervision, and responses to violations
- Consider alternatives that can be utilized at sentencing
- Define the purposes of probation and the impact of probation practices on the prison population





Sentencing Alternatives/Decisions & Probation WG

Initial Discussions/Priorities

- Define statutory purpose of probation
- 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 impact on prison population
- Evaluate probation level of supervision in the interest of proper dosage and approaches (e.g. avoiding over-supervision)
- Examine impact of Traumatic Brain Injury (TBI) in revocations and other outcomes and recommend strategies to better accommodate persons with TBI.
- Consider alternatives that can be utilized at the time of sentencing.





Sentence Progression Working Group

Membership

Dean Williams, CO Dept. of Corrections

Joseph Archambault, Office of the State Public Defender

Valarie Finks, Crime Victim Comp., DA Office, 1st JD

Bob Gardner, State Senate, District 12

Rick Kornfeld, Defense/ Private defense

Andrew Matson, Colorado CURE

Greg Mauro, Denver Div. of Community Corrections

Steve O'Doriso, Commissioner/ Adams County Board of Comms.

Amber Pedersen, CO Dept. of Corrections

Catrina Weigel, DA Office/ 20th JD





Sentence Progression Working Group

Meeting Schedule

The Working Group meets Tuesdays from 3 - 4pm.

Upcoming 2020 meetings:

Tuesday, December 15

Tuesday, December 22 (*tentative*)

Tuesday, December 29 (*tentative*)





Sentence Progression Working Group

Areas of focus

- Review opportunities to expand community-based release alternatives for inmates
- Examine the use of options and incentives to promote positive progress during a period of incarceration
- Prepare individuals for release and re-entry





Sentence Progression Working Group

Initial Discussions/Priorities

- Expand opportunities regarding Intensive Supervision Program-Inmate, home confinement (electronic monitoring).
- Expand opportunities for people under CDOC supervision who are in the last phase of their sentence.
“The last year of the sentence should be different from the first year of the sentence.”





Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

Structure Working Group

Membership

Michael Dougherty, District Attorney's Office, 20th JD

Maureen Cain, Office of the State Public Defender

Christie Donner, CO Criminal Justice Reform Coalition

Valarie Finks, Victim Compensation, DA Office, 1st JD

Jes Jones, Defense/ Private defense

Tom Raynes, Colorado District Attorney's Council

Dan Rubinstein, District Attorney's Office, 21st JD

Lisa Wayne, Defense/ Private defense





Structure Working Group

Meeting Schedule

The Working Group meets most Mondays at 3:30pm.

Upcoming meetings:

Monday, December 21 (3-5pm)

Monday, January 4 (*tentative*)

Monday, January 11 (*tentative*)

Monday, January 18 (*tentative*)





Structure Working Group

Areas of focus

- Felony and misdemeanor sentencing grids
- Sentencing ranges
- Enhancements (Habitual, Extraordinary risk)
- Promoting consistency and certainty in sentencing
- Simplify various aspects of sentencing





Structure Working Group

Initial Discussions/Priorities

The Working Group is focused on:

- New misdemeanor grid and sentencing ranges, Traffic offenses, Title I (Voting offenses), felony-to-misdemeanor reclassification and contraband
- Examining jail time credit policies
- Fees and fines





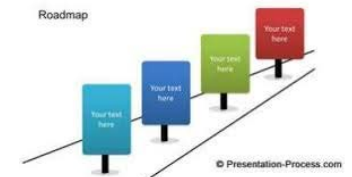
Sentencing Reform Task Force

Next Steps

Working Groups will continue to present information to the Task Force regarding specific areas that may form recommendations.

All groups will continue to examine current practices for disparate impact within the assigned topics and to prepare ameliorative solutions.

Task Force will meet twice in January, and Commission will likely meet twice in February to consider SRTF proposals.





Sentencing Reform Task Force

