



**Colorado Commission on Criminal and Juvenile Justice**

**Minutes**

January 8, 2021 / 1:00pm-3:00pm

Virtual Meeting

**Commission Member Attendance**

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

Guests: Michael Dougherty, Brad Uyemura for Angie Paccione, Phil Weiser

**Call to Order and Opening Remarks**

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

Dr. Tucker, Commission Vice Chair, called the meeting to order at 1:03 pm. Dr. Tucker thanked Commissioners for attending and explained that Mr. Hilkey was unable to attend the meeting. Dr. Tucker asked whether there were additions or corrections to the December minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

Dr. Tucker welcomed Mr. Michael Rourke to his first Commission meeting, replacing Mr. Cliff Riedel. Dr. Tucker thanked Mr. Riedel for his contributions and service to the Commission.

Dr. Tucker announced that an additional Commission meeting is scheduled on February 26 to hear preliminary recommendations from the Sentencing Reform Task Force.

**Sentencing Reform Task Force Update**

*Rick Kornfeld/Michael Dougherty, Task Force Co-chairs*

The Sentencing Reform Task Force heard updates from the four Working Groups on Jan. 6:

- The Sentence Structure Working Group presented five recommendation elements: 3 elements were approved by the Working Group, 2 elements were slated for additional review, and more recommendation elements are forthcoming.

- Recommendations are expected from the Parole and Progression Working Groups.
- The Sentencing Alternatives/Decisions and Probation Working Group continues to meet monthly.

#### Working Group Updates

- *Parole Working Group—Kristen Hilkey, Leader*

The Working Group is reviewing and revising the Standard parole conditions and the Special (individual) parole conditions. The group is considering how risk and protective factor information might be related to parole conditions and supervision. The group is examining current Colorado and national practices regarding:

  - Standard conditions of parole. *Completed. The Working Group will submit a recommendation to the Task Force in February.*
  - Individual conditions of parole. *This review is underway and will be completed in the next month.*
  - Length of parole supervision.
  - Disparate treatment based on race/ethnicity.
- *Sentencing Alternatives/Decisions and Probation Working Group—Glenn Tapia, Leader*

The Working Group is focused on the purposes of probation, the operation of probation regarding the use of conditions, the length of supervision, and responses to violations; alternatives that can be utilized at sentencing; and the impact of probation practices on the prison population. The Working Group identified the following priorities:

  - Define the statutory purpose of probation. *The Working Group is expected to finalize this priority in the upcoming month.*
  - 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 context 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 for use at the time of sentencing.

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

The Working Group is reviewing opportunities to expand community-based release alternatives for inmates and examining the use of options and incentives to promote positive progress during incarceration. The first areas of focus are as follows:

  - Expand opportunities for people under CDOC supervision who are in the last phase of their sentence. *“The last year of sentence should be different from the first year of the sentence.”*
  - “Transitional Confinement Program” - would fill a transition (reentry) gap by creating another opportunity for supported transition into the community (for example, home confinement with electronic monitoring; other housing options).

Ongoing tasks:

  - Define all program eligibility elements
  - Define program elements
  - Define differences from existing transition options (ISP-I & Community Corrections)
  - Method/option to allow community review/input
  
- *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 has presented the following recommendation elements for review by the Task Force:

  - New misdemeanor grid (*Approved by the Task Force*)
  - Title 42 revision (traffic offenses) (*Approved by the Task Force*)
  - Title 1 revisions (Voting offenses) (*Approved by the Task Force*)
  - Title 18 revisions (*Under review by the Task Force*)
  - Felony-to-Misdemeanor classifications and Contraband (*Under review by the Task Force*)

The four Working Groups will continue to present information to the Task Force regarding specific elements that may form recommendations. The Task Force will meet on January 20 and February 10 to approve recommendations for preliminary presentation to the Commission.

The Commission will meet on February 12 and February 26 to hear preliminary recommendations from the Sentencing Reform Task Force (from the Parole, Progression and Structure Working Groups). The earliest that members would vote on these recommendations is at the March 12 Commission meeting.

## DISCUSSION

Regarding the Sentence Progression Working Group. Will the Working Group include a pre-release preparation component in its proposed program to expand reentry alternatives?

Mr. Williams responded that the focus of the Transitional Confinement Program is to expand community-based opportunities to support successful transition and reentry into the community. Mr. Williams noted that significant work is currently undertaken by CDOC case managers to prepare for reentry and felt that a comprehensive review of the preparation for

release within the prison, though a good idea, might be beyond the current scope of the Working Group. Mr. Williams did not anticipate that this topic will be discussed at the Progression Working Group in preparation of the current recommendation.

Regarding the Sentence Progression Working Group. What post-release services will be provided to participants in the Transitional Confinement Program? Will this include the use of group homes where individuals might receive treatment?

Mr. Williams agreed that the Transitional Confinement Program should include partnerships with community entities that may be able to offer services such as alternative housing options.

Regarding the Sentence Progression Working Group. The Parole Board reviews cases of incarcerated individuals who are at six months from their mandatory release date. A common concern of the Board for re-entering individuals is the lack of housing options. If an individual has been denied parole by the Board, would the CDOC release the person into the community anyway under the Transitional Confinement program and, if so, how will housing be provided?

Mr. Williams explained that some individuals get discouraged with the process and do not submit applications for community corrections, the Intensive Supervision Program-Inmate or parole. The Transitional Confinement Program should be considered as an additional pathway to reentry with a central focus on establishing housing and employment opportunities.

### **Public Comment**

No members of the public signed up to offer comment.

### **Wrap-Up and Adjournment**

Details of the next Commission meeting on February 12 will be forwarded to Commissioners by email and posted on the CCJJ website, [ccjj.colorado.gov/ccjj-meetings](http://ccjj.colorado.gov/ccjj-meetings).

Dr. Tucker thanked members for their time and attention and with no further business, adjourned the meeting at 2:09 pm.