



Colorado Commission on Criminal and Juvenile Justice

Minutes

May 14, 2021 / 1:00pm-4:00pm

Virtual Meeting

Commission Member Attendance

Stan Hilkey, Chair	Serena Gonzales-Gutierrez - ABSENT	Angie Paccione
Abigail Tucker, Vice Chair	Kristen Hilkey	Tom Raynes
Terri Carver - ABSENT	Nancy Jackson	Megan Ring - ABSENT
Minna Castillo-Cohen - ABSENT	Jessica Jones	Michael Rourke
Shawn Day	Bill Kilpatrick	Gretchen Russo
Janet Drake – ABSENT	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 – ABSENT	Patrick Murphy	Joe Thome, <i>ex officio</i>

Call to Order and Opening Remarks

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

Mr. Hilkey called the meeting to order at 1:00 pm and thanked Commissioners for attending. Mr. Hilkey reviewed the agenda and asked whether there were additions or corrections to the April 9 minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

UPDATE: Special meeting to discuss the new Behavioral Health Administration

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

Dr. Tucker provided an update on the Commission’s special meeting on 4/30/21 to discuss the new Behavioral Health Administration (BHA) and its intersection with criminal/juvenile justice. Consultants from Health Management Associates (HMA), along with representatives from the Colorado Department of Human Services (CDHS), presented on potential models for and function of the BHA and asked for feedback from Commissioners. Feedback included need for greater understanding of the significant effort required by the justice system to develop a competent, informed workforce to provide behavioral health services for justice-involved individuals and, for this reason, criminal justice experts should have a significant voice in the implementation of the BHA as it pertains to justice issues. The HMA is in the process of incorporating stakeholder feedback and over the summer will develop a formal implementation plan for the Behavioral Health Reform Executive Committee.

[Note: The BHA was derived by a recommendation from the Behavioral Health Task Force, created on April 8, 2019 by Gov. Jared Polis. The mission of the task force was to evaluate and set the roadmap to improve the current behavioral health system in the state culminating in a September 2020 blueprint, as well as several other reports. The BHA will align, coordinate, or integrate state mental health and

substance use programs and funding under one government entity, streamlining access to services for Coloradans and reducing bureaucracy for providers. Codified by House Bill 2021 - 1097, CDHS is mandated to finalize an implementation plan by November 2021 to establish the BHA by July 2022 and to temporarily house the agency through November 2024.^{1]}

UPDATE: Legislative-related Recommendations**Joel Malecka, Legislative Liaison, Colorado Department of Public Safety**

Mr. Malecka directed Commissioners to a handout including the Commission's legislative recommendations and related bills along with current bills that were not initiated by the Commission but that reflect aspects of prior Commission recommendations:²

Senate Bill 2021-271 -- FY21-SR #01. Revise misdemeanor sentencing and offenses.

Senate Bill 2021-146 -- FY20-AD #02. Revise youthful offender system statutes.

House Bill 2021-1214 -- FY20-DR01. Create and implement a process for automatically sealing criminal conviction records for drug offenses.

Senate Bill 2021-153 -- FY08-BP50. Verifiable identification for all offenders leaving incarceration.

Mr Malecka also mentioned other criminal justice-related bills:

- SB 21-062, Jail Population Management Tool. The bill prohibits a peace officer from arresting a person based solely on the alleged commission of a traffic offense; petty offense; municipal offense; misdemeanor offense; a class 4, 5, or 6 felony; or a level 3 or 4 drug felony unless. The bill gives a peace officer the authority to issue a summons and complaint for any offense committed in the officer's presence.
- HB21- 1250, Measures to Address Law Enforcement Accountability. The bill makes changes to the provisions of Senate Bill 20-217, enacted in 2020, to provide clarity and address issues discovered since the passage of the bill.
- HB21 – 1315, Costs assessed to Juvenile in the Criminal Justice System. Under current law, courts may assess administrative fees, costs, and surcharges in juvenile delinquency cases when juveniles have been charged with or adjudicated of certain crimes. The bill removes the certain costs and fees that a juvenile or a juvenile's parent or legal guardian must pay.

UPDATE: Sentencing Reform Task Force**Rick Kornfeld, Task Force Co-chair**

The Sentencing Reform Task Force meeting in May was cancelled due to unexpected meeting conflicts for Mr. Kornfeld and Mr. Dougherty, the Task Force Co-chairs. The next Task Force meeting on June 9 will focus on a strategic plan for the continuing areas of work derived from the 2020 Biennial Governor's Letter.³ Updates from the four Working Groups of the Task Force are summarized below:

¹ For additional information see, cdhs.colorado.gov/behavioral-health-reform.

² The handout can be found under the May 14, 2021 CCJJ meeting at, ccjj.colorado.gov/ccjj-mtgs2021.

³ The Biennial Letter may be found at, ccjj.colorado.gov/ccjj-mandates.

Working Group Updates

- *Sentence Structure Working Group—Rick Kornfeld, Task Force Co-Chair*

Several members of the Sentence Structure Working Group are participating in legislative hearings in support of *Senate Bill 2021-271. Misdemeanor Reform (Concerning the adoption of the 2021 recommendations of the Colorado criminal and juvenile justice commission regarding sentencing for offenses)*. The bill is derived from Commission Recommendation FY21-SR #01.⁴ Following the legislative session, the Working Group will reconvene in June to begin its review of the felony sentencing grids and felony offenses.

- *Sentencing Alternatives/Decisions and Probation Working Group – Glenn Tapia, WG Leader*

The Working Group will begin to draft two recommendations for review by the Sentencing Reform Task Force this summer. One recommendation pertains to the statutory purpose of probation, and the other will address sentencing options for those convicted of petty offenses. Mr. Tapia reminded the group that, due to the recategorization of petty offenses and the elimination of the “Class 2 Petty Offense” category in *Recommendation FY21-SR #01, Revise Misdemeanor Sentencing and Offenses*, the Working Group discussed the issue of probation eligibility and alternative solutions for petty offense defendants. Next, the group will examine the barriers to success for individuals on probation (for example, transportation, treatment and fees) and the mandates related to supervision of those sentenced to probation for a sex offense.

- *Sentence Progression Working Group – Greg Mauro & Kristen Hilkey, WG Co-leaders*

The Progression Working Group continues to evaluate three reentry transition paths, Community Corrections, Parole and the CDOC Intensive Supervision Program-Inmate (ISP-I), to improve options and processes that will enhance the success of individuals reentering the community.

The Progression Working Group meeting was canceled this week on May 11 because data analyses to support the upcoming work was still underway and the review of findings is the next agenda item for the group.

PUBLIC COMMENT

No members of the public offered comment.

**SENTENCING REFORM TASK FORCE: Parole Working Group
Final Presentation - Recommendation FY21-SR #02
Kristen Hilkey, Parole Working Group Leader**

The preliminary presentation of Recommendation FY21-SR #02 occurred at the April 9, 2021 CCJJ meeting. Ms. Hilkey offered a brief summary for this final presentation of the recommendation and directed Commissioners to the final recommendation document that is available on the Commission website.⁵

⁴ See Recommendation FY21-SR #01 at, ccjj.colorado.gov/ccjj-recyr-fy21.

⁵ This approved recommendation can be found at “Meetings 2021” under the May 14, 2021 CCJJ meeting at, ccjj.colorado.gov/ccjj-mtgs2021.

Recommendation FY21-SR #02. Update the Standard Conditions of Parole and Revise the Additional Conditions of Parole [Statutory; Policy]

Amend §17-2-201, C.R.S., to update and clarify the Standard Conditions of supervision for individuals on parole. The Standard Conditions apply to all individuals released under parole supervision. The existing options for Additional Conditions of Parole also have been revised for the adult Parole Board [“the Board”]. The “additional” conditions are applied based on the individual needs of parolees. Both sets of conditions have been updated to clarify expectations, simplify language, increase comprehension, and remove duplication. Because the Additional Conditions are not specified in statute, no statutory language regarding Additional Conditions is required in the recommendation, and this portion of the recommendation is offered as policy.

In this recommendation, the following substantive changes are made to the Standard Conditions:

- The mandatory urinalysis-testing requirement is moved to the Individual Conditions.
- The expectation that an individual on parole not associate with people with a criminal record is eliminated.
- A requirement is added that mandates that the individual comply with all terms of any civil protection orders.

DISCUSSION

Mr. Hilkey solicited a motion to approve the recommendation. A motion was made and seconded to approve the recommendation. Mr. Hilkey requested further discussion and, seeing none, a vote was held. The process for supermajority voting on a final recommendation was explained. A Commission recommendation requires approval by 66% of the members, combining the A and B votes of:
A = I support B = I can live with it C = I do not support it

Final Vote: FY21-SR #02: Update the Standard Conditions of Parole and Revise the Additional Conditions of Parole [Statutory; Policy]

A: 18 B: 2 C: 0 Abstention: 1

Recommendation FY21-SR #02 was APPROVED.

WRAP-UP AND ADJOURNMENT

Mr. Kornfeld mentioned the eight-part documentary series “Philly D.A.” on PBS which describes the reform efforts by Larry Krasner, a district attorney in Philadelphia.⁶ (see

Mr. Hilkey announced Ms. Kim English’s retirement from the Division of Criminal Justice as Research Director and as staff to the Commission. Commissioners, joined by staff, expressed their gratitude for her years of contributions and valued service to the Commission and wished her farewell.

Details of the next regular Commission meeting (Friday, June 11, 2021; 1:00-4:00pm) will be forwarded to Commissioners by email and posted on the Commission website. Information on all Commission-related meetings are available on the Commission website at, ccjj.colorado.gov/ccjj-meetings. Mr. Hilkey thanked members for their time and attention and, with no further business, adjourned the meeting at 2:40 pm.

⁶ See pbs.org/independentlens/documentaries/philly-da/