



Colorado Commission on Criminal and Juvenile Justice

Minutes

August 13, 2021 / 1:00pm-3:00pm

Virtual Meeting

Commission Member Attendance

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

Substitute: Ruth Coffman for Dean Williams

* *Re-appointment pending*; ^ *Appointment pending*

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 June 11 minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the June 11 minutes.

Mr. Hilkey stated that the re-appointments or new appointments to serve on the Commission have yet to be announced, and, until those appointments are announced, continued participation by Commissioners whose first-term appointments expired on June 30, 2021 is greatly appreciated.

UPDATE: SENTENCING REFORM TASK FORCE

Rick Kornfeld & Michael Dougherty, Task Force Co-chairs

Mr. Kornfeld mentioned that, at the signing of Senate Bill 21-271 *Misdemeanor Reform*, Governor Polis joined by several legislators publicly expressed ongoing gratitude and support for the work of the Commission. Mr. Kornfeld commented that the hard work and dedication this past year of the Commission’s Sentencing Reform Task Force and Working Group members are being acknowledged and that the work ahead is greatly anticipated. Each of the Working Group Leaders were asked to provide updates on their ongoing efforts.

WORKING GROUP UPDATES**• *Sentencing Alternatives/Decisions and Probation Working Group – Glenn Tapia, WG Leader***

The Working Group is currently developing two recommendations aimed at improving treatment for probationers in the areas of efficacy, quality, access, treatment matching, and stigma reduction. These two recommendations are in addition to two other draft recommendations described previously by the Working Group on the purposes of probation and on probation eligibility for petty offenses.

- A recommendation will propose increased access to telehealth services related to behavioral health and to revise or develop standards to incentivize providers to continually build capacity for telehealth services. Emerging research shows promising opportunities for telehealth services, especially when used as a supplement or adjunct to in-person treatments.
- A recommendation will encourage improvement in the collaboration between entities involved in the treatment of justice-involved individuals. A convening is proposed of subject matter experts from criminal justice and behavioral health systems to develop a long-term strategy to address criminogenic risk factors and behavioral health treatment needs for justice-involved individuals.

The next areas of work for the Working Group include barriers for people on probation, probation supervision, revocations, conditions of probation and ethnic disparity.

• *Sentence Structure Working Group—Michael Dougherty, WG Leader*

The Working Group members continue the next phase of work on felony sentencing grids and felony offenses following the previous work on misdemeanors culminating in enacted *Senate Bill 21-271 Misdemeanor Reform*. The Working Group members summarized the series of stakeholder listening sessions conducted to gather feedback as they begin their work on felonies. Mr. Dougherty invited Commissioners to contact Working Group members with questions or to forward additional stakeholders who would like to be heard in advance of the felony work.

The next areas of focus include the creation of new sentencing grids and ranges for different crime categories, classifying felony offenses into the offense categories, and reviewing sentencing enhancers in an effort to promote consistency and certainty in sentencing.

DISCUSSION

Mr. Hilkey suggested that the Working Group contact Chief Matthew Packard from the Colorado State Patrol and Mr. Robert Force from the Colorado Auto Theft Prevention Authority (CAPTA) about auto theft and associated crimes in Colorado.

Ms. Tapp offered to coordinate a meeting with representatives from victim organizations such as the Colorado Coalition Against Sexual Assault (CCASA) and the Colorado Organization for Victim Assistance (COVA). Mr. Dougherty and Ms. Finks mentioned they both serve on the COVA Board and that representatives from both CCASA and COVA, as well as, Mother Against Drug Driving and DUID Victim Voices have participated in the listening sessions. Mr. Dougherty concurred that the victims' voices are essential and committed to remain engaged with those organizations for the work ahead.

Mr. Matson asked about the participation of those with lived experience or their families. Mr. Dougherty and Mr. Raynes described that participants have included those directly involved in the criminal justice system and family members and those providing community services to justice-involved individuals.

Mr. Tapia reminded the Working Group that, following the passage of *Senate Bill 21-271 Misdemeanor Reform*, the Colorado Judicial Branch sent an email listing potential issues that would affect the operations of the Judicial case management system. Mr. Dougherty confirmed having received the email and committed to work with the Judicial Branch and address those issues.

- ***Sentence Progression Working Group –Kristen Hilkey, WG Co-leader***

At the July 2021 meeting of the Sentencing Reform Task Force, the Sentence Progression Working Group was placed on hiatus pending further interrelated discussions occurring in the Sentence Structure Working Group regarding “end-of-sentence” issues.

PRETRIAL DISCUSSION

Stan Hilkey

Mr. Hilkey reminded the group that, prior to the 2020 legislative session, the Commission approved recommendations from the Pretrial Release Task Force that resulted in the introduction of *Senate Bill 2020-161 Pretrial Release*. During the delayed and abbreviated 2020 session, the bill was postponed indefinitely in June 2020. During the 2021 legislative session, other bills related to pretrial were introduced but didn't pass. Mr. Hilkey believed that there is growing interest that the Commission continue its pretrial efforts. He suggested that, at a future meeting, the Commission discuss the creation of a small group that would review the prior Commission recommendations and *SB20-161* and collaborate with various stakeholders interested in pretrial reform.

PUBLIC COMMENT

No members of the public offered comment.

WRAP-UP AND ADJOURNMENT

Mr. Hilkey congratulated the members of the Sentencing Reform Task Force and related Working Groups for the passage of *Senate Bill 21-271 Misdemeanor Reform* that is a testimony to their hard work and dedication.

Considering the spread of the COVID-19 Delta variant, Mr. Hilkey confirmed that the Commission will continue to meet virtually until further notice. Details of the next Commission meeting (Friday, September 10, 2021; 1:00-4:00pm) will be forwarded to Commissioners by email and posted on the Commission website along with details on all Commission-related meetings at, ccjj.colorado.gov/ccjj-meetings.

Mr. Hilkey thanked members for their time and attention and, with no further business, adjourned the meeting at 1:30 pm.