



**Colorado Commission on Criminal and Juvenile Justice**

**Minutes**

April 8, 2022 / 1:30pm-4:00pm

Virtual Meeting

**Commission Member Attendance**

Stan Hilkey, Chair - ABSENT	Bob Gardner – ABSENT	Steve O’Dorisio
Abigail Tucker, Vice Chair	Priscilla Gartner – ABSENT	Angie Paccione
Taj Ashaheed – ABSENT	Julie Gonzales – ABSENT	Tom Raynes
Terri Carver – ABSENT	Serena Gonzales-Gutierrez – ABSENT	Megan Ring
Minna Castillo-Cohen	Kristiana Huitron	Michael Rourke
Shawn Day	Jessica Jones – ABSENT	Gretchen Russo
Chad Dilworth	Rick Kornfeld – ABSENT	Glenn Tapia
Janet Drake	Greg Mauro	Dean Williams
Valarie Finks	Derek McCoy	<i>Chief of Police (appoint. pending)</i>
Jaime FitzSimons - ABSENT	Patrick Murphy	Joe Thome, ex officio

Guests: Kara Veitch, David “Dave” Hayes

**Call to Order and Opening Remarks**

**Dr. Tucker, CCJJ Vice-Chair, representing Mental Health Treatment Providers**

Dr. Tucker, Commission Vice-Chair called the meeting to order at 1:35 pm and thanked Commissioners and members of the public in attendance, explaining that Chair Stan Hilkey was unable to attend the meeting. Dr. Tucker announced that Chief William Kilpatrick retired from his position as Golden Chief of Police and as representative of chiefs of police to the Commission (Mr. Kilpatrick’s second term was to expire on June 30, 2022). Dr. Tucker, joined by Commissioners, thanked Chief Kilpatrick for his contributions and service and wished him farewell. Dr. Tucker acknowledged the attendance of David “Dave” Hayes, Louisville Chief of Police and Vice President of the Colorado Association of Chiefs of Police.

Dr. Tucker reviewed the agenda and solicited any additions or corrections to the February 11 minutes. A motion was offered and seconded to approve the previous minutes; Commissioners unanimously approved the February 11 minutes.

**LEGISLATIVE UPDATES**

**Joel Malecka, Legislative Liaison, Colorado Department of Public Safety**

Joel Malecka provided an update on legislative activity. The summary of Mr. Malecka’s presentation follows.

- *House Bill 2022-1229: S.B.21-271 Clean-up.* Senate Bill 2021-271 created a civil infraction as a penalty for violations of the law that do not rise to criminal conduct. SB 21-271 included procedures for civil infractions. The bill repeals those provisions and replaces them with new procedures for handling civil infractions. This bill derived from the Commission recommendations has been signed into law.

- *House Bill 2022-1257: FY22 CCJJ Recs.* Six substantive recommendations from the Sentencing Reform Task Force and CCJJ are contained in *HB 22-1257* including criminal offenses related to professional licensing, the probation recommendations, and the list of offenses that would be POWPO-eligible. This bill derived from the Commission recommendations has been signed into law.
- *House Bill 2022-1224: Theft of Public Benefits.* This bill derived from the Commission recommendations has been signed into law.
- *Senate Bill 2022-001: Crime Prevention Through Safer Streets.* The bill creates crime prevention through a safer street grant program in the CO Department of Public Safety.
- *Senate Bill 2022-145: Resources to Increase Community Safety.* The bill establishes 3 new grant programs within the Division of Criminal Justice in the CO Department of Public Safety.
  - A multidisciplinary crime prevention and intervention grant program to award grants to law enforcement, other local governmental agencies, and community-based organizations to identify high-crime areas and implement crime prevention and intervention strategies in those areas;
  - A law enforcement workforce recruitment, retention, and tuition grant program to award grants to law enforcement agencies to address workforce shortages, increase the number of people being trained for law enforcement positions, and improve training through enhanced curriculum, including mental health training; and
  - A state's mission for assistance in recruitment and training (SMART) policing grant program to increase the number of P.O.S.T.-certified and non-certified law enforcement officers who are representative of the communities they police and provide training for those additional law enforcement officers.
- *House Bill 22-1344 – FDA-approved Prescription 3,4-Methylenedioxymethamphetamine (MDMA) Drug Use.* This bill approves a prescription medicine to provide MDMA-assisted therapy to treat patients with post-traumatic stress disorder (PTSD).

## **PRESENTATION: HUMAN TRAFFICKING & VICTIMS SERVICES**

**Kelly Kissell & Maria Trujillo, Office of Victims Programs, Division of Criminal Justice**

The full presentations by Ms. Trujillo and Ms. Kissell are available under the April 8, 2022 meeting tab on the Commission website at, [ccjj.colorado.gov/meetings/meetings-2022](http://ccjj.colorado.gov/meetings/meetings-2022). Highlights of the presentations are provided below.

### **The Colorado Human Trafficking Council (CHTC)**

- House Bill 14-1273 established the CHTC and created state criminal statutes and federal human trafficking statutes.
- The CHTF legislative purpose:

To bring together leadership from community-based and statewide anti-trafficking efforts, to build and enhance collaboration among communities and counties within the state, to establish and improve comprehensive services for victims and survivors of human trafficking to assist in the successful prosecution of human traffickers, and to help prevent human trafficking in Colorado.
- The CHTF comprises 35 members from across the state.
- The Legislative mandates include:
  - Standards for victim services providers
  - Recommendations for statutory changes

- Develop a statewide public awareness campaign
- Develop training standards and curricula
- Identify best practices for the prevention of human trafficking
- Data collection on the incidence of human trafficking and the efforts of law enforcement
- Publish an annual report
- Research and pursue funding opportunities to fulfill council goals
- Recommendations on whether a law should be enacted that grants immunity or other legal protections for minor victims of sex trafficking
- Conduct a post-enactment review of the affirmative defense for charges of prostitution.
- CHTC Success stories: Policy changes
  - *HB 2016-1224* – Child Sex Trafficking as a form of Child Abuse and Neglect
  - *SB 2019-182* – Immunity & Affirmative Defense for Minor Victims of Trafficking
  - *HB 2019-1267* – Updates to Wage Theft Law
  - Volume 7 (Children’s Code) Updates – Adopted recommendations for 24-hour child care facilities that serve trafficking survivors.
- CHTC Success stories: Awareness Campaign
  - “...create an implementation plan for the development of an awareness campaign that will educate the public about human trafficking and place victims services contact information in places where victims of human trafficking are likely to see it”
- CHTC Public Awareness & Outreach Campaign Overview
  - Campaign audience & Goal: Increase the general public knowledge about all types of human trafficking in the state of Colorado. The implementation plan started from 2017-2019
  - Media targeted markets were Denver, Colorado Springs, and Grand Junction.
  - 2020 media launch was a digital focus for 3 months, driving significant traffic to the website
  - 2021 focused on awareness tactics during the late summer months to achieve a significant number of impressions across the state.
  - Adjustments were made to the Spanish language approach
  - Adjustments to January 2021 media buy to blend awareness tactics and trackable media
  - Paid social media was combined with a strategically driven organic social medial push that started in August
  - Strategic assessment and next steps after media metrics are analyzed
- Colorado’s Human Trafficking Hotline
  - Above average increase in calls/texts (45% typically 20-24%)
  - In Q3-2021, the hotline had 8 Spanish speaking callers (0 in the same months in 2020)
  - In 2021, there were 901 calls from 696 individuals, 82 of the calls (59 individuals) indicated they heard about the hotline from the campaign.
- 2021 Social Media
  - December Web clicks campaign resulted in 34,437 impressions and 3,173 link clicks
  - Paid campaigns drove 3,170 new users and 3,285 clicks to the website.
- Social platforms
  - Website: “ThisishumanTrafficking.com”
  - Social channels including Facebook, YouTube, Instagram

- Animated video banner ads (online/mobile), streaming radio ads, digital billboards & banners
- Spanish language video and radio spots
- Paid social media, sponsored articles & web takeovers.
- Remainder of 2022. Post campaign evaluation, victim-specific web page, Partnership Invigoration & Outreach Support, Materials Production & Distribution, and campaign strategy updates and recommendations.

### **The Office for Victims Programs**

Below are highlights of Ms. Kissell's presentation on the purpose, function and funding of OVP (as mentioned above, this presentation is available at, [ccjj.colorado.gov/meetings/meetings-2022](http://ccjj.colorado.gov/meetings/meetings-2022)). The Office for Victims Programs (OVP) in the Division of Criminal Justice at the Colorado Department of Public Safety includes the following programs: Crime Victim Services Funding, Human Trafficking Council, Victim Rights Compliance, Sexual Assault Victim Emergency (SAVE) program, Standards and technical assistance for Victim Compensation, and Standards and technical assistance for local Victim Assistance and Law Enforcement programs (VALE).

- Victim Rights Act (VRA)
  - Senate Bill 22-49. A stakeholder process began in August 2021. The bill was introduced early in the Senate and is a clean-up bill to keep up with changes made in other parts of the criminal justice system.
- Victim Services Funding: SASP=\$460K; VAWA=\$2.6M; State VALE=\$1M; Local VALE=\$9.9M; VOCA=\$18M.
- Victims of Crime Act (VOCA)
  - Each state receives a formula grant based on population from the Office for Victims of Crime (OVC) to help support victim services
  - Division of Criminal Justice (DCJ) is the state administering agency (SAA) for this grant program
  - VOCA funds are distributed as part of a competitive grant process every 2 years – "Crime Victim Service Funds"
  - VOCA is funded through fines and penalties levied against criminals convicted of federal crimes, forfeited bail bonds, special assessments from the US Attorney's Office, and Congress sets a cap on the amount of funds that can be distributed each by OVC.
  - The VOCA cap reached \$4.44B in 2018 and has decreased since to \$2.64B in 2020.
- Sustaining victim services
  - OVP's VOCA award had its highest award in 2018 approximately \$58M.
  - The 2021 VOCA award was approximately \$18M (68% reduction)
  - Last funding cycle OVP awarded \$93M in VOCA awards for a 2-year period
  - This funding cycle OVP awarded \$55.5M in VOCA awards (41% cut)
- Sustaining Victim services - Efforts this legislative session
  - Stakeholder work led by the 3 state victim services coalitions and DCJ for the past year with Senator Winter and Representative Duran
  - SB22-183 – Concerning Programs that Provide Services to Crime Victims
  - Requests \$35M to fill the VOCA gap and \$6M to support the Domestic Violence Program (DVP) at CDHS.

**DISCUSSION**

Commissioners commented that the decrease of funding for victims' services, for example the local VALE programs, is a serious issue and that sustainable funds should be identified, possibly from tax initiatives or offenders' fines and fees.

**UPDATE: SENTENCING REFORM TASK FORCE (SRTF)****Tom Raynes, Task Force member**

In the absence of Task Force Co-Chairs, Mr. Rick Kornfeld and Mr. Michael Dougherty, Task Force member Mr. Tom Raynes offered an update on the Sentencing Reform Task Force.

Mr. Raynes referred to the Governor's Office invitation to CCJJ and Sentencing Reform Task Force members this week to the signing of the bills that were derived from or related to Commission recommendations. These include:

- *House Bill 2022-1229: S.B.21-271 Clean-up. Senate Bill 21-271* created a civil infraction as a penalty for violations of the law that do not rise to criminal conduct. SB 21-271 included procedures for civil infractions. The bill repeals those provisions and replaces them with new procedures for handling civil infractions.
- *House Bill 2022-1257: FY22 CCJJ Recommendations.* Six substantive recommendations from the Sentencing Reform Task Force and CCJJ are contained in *HB 22-1257* including criminal offenses related to professional licensing, the probation recommendations, and the list of offenses that would be POWPO\*-eligible. [\*Possession of Weapons by Previous Offenders]
- *House Bill 2022-1224: Theft of Public Benefits.*

Mr. Raynes noted that the bills, which were derived from the Commission and Sentencing Reform Task Force recommendations, represented significant stakeholder engagement and thanked all the Task Force and Working Group members, along with stakeholders, who contributed to these efforts.

At the April 6 meeting of the Sentencing Reform Task Force, Mr. Dougherty (Task Force Co-chair) updated members regarding the reactivation of the Sentence Progression Working Group and the appointment of Mr. Greg Mauro (Denver Division of Community Corrections), Mr. Brian Mason (17<sup>th</sup> Judicial District Attorney's Office), and Ms. Emily Fleischmann (Office of the State Public Defender) as Co-leaders of the Working Group. The Co-leaders were tasked to develop a proposed scope of work and timeline for the Working Group for discussion at the next Task Force meeting in May.

**SRTF WORKING GROUPS****• Sentence Structure Working Group - Tom Raynes, WG member**

Mr. Raynes reported that the Sentence Structure WG had met less frequently these past weeks, given that several members of the WG have been very engaged with this legislative session. The Sentence Structure WG and its Study Group (which meets weekly) will continue the review and analysis of discretionary parole, the enhanced felony severity/classification chart, sentencing ranges along with habitual sentences, mandatory consecutive sentences for crimes of violence, and the felony sentencing grid.

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

The Working Group continues to examine areas of over-supervision in probation. Over the last several months, the WG has examined outcome data from the Sex Offender Intensive Supervision Probation Program (SOISP) and has examined data from the Division of Criminal Justice's Sex Offender Management Board (SOMB) regarding the application of the Risk/Need/Responsivity Model in treatment settings for sex offenders. While members agreed that over-supervision of low-risk sex offenders in the SOISP program was a concern, members did not reach a consensus on a strategy to develop a proposal to reform the statutory structure of the SOISP laws at the current time. The WG tabled this issue and pivoted to examine the areas of over-supervision for the general probation population and prioritized the areas of study related to early termination and revocation. Mr. Tapia expected that the work related to revocation practices and early termination will continue through the summer and early fall.

**PUBLIC COMMENT**

No members of the public offered comment.

**WRAP-UP AND ADJOURNMENT**

Dr. Tucker announced that, starting with the next meeting in May, Commissioners will be offered the option of a hybrid meeting (virtual or in-person attendance). More information and guidance provided by the CO Department of Public Health & Environment and the Governor's Office of Boards and Commissions for in-person events will be forwarded in the coming weeks.

Dr. Tucker shared that, in accordance with §16-11.3-103(7), C.R.S (*HB 2018-1287*), a letter from the Commission is being prepared to request the "Biennial Letter" from the Governor which suggests potential topics of study for the Commission.

Dr. Tucker thanked Commissioners for their attention and participation. With no further business, Dr. Tucker adjourned the meeting at 3:00 pm.

**The next meeting of the Commission is Friday, May 13, 2022, at 1:30 pm.  
Information on all Commission-related meetings can be found at, [ccjj.colorado.gov/ccjj-meetings](https://ccjj.colorado.gov/ccjj-meetings).**