



## Colorado Commission on Criminal and Juvenile Justice

### Minutes

October 14, 2022 / 1:30pm - 3:20 pm  
690 Kipling St., 1<sup>st</sup> Floor Conference Room, Lakewood  
Virtual Meeting

#### Commission Member Attendance

Stan Hilkey, Chair	Julie Gonzales - ABSENT	Patrick Murphy - ABSENT
Abigail Tucker, Vice Chair - ABSENT	Serena Gonzales-Gutierrez	Steve O'Dorisio
Taj Ashaheed - ABSENT	Justin (JR) Hall	Angie Paccione - ABSENT
Terri Carver - ABSENT	Dave Hayes - ABSENT	Tom Raynes
Minna Castillo Cohen	Kristiana Huitron	Megan Ring
Shawn Day	Jes Jones	Michael Rourke - ABSENT
Janet Drake	Kira Jukes	Gretchen Russo
Valarie Finks	Rick Kornfeld	Glenn Tapia
Jaime FitzSimons	Greg Mauro	Dean Williams - ABSENT
Bob Gardner	Derek McCoy - ABSENT	Joe Thome, ex officio

Guests: Michael Dougherty

#### Call to Order and Opening Remarks

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

Mr. Hilkey, Commission Chair and Executive Director of the Department of Public Safety, called the meeting to order at 1:34 pm and thanked Commissioners and members of the public for attending. Mr. Hilkey announced the recent appointment of Ms. Kira Jukes (*representing juvenile justice*) to the Commission and welcomed her to her first meeting. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the September 9 minutes.

Mr. Hilkey reviewed the agenda and explained that the goals of the meeting were to hear updates from task forces and working groups and discuss the *2022 Biennial Letter\** from Governor Polis.

[\*The 2022 Biennial Letter was forwarded to Commissioners prior to the meeting and may be found on the Commission website at [ccjj.colorado.gov/ccjj-mandates](http://ccjj.colorado.gov/ccjj-mandates)].

#### DISCUSSION: GOVERNOR'S 2022 BIENNIAL LETTER

Mr. Hilkey engaged the group to discuss the Governor's Biennial Letter, prioritize topics and discuss a study plan and timeline. Below are the topics for examination.

1. *Examine enhanced penalties associated with auto theft, including prolific auto thieves.*

Mr. Raynes reminded the group that, under the current statute, the crime classification for auto theft is determined by the value of the vehicle. District attorneys recently met in September and decided to introduce a bill at this upcoming legislative session that would remove the valuation of the vehicle in the auto theft statute. There would be a defined classification for auto theft regardless of the value of the car.

The group discussed the relevance and importance of the topic and consented to examine this issue. Commissioners tasked the Sentence Structure Working Group (of the Sentencing Reform Task Force) to prioritize enhanced penalties associated with auto theft. The membership of the group will be extended to include juvenile representatives, commissioners, and stakeholders interested in participating in the work.

2. *Continue the work of the Sentencing Reform Task Force.*

Commissioners agreed that the Sentencing Reform Task Force will continue and complete the ongoing work regarding felony sentencing, probation/alternative sentences, and progression through a sentence. The Progression Working Group will complete its examination of the timing and eligibility of the transition of individuals from prison to the community for a more synchronized prison-to-community transition system.

3. *Improve services for re-entry from incarceration, including health and behavioral health services*

Commissioners agreed the elements of this topic has broader elements than the current scope of work by the Sentence Progression Working Group (of the Sentencing Reform Task Force).

Mr. Tapia and Mr. Mauro suggested the complex and broad issue of re-entry would require the creation of its own Task Force that would allow the expansion of membership to other stakeholders currently not represented in the Sentence Progression Working Group.

The group discussed the limited availability of interested commissioners to volunteer for another group and other staffing considerations. Given that the Community Corrections Task Force should complete its work by the spring of 2023 and the Sentence Progression Working Group in several months, the group estimated that the new Re-entry Task Force might convene in early 2023.

Ms. Russo raised whether the scope of work for the new Task Force would include juveniles.

Mr. Hilkey proposed that the Commission leadership discuss further the scope of work for the Task Force, the timing, the consideration of other groups' efforts related to juveniles and progression from prison, and come back with recommendations at the next Commission meeting.

Sheriff FitzSimons moved to create a new Re-entry Task Force to start in 2023, seconded by Mr. Tapia. The motion to create a Re-entry Task Force was unanimously approved.

4. *Examine victim services given the upcoming revisions to the Victim Rights Act (VRA).*

The Commissioners discussed whether the Commission was the most appropriate body to examine these issues or whether the Commission should support initiatives from the various groups and organizations currently looking at issues for victims' services. For example, the Division of Criminal Justice's Office of Victims Programs (OVP), coordinating with the Colorado Organization for Victim Assistance (COVA), is examining funding issues for victims' services. Ms. Finks offered in a subsequent meeting to report on the various efforts related to victim funding issues. The Commission will determine the ongoing efforts by various groups and will further discuss support for potential recommendations to stabilize funding for victim services.

5. *Examine how to improve public safety in Colorado and best practices to reduce crime and create a resource for state, county, and local stakeholders to use in crafting their crime control and reduction strategy.*

Mr. Thome explained that these efforts are underway at the Division of Criminal Justice (DCJ) and offered to provide an overview of the effort. Specifically, staff from the Division of Criminal Justice (DCJ) were tasked to compile research on and to create a resource library of strategies and best practices for crime control and reduction strategies.

6. *Examine juvenile justice vision and the best use of the Youth Offender Services Program.*

Commissioners acknowledged various organizations are already closely examining juvenile justice issues and expressed concern about potential duplicative work by the Commission. Ms. Castillo Cohen mentioned several initiatives underway in the state related to juvenile justice issues:

- *House Bill 21-1131. Reduce Justice-involvement for Young Children* requires the Colorado Department of Human Services to establish a **Pre-Adolescent Services Task Force** to examine potential gaps in services for juveniles 10-12 years of age in case the minimum age of prosecution of juveniles increase from 10 to 13.
- *Senate Bill 19-108. Juvenile Justice Reform* established the **Juvenile Justice Reform Committee** to enact policy recommendations that aim to strengthen public safety and improve outcomes for youth in the juvenile justice system.
- *SB21-071. Limit the Detention of Juveniles* established a juvenile detention bed cap of 215. **The Colorado Youth Detention Continuum (CYDC) and the Interstate Commission Working Group** (established by C.R.S. 19-2-212 and 24-60-702) are tasked to develop a set of criteria for both detention and commitment to determine which juvenile offenders are appropriate for placement in the physical or legal custody of the Department of Human Services. Ms. Castillo Cohen cautioned about the potential impact regarding juvenile detention if changes are made to penalties for auto theft.
- **The Juvenile Justice and Delinquency Prevention Council (JJDP)** is charged with advising and making recommendations to the Governor and the Legislature on juvenile justice issues. The Council reviews and approves applications for federal grant funding through the JJDP Act, monitors and evaluates funded projects, and oversees compliance with the core requirements of the JJDP Act.

The Commission staff will convene with Ms. Russo to coordinate a presentation regarding a “Crosswalk” of ongoing initiatives in the state related to juvenile justice issues. The Commission will then discuss support for these initiatives and identify potential gaps.

## **UPDATES: TASK FORCES AND WORKING GROUPS**

### **COMMUNITY CORRECTIONS TASK FORCE (CCTF)**

#### **Glenn Tapia, Task Force Chair**

The Community Corrections Task Force held its third meeting in October. The group heard presentations on Misdemeanor Offenses in Colorado and Community Corrections placement outcomes, and continues to gather information about the capacity of community corrections programs and other options.

There are a significant number of high-risk/high-need misdemeanant probationers with poor outcomes on probation. The group agreed on the importance of focusing on risks and needs rather than solely on offense type or classification.

Task Force members are discussing the questions of whether community corrections programs are the answer, if they have more effective outcomes with high-risk/high-need clients than other options, and whether there is available bed capacity. The Task Force will also consider alternative options available in the community.

Mr. Tapia expected that the Task Force should decide on the general framework of recommendations by the end of December.

#### *DISCUSSION*

Commissioner O’Dorisio asked how outcomes are compared between the types of probation services and community corrections supervision. *What are the criteria used to determine which services are more effective?*

Mr. Tapia Glenn commented that the question highlights the complexity of the task. The Task Force examined recidivism in probation and community corrections. However, because of the small number of misdemeanants in community corrections programs, there is no recidivism data for clients in community corrections to compare with misdemeanants on probation. The group will explore what outcome measure might suggest better outcomes for high-risk/high-need misdemeanants.

#### **SENTENCING REFORM TASK FORCE (SRTF)**

##### **Rick Kornfeld & Michael Dougherty, SRTF Co-chairs**

Mr. Kornfeld reiterated that the Governor remains committed and supportive of the work of the Commission and the Sentencing Reform Task Force (SRTF).

The Task Force continues to receive updates and presentations on recommendation concepts from its three Working Groups.

#### ***SRTF WORKING GROUPS***

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

The Working Group developed a preliminary proposal that would promote consistency across the judicial districts regarding the timing and criteria for early probation termination. The proposal was scheduled for presentation at the Sentencing Reform Task Force earlier this week; however, due to unforeseen circumstances, Mr. Tapia was unable to present. The recommendation will be presented at the next Sentencing Reform Task Force meeting in November.

The Working Group is now focused on gender and race/ethnicity disparity in probation and heard presentations on the Community Law Enforcement Action Reporting Act (CLEAR Act) and Racial and Ethnic Disparities in Community Supervision.

Mr. Tapia described the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the “White” race category and are thus significantly undercounted in the Hispanic category. The Division of Criminal Justice developed a statistical model to predict whether an offender was Hispanic which helps address this issue.

- ***Sentence Progression Working Group - Greg Mauro, WG Co-leader***

The Working Group focused on the progression of individuals from prison to the community and completed its examination of the current end-of-sentence options (Community Corrections, Parole, and Intensive Supervision Program-Inmate [ISP-I]).

Mr. Mauro shared some information related to the number of inmates transitioning from prison to the community: in 2021, approximately 1,900 inmates transitioned to community corrections, 215 transitioned to ISP-I program, 4,000 were released to discretionary parole, and 2,000 were released to parole on their mandatory release date.

The timelines for an individual's eligibility for placement include:

- Community Corrections at 19 months prior to their Parole Eligibility Date (PED) for non-violent offenses (9 months for violent offenses).
- ISP-I at 6 months prior to PED.
- Eligibility for release to parole occurs when individuals (accounting for earned time) complete 75% of the sentence for violent offenses and 50% of the sentence for non-violent offenses.

At the previous Working Group meeting, the group had a robust discussion about integrated and streamlined options for the transition to the community, particularly regarding the timing of program eligibility, individuals who received short sentences in prison, special needs populations, and the need for additional off-ramp (transition-to-community) options. The goal for the group is to create more coordination between the different options and an opportunity to match the right individuals to the right services.

Mr. Mauro commented that, as the group continues to raise broad topics that cannot be addressed effectively by the small Working Group, the creation of a new Re-entry Task Force to address these broader issues would allow the Working Group to focus on its narrower scope of work. He expected the Working Group will produce a recommendation in the next few months.

- ***Sentence Structure Working Group - Michael Dougherty, WG Leader***

The Sentence Structure Working Group continues the review and analysis of the felony sentencing grid and focuses on the development of a crime severity classification chart. Colorado statute currently has six felony class levels and the Working Group will recommend a five-level felony class model. The Working Group completed the review of the "General Felonies" and is about to complete an "Enhanced Felony" chart.

The Working Group had robust discussions about second-degree assault and vehicular homicide. The group recently heard a presentation and recommendations from Colorado Mothers Against Drunk Driving and continues to discuss potential changes in classification and the sentencing range for vehicular homicide. Mr. Dougherty expected that the crime severity chart proposal will be presented at the Sentencing Task Force in November.

## **PUBLIC COMMENT**

No members of the public offered comment.

**ADJOURNMENT**

Mr. Hilkey mentioned that the November Commission meeting was rescheduled from Friday, November 11 to Friday, November 18 due to Veterans Day. A new member orientation is also scheduled on November 18 prior to the full Commission meeting. The in-person location will be in the 1<sup>st</sup> Floor Conference at 690 Kipling.

Mr. Hilkey thanked Commissioners for their attention and participation. With no further business, Mr. Hilkey adjourned the meeting at 3:20 pm.

**The next meeting of the Commission is on Friday, November 18, 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).**