



Colorado Commission on Criminal and Juvenile Justice

Minutes

November 18, 2022 / 1:30pm – 4:00 pm
Virtual Meeting

Commission Member Attendance

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

Guests: Michael Dougherty

Call to Order and Opening Remarks

Stan Hilkey, CCJJ 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 1:35 pm and thanked Commissioners and members of the public for attending. Mr. Hilkey reviewed the agenda and solicited any additions or corrections to the October 14 minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the October 14 minutes.

Mr. Hilkey informed the Commission that Mr. Derek McCoy resigned from the Victim Representative’s seat on the Commission. He also announced that Mr. Williams will resign as Executive Director of Colorado’s Department of Corrections effective December 2, 2022. Mr. Hilkey publicly acknowledged the invaluable contributions of Mr. McCoy and Mr. Williams and thanked them for their years of dedication to the work of the Commission.

The Colorado Office of Policy, Research, and Regulatory Reform (COPRRR) conducted a sunset review of the Commission as described in C.R.S. 2-3-1203. The review was completed on October 14, 2022, and is available on the COPRRR website at, coprrr.colorado.gov/archive-of-reviews.

*[*NOTE: Prior to the regular meeting of the Commission, recently appointed Commission members (noted above with an asterisk (*)) attended the CCJJ New Member Orientation. Members were briefed on the Commission’s background and foundation. The topics covered included the Commission mission, history, statutory duties, membership, staff member roles, CCJJ website, Guiding Principles, Bylaws, mandates, and policies and procedures. The Foundations portion of the orientation provided a basic introduction to evidence-based decision-making and highlights of recent Commission efforts and accomplishments.]*

BEST PRACTICES TRAINING: BOARDS AND COMMISSIONS

Mr. Hilkey introduced Danielle Lewis (Senior Assistant Attorney General, Department of Law). He explained that Ms. Lewis is the attorney assigned to the Colorado Department of Public Safety and, therefore, is connected to the work of the Commission. Ms. Lewis explained that legislation was passed in 2018 requiring robust annual training for all of Colorado's boards and commissions (§24-3.7-102, C.R.S). The training addressed topics including, governing statutes, the mission of boards and commissions, staff duties, data-based decision-making, review of key communication and policy-making, the role of a public representative, coordination with other organizations, annual review of management practices, conflicts of interest, and the Colorado Open Records Act.

Ms. Lewis presented a PowerPoint presentation, the full content of which can be found on the Commission website, ccjj.colorado.gov/ccjj-mtgs2022 (November tab).

MOTOR VEHICLE THEFT MANDATE

Mr. Hilkey reminded Commissioners of the discussion at the October 14 meeting on the Motor Vehicle theft topic included in the Governor's 2022 Biennial Letter (see ccjj.colorado.gov/ccjj-mandates). The group agreed about the relevance and importance of the topic and decided to examine this issue. The Sentence Structure Working Group of the Sentencing Reform Task Force was tasked with prioritizing enhanced penalties associated with auto theft and that group membership might be expanded to include juvenile representatives, Commissioners, and other stakeholders interested in the work.

Mr. Raynes reiterated that, under the current statute, the crime classification for auto theft is determined by the value of the vehicle. District attorneys 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. Ms. Russo asked whether the upcoming legislation would apply to juveniles. Mr. Raynes responded that Colorado juvenile laws would not be affected.

Chief Hayes shared that the Colorado Chiefs of Police would support that the motor vehicle theft crime be classified as a felony, regardless of the value of the vehicle or for how long the vehicle was stolen.

Senator Gardner mentioned an effort among legislators to address this issue is ongoing and expressed concern about potential conflicts should the Commission also take on this topic.

Commissioner O'Dorisio commented on the seriousness of auto theft and the significant harm inflicted on Colorado's citizens. He advocated that the multi-disciplinary Commission examine this issue supported by research and analysis.

Mr. Dougherty reported that members of the Sentence Structure Working Group from the Sentencing Reform Task Force acknowledged that the value of the vehicle does not reflect the impact of the loss and agreed on the removal of valuation as an element in the theft statute. Last year, the Working Group developed a "General Felonies" chart that addresses the crime classifications for aggravated motor vehicle theft, motor vehicle theft, and joy-riding offenses.

Mr. Dougherty mentioned that a stakeholder Questions & Answers session will be organized in the upcoming month with members of the Sentence Structure Working Group to discuss issues related to motor vehicle theft.

UPDATES: TASK FORCES AND WORKING GROUPS**COMMUNITY CORRECTIONS TASK FORCE (CCTF)****Glenn Tapia, Task Force Chair**

The Task Force continues to gather information on the distribution of individuals by gender and race/ethnicity on probation, Community Corrections services, bed capacity in Community Corrections, and a stabilization pilot program in Denver. The broad mission of the Task Force is to consider whether services provided by community corrections programs might be valuable to persons convicted of misdemeanors. At future meetings, the group will start addressing issues related to its statutory tasks, including defining the population that might be served well by being placed in Community Corrections and a framework for such services.

SENTENCING REFORM TASK FORCE (SRTF)**Rick Kornfeld & Michael Dougherty, SRTF Co-chairs*****SRTF WORKING GROUPS*****• *Sentencing Alternatives/Decisions & Probation Working Group - Glenn Tapia, WG Leader***

The Working Group developed a preliminary proposal promoting consistency across judicial districts regarding the timing and criteria for early probation termination. The proposal was presented at the Sentencing Reform Task Force earlier last week and that was returned to the Working Group for clarification of some issues raised at the meeting.

The Working Group continues to focus on whether there is gender and/or race/ethnicity disparity in probation practices. The Working Group heard data presentations and is currently focused on gathering data on the Pre-Sentence Investigation process.

• *Sentence Progression Working Group - Rick Kornfeld, WG Member*

Co-leaders from the Sentence Progression Working Group and the Division of Criminal Justice staff met to discuss the Biennial letter from the Governor's Office and the creation of a new Re-entry Task Force by the Commission. Mr. Kornfeld reminded the group the new Task Force was created with a broader mission to improve re-entry programs for incarcerated individuals returning to the community.

At the last Working Group meeting, members discussed whether to continue efforts on the three previously-identified, narrow topics: 1) the timing of eligibility of placements to Community Corrections, Intensive Supervision Program-Inmate (ISP-I), and Parole; 2) the population sent to prison to serve a short sentence; and 3) the ISP-I program. The Working Group members expressed concern about potential overlapping issues and duplicative work with the newly created Re-entry Task Force, and that the continuation of the Working Group would not be a productive use of time. The group will prepare a summary of the issues and a potential scope of work identified for continued exploration by the Re-entry Task Force.

There were no objections from the Sentencing Reform Task Force members regarding the discontinuation of the Sentence Progression Working Group.

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

The Sentence Structure Working Group presented a thorough update on their work at the last Sentencing Reform Task Force meeting on November 9. Several documents were presented, including charts on sentencing class conversion, sex offenses, general felonies, and enhanced felonies. Additional documents included topics related to mandatory consecutive, extraordinary risk, enhanced felony crimes, and certainty in sentencing.

Following the Task Force meeting, the Sentence Structure Study Group met and agreed to develop proposals to amend statutes related to auto theft, extreme indifference murder, mandatory consecutive sentencing, and vehicular homicide. Mr. Dougherty estimated that these proposals would be presented at the December 7 Sentencing Reform Task Force meeting with a vote by the Task Force in January.

PUBLIC COMMENT

No members of the public offered comment.

ADJOURNMENT

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 Friday, December 9, 2022, at 1:30 pm.

Information on all Commission-related meetings can be found at, ccjj.colorado.gov/ccjj-meetings.