



Colorado Commission on Criminal and Juvenile Justice

**2022 SMART Government Act Hearing
Presentation to the Joint Judiciary Committee
January 28, 2022**



Colorado Commission on Criminal and Juvenile Justice

A multidisciplinary 30-member entity that was established in 2007 by §16-11.3-101, C.R.S. to improve “the effective administration of justice” by undertaking a comprehensive examination of the criminal and juvenile justice systems and making recommendations for reform.



COVID Impact on CCJJ

Starting March 2020, all meetings of the Commission and its committees moved to a virtual platform due to the COVID-19 pandemic.

Meetings of the Commission, its Task Force and Working Groups continue to be virtual.



Colorado Commission on Criminal & Juvenile Justice

CCJJ Current Membership

Stan Hilkey, CHAIR

Executive Director, Department of Public Safety

Abigail Tucker, VICE CHAIR

Mental Health Provider

Taj Ashaheed, Second Chance Center (Lived exper.)

Terri Carver, Representative, H.D. 20

Minna Castillo Cohen, Director, Children, Youth and Families (CDHS)

Shawn Day, Municipal Judge (representing Munis.)

Chad Dilworth, Vice Chair, CO State Board of Parole

Janet Drake, Deputy Attorney General

Valarie Finks, Victim Services Director, 18th J.D., representing Victim Rights Organizations

Bob Gardner, Senator, S.D. 12

Priscilla Gartner, State PD's Office (juvenile justice)

Julie Gonzales, Senator, S.D. 34

Serena Gonzales-Gutierrez, Representative, H.D. 4

Kristiana Huitron, Voces Unidas for Justice, representing Victim Advocates

Jessica Jones, Criminal Defense Attorney [At Large]

William C. Kilpatrick, Chief, Golden Police Dept.

Rick Kornfeld, Criminal Defense Attorney

Greg Mauro, Director, Denver Comm. Corr. [At Large]

Derek McCoy, Representing Crime Victims/Survivors

Patrick Murphy, Chief Judge, 11th J.D.

Steve O'Doriso, Adams County Commissioner

Angie Paccione, Executive Director, Dept. of Higher Ed.

Tom Raynes, Exec. Dir., CO District Attorneys' Council

Megan Ring, State Public Defender

Michael Rourke, District Attorney, 19th J.D.

Gretchen Russo, Member, Juvenile Parole Board

Glenn Tapia, Director, Division of Probation Services

Dean Williams, Exec. Dir., CO Dept. of Corrections

VACANT, County Sheriff

Joe Thome, *ex-officio*, Dir., Division of Criminal Justice



Completed Legislative Recommendations



FY21 Recommendations

Sentencing Reform Task Force

Revise Misdemeanor Sentencing and Offenses (FY21-SR01)

This recommendation comprises three primary elements:

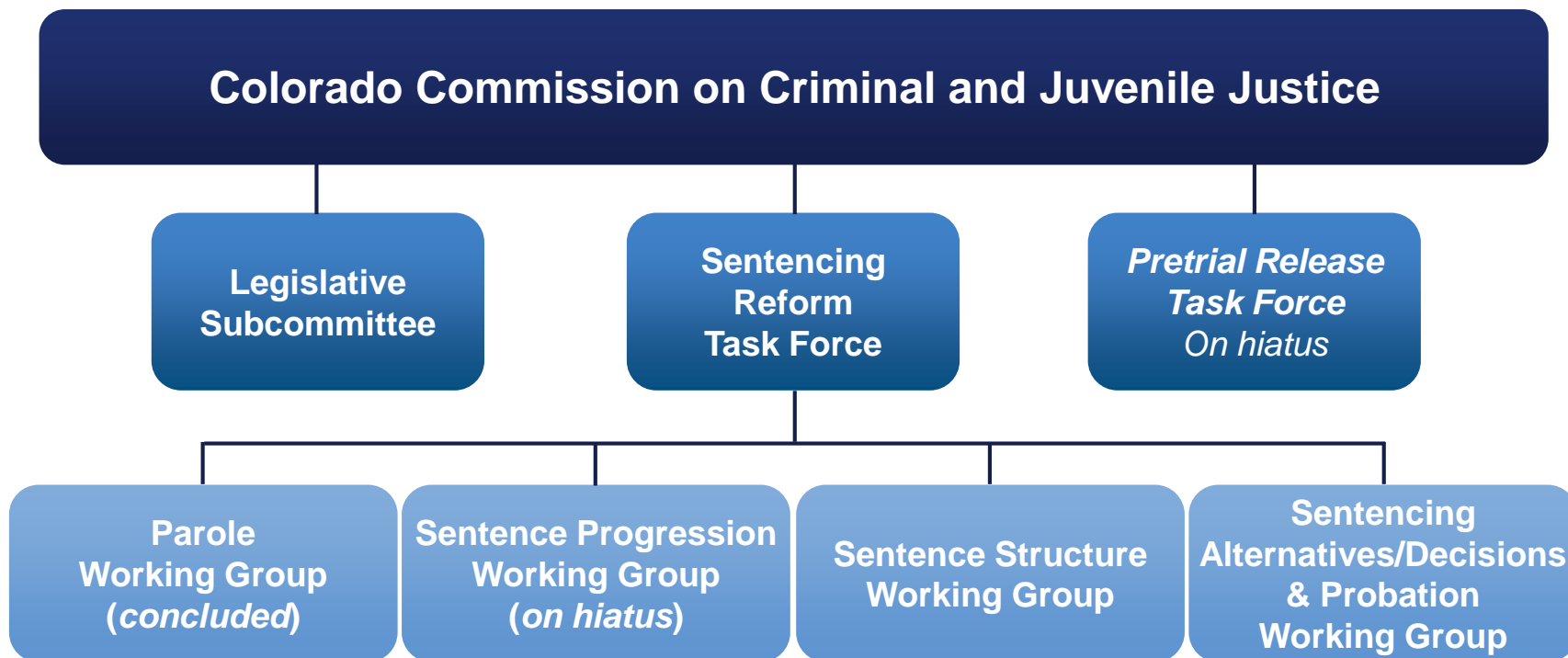
- Change the misdemeanor sentencing scheme
- Align current misdemeanor crimes
- Reclassify certain felony offenses

Resulted in Senate Bill 2021-271: *Concerning the adoption of the 2021 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing for offenses*
(Passed 6/25/2021 and signed by the Governor 7/6/2021).



Colorado Commission on Criminal & Juvenile Justice

Current Task Forces & Subcommittees



Please note that the Commission and its task forces are engaged in ongoing work regarding minority overrepresentation through the analysis and discussion of data and information about the race/ethnicity composition of individuals involved in the justice system.



Current CCJJ Task Forces and Subcommittees

Legislative Subcommittee

Reviews the language of bills derived from CCJJ recommendations and determines whether legislation reflects the original recommendation intent. Members review legislation or legislative changes as bills progress through the legislature.

Pretrial Release Task Force

The Pretrial Release Task Force was seated by the Commission in June 2017 and was charged to review the implementation of 2013 bail reform legislation related to previous Commission recommendations.

The Pretrial Release Task Force was placed on hiatus.



Current CCJJ Task Forces and Subcommittees

Sentencing Reform Task Force

The Sentencing Reform Task Force was seated by the Commission on September 9, 2020. This Task Force was assigned to address sentencing topics delineated in the **2020 Biennial Letter from Gov. Jared Polis** pursuant to House Bill 2018-1287.

The Task Force created Working Groups and continued to develop recommendations in prioritized areas of work for the FY 2022 legislative session.

- The **Sentencing Reform Task Force, its Working Groups and Study Groups** have met approximately 90 times in total since January 2021.
- Recommendation preparation from the Working Groups is nearing completion for the 2022 Legislative Session.

Working Groups

- **Sentence Structure**

*Michael Dougherty, Leader
D.A., 20th Judicial District*

- **Parole**

*Kristen Hilkey, Former Leader
(Chair, CO Parole Board)*

- **Sentence Progression**

*Greg Mauro, Leader
(Denver Community Corrections)*

- **Sentencing Alternatives/Decisions & Probation**

*Glenn Tapia, Leader
(Dir., Probation Division)*



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force Members

Rick Kornfeld, Co-chair, Private defense

Taj Ashaheed, Second Chance Center (Lived Exper.)

Terri Carver, State Rep., HD 20

Chad Dilworth, Parole Board Vice Chair

Valarie Finks, Victim Rep., DA Office, 1st JD

Bob Gardner, State Sen., SD 12

Julie Gonzales, State Sen., SD 34

Serena Gonzales-Gutierrez, State Rep., HD 4

Jessica Jones, Private defense

Greg Mauro, Denver Community Corrections

Tom Raynes, CO District Attorneys' Council

Michael Rourke, D.A., 19th JD

Glenn Tapia, Probation Division

Dean Williams, CO Department of Corrections

(CCJJ commissioners above)

Michael Dougherty, Co-chair, DA, 20th JD

Maureen Cain, Office of State Public Defender

Christie Donner, CO Criminal Justice Reform Coalition

Kazi Houston, Victim Rep., Rocky Mtn. Victim Law Ctr.

Henry Jackson, Metro State University

Sarah Keck, Office of the State Court Admin.

Brian Mason, D.A., 17th JD

Andrew Matson, Colorado CURE (Lived Exper.)

Heather McClure, Adams Cty. CJ Council (Lived Exper.)

Dan Rubinstein, D.A., 21st JD

Lisa Wayne, Private defense

(Community members above)



Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

Sentence Structure Working Group

Members

Michael Dougherty [*WG Leader*], District Attorney, 20th JD
Maureen Cain, Office of the State Public Defender
Christie Donner, CO Criminal Justice Reform Coalition
Valarie Finks, Victim Compensation, DA Office, 1st JD
Jes Jones, Defense/ Private defense
Tom Raynes, Colorado District Attorney's Council
Dan Rubinstein, District Attorney, 21st JD
Lisa Wayne, Defense/ Private defense

Areas of Focus

- Felony and Misdemeanor offenses and sentencing
- Sentence ranges
- Enhancements (i.e. Habitual offender, Extraordinary risk)
- Promoting consistency and certainty in sentencing

Priorities for FY 2022 Legislative session

- Clean-Up of *Senate Bill 2021-271 Misdemeanor Reform*

Recommendations Pending CCJJ approval

- *Penalties for unauthorized practice of certain professions (FY22-SR #06, Jan. 28)*
- *Revise value basis for theft of public benefits (FY22-SR #07, Jan. 28)*
- *Prison as intermediate sanction confinement facility (FY22-SR #08, Jan. 28)*
- *Amend Possession of Weapon by Previous Offender with additional non-VRA crimes (FY22-SR #09, Feb. 11)*



Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation WG

Members

Glenn Tapia [*WG Leader*], Judicial Branch/ Probation Division
Chris Gallo, DA Office/ 18th JD
Kristin Heath, Jefferson County Justice Services
Kazi Houston, Victim Representative/ Rocky Mt. Victim Law Center
Matt James, DA Office/ 2nd JD
Heather McClure, Adams County CJ Council (Lived experience)
Clay McKisson, Court/ Judge, 3rd JD
Jenifer Morgen, Probation/ 17th JD
Greg Otte, Probation/ 8th JD
Megan Ring, Defense/ Office of State Public Defender
Elaina Shively, Restorative Justice Colorado, DA Office/ 20th JD
Abigail Tucker, Behavioral Health Treatment Provider

Areas of Focus

- Examine the operation of probation regarding the use of conditions, the length of supervision, and responses to violations
- Consider alternatives that can be utilized at sentencing
- Define the purposes of probation and the impact of probation practices on the prison population

Priorities for FY 2022 Legislative session

- *Define the Statutory Purposes of Probation [Statutory] (FY22-SR #01)*
- *Implement Individualized Behavioral Responses to Probation Violations [Statutory] (FY22-SR #05)*

These recommendations were approved by the Commission December 2021 and January 2022, respectively.



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Parole Working Group

Members

Kristen Hilkey [*Former WG Leader*], Parole Board Chair
Taj Ashaheed, Second Chance Center (Lived experience)
Michelle Aswad, Victim representative
Valarie Finks, Crime Victim Comp., DA Office/ 1st JD
Kazi Houston, Victim Representative/ RM Victim Law Ctr.
Mollie Schultz, DA Office/ 2nd JD
Susan White, Parole Division/ CDOC

Areas of Focus

- Examine current operation of parole related to supervision length and conditions
- Explore risk information and protective factors as they relate to parole supervision options
- Examine parole eligibility options

Priorities for FY 2022 Legislative session

➤ *Update the Standard Conditions of Parole and Revise the Additional Conditions of Parole (FY21-SR #02)*

This recommendation, approved by the Commission on May 14, 2021, includes statutory revisions and a policy component that suggests action by the Colorado State Board of Adult Parole.

The Parole Working group has concluded its current work.



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Sentence Progression Working Group

Members

Greg Mauro, [WG Leader], Denver Div. of Community Corrections
Joseph Archambault, Office of the State Public Defender
Taj Ashaheed, Second Chance Center (Lived experience)
Valarie Finks, Crime Victim Comp., DA Office, 1st JD
Bob Gardner, State Senate, District 12
Rick Kornfeld, Defense/ Private defense
Andrew Matson, Colorado CURE (Lived experience)
Merideth McGrath, CO Dept. of Corrections
Steve O'Dorisio, Commissioner/ Adams County Board of Comms.
Amber Pedersen, CO Dept. of Corrections
Michael Rourke, DA/ 19th JD
Catrina Weigel, DA Office/ 20th JD
Dean Williams, CO Dept. of Corrections

Areas of Focus

- Review and expand inmate re-entry alternatives
- Examine options/incentives to promote positive progress during incarceration
- Prepare individuals for re-entry

This Working Group submitted a revised scope of work to the Sentencing Reform Task Force. In July 2021, the Task Force placed this group on hiatus until pending, interrelated work was completed by the Sentence Structure Working Group.



Ongoing Recommendation Development

- The Sentencing Reform Task Force (SRTF) and CCJJ will consider pending SRTF legislative recommendations in extra meetings and regular meetings in preparation for the legislative session.
- The SRTF will continue tasks assigned by the Commission to develop sentencing-related recommendations derived from the topics in the 2020 Biennial Letter from Gov. Jared Polis
- All groups will continue to examine current practices for disparate impact within the assigned topics and to prepare ameliorative solutions.



Questions?

**For more information about the Commission
and its activities, please see the
Commission website at, ccjj.colorado.gov**