



**COLORADO
COMMISSION
ON
CRIMINAL
&
JUVENILE
JUSTICE**



Colorado Commission on Criminal and Juvenile Justice

**2021 SMART Government Act Hearing
Presentation to the Joint Judiciary Committee
January 28, 2021**



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.



CCJJ Mission Statement

The mission of the Commission is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. The work of the Commission will focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.



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.

At the April 10, 2020 meeting, Commissioners considered the circumstances created by the pandemic and suspended Commission activities until June 2020 when virtual meetings resumed.



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

Terri Carver, State Representative, H.D. 20

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

Shawn Day, Municipal Judge (representing Munis.)

Janet Drake, Deputy Attorney General

Valarie Finks, Victim Services Director, 18th J.D.

Bob Gardner, Senator, S.D. 12

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

Julie Gonzales, State Senator, S.D. 34

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

Kristen Hilkey, Chair, CO State Board of Parole

Nancy Jackson, Arapahoe County Commissioner

Jessica Jones, Criminal Defense Attorney

William C. Kilpatrick, Chief, Golden Police Dept.

Rick Kornfeld, Criminal Defense Attorney

Matt Lewis, Mesa County Sheriff

Andrew Matson, Colorado CURE (Former offenders)

Greg Mauro, Director, Denver Comm. Corr. (At Large)

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

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

Jennifer Stith, WINGS Foundation, (victims/survivors)

Glenn Tapia, Director, Division of Probation Services

Anne Tapp, Executive Director, Safehouse Progressive Alliance for Nonviolence (victim rights organizations)

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

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



Completed Legislative & Policy Recommendations



FY20 Recommendations

Drug Offense Task Force & Opioid Investigations Subcommittee

The Commission seated two committees in response to mandates included in **Senate Bill 2019-008** (*Concerning Treatment of Individuals with Substance Use Disorders Who Come into Contact with the Criminal Justice System*).

a) Alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses, b) Best practices for investigating unlawful opioid distribution in Colorado, including the creation of black market opioid investigatory entities at the State and local levels, and c) A process for automatically sealing criminal records for drug offense convictions.

The Commission approved four recommendations that were included in the Senate Bill 2019-008 Report to the General Assembly September 23, 2020.

The Drug Offense Task Force and the Opioid Investigations Subcommittee have concluded.



FY20 Recommendations

Drug Offense Task Force

FY20-DR01. Create and Implement a Process for Automatically Sealing Conviction Records for Drug Offenses [Budgetary]

Create, implement, and fund a process that will permit the automatic sealing of criminal conviction records for drug offenses. The State Court Administrator's Office (SCAO), the Colorado Bureau of Investigations (CBI), and each district attorney's office will implement procedures to evaluate cases that qualify for automatic sealing.

This recommendation is dependent on budget support and was included in the *SB19-008 Report* submitted to the General Assembly September 23, 2020.



FY20 Recommendations

Drug Offense Task Force

FY20-DR02 **Support a Public Health Model of Deflection [Policy]**

Fund public health interventions that strengthen community resources and expand alternatives to filing criminal charges against adults and youth with substance use issues who are at risk of justice involvement.

This recommendation was included in the *SB19-008 Report* submitted to the General Assembly September 23, 2020.



FY20 Recommendations

Opioid Investigations Subcommittee

FY20-OP01 Establish a Statewide Entity to Coordinate Strategy Regarding Dangerous Drug [Statutory; Budgetary]

Establish a narcotics enforcement entity, the Dangerous Drugs Coordination Council ("the Council"), that facilitates and coordinates the sharing of information among law enforcement agencies across the state. The Council, to be housed in the Colorado Department of Public Safety, will provide a structure for collaboration, information sharing, and efforts to support local law enforcement agencies.

This recommendation is dependent on budget support and was included in the *SB19-008 Report* submitted to the General Assembly September 23, 2020.



FY20 Recommendations

Opioid Investigations Subcommittee

FY20-OP03 **Implement Unified Drug Overdose Reporting and Tracking**

[Statutory]

Implement and require participation by public safety and public health personnel in the Overdose Detection Mapping Application Program (ODMAP) in Colorado. The Washington/Baltimore High Intensity Drug Trafficking Area's ODMAP is an emergency medical service tracking and reporting system.

This recommendation was included in the *SB19-008 Report* submitted to the General Assembly September 23, 2020.



FY20 Recommendations

Age of Delinquency Task Force

The Commission assigned to this committee the mandates in **House Bill 2019-1149**, (*Concerning Directing the Colorado Commission on Criminal and Juvenile Justice to Study Serving Emerging Adults in the Juvenile Justice System*).

a) Compile data regarding all criminal filings in the state from the last 3 years that data is available in which a defendant is at least 18 or up to 25 years of age, and b) Study the established brain research for emerging adults and the data collected, study the potential impacts on the division of youth services and youthful offender system (if they also served emerging adults), and make recommendations to the general assembly regarding appropriate uses of the juvenile justice system or youthful offender system for emerging adults.

The Commission approved two recommendations that were included in the HB19-1149 Report to the General Assembly on August 21, 2020.

The Age of Delinquency Task Force has concluded.



FY20 Recommendations

Age of Delinquency Task Force

FY20-AD01 Incorporate Standards to Formally Recognize and Address the Needs of Young Adults in Probation Supervision [Policy]

Adult probation supervision standards promulgated by the Judicial Department should be modified and expanded by July 1, 2021 to create specific standards associated with probation supervision of young adults (18-24 year olds).

FY20-AD02 Revise Youthful Offender System statutes [Statutory]

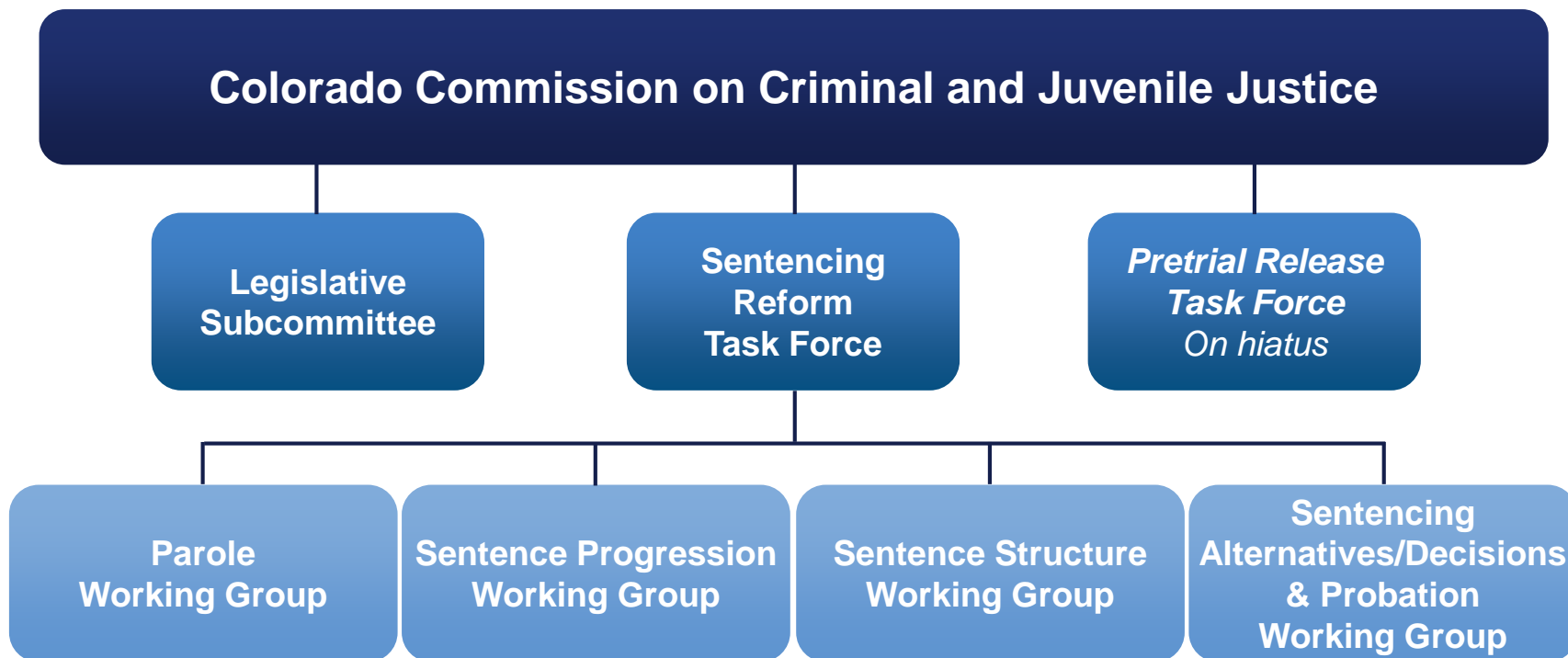
Expand the operational flexibility of the Youthful Offender System (YOS) program in the Department of Corrections; clarify the time credits that are awarded in YOS cases when a revocation occurs; address issues regarding payment of certain fees in YOS cases; and modify training requirements.

These recommendations were included in the [HB19-1149 Report](#) submitted to the General Assembly August 21, 2020.



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.



Current CCJJ Task Forces and Subcommittees

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 Task Force produced three recommendations during Fiscal Year 2020 that were included in Senate Bill 2020-161, which was postponed indefinitely June 10, 2020:

FY20-PR01 Implement pretrial measurement and data requirements [Policy]

FY20-PR02 Create a statewide Pretrial Services Data Advisory Group [Statutory]

FY20-PR03 Implement bail bond reform [Statutory]

The Pretrial Release Task Force has been placed on hiatus and CCJJ has postponed these recommendations for re-examination when budget conditions are less prohibitive.



Current CCJJ Task Forces and Subcommittees

Sentencing Reform Task Force

The Sentencing Reform Task Force was seated by 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 to develop recommendations in prioritized areas of work for the FY 2021 legislative session.



Colorado Commission on Criminal & Juvenile Justice

Sentencing Task Force Members

Rick Kornfeld, Co-chair, Private defense

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

Terri Carver, State Rep., HD 20

Taj Ashaheed, Second Chance Center (Lived Exper.)

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

Maureen Cain, Office of State Public Defender

Bob Gardner, State Sen., SD 12

Jeff Chostner, D.A., 10th JD

Julie Gonzales, State Sen., SD 34

Christie Donner, CO Criminal Justice Reform Coalition

Serena Gonzales-Gutierrez, State Repr., HD 4

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

Kristen Hilkey, Parole Board Chair

Henry Jackson, Metro State Univ.

Jessica Jones, Private defense

Sarah Keck, Office of the State Court Admin.

Matt Lewis, Mesa County Sheriff

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

Andrew Matson, Colorado CURE (Lived Exper.)

Dan Rubinstein, D.A., 21st JD

Tom Raynes, CO District Attorneys' Council

Lisa Wayne, Private defense

Michael Rourke, D.A., 19th JD

Glenn Tapia, Probation Division

Dean Williams, CO Department of Corrections

(CCJJ commissioners above)

(Community members above)



Ongoing Recommendation Development

- The **Sentencing Reform Task Force and its subgroups** together have met approx. 60 times since Sept. 9, 2020.
- **Recommendation preparation** from three of four Working Groups is nearing completion **for the 2021 Legislative Session.**

Working Groups

- **Sentence Structure**
Michael Dougherty, Leader
D.A., 20th Judicial District
- **Parole**
Kristen Hilkey, Leader
Chair, CO Parole Board
- **Sentence Progression**
Dean Williams, Leader
Exec. Dir., CDOC
- **Sentencing Alternatives/Decisions & Probation**
Glenn Tapia, Leader
Dir., Probation Division



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



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Ongoing Recommendation Development

Sentence Structure Working Group

Areas of Focus

- Felony and misdemeanor sentencing grids
- Sentencing ranges
- Enhancements (Habitual, Extraordinary risk)
- Promoting consistency and certainty in sentencing

Priorities for FY 2021 Legislative session

- New misdemeanor grid
- Title 42 revisions (Traffic offenses)
- Title 1 revisions (Voting offenses)
- Title 18 revisions (Criminal offenses)
- Felony / Misdemeanor Reclassification and contraband
- *Additional revisions are under consideration*



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Sentence Progression Working Group

Members

Dean Williams [*WG Leader*], CO Dept. of Corrections

Joseph Archambault, Office of the State Public Defender

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)

Greg Mauro, Denver Division of Community 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



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Ongoing Recommendation Development

Sentence Progression Working Group

Areas of Focus

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

Priorities for FY 2021 Legislative session

- Enhance pre-release experiences/preparation during the last phase of the sentence.
“The last year of the sentence should be different from the first year.”
- **Expand community release opportunities for inmates who are approaching their mandatory release date.**



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Parole Working Group

Members

Kristen Hilkey [*WG Leader*], Parole Board Chair

Taj Ashaheed, Second Chance Center (Lived experience)

Michelle Aswad, Victim representative

Jeff Chostner, DA/ 10th J.D.

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



Ongoing Recommendation Development

Parole Working Group

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 2021 Legislative session

- Standard conditions of parole – Review and Update
- Individual conditions of parole – Review and Update
- Length of parole supervision
- Abate disparate treatment



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation WG

Members

Glenn Tapia [*WG Leader*], Judicial Branch/ Probation Division

Terri Carver, State Representative, District 20

Chris Gallo, DA Office/ 18th JD

Kristin Heath, Jefferson County Justice Services

Kathryn Herold, Defense/ Boulder Public Defender Office

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

Abigail Tucker, Behavioral Health Treatment Provider

Elaina Shively, Restorative Justice Colorado, DA Office/ 20th JD



Ongoing Recommendation Development

Sentencing Alternatives/Decisions & Probation Working Group

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

- Define statutory purposes of probation
- Examine probation practices: use of conditions, length and intensity of supervision, responses to violations and revocations
- Examine/abate ethnic and gender disparities in probation outcomes/practices and address clients with traumatic brain injury



Colorado Commission on Criminal & Juvenile Justice

Sentencing Reform Task Force

Ongoing Recommendation Development

Next Steps

- Working Groups will continue to present information to the Sentencing Reform Task Force (SRTF) regarding specific elements that may form sentencing recommendations.
- All groups will continue to examine current practices for disparate impact within the assigned topics and to prepare ameliorative solutions.
- **The Commission will meet Feb. 12th & 26th to consider SRTF proposals.**
- **The Commission will vote on finalized recommendations on Mar. 10.**



Questions?

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