

Community Corrections Task Force
Colorado Commission on Criminal and Juvenile Justice

June 13, 2013 1:30PM-5:00PM
710 Kipling, Lakewood

ATTENDEES:

CHAIRS

Peter Weir/ 1st Judicial District

TASK FORCE MEMBERS

Joe Cannata/Voices of Victims

Glenn Tapia/Division of Criminal Justice

Greg Kildow/Intervention Community Corrections Services

David Lipka/Public Defender (via phone)

Shannon Carst/Colorado Community Corrections Coalition

Greg Mauro/City and County of Denver

Steve Reynolds/9th Judicial District

Dennis Berry/Mesa County Criminal Justice System

Christie Donner/Criminal Justice Reform Coalition

Kathryn Otten/Colorado Department of Labor and Employment

Claire Levy/State Representative

STAFF

Paul Herman/CCJJ consultant

Kim English/Division of Criminal Justice

Christine Adams/Division of Criminal Justice

Peg Flick/Division of Criminal Justice

ABSENT

Theresa Cisneros /4th Judicial District, District Court Judge

Steve King/State Senator

Stan Hilkey/Sheriff, Mesa County

Harriet Hall/Jefferson Center for Mental Health

Bill Gurule/12th Judicial District, Probation

Eric Philp, Division of Probation Service

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Anthony Young/Parole Board

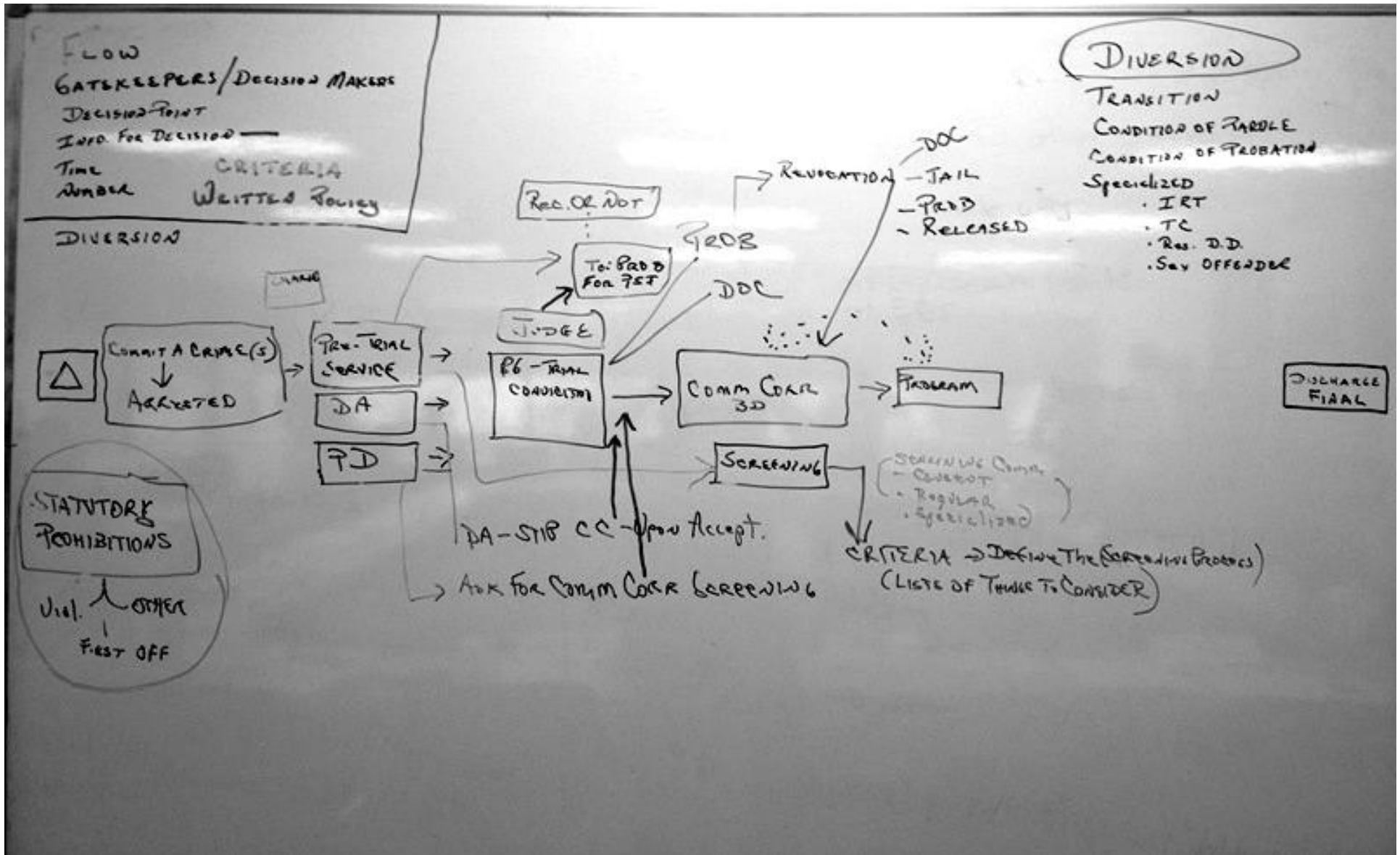
<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion: Pete Wier welcomes the group and previews the agenda.</p>
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<p>Issue/Topic: Continuing to Understand the Current Process</p> <p>Action</p>	<p>Discussion:</p> <p>We need to look at where we currently are. Recognizing that we have independent local community corrections boards. We will start with a review of the current process and identify where the gaps are. We will then move to addressing these issues. We are each coming from a different perspective so the intent of this process is to help us all start from the same point.</p> <p>The current system is very complex. So we'll first walk through an example of the process.</p> <ul style="list-style-type: none"> • The Colorado community corrections system is complex and unique. You spend a lot of money on community corrections in comparison to other states. The availability of beds is significant. The length of stay is uniquely long as well. This is a deep and rich resource, but this means it's confusing. <p>Today we'd like talk about Diversion including the flow, gatekeepers, and decision points.</p> <ul style="list-style-type: none"> • What do we know about Diversion and what do we not know? <p>Screening committees are part of all of the boards –</p> <ul style="list-style-type: none"> • Screening is an issue – accomplished in different ways and at different times for each board. <p>Pretrial services may provide information for PSI</p> <ul style="list-style-type: none"> • No one is known to still do a pre-plea report. • Most felonies have PSI reports. <p>Is there anything the DA does after charging that leads to community corrections?</p> <ul style="list-style-type: none"> • There are conditions where you stipulate that community corrections would be an appropriate sentence. • The final decision is up to the judge though. The judge may or may not accept this stipulation. <p>When you look at a case as a DA, are there certain offenses where you wouldn't even consider community corrections?</p> <ul style="list-style-type: none"> • There are some crimes that are statutorily prohibited from community corrections (fundamentally crimes of violence and first time offenders) but there are other crimes where an individual DA may simply not
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<p>Issue/Topic: (continued) Continuing to Understand the Current Process</p> <p>Action</p>	<p>consider this option.</p> <ul style="list-style-type: none"> ○ Policy vs. statutory limitations. <ul style="list-style-type: none"> ● Generally if a person is eligible for community corrections it's routine to request a screening, done after conviction when preparing for sentencing, in conjunction with the PSI. <ul style="list-style-type: none"> ○ But exactly who and when screenings are done varies by jurisdiction. ● Who is the defense asking to do this screening? Could be part of the PSI process but usually the judge will be asked to trigger the screening process. There are some instances when someone is sentenced to community corrections and they are then screened. This happens still in some places. But this differs by jurisdiction – some sentence before or after accepted into the CC program. <ul style="list-style-type: none"> ○ Often it left up to the defense attorney to inform their client about the sentencing options. Diversion clients must be told that if they fail they can be sent to prison. ○ The DA may look at community corrections as a middle ground – for instance, if they want a DOC sentence but don't see the judge going that way. ○ There is not as great a standardization as to what results in a revocation. ○ It would be nice to know the criteria used to determine if someone is a good community corrections person, for both the DA and defense. <ul style="list-style-type: none"> ▪ What are the criteria for their decision? ▪ Discretion ultimately lies with the judge. ● Risk assessment is seen by providers as a need but biggest resistance is from the defense bar because they see this as a risk to their clients if it happens too early (i.e., prior to conviction). ● The judge obviously has a big role and is receiving a great deal of information. <ul style="list-style-type: none"> ○ Describe what the judge does and what options they have. What is written as far as guidance for the judges? You may have a defendant that is not probation eligible so DOC or CC are the only options. The court may have all three options available. Can these be sentenced immediately without other things being done? But it's normally after a PSI report is ordered and done. ○ Someone can be sentenced to probation or DOC without this. ○ Legislation drives the content of the PSI but the judge can request any additional info. ○ In theory there is a standard format of the LSI but in practice this may not be the case. Not all judges want PSIs. If either the defense or DA requests a PSI the court MUST order it. <ul style="list-style-type: none"> ▪ How often are PSIs ordered? The dependence on them is going down. Last time Eric reported that PSIs are
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<p>Issue/Topic: (continued) Continuing to Understand the Current Process</p> <p>Action</p>	<p>reported for less than 50% of Felonies and less than 20% of Misd. But we should check this out for sure.</p> <ul style="list-style-type: none"> • In theory the standard PSI format comes from judicial. But it's more of a template. There are mandates in terms of minimum content. But judicial districts may have different formats and content. • Are there local court rules or standards in terms of who is appropriate for community corrections? <ul style="list-style-type: none"> ○ If they qualify statutorily the judge decides if it's appropriate to sentence them to community corrections. Judges will have personal preferences (e.g., tend to be more or less in favor of community corrections). • Some PSIs may or may not make a recommendation for community recommendations? <ul style="list-style-type: none"> ○ None really make a recommendation, but may talk in vague terms about how this offender would benefit from that type of supervision. The chief judge in each judicial district sets the policy for whether or not probation officers can make recommendations regarding the benefits of community corrections for individual offenders. ○ Levy wrote a bill a few years ago that would require guidance from probation about the best sentence (it didn't pass). Now they'll lay out objective factors but a gap exists because they won't make an assertive recommendation. <ul style="list-style-type: none"> ▪ The people that know the defendant best won't/can't make a recommendation even if the judge can ultimately go against said recommendation. • Screening is done in a variety of ways. There are boards with criteria (most have at least a list of things to consider). <ul style="list-style-type: none"> ○ In JeffCO it's a two-step process. Some are screened individually and may be sent to the full board. Some crimes require that it automatically goes to the full board. Criteria drive how a case is screened (whether it goes to the full board or not, are automatically accepted or rejected, etc). This is what the criteria are more so than determining exactly who is and is not accepted. The criteria help guide what level of screening they'll be reviewed by. ○ But this too varies by location. In JeffCo everyone sees some level of the board. On the hand Mesa has a very subjective process and the 9th judicial district has a process for deciding who should be sent elsewhere because they are so small and do not have enough beds for everyone. Denver and Adams county programs screen first before the board sees them. But in other places it's possible for the board to see them before the program and some happen simultaneously. ○ Both the board and program must approve the individual for acceptance. Both can stop the process unless there are multiple
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<p>Glenn, Pete, Shannon, Michelle, Dennis will work on creating these diagrams.</p>	<p>programs in the jurisdiction in which case you can shop.</p> <p>We need to use these diagrams (to be created for each sub-population) to refer to when discussing the problems and possible solutions. Need to do this for each group (finish this for Diversion, and do the same for transition, condition of probation, condition of parole, and specialized groups IRT, TC, RDDT, and Sex Offenders).</p> <p>Would like to put together a small group to create this diagram for each group.</p> <ul style="list-style-type: none"> • This will take more than one meeting to complete. • The purpose is to understand how the process is currently working and to determine where the gaps are. We need information on how things are currently happening in order to recommend changes. • Looking for a map of the process including who the decision makers are. • Where criteria exist? Where does written policy exist? <p>***The diagram below is all that we were able to do today (in 2 hours) for Diversion. This shows the complexity of this task.</p>
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Issue/Topic:	Discussion:
<p>Data/Information Request – Report Back</p> <p>Action</p>	<p>Kim English presented data to answer many of the questions asked at the last task force meeting.</p> <p>Is there a comparison between DOC and community corrections populations?</p> <ul style="list-style-type: none"> • No, we don't really have the DOC data that would be needed to do this. But we know that the folks in DOC are a more serious group than those who come out. Those on probation are less serious than community corrections. • Does the community corrections population really look different than the DOC pop? <p>What about those that come out of DOC without transition vs those that do go into transition?</p> <ul style="list-style-type: none"> • We don't have the data for this. <p>We are often asked how many people have an existing mental health diagnosis at intake.</p> <ul style="list-style-type: none"> • Without an existing diagnosis (p-code) they wouldn't be included in the initial assessment. • Often hear from offenders that they need to get off of their medications to qualify for transition. <p>Follow-up questions:</p> <ul style="list-style-type: none"> • Are the residential and nonresidential LSI score cumulative? • Did the people with increases in LSI start out at lower LSI levels than those with decreases? <ul style="list-style-type: none"> ○ In theory those who decreased probably started out higher whereas those who increased probably started out lower (Glenn). • Where in the one year recidivism period are they recidivating? In other words, within what amount of time is most recidivism happening? • What kind of allegations is parole claiming when they are moving for a revocation? <ul style="list-style-type: none"> ○ Is there any analysis regarding violations that relate to revocations? Parole has data on the nature and frequency of revocations as well as other information. ○ We don't have this data but we may want to request the board to provide this information. It would be useful to this group to help us know where more help is needed. We're concerned about parolees (not transition regressions) because they can go from transition to parole.

<p>Issue/Topic: (continued)</p> <p>Data/Information Request – Report Back</p> <p>Action</p>	<ul style="list-style-type: none"> We do know where they are released to so it may be useful to look at recidivism differences by this variable. <p>The difference in recidivism between TC and other program clients is a great example of where system improvement is needed. The structure of our basic system is not set up for success (whereas TC is). This goes back to the hours of treatment needed vs the number actually received.</p> <p>Regarding decision making points and criteria: A survey will have to be sent to contact person for each judicial district who should then send it on to the correct group of decision makers.</p> <ul style="list-style-type: none"> What about a similar survey for judges? Prosecutors? Results will be statewide by judicial district and by profession.
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<p>Issue/Topic:</p> <p>Next meeting</p> <p>Action</p> <p>Reschedule meeting to begin at 12:30pm (instead of 1:30pm).</p>	<p>Discussion:</p> <p>May want to extend the amount of time available for the meeting so that we can start getting through the agenda instead of consistently postponing items to the next meeting (last two items on this agenda are currently being postponed).</p> <ul style="list-style-type: none"> Once subgroups start meeting more often, between task force meetings, it will be possible to get more done between meetings. But we need to have these conversations so for now we will increase the amount of time scheduled for task force meetings.
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Meeting Schedule 2013

All meetings to take place at 710 Kipling, 3rd floor conference room unless you are notified otherwise

Thursday, July 11, 2013	1:30 p.m. – 4:30 p.m.
Thursday, August 8, 2013	1:30 p.m.- 4:30 p.m.
Thursday, September 5, 2013 (Special date)	1:30 p.m.- 4:30 p.m.
Thursday, October 10, 2013	1:30 p.m.- 4:30 p.m.
Thursday, November 7, 2013	1:30 p.m.- 4:30 p.m.
Thursday, December 12, 2013	1:30 p.m.- 4:30 p.m.