

# **Community Corrections Task Force Colorado Commission on Criminal and Juvenile Justice**

## **Minutes**

October 10, 2013, 1:00PM-4:30PM  
710 Kipling, 3<sup>rd</sup> floor conference room

### **ATTENDEES:**

#### **CHAIR**

Peter Weir, 1<sup>st</sup> Judicial District  
Theresa Cisneros, 4<sup>th</sup> Judicial District, District Court Judge

#### **TASK FORCE MEMBERS**

Glenn Tapia, Division of Criminal Justice  
Gregg Kildow, Intervention Community Corrections Services  
Shannon Carst, Colorado Community Corrections Coalition  
Greg Mauro, City and County of Denver  
Dennis Berry, Mesa County Criminal Justice System  
Christie Donner, Criminal Justice Reform Coalition  
Kathryn Otten, Colorado Department of Labor and Employment  
Harriet Hall, Jefferson Center for Mental Health  
David Lipka, Public Defender  
Joe Cannata, Voices of Victims  
Eric Philp, Division of Probation Service  
Steve Hager/DOC Division of Adult Parole and Community Corrections  
Bill Gurule, 12<sup>th</sup> Judicial District, Probation (phone)

#### **Guest Speakers**

Angel Medina, Department of Corrections  
Kristi Moore, Department of Corrections  
Carol Trujillo, Department of Corrections

#### **STAFF**

Paul Herman, CCJJ consultant  
Kim English, Division of Criminal Justice  
Germaine Miera, Division of Criminal Justice  
Christine Adams, Division of Criminal Justice

#### **ABSENT**

Steve Reynolds, 9<sup>th</sup> Judicial District (phone)  
Claire Levy, State Representative  
Anthony Young, Parole Board  
Steve King, State Senator  
Stan Hilkey, Sheriff, Mesa County

<p><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p>	<p><b>Discussion:</b></p> <p>Peter Weir and Theresa Cisneros welcomed the group and preview the agenda.</p>
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<p><b>Issue/Topic:</b></p> <p>Review of August meeting</p> <p><b>Action</b></p>	<p><b>Discussion:</b></p> <p>Paul Herman reviewed the August meeting. He pointed out two handouts regarding the whiteboard notes: an exact copy of what was on the white board and a categorized, or “clumped,” version of these items.</p> <p>These items represent a variety of different things within Community Corrections.</p> <p>From the conversation last time three areas that really jumped out at us:</p> <ul style="list-style-type: none"> <li>• Definition/Vision/Purpose – what should community corrections be?</li> <li>• Programmatic – what would (should) it look like?</li> <li>• Funding – How can we support what we want it to look like?</li> </ul>
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<p><b>Issue/Topic:</b></p> <p>Broader System</p> <p><b>Action</b></p>	<p><b>Discussion:</b></p> <p>Pete was asked to start this conversation and to address the issue of where community is in community corrections.</p> <ul style="list-style-type: none"> <li>• Used to have a more rigid idea of what community corrections is. But after looking at the legislative declaration I see that it’s a much broader system. It would be helpful to stretch the boundaries to better involve the community.</li> <li>• An example was provided regarding the JeffCo attempt to move ICCS to a new location. But they ran into unexpected community push back which indicates a need to educate the community on what CC is.</li> </ul> <p>Theresa stated that we fail the community by not educating them. El Paso county has an annual community education session where citizens can learn about the judicial system. They were much more supportive of community corrections once they learn about it.</p> <ul style="list-style-type: none"> <li>• Cities need to be involved in the development process. This includes city government folks. Many do not understand the system.</li> </ul> <p>Is there a broader model, beyond ICCS, that we should look at to understand what community corrections is? Need to look statewide for different methods and best practices.</p> <ul style="list-style-type: none"> <li>• When you Google community corrections you find some interesting things. There are many different methods. This conversation is about all of those methods of supervision.</li> <li>• From a community perspective whether you’re on probation, parole or community corrections doesn’t make a difference. We try to “carve it out” but it doesn’t matter to the common person. They think of every offender that’s on the street regardless of what category we’d put them in.</li> </ul>
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	<p>How do we get general support? There are location issues as well as city government concerns.</p> <ul style="list-style-type: none"> <li>• There have been missed opportunities with partnering with non-profits and faith based service providers. There are some really innovative models. But a lot of the money is tied to the offender's status in the system. Helping to engage people in their natural communities is supported by research but that's where we do the worst. Using the relationship between mental health, community corrections and the criminal justice systems may help others to better understand the various tracks and rules.</li> <li>• ICCS has had a relationship with Jefferson County Mental health (JCMH) since 2005. Staff from both are interlinked which helps all to better understand the whole system.</li> <li>• Probation sees itself as fitting under the greater criminal justice umbrella but the way the state government is set up has siloed them.</li> <li>• We're often missing the top principle that helps to successfully bring people back into the community with a good support system. Need positive connections in the community.</li> <li>• Community corrections is not just the hand off point between DOC and the street but it's the integration back into society. Integration with supervision. The community based components shouldn't be separate from the government components but they should work together.</li> <li>• Community corrections is the one system where there isn't universal agreement about how things should be done. Each program works somewhat independently.</li> <li>• Individuals need to be supported in the community. We don't want to just cut them off and hope they can swim. We also need to make sure that the community organizations are providing competent care.</li> </ul> <p>What do you think the role of parole is?</p> <ul style="list-style-type: none"> <li>• There are liaisons that are assigned to the community corrections facilities but there doesn't seem to be as much collaboration as there could be.</li> </ul> <p>Are the case managers really reaching out to other resources for transition or are they focused on making sure people abide by the terms and conditions?</p> <ul style="list-style-type: none"> <li>• Definitely coming from more of a law enforcement perspective. The focus is more on compliance than on the evidence based practices to help them not recidivate.</li> </ul> <p>Community corrections is about reentry.</p> <ul style="list-style-type: none"> <li>• It's about providing the wrap around services needed to move back into society. Especially when they couldn't get those services until they were in DOC.</li> </ul> <p>The media could be useful to educate the public about community corrections but only if we have a good relationship with them.</p> <ul style="list-style-type: none"> <li>• It's difficult to get everyone to work well together. It's difficult to get over the hurdles presented by TV (news media and fictional TV). Criminal justice students at Mesa State had rarely heard about community corrections until a special effort was made to educate them about it (it's not something that is neither distinguished from other corrections by the news nor is it covered by fictional TV).</li> </ul> <p>There isn't a common purpose which may play into the goals of community corrections.</p> <ul style="list-style-type: none"> <li>• Need to maintain the continuum of care once someone is in the system even</li> </ul>
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	<p>after they are out of the criminal justice system.</p> <p>Is there a consensus here about what community corrections is and should be?</p> <ul style="list-style-type: none"> <li>• Maybe here, in this group, but there are 35 programs and 35 different goals across the state.</li> <li>• Reentry isn't the only goal. There is also the diversion/prevention side to keep from people from going into the system more deeply to begin with. The more successful we are at that point the better. So maybe we don't have a common goal/purpose.</li> <li>• From the institutional (DOC) perspective we're really good at containment but not so much at release. Need to not be so electronic.</li> <li>• How much of the focus of the DOC case managers is on finding reentry resources vs. making sure they follow the rules? The limited amount of time the case managers have and the amount of work they have to do limits the amount of meaningful contact. How time intensive, how much freedom the offender will have all plays into this.</li> <li>• DOC case managers heavily depend on others to learn what resources (i.e., programs) are available outside of prison. They don't always know about many resources. Pre-release planning can't be done without reaching out but many of these known contacts/resources are initially made by accident.</li> <li>• What we find within the institutions is that we don't have a clean handoff. Once they're handed to community corrections or parole that next case manager just takes over. There's not real transition, just a hand off. Would be useful to have someone come in before the offender is released to better plan their release.</li> <li>• When a referral is made those inside the institution they don't know where it goes next as far as who makes the actual decision. We can't tell the offender where they're going. JERP is the only program that is specifically requested. Otherwise we don't know exactly where they're accepted. <ul style="list-style-type: none"> <li>○ JERP has a lot of work that reaches into to the facilities which is different than other community corrections programs to determine the appropriateness.</li> </ul> </li> <li>• Sometimes we have programs come in to present to the offenders and the staff which is helpful to determine best referrals.</li> <li>• Locals sometimes feel that community corrections is just a budget saving method. But there are specialized programs (Denver has 3).</li> </ul> <p>Many victims are confused about community corrections. They see it as a release.</p> <ul style="list-style-type: none"> <li>• They Don't realize that the offender can still have inmate status. Don't understand, and it's hard to convince them, that the step down process is evidence based.</li> <li>• From a victim's perspective it's all one system. If it's confusing to people within the system it's even more confusing to those outside. It would be useful if the public better understood the system.</li> </ul> <p>From the public defenders' perspective the problem is the perception of the offender themselves.</p> <ul style="list-style-type: none"> <li>• Who am I and what is expected of me?</li> <li>• Who qualifies for community corrections?</li> <li>• How do we educate the public on who is appropriate for this system?</li> <li>• Distinguishing the transition offenders from the diversion offenders would</li> </ul>
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	<p>be useful in better understanding who will be successful.</p> <ul style="list-style-type: none"> <li>• Understanding how decisions are made.</li> </ul> <p>Glenn was asked if is there a common goal across the programs.</p> <ul style="list-style-type: none"> <li>• I'm not sure there is. We might be able to pick goals but which goal should be focused on (good, fast and/or cheap) may not be possible. Maybe we need to think about all of these things as the same not separate.</li> </ul> <p>Paul's observation of the themes were this:</p> <ul style="list-style-type: none"> <li>➔ Missed opportunities</li> <li>➔ Linkages, conducting business with those linkages</li> <li>➔ Many different actors – we need to have a single focus/purpose and then design everyone's work to achieve that goal.</li> <li>➔ We may phrase things differently but everything isn't really exclusive of one another.</li> <li>➔ Education issue – internal and external. Media could be positive or negative. <ul style="list-style-type: none"> <li>○ Without general community support the perfect agreement on the goal/purpose will not be met.</li> </ul> </li> </ul> <p>This group probably could craft a very specific purpose. But it's the rest of the world that may have trouble.</p> <ul style="list-style-type: none"> <li>• The overall design is missing. We have different methods for achieving our goal. I may have a linkage with mental health. But many linkages end up being very sterile or electronic. What's happening is that community organizations tend to operate differently than the government. Progress has been made via grant programs but there is still an overall gap.</li> </ul> <p>Community corrections was designed to reflect the needs of local jurisdictions.</p> <ul style="list-style-type: none"> <li>• There needs to be a way to address linkage needs rather than just continuing the same old methods.</li> </ul>
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Issue/Topic:	Discussion:
<p>Department of Corrections Overview</p> <p><b>Action</b></p>	<p>Angel Medina from the Department of Corrections presented information on the DOC referral process for getting offenders into community corrections after serving time in prison.</p> <ul style="list-style-type: none"> <li>• If prisoners don't feel safe and secure then they won't take to the programs.</li> <li>• We need to find the balance between safe and secure, and programs. That's difficult with the new CM perspective. We provide lots of security training but where is the mandatory reentry training?</li> <li>• We're trying to teach our staff about the degree of relapse and to take that into account when making decisions. We want our case managers to be assertive with their engagement in the community.</li> </ul> <p>The eligibility requirements were discussed regarding community referrals:</p> <ul style="list-style-type: none"> <li>• An individual is ineligible for community referrals if: <ul style="list-style-type: none"> <li>○ They've signed a community corrections placement refusal form;</li> <li>○ Has an active felony warrant, detainer, or pending charges; and/or</li> <li>○ Does not exhibit "Acceptable Institutional Behavior" which includes: <ul style="list-style-type: none"> <li>▪ No Code Of Penal Discipline (COPD) Class I convictions in past 12 months</li> </ul> </li> </ul> </li> </ul>

- No COPD Class II convictions in past 3 months
  - Offender has not refused to participate in recommended programs
    - Means literal refusal, doesn't include wait list.
  - Offender is not in Administrative Segregation Status
    - Individuals are referred for progression. Wouldn't it be better to use community corrections to transition them rather than direct to parole?
- Ad Seg is 9 months – ideally of 9 months of 4 stages. Individuals can progress to lower levels.
- Parole eligibility dates (PEDs), mandatory release dates (MRDs) and those who refuse community corrections all present problems. There are offenders who purposefully regress to stay in ad seg for various reasons.
- There are two types of referrals: Mandatory and discretionary
  - If the individual meets all of the criteria we have to refer them.
  - When they're sitting in ad seg what have they done to show significant changes to qualify them for another (now discretionary) referral? It's totally at the case manager's discretion which opens up a huge gamut of inconsistencies. They can be re-referred in 6 months but that is just an internal DOC policy.
  - Inmates often swear that they (or a family member) have spoken to someone at a facility and that they're a shoe in to be accepted. But they still have to meet the criteria.
  - Why 6 months? Volume control. Waiting this long can cause a problem because it can take a significant chunk out of their available time. May only have a few weeks left and being in community corrections for too short of time can be counterproductive. DOC policy is that if they have less than 30 days left they'll actually be taken off the eligibility list.
- Victim rights also play into this. An offender can't know that they're being tracked by the victim notification unit.
  - Too many hearings and/or board meetings is a problem for victims if they want to attend all of the meetings. The process re-victimizes them over and over.
- They need to know what the original reason for denial was. If it's something that is achievable then it would be useful to share this information with them and work with them to achieve that goal.
  - One reason that someone may be denied is when the board simply needs more information from DOC. So waiting 6 months seems wrong. If information was left out they can be re-referred sooner.
  - It's not that it was left out intentionally but was never there. This problem is decreasing but it does happen. DOC has tried to develop a template of what information is desired by the boards. If something is left out intentionally or by accident they can be re-referred

immediately.

- The template has been helpful for discretionary referrals. Trying to better define what appropriate institutional behavior is.
- A DOC liaison would be useful if there are questions that can be answered somewhat fast. This would streamline the process. This would also help case managers because they've usually already moved onto their next case.
- Referral and placement times are statutory but this might be an opportunity for change.

What about the progress assessment summary (PAS), when does that occur?

- It is completed every 6 months. It seems to be a lot of work that no one sees.
- CTAP will eventually replace the PAS.

Is the LSI updated? No, it doesn't change a lot while they're incarcerated.

- Need to look at the quality with which it was completed.
- The LSI does not drive supervision, behavior does. So why do them at all? It's part of the initial assessment. Often seen as a form, not an assessment. But no decisions are made from it. Plus, there's no one to update it. They do use the treatment component – but that's one that will change, no? As of today it's just not given a lot of credit. It's not used for classification.

A form has been created for referrals.

- The same form is used for community placement and the parole board (form samples were handed out to the task force members).
- This is where we are trying to communicate why community placement is a good idea.
- This form is automated. The case manager can go through and edit if they want (where items were edited was pointed out on the sample forms).
  - Isn't this is all self-reported information? We want an objective assessment of why they're in prison.
  - The auto-populated information is from intake. The case manager can manually add information to make it more up-to-date. We're now using the auto-populated item as a template but how much they update will vary.
  - How much interaction is there between the case manager and the clinical staff? Mental health is based on a p-code. Yes, but how much interaction is happening between the [regular] case manager and the mental health? At San Carlos this is happening a lot. But at other facilities it will vary.
  - The wording on this form is confusing to the boards. The LSI is presented as current when in fact it is not.
- The 250-3c form is the offenders' own thoughts on why they think they

should be accepted.

- When you get a report like this can the board identify the protective factors?  
No.
  - Examples of a protective factor would be strong family support or if the offender has achieved a higher education level than when they started. So the language in these reports is not clearly shown. This information could be extracted and summarized by the case managers to better show why this person should be accepted.
  - This is an opportunity for this group → what are the needs of boards? What is the available information? And how can you marry these things?

DOC has 200+ programs serving 10K+ offenders.

- Continuity of care is lost when offenders are moved around a lot so we're working on lining up programs across facilities.
- Program completion is low at least in part because of movement. But if someone is in a program they may be flagged to not be moved. The problem is when there is an incident that mandates an interruption. Even if they're found innocent the damage has been done regarding program completion and the benefits of completing said program.
- If parole suggests community corrections they will refer them. But it can't be a condition of parole if they're rejected.
- DOC referrals are automatic for mandatory referrals, so this means that their referral isn't an endorsement that they should be in community corrections? This is more of an issue for re-referrals, but not always. A CM may just be worn out by the person making requests so they re-refer.
- The boards (parole and community) often want to know what the case manager thinks they should do but they can't make such direct recommendations. They get marked for inappropriate conduct if they do.
- The case managers need a better understanding of why someone is denied to see if there is anything that can be done to improve their chances next time. Part of the problem may be that different board members have different reasons for denying someone and that may not always be understood.
  - Jefferson County attempted to categorize the reasons for denial so this could be studied but board members didn't approve.
- Case managers can't advocate for a person to be placed somewhere but maybe it would be helpful to have a list of positive and negative reasons for this person to be placed. But this would be subjective. We have done this somewhat in the benefits summary. However, it's become cookie cutter.
- We want to push back on the boards who say that it's not their responsibility to report back to the offender why they were denied. The offender needs



	<p>information on why they're denied and guidance for steps to take to be accepted next time.</p> <p>Other advice for DOC case manager:</p> <ul style="list-style-type: none"> <li>Trying to not use acronyms or codes that might not be understood by the boards.</li> </ul> <p>Is this all offender statements or is it from the police? The PSIR is usually from the police. Both can be useful.</p> <ul style="list-style-type: none"> <li>It can show the offender's acceptance and also helps to verify offender statement.</li> <li>The source of the info would be helpful.</li> <li>Want to show that the offender has a need for some treatment that they can't get at DOC. But it would be useful to have more specific benefit information. Why would the offender benefit from this program? Not just the cookie cutter explanation that CC would be useful.</li> </ul> <p>DOC has not put as much priority on developing our case managers as we should. This has increased some recently and is becoming mandatory. But there is room for improvement.</p> <ul style="list-style-type: none"> <li>The case manager audit process looks at data collection. Pre-parole planning and duties fulfilled will all be looked at eventually but are currently not mandatory.</li> <li>We want to be more efficient and provide good information. So feedback from the boards, or this task force, would be good.</li> <li>Prison tours may also be useful to the boards. And it may be useful for the case managers to see community corrections facilities.</li> </ul> <p>Something else that may be useful would be a DOC point of contact for each community corrections board. Maybe they could be assigned to a board and attend the meetings.</p> <ul style="list-style-type: none"> <li>A DOC representative to present the transition cases would be useful and we already have probation and parole representatives to present diversion and ISP cases, respectively.</li> </ul>
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Issue/Topic:	Discussion:
<p>Where do we go from here – next steps</p> <p><b>Action</b></p>	<p>There are some pieces of work that have come up consistently. It might be useful to have smaller groups look at these issues and then bring recommendations back to the larger task force.</p> <p>First, the group as a whole needs to come to an agreement on the purpose of community corrections. Without this we will continue to float around and go back and forth.</p> <ul style="list-style-type: none"> <li>At next meeting let's spend one hour establishing the purpose of community corrections in terms of this group.</li> <li>The legislative declaration was provided to show the current purpose. If you</li> </ul>

look at the OCC website or do a search you'll find a wide variety of information. We have the ability to leave it as is or to decide how it should be changed and improved. But with the legislative declaration when we discuss the purpose at the next meeting we're not starting from scratch.

- What our CO system currently does is a lot more than what the legislative declaration requires. This was written to fulfill the gaps that existed at the time. But maybe things have changed or needs are being met elsewhere.

Linkage and collaboration issue

- Are we just talking about the linkage to case managers?
- The linkage issue is inherent when you discuss community corrections but even more so with the CO system because of how it's set up. A new model of conducting business can be established.

Clearly DOC is in a state of change right now. It's good to have this group talk to DOC to make sure we have the right people at the table and to make sure everyone is getting the information they need to make the best decision.

We should get a group together to work on the exchange of information and to then report back to this group.

- We don't want to reinvent the wheel if this is something the LEAN project did. There were 52 recommendations from that project, narrowed down to 4 to work on. The LEAN list is available but there is concern that we will put too much concentration on something before we've really prioritized our goals.
- The main LEAN recommendations were to increase utilization of CC, increase stabilization and reintegration of offenders, and use more money to get more offenders through community corrections. Some of the issues discussed today were on the LEAN list but overall this is a closed project.
  - Can we get a list of the full (52) recs from the LEAN project, including the four that were focused on? Yes.

The community corrections process can be improved but not everyone agrees that it needs a complete overhaul. Maybe we need to decide if who the referrals are currently coming from is the best idea before we look at the referral process.

Is it possible for this group to push forward tools that will increase the use of evidence based practices to enhance the decisions of boards?

There are a few things that the Governor's Advisory Council (GAC) wanted this group to see.

- The Council has been doing a lot of visionary work to align community corrections with their vision.
- The Council would like to evaluate community corrections programs (all) to see if they're following EBPs.

	<ul style="list-style-type: none"> <li>• The Council would like to address the fiscal aspect of implementing evidence based practices. Is there adequate funding for the programs to implement these things? The Council doesn't feel that they have a way to do this. Thought it was something that the CCJJ would be able to do.</li> <li>• Are these issues that this group would want to work towards?</li> </ul> <p>Need to put some thought into what we can really achieve. We can meet forever, but we need to actually do something concrete to make progress. This will motivate us to keep pushing forward on other things.</p> <ul style="list-style-type: none"> <li>• Next month's agenda will be worked on to be more targeted and working group like, rather than having smaller meetings between now and the next meeting. <ul style="list-style-type: none"> <li>○ There are natural pieces of work that have to be done and work will move forward faster in smaller groups.</li> <li>○ We'll establish what small groups should be created and develop a template to fulfill their purposes.</li> </ul> </li> </ul>
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**Future Meeting Dates:****Meeting Schedule 2013**Thursday, November 7<sup>th</sup>

12:30pm – 4:30pm

710 Kipling St., 3<sup>rd</sup> Floor Conference roomThursday, December 12<sup>th</sup>

12:30pm – 4:30pm

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