

Community Corrections Task Force Colorado Commission on Criminal and Juvenile Justice

Minutes

December 12, 2013, 1:00PM-4:30PM
710 Kipling, 3rd floor conference room

ATTENDEES:

CHAIR

Peter Weir, 1st Judicial District
Theresa Cisneros, 4th Judicial District, District Court Judge

STAFF

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

TASK FORCE MEMBERS

Christie Donner, Criminal Justice Reform Coalition
David Lipka, Public Defender
Dennis Berry, Mesa County Criminal Justice System
Glenn Tapia, Division of Criminal Justice
Greg Mauro, City and County of Denver
Gregg Kildow, Intervention Community Corrections Services
Shannon Carst, Colorado Community Corrections Coalition
Joe Cannata, Voices of Victims
Kathryn Otten, Jefferson County Justice Services
Barry Pardus (for Steve Hager), DOC Division of Adult Parole and Community Corrections

ABSENT

Alaurice Tafoya-Modi, Private Defense Attorney
Anthony Young, Parole Board
Bill Gurule, 12th Judicial District, Probation
Brandon Shaffer, Parole Board
Eric Philp, Division of Probation Service
Harriet Hall, Jefferson Center for Mental Health
Jacqueline McCall, Department of Corrections
Steve Reynolds, 9th Judicial District
Stan Hilkey, Sheriff, Mesa County
Steve King, State Senator

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion: Theresa Cisneros welcomed the group and previewed the agenda.</p>
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<p>Issue/Topic: Purpose Statement: Finalize Language/Key Components Action</p>	<p>Discussion: Purpose Statement: This statement was drafted from items listed during previous meetings. Does anything seem to be missing?</p> <ul style="list-style-type: none"> • Self-sufficiency? Self-sufficiency means something different than operating functionally. Some of these people may never be self-sufficient. But if we can get them to the services that will help them function we will be successful. • There’s no mention of services. Yes, you want strategies created with services but we’re trying to be as efficient and not over-worded as possible. • Change the word “create” to “implement”? We’re not conducting, or creating, research. We’re taking (or implementing) the research that already exists. • Add programs after practices? This would cover services. • Community corrections boards – we originally had it written as utilizing the community but then added community corrections boards. We need to define what we mean by local community. <ul style="list-style-type: none"> - Government <ul style="list-style-type: none"> o Local government – city, county - Neighborhoods <ul style="list-style-type: none"> o neighborhoods and citizens or citizenry of the community, - Treatment providers - Faith based community - Offender support system – pro social peers/family - Employers - Schools - Victims <p>Theoretically, the board should represent a cross-section of the local community. Shouldn’t they represent the whole community? They should be representative in their make-up but they may not represent that segment in how they vote. However, with that background (make-up) they still vote their own conscience.</p> <ul style="list-style-type: none"> • Although a board may have a representative make up (perspective) should they also be representing the community as a whole? Aren’t we trying to get away from the whole vote your gut thing? • Following Denver or Mesa, who’s created a decision matrix that’s evidence based? • You don’t ever get away from the professional judgment but we want it to be combined with evidence-based practices. Trying to create consistency at a higher point. Don’t want people to represent their individual interests necessarily but the community as a whole. • Paul wants to know what the relationship is between the board and the
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	<p>community.</p> <p>The statement is missing the accountability piece. What's the roll of accountability? Transparency.</p> <p>County Commissioners may be voted into office by the community but they don't necessarily equal community engagement. There's a lot of gray area. Engaging around gaps or needs. But that may be beyond the prevue of the CC board. We may be able to accomplish community engagement by increasing transparency.</p> <p>Community is different than the board. We need to understand the relationship between the two. So what is the local community? Maybe that's for a work group to decide once we're satisfied with the purpose statement?</p> <p>We're not disagreeing that the purpose of the board or that the concept of the local community should be part of the purpose statement. But should both be named in the purpose statement, separately?</p> <p>We are not bound by what the current statute says. If the purpose is to improve the current system that may takes us down one road. If we go beyond this, which is what the mandate was, it's a different and tougher road.</p> <p>A smaller group will work on whether a LOCAL community corrections board should be added to the statement.</p> <p>Define appropriate and inappropriate individuals</p> <ul style="list-style-type: none"> - Do we first agree that Community Corrections is NOT appropriate for everyone? Yes (unanimous). - Who is NOT for? <ul style="list-style-type: none"> o Extremely high risk –Treatment/Risk needs that are higher than we can manage. <ul style="list-style-type: none"> ▪ We should be careful with words like dangerous and violent because they are very subjective. o So it's probable that the definition of these levels will differ by each board? Yes, defining this will be shared by the boards and local programs. o The extremely low risk are also inappropriate (community corrections can actually make them worse by increasing recidivism). Do you want to make them community corrections eligible so the judge has more options than Probation and DOC? Is community corrections an appropriate alternative simply because you don't want to send them to DOC? No, but it is used for this. o We're not getting the message out about what evidence based treatment is. Young attorneys on both sides don't always know what EBPs are. That's why education is important. But we're often limited by community resources
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when we negotiate sentences.

- Is it appropriate to make community corrections more of a halfway house for some offenders? We don't want community corrections to be a dumping ground.
- We need to think about the typical offender, not specific people who may be exceptions to the norm. Even with risk assessments it's not a perfect system.
- We need to recognize that there will always be a gray area but we want to reduce the amount of gray area. We (Mesa County) would customize the program to manage their risk, including those that are extremely low risk who were accepted because we didn't want them to go to DOC.
- Comcor is widely viewed as a mid-point. We're not disagreeing about this. The question is whether or not this is a legitimate use of community corrections.
 - There are specific cases where they rise to appropriateness out of necessity. We may need to discuss how the system should deal with these people.
- If the expectation of community corrections is that we can serve low, medium and high risk people we need to design the programs so that they can meet those expectations.
- There are also concerns about putting too many criteria or tasks on individuals who don't need them. We need to customize the expectations. Also leads to us sending a mixed message to the bench. Community corrections should accept the appropriate people. Don't tell judicial that we'll accept people just because we don't want them to go to prison. We can't be all about using the evidence-based assessments except when we don't like them.
 - We're not talking about the special situations but the purpose statement. And we want to utilize research-based policies.
- Boards should give more information to the bench – be clear that someone is being accepted because we don't want them to go to DOC. This would lead to more truth in sentencing.
- What about the transition side? Are the criteria different? DOC has said that they'd like to know why people are rejected.
- Still assessed, but do you want them coming out with nothing? High risk/high need may not be manageable in a program so they may come out directly to the community.
- It seems that the closer someone is to their mandatory release date the more likely a board is to take a high risk/high need individual. This is another example of where programs need to be modified for the good of the community.
- The consensus of the group is that community corrections is appropriate for some offenders as a mid-point even if the

	<p>services are not needed. This is true for diversion folks who we don't want to go to DOC and transition folks.</p> <ul style="list-style-type: none"> ▪ Shouldn't call them appropriate but should recognize that community corrections may still be of use for some of these people as an alternative to DOC. ▪ Remember, some individuals are prohibited by statute on the Diversion side but they wouldn't be prohibited on the transition side. <p>Define researched based</p> <ul style="list-style-type: none"> - Are their services that community corrections should provide that they don't? <ul style="list-style-type: none"> o 3/4 house concept – went away a few years ago although Mesa still does it. In between residential and non-residential. We sublet an apartment and provide more supervision. ARTS also does this. Provides a remediation program also. Subsidized and used only by offenders. o There also used to be pre-residential services. - Our funding system is backwards – first thing they have to do is get a job to cover their fees (1/3 of funding is from the offender). But we know from research that employment should be lower on the list. Need to get the other criminogenic needs answered first. <ul style="list-style-type: none"> o Traditional residential setting should provide a time frame that allows them to get the criminal thinking and other needs under control first. o Comcor could offer outpatient/wrap-around services. How is this different from non-residential? Expand to a wider population – maybe to people who are not currently in community corrections?
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Issue/Topic:	Discussion:
<p>Next Steps</p> <p>Action</p> <p>David Lipka, Greg Mauro and Christie Donner will send Christine Adams their final plan for the three questions.</p> <p>Groups should meet before the next task force meeting to begin addressing these questions.</p>	<p>We've put the final purpose statement language up on the board (and copied here).</p> <p><i>The purpose of community corrections is to ensure public safety and further the sentencing goals of the State of Colorado. This is accomplished by utilizing community corrections boards and the local community to identify appropriate individuals to be placed in the community, implement research-based policies, practices and programs to assist individuals so that they may successfully function in the community.</i></p>

The smaller work groups can tinker with this language, if necessary, after they meet. The first group will deal with community corrections boards and their relationship with the community. The second group will deal with the population and their needs. Who is appropriate and inappropriate for community corrections? The third group will look at the referral process. Who, when and how? Remember, we're not constrained by the current law.

- Define what you think would be the appropriate scope of work for these areas. Who else should be at the work group table? And what other information might you need to address this scope of work?

Take 45 min to work on this and then we'll report out to the larger group.

Group 1 → right now we have a community corrections model that serves the community corrections system. But we need to look for a model that better engages the community. We need to look at it more from the community perspective instead of a system silo model.

- What are the required roles that have a seat? Is it reflective of the community, especially as it pertains to race/ethnicity? How might non-system community folks be involved? We need to discuss the necessity to keep a low profile to exist in a community. Should discuss models at the community and programmatic levels.
- Didn't discuss who else would be invited to the group.

Group 2: Scope → Analyze how the community corrections continuum of care model can address the high risk/high needs offenders.

- Group Members:
 - Glenn Tapia
 - Denis Barry
 - Kathy Otten
 - Michelle Monzingo
 - David Lipka
 - Steve Hagar
 - Eric Philp (or rep)
 - private provider
- Data needed on outliers –
 - Frequency of low risk/low need but high stakes cases and high risk/high need high stakes cases.
- Of those that are admitted into community corrections, how many are low risk/low need and high risk/high need? What are their outcomes?

Group 3 → Referral Process (compiled by Greg Mauro)

- Statement of Work: Develop a community corrections referral process that is based upon elements of the evidence based principles for working with offenders.

	<ul style="list-style-type: none"> • Scope of Work: <ul style="list-style-type: none"> ○ Review current process and any tools or assessments used to determine diversion, transition, and parole referrals ○ Review current statutory requirements ○ Review current CDOC AR's covering inmate referrals or COP referrals ○ Review current Parole Board Rules and Regs covering cc referrals ○ Recommend any changes to the structure, regulations, and statutes necessary to accomplish the goals of the working group and CCJJ CCTF. • Data Needed: Statutes, AR's, Rules and Regulations, Policies covering community corrections' referrals. • Working Group Membership: <ul style="list-style-type: none"> ○ Judge Cisneros or alternate Judicial Officer/CCTF Member ○ Greg Mauro- Board Staff /CCTF Member ○ Ellen Walker –Chief PO 4th JD ○ John Draxler- 13th JD Board Staff and Prob Sup ○ Jaqueline McCall- DOC Case Management ○ Joe Canata- Victim Groups/CCTF Member ○ CC Provider Rep-TBD ○ CC Board Member-TBD ○ DA Rep-TBD ○ PD Rep-TBD
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<p>Issue/Topic:</p> <p>Work Plan</p> <p>Action</p> <p>Develop a work plan</p>	<p style="text-align: center;">Discussion:</p> <p>Our goal today was to finalize the purpose statement and address the three issues discussed by the smaller groups. We realize that there will be other areas after these three that will need to be addressed more deeply. These work groups may recommend that someone else look at the deeper issues.</p> <p>The Commission expects this task force to come back with a report addressing what community corrections should look like and what changes are recommended to address this. But there is no set due date.</p> <p>It was suggested that the work plan be addressed separate from the minutes to help engage the task force members that haven't been attending meetings recently. Christine and Paul will work on this with the Chairs and will send it out separate from the minutes.</p>
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Meeting was adjourned at 4:00pm

Meeting Schedule 2013

Thursday, Jan. 9 th	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Feb. 13 th	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Mar. 13 th	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room