

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

## Minutes

April 10, 2014, 12:30PM-4:30PM  
710 Kipling, 3<sup>rd</sup> floor conference room

### **ATTENDEES:**

#### **CHAIR**

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

#### **STAFF**

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

#### **TASK FORCE MEMBERS**

Alaurice Tafoya-Modi, Private Defense Attorney Brandon Shaf  
Dennis Berry, Mesa County Criminal Justice System  
David Lipka, Public Defender  
Eric Philp, Division of Probation Service  
Alex Walker (for Glenn Tapia), Division of Criminal Justice  
Greg Mauro, City and County of Denver  
Harriet Hall, Jefferson Center for Mental Health  
Jacqueline McCall, Department of Corrections  
Joe Cannata, Voices of Victims  
Kathryn Otten, Jefferson County Justice Services  
Shannon Carst, Colorado Community Corrections Coalition  
Walt Pesterfield, DOC Division of Adult Parole and Community Corrections

#### **ABSENT**

Bill Gurule, 12<sup>th</sup> Judicial District, Probation  
Christie Donner, Criminal Justice Reform Coalition  
Gregg Kildow, Intervention Community Corrections Services  
Stan Hilkey, Sheriff, Mesa County  
Steve Reynolds, 9<sup>th</sup> Judicial District  
Steve King, State Senator

<p><b>Issue/Topic:</b> Welcome and Introductions</p>	<p><b>Discussion:</b> Theresa Cisneros welcomed the group and had everyone introduce themselves before previewing the agenda.</p>
--	---

<p><b>Issue/Topic:</b> CTAP/Community Corrections Progression Matrix Overlap</p> <p>Alex Walker Jackie McCall</p> <p><b>Action</b></p>	<p><b>Discussion:</b></p> <p>Alex Walker, from DCJ’s Office of Community Corrections and Jackie McCall presented information on the CTAP and the Community Corrections Progression Matrix.</p> <p>Community Corrections and DOC have discussed the positive results that have come from the CTAP including giving the offenders more information prior to their release. However, assessments and case planning are a bit duplicative between the two agencies. In the end, Community Corrections will still do the matrix and DOC will still do the CTAP which will inform the matrix. In addition, the Matrix will be used to help people who move parole from community corrections.</p> <p>The benefit of all of this is that they can live side by side and support each other. Working together has really helped the agencies to better integrate their case plans and will help everyone to better address criminogenic needs. In addition, this coordination will help everyone to speak the same language.</p> <p>Will the two systems be able to talk to each other electronically? Not right now. We’re just using paper. But hopefully someday the computer sharing options will improve. For now it will be forwarded like other documents are.</p> <p>Is there a desire to develop a uniform case plan system with all community corrections providers? Or will it all continue be what each provider wants? Right now CCIB (from DCJ) is the uniform data collection system that each provider inputs their data into. There has been no other effort to make things uniform across the various programs.</p> <p>DOC is working to improve access and the flow of information to make it smoother. They’re working to automatically provide more information rather than waiting for someone to ask for it.</p> <p>Providers would really like to have direct access to this offender information and there is information that the providers could provide to DOC. It would be helpful to collaborate in the way that we access information from each other.</p> <p>A pilot program has been suggested to show that we can all share information fairly and happily.</p> <p>Most providers should have a system that is pretty similar and should be able to work together.</p> <p>The group was reminded that CCJJ has previously asked what data providers and agencies do collect versus what we want to collect.</p>
--	---

Issue/Topic:	Discussion:
<p>Report back on CCJJ retreat</p> <p><b>Action</b></p> <p>See copy of handout, which summarizes the priority decisions made by the Commission at the retreat, available on the CCJJ/Meetings/April 2014 webpage.</p>	<p>Paul Herman summarized the events of the CCJJ retreat. Guest speakers discussed how criminal justice issues are being addressed by other jurisdictions as well as what the national issues are, what is going on and how it relates to what this commission and it's task forces are working on. The minutes from the two-day retreat can be found in the CCJJ website: <a href="http://www.colorado.gov/cs/Satellite/CDPS-CCJJ/CBON/1251622402888">http://www.colorado.gov/cs/Satellite/CDPS-CCJJ/CBON/1251622402888</a></p> <p>One of the goals of the retreat was to develop a plan for the remainder of 2014. All of the task force chairs discussed where their task force is in relation to what was assigned to them in January of 2013. They also provided information on any additional issues the task force felt they could take on in the coming year. This helped commissioners to better understand what is currently being worked on, to make sure that this is where the Commission wants the groups to go, and help the Commission set overarching priorities.</p> <p>Not everything can continue because the Commission is limited in how much they can process and there are limits to how much the staff can support at any given time.</p> <p>Community Corrections was chosen as a priority of the Commission. In many ways, this is the only group that received "go on as you had planned" approval.</p> <p>The Juvenile Justice Task Force was told to finalize what they're currently working on and that then the Commission will decide if they want the task force to move forward on anything else this summer (e.g., revising the children's code).</p> <p>The MOR Committee has accomplished the short term work they were assigned. This group will go on hiatus this summer but all of the task forces should continue to look for MOR issues and ways to address them within their respective topic areas.</p> <p>A new Reentry Task Force will be created this fall after the other task force work is complete. Leadership and membership for this group will be developed this summer.</p> <p>The collection, analysis, and sharing of data and information has been an ongoing issue for the commission. In 2010 the commission identified this issue as an important area to address and intended to establish a task force to look at data and information collection analysis and sharing. Unfortunately a task force was not created and these same issue surface over and over in task force discussions. Therefore, the commission has identified this area as a priority and a group will be convened to identify the scope of work and a work plan.</p> <p>Evidence Based Decision Making (EBDM), has been addressed by Mesa county and 6 other jurisdictions around the country. The National Institute of</p>

	<p>Corrections (NIC) is looking to address it state wide rather than at just the local level. Colorado is one of four states possibly applying for this. The Commission agreed to sponsor a letter of interest to NIC for Colorado to apply for this. Individuals from the Center for Effective Public Policy will be here in May to help the state develop a strategic plan to decide if they want to move forward by October.</p> <ul style="list-style-type: none"> <li>• Is this an open meeting? Good question. This is not a Commission meeting but an NIC meeting. There is a space limitation.</li> <li>• 6 JDs are sending their chief probation officer, a Judge, and district attorney. There will also be representatives from CCJJ and a variety of other Commission groups.             <ul style="list-style-type: none"> <li>○ Who will be there from Jefferson County? No interest was expressed by the Chief Probation or Chief Judge for JeffCo. We (Kathy Otten) have expressed interest multiple times in being part of the EBDM project which is why I ask. You should contact Germaine Miera (<a href="mailto:germaine.miera@state.co.us">germaine.miera@state.co.us</a>) to be part of this meeting.</li> <li>○ NIC wanted some commitment but not being at the previous meeting does not automatically exclude you. NIC has to first decide how many states will be included so there will be time to decide how much interest there is.</li> </ul> </li> <li>• These concepts will likely be piloted. They will not be mandated to all by the chief judge.</li> <li>• We need to think about the best way to communicate this information to all of the jurisdictions to make sure the locals are all aware. It's surprising that some of the bigger jurisdictions didn't respond. Part of what this group will do will be to develop a plan including how Colorado will choose jurisdictions to participate. It's not an unlimited number.             <ul style="list-style-type: none"> <li>○ There may be a communication difference between small and large jurisdictions (rural vs urban). A group will be created from this group to decide how to best communicate.</li> </ul> </li> <li>• Will there be any attempt to involve the victim community? Paul stated that he wasn't sure how to answer that at this time.</li> </ul>
--	---

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Community and Community Boards Work Group Report Back</p> <p style="text-align: center;"><b>Action</b></p> <ul style="list-style-type: none"> <li>▪ The goal of the next meeting (in 2 weeks) is to have information from all judicial districts compiled and sent out to everyone.</li> <li>▪ Within 6 weeks we should be able to analyze and determine</li> </ul>	<ul style="list-style-type: none"> <li>* Before the work groups reported back to the task force it was requested that if there are legislative or policy recommendations they be presented today (even if they're not final). They will need to be presented to the commission by September. Keep in mind that it's okay if it's just a piece of a larger goal.</li> <li>* Remember that once they see a recommendation they get a month to go back to their constituents with it and they won't vote until the next month. This is why             <ul style="list-style-type: none"> <li>○ If this task force votes in September the CCJJ will see it in October them.</li> <li>○ Possible recommendations to be voted on and then presented to the Commission will be presented to the Task Force by September.</li> </ul> </li> </ul>

<p>what the issues are.</p> <ul style="list-style-type: none"> <li>▪ There will be deliverables for the task force and potentially the Commission.</li> </ul>	<p>David Lipka reported back for the Community and Community Boards Work Group.</p> <p>We would like to begin by reading our mission statement: To review local community board's alignment with the Colorado community corrections system (current and future), and to identify opportunity to infuse evidence-based principles and decision making into board process from a balanced perspective that incorporates both the interests of the criminal justice system and the local community.</p> <ul style="list-style-type: none"> <li>• Current status of the work group, issues and potential resolutions: <ul style="list-style-type: none"> <li>▪ We are collecting information on local board bylaws and composition. We hope to have completed this at our next meeting in May. This will be compiled and a workable summary will be created to look at the common issues so that we can decide what needs to be addressed and how to do so.</li> <li>▪ Common issues appear to include board composition, general decision making processes, whether certain training should flow from that, whether there should be any statutory statements.</li> <li>▪ We're looking at some very concrete issues and data collection so hopefully this will help make whatever we decide to do be reliable.</li> <li>▪ Another issue is communication from boards back to DOC and the offender (e.g., why someone was denied).</li> <li>▪ The work group has a spread sheet on differences between the various boards.</li> <li>▪ Do the statutes require a minimum number of board members? No, not anymore. Many boards may still be driven by the old statute but this requirement seems to have gone away in the 90s. <ul style="list-style-type: none"> <li>▪ This is one reason we're looking at the enabling resolutions in the counties. They may have good ideas that could be recommended for others to follow. There are organizations and people that are clearly missed by some (or many) jurisdictions. There is a trend with boards in rural jurisdictions being smaller. Specifically, those that process less seem to have smaller groups.</li> </ul> </li> <li>▪ Why do we have community corrections boards in the first place? Not every state does this. When the boards started in Colorado in the 70s it was all about local control. This was before community corrections was officially created. But it was all about the local community getting to decide if they would accept someone. It was feared that DOC would dictate where offenders would be sent rather than sending them back to where they came from. Local boards are really extensions of local government and since zoning laws decide where they can be sent it really is a local issue.</li> <li>▪ Sometimes local involvement can enhance evidence-based initiatives but it can also get in the way. We need to focus on improving that infrastructure. It needs improvement but we need the locals to support the initiatives for them to work.</li> <li>▪ One thing I've heard on the parole board is that someone that is high</li> </ul> </li> </ul>
---	--

	<p>risk and high need will be rejected by the local board. Not sure what to do then with these offenders. But the same frustration exists for the boards because they don't know why parole wants some offenders in various programs, the logic of these suggestions and decisions aren't clear. Also, we (the community corrections board) need to know more in advance of the presumptive parole date.</p> <ul style="list-style-type: none"> <li>▪ Part of this is what this work group is working on. It's hard for the parole board to make a decision when you don't know how decisions are made. More needs to be done with the communication between these groups (the community corrects board, the parole board and DOC).</li> <li>▪ Would it be easier for boards to make a decision if they knew how and why the parole board is sending each person there and what happens if they're rejected? Yes.</li> <li>▪ All three work groups are addressing parts of this issue, including the issues with parole. How decisions are made varies between jurisdictions, as does the process (referral, exchange of info), who is accepted/rejected and issue(s) of different populations.</li> <li>▪ It has long been a myth that community corrections boards cherry pick. We've seen data that the medium and high risk offenders are, in fact, accepted. So we need to stop acting as if the boards are not working with these populations. It sets us back to think this way and we have the data to demonstrate otherwise.</li> <li>▪ The seriously mentally ill is a population that has had trouble in the past but the boards need to be educated on what their programs can and can't handle.</li> <li>▪ The community corrections philosophy has changed over the years – DOC is now much more involved – and so communication needs to improve to go along with these changes and to provide the necessary information to make better decisions.</li> </ul> <ul style="list-style-type: none"> <li>• Work Plan : See Action section to the left of this text box.</li> </ul>
--	---

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Population Work Group Report Back</p> <p style="text-align: center;"><b>Action</b></p> <ul style="list-style-type: none"> <li>• By May we will have a reduced list of issues and will work on definitions.</li> <li>• By July we should have full recommendations.</li> <li>• By September we will have our final recommendations for the Task Force.</li> </ul>	<p>Dennis Berry reported back for the Population Work Group.</p> <ul style="list-style-type: none"> <li>• Current status of the work group                             <ul style="list-style-type: none"> <li>▪ We are working to consolidate the list of 18 issues that were presented at the February task force meeting. By the May meeting we'll be able to move forward on our top priorities. So far we have categorized, collapsed and crossed some out.</li> <li>▪ Can meet the time line discussed today.</li> </ul> </li> <li>• Issues                             <ul style="list-style-type: none"> <li>▪ We need flexibility in the standards that we all work under to allow programs to do less with lower risk and more with higher risk offenders. One size doesn't fit all. This will likely be reflected in the funding.</li> <li>▪ We need resources to incentivize boards and programs to accept higher risk offenders.</li> <li>▪ Need a more extensive continuum. In other words, we need more</li> </ul> </li> </ul>

steps down between residential and non-residential.

- Sending them out to find work immediately is a huge issue and this is one of the things being discussed around funding. We need to adequately prepare them for entering the community before sending them out to look for work.
  - We need more transition steps and time.
- We need to look for a replacement for a risk factor analysis. This work is already happening. This plays into the work being done to accept more people.
  - DCJ/OCC is working to develop a tool to look at core safety standards, outcomes and recidivism, LSI, quality of treatment (using NICs baseline) and implementation science to examine programing. Should be together and ready to be piloted soon.
  - What factors are you looking at other than offenders? What exactly should be considered high risk? When should a board decide that a person shouldn't be considered? Professional judgments never go away. We're not suggesting everyone be accepted but are creating guidelines for how to handle different risk levels in offenders. The tool helps you understand the individual better. But the professional judgment does and should still happen. This goes back to why it's important for the boards to have local consideration.
  - We need to be clear that this is one very important function of our system but other things also need to be considered. Should they be afforded these services to begin with? Just because we can provide services doesn't mean that we should. When has the punishment/retribution been fulfilled? At what point do the services become the primary focus?
    - Low risk/high stakes (but not necessarily high profile) has been considered and has been part of the conversation so far.
    - Boards are not allowed (the JeffCo Board, at least) to consider the original judge's sentence.
    - How do you articulate that it simply hasn't been enough time? We're not there to re-try the case.
    - The boards must make decisions based on what the programs can handle and if the person is ready.
    - The boards need to look at a bigger picture and not just consider services.
  - The three work groups are all looking at pieces of the bigger picture. All of the groups are cognizant of the issues brought up today. We're trying to protect the community while still providing services. It would be cleaner if statute laid out when punishment has been fulfilled and reentry should begin but our sentencing statute isn't currently written that way so it is a little bit of guess work.
- Potential Resolutions
  - Funding will be an issue and legislation may be needed to resolve this.
  - More funding categories may need to be created. This is related to

	<p>the idea of individualized treatment plans. This may prevent some boards from still saying no. Would help push them toward taking more high risk offenders. We need to discuss what this will cost. It will be easier for some jurisdictions/boards/vendor than others. One vendor with only two programs will find this more difficult than a jurisdiction with more programs.</p> <ul style="list-style-type: none"> <li>▪ Still an issue is what we should do with the low risk/high stakes (high publicity) cases. Need jurisdictions to determine what they need and move on it rather than waiting for DCJ to create an RFP.</li> <li>▪ We will discuss what all will need legislation.</li> </ul> <ul style="list-style-type: none"> <li>• Work Plan : See the Action section to the left of this text box.             <ul style="list-style-type: none"> <li>▪ What it will take to achieve this.                 <ul style="list-style-type: none"> <li>▪ Flexibility</li> <li>▪ Resources</li> <li>▪ Continuum of services.</li> </ul> </li> </ul> </li> </ul>
--	--

<p><b>Issue/Topic:</b> Referral Process Work Group Report Back</p> <p><b>Action</b></p> <ul style="list-style-type: none"> <li>• Should be able to bring a body of work by July for DOC referrals. Recs to make these referrals EB.</li> </ul>	<p><b>Discussion:</b></p> <p>Greg Mauro reported back for the Referral Process Work Group.</p> <ul style="list-style-type: none"> <li>▪ Current status of the work group             <ul style="list-style-type: none"> <li>▪ We were charged with looking at referrals for diversion and transition and to try to infuse evidence-based practices (EBPs) for these decisions.</li> <li>▪ With Brandon Shaffer joining this work group we feel that we have good representation especially since the community corrections boards/parole board is such an important line of communication.</li> <li>▪ We have discussed the idea of basing referrals on risk instead of time. We plan to map out a referral system that is risk driven over the next few months.</li> <li>▪ Is there a capacity in DOC to have risk/needs assessments? Is it a risk or risk/needs process?                 <ul style="list-style-type: none"> <li>▪ Some things, like the CTAP, seem to be risk but not need driven. But definitions can be different between steps (e.g., DOC vs. CC).</li> <li>▪ Right now the CTAP will not say low risk/low need but it will tell you low risk and what the needs are.</li> </ul> </li> <li>▪ Currently the first referral is mandatory and driven by time (the time when this occurs differs between violent and non-violent offenders).                 <ul style="list-style-type: none"> <li>▪ Second referrals are discretionary for case managers.</li> </ul> </li> <li>▪ DOC really wants to make sure that community corrections has the information they need to make good decisions.</li> <li>▪ We are concerned about taking away the discretion of case managers but in the end the different entities really need to communicate with each other.</li> <li>▪ Are you looking at statutory mandate? Yes, a risk driven referral will require statutory change.</li> <li>▪ At least in terms of low risk/low needs there may be no need for a minimum term of incarceration but this will change as we move through the matrix.</li> </ul> </li> <li>▪ Work Plan: See the Action section to the left of this text box.</li> </ul>
--	--



	<ul style="list-style-type: none"> <li>▪ May be able to get into the Diversion side but this isn't something we've discussed yet.</li> <li>▪ We are currently focused on the Transition referrals.</li> </ul>
--	---

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Other</p> <p><b>Action</b></p>	<p>A lot has been said today about communication. Maybe, after we're done, a group should look at a communication pathway committee, to work on bettering the communication between the different groups?</p> <p>How DOC handles referrals may need to be based on what the boards want to know or what it is that they want the offender to have done in order to accept him and when they would be willing to consider him again.</p> <p>Currently first referrals from DOC aren't endorsements for that offender (this appeared to be surprise information for many task force members). First referrals are mandatory based on an offender's PED.</p> <ul style="list-style-type: none"> <li>▪ DOC is working with their case management staff to make them see themselves as an advocate for the offender which may lead to more narrative in the referrals.</li> <li>▪ Would you recommend that someone NOT be accepted by community corrections? You would probably hear us be silent in those cases.</li> <li>▪ We need a better sorting hat and better understanding of the benefits (or potential harms) of sending someone to community corrections.</li> </ul> <p>The DCJ, Office of Community Corrections found that diversion and transition didn't have huge differences in the effect of length of stay (210 days stood strong) but when you separated the offenders by risk it was found that the high risk offenders needed more time to reduce recidivism.</p> <p>Is our concern making the offender well or community interest? This will vary by type of crime (violent vs. nonviolent).</p> <ul style="list-style-type: none"> <li>▪ "It sounds like you're asking for something like a parole eligibility date. I just don't want to lose site of the community interest."</li> <li>▪ "No one is suggesting that what the offender needs is the only criteria. But we can't shorten the sentence which is what it feels like you're saying" we're doing.</li> <li>▪ "Board composition will help address these concerns. To make sure all of the interests are taken into consideration. But the practical effect is that people are coming out into the community early."</li> </ul> <p>Is Community Corrections willing to get smaller to get better? Maybe we need to get smaller and refer the right people not just everyone.</p> <ul style="list-style-type: none"> <li>▪ The right people for the right treatment at the right time.</li> </ul> <p>"There is concern that DOC wants case managers to be advocates."</p> <ul style="list-style-type: none"> <li>▪ "Historically case managers were formerly from line staff and officer positions which are primarily containment positions. We want them to</li> </ul>

	<p>become more of a counselor and to take the individual's whole situation into consideration. They will still take facts into consideration when referrals are made."</p> <ul style="list-style-type: none"><li>▪ "As someone who is a non-criminal justice person but serves on a community corrections board I assume that if they come to the board they are eligible and they've served enough time. It's not my job to decide if they've served enough time."</li><li>▪ "I don't quibble that the people we see are there legally."</li><li>▪ "Then the laws about when they're eligible are the problem and that should be addressed."</li><li>▪ "DOC is not allowed to say they shouldn't be in community corrections if they are legally allowed to ask."</li><li>▪ You can apply 20 months before your parole eligibility date (PED) but you can't go more than 18 months before your PED. Only with a 35b can a sentence be changed which will bump up their PED. Need to also remember credit for time served.</li><li>▪ What we're trying to do is make sure the board decisions are based on something concrete. It won't be perfect but it will make sense and not be as arbitrary as it currently is.</li><li>▪ There will always be special cases.</li></ul>
--	---

Meeting was adjourned at 3:11pm.

**Meeting Schedule and Location for 2014**

Thursday, May 8th	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, June 12th	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
*Thursday, July 10 <sup>th</sup>	12:30pm-4:30pm	JAC, <u>2<sup>nd</sup> floor</u> conference room (Remington building on Hwy 6 frontage road)
**Thursday, August 7	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Sept. 11	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Oct. 14	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Nov. 13	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Dec. 11	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room

Unless noted below, work groups can meet at the same location as the task force, from 10am-12pm, on the same day.

\*In July, both the work groups and task force will meet at the JAC.

\*\*In August, work groups will be able to meet at the Jefferson County Court House (100 Jefferson County Pkwy, Golden) in the Ken Caryl, Bergen Park, and Evergreen rooms (all connected). When you walk into the court house you will go left just past the Starbucks and down the hall. The room names will be posted. You will not have to go through security.

NOTE: The August meeting is NOT the second Thursday but is the Thursday before the CCJJ meeting.