

Community Corrections Task Force Colorado Commission on Criminal and Juvenile Justice

Minutes

November 13, 2014, 12:30PM-4:30PM
710 Kipling, 3rd floor conference room

ATTENDEES:

CHAIR

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

STAFF

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

TASK FORCE MEMBERS

Alaurence Tafoya-Modi, Private Defense Attorney
Brandon Shaffer, Parole Board (phone)
David Lipka, Public Defender (phone)
Dennis Berry, Mesa County Criminal Justice System (phone)
Eric Philp, Division of Probation Service (phone)
Glenn Tapia, Division of Criminal Justice
Gregg Kildow, Intervention Community Corrections Services
Heather Salazar, Department of Corrections
Joe Cannata, Voices of Victims
Shannon Carst, Colorado Community Corrections Coalition
Walt Pesterfield, DOC Division of Adult Parole and Community Corrections

ABSENT

Christie Donner, Criminal Justice Reform Coalition
Greg Mauro, City and County of Denver
Harriet Hall, Jefferson Center for Mental Health
Kathryn Otten, Jefferson County Justice Services

Issue/Topic:	Discussion:
Welcome	<p>Co-Chairs, Theresa Cisneros and Pete Weir welcomed the group and began the meeting.</p> <p>The group introduced themselves for the people on the phone.</p>

Issue/Topic:	Discussion:
<p>CCJJ Follow-Up on Final Recommendations: Possible Changes to Recommendations</p> <p>Action</p>	<p>The conversation on Recommendation #3 at the October CCJJ meeting involved adding a victim representative to the core of Community Corrections Boards. Kate Horn-Murphy (victim representative on the CCJJ) felt that this was an important asset to the core group.</p> <p>Everyone in the group agreed that this was a good idea and that the lack of this position in the recommendation was likely just an oversight. A motion and second to amend the language was stated and was passed unanimously.</p> <p>After the vote David Lipka stated that when he was questioned about this by CCJJ he was asked if this would comply with the VRA. He sees a very big difference between a victim representative and a survivor of crime. The victim representative is a systems person. We already have citizen members so a survivor of crime would be redundant.</p> <ul style="list-style-type: none"> • We didn't discuss this at the CCJJ meeting, instead we discussed the difference between a defense representative and a prosecution representative. • The issue is the difference language across time. • No, the issue is the representative, not the actual victim (who, yes, would turn into a survivor). The representative would have training that a victim would not. • I see the same issue with a citizen member. They have very different perspective than the professionals. • I think Kate was trying to make sure the victim community was represented. • I wouldn't oppose changing the language to make sure that it's not a random victim who gets on a board but is a professional representative. • The group unanimously agreed that the language will be: A victim or survivor of crime representative. <p>The CCJJ conversation about Recommendation #14 was more about how this would be done. There were no concerns about the recommendation itself. The conversation about forming a standardized checklist is not really an issue for the recommendation but is more about the discussion.</p> <ul style="list-style-type: none"> • DOC has concern about the word shall, can we change it? • We talked quite a bit about this and we like this word. "May" and

	<p>“might” will not result in any outcome. It won’t get done. We don’t want wishy washy language.</p> <ul style="list-style-type: none"> • Even at the work groups we discussed this a great deal. <p>A member of the public audience asked if this is about rejection reasons?</p> <ul style="list-style-type: none"> • We discussed this issue a lot as well. We want there to be feedback about what might increase one’s chances, or make you look like a better candidate, next time (although there would be no guarantee). • There is concern if “this and that” are not available. • It puts DOC in a tough spot in places where everything isn’t available. If the board requires anger management class but they’re not in a facility with such a class DOC would have to move them. • Is that a bad thing, for reentry reasons? • Remember, boards can’t dictate anything. They’re simply saying what would make them look better to the board. • We want to make sure we’re not being so specific that it’s not something that can’t be done. • It’s not a mandate to anyone but it would open up communication. • This whole thing was started because DOC representatives wanted feedback about why people were rejected by the boards. • Okay, but we need to be not so specific that it’s not accomplishable. • That’s seems like more of a “how to” issue. The concept of the recommendation is still a good idea. • If DOC has to help people progress on the treatment plan – I can’t see how that’s a bad thing. <p>Mr. Herman stated “I’ve said this before and will say it again. You’ve already debated and voted on all of these. This is just something for the discussion section of the recommendation.”</p> <p>Mr. Shaffer stated that he agrees that the strong language is necessary. And stated that at the last CCJJ meeting Director Ramicsh expressed concern about the “shall” language. Is there concern that this language will inhibit the passage of the recs?</p> <ul style="list-style-type: none"> • Judge Cisneros noted that we’ve debated the language and we should move forward with it. <p>Mr. Weir stated that the purpose of this task force was to make policy recommendations to improve the community corrections system. If we believe that something is good public policy we shouldn’t shy away just because DOC opposes it. That’s why we, and CCJJ as a whole, were created. If that means they’re mandated to get it done, so be it.</p>
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	<ul style="list-style-type: none"> • If we make this recommendation with the “shall” language can the CCJJ change it or would they have to kill it? • They can change anything they want. They have the authority to amend the language. • Earlier in the task force history we were directed to think about reforms not tweaks. The DOC director can argue against it tomorrow. <p>Mr. Weir stated that he feels strongly both ways. We have heard that everyone, except DOC representatives, feels that shall is the appropriate language. Can we make that statement tomorrow? Hearing no opposition, that will be the position we present recognizing that DOC expressed their position against this language.</p> <ul style="list-style-type: none"> • Mr. Weir’s argument against this recommendation is that the CCJJ can’t control a board. People on the board can still disagree with this recommendation.
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Issue/Topic:	Discussion:
<p>CCJJ Follow-Up on Final Recommendations: Statutory, Policy and/or Budget</p> <p>Action</p>	<p>Next we need to identify each recommendation as statutory or policy.</p> <p>#1 - statutory</p> <p>#2 – statutory</p> <ul style="list-style-type: none"> • DOC requests that this be policy. <p>#3 – statutory</p> <p>#4 - statutory</p> <p>#5 → this should be budgetary, not statutory</p> <p>#6 → should be statutory with a fiscal note.</p> <ul style="list-style-type: none"> • The statutory issue may or may not have a fiscal note • Should this be policy? There’s no governing group over the boards aside from what’s already in law. At the end of the day our (DCJ, Office of Community Corrections) contract is about how they use our money. So it may not be possible to mandate this without law. • Concern about whether smaller jurisdictions will be able to do this. • Another way to get this done is through the money trail. Make it budgetary. • DCJ would help those with resources. • If DOC is developing a research based method I think this should say that boards <u>shall</u> develop an EB DM process. • The problem is that for some reason it won’t actually happen. <p>#7 – this is policy but it has some budget issues.</p> <p>#8 – This is a policy recommendation but some changes to statute would have to occur.</p> <ul style="list-style-type: none"> • We can’t attach a fiscal note to something we’re taking out of

	<p>statute so it's also a budget issue.</p> <p>#9 → should be statutory, need budget authority from the long bill.</p> <p>#10 – statutory</p> <ul style="list-style-type: none"> • DOC requested that this be policy and that the “shall” be removed. • The group hand voted on the language and it failed. It will stay as is with the “shall”. <p>#11 – policy</p> <ul style="list-style-type: none"> • This is similar to the item that asks DCJ to change their standards. • DOC requests the “shall” be removed. The group hand voted on the language and it failed. It will stay as is with the “shall”. <p>#12 – policy</p> <ul style="list-style-type: none"> • DOC requests shall be reomoved. • The group hand voted on the language and it failed. It will stay as is with the “shall”. <p>#13 – policy</p> <ul style="list-style-type: none"> • This came from a work group that included a DOC representative and who supported it. • Did she support the word “shall”? • It's possible that someone waives community corrections because they're trying to finish a vocational program. • They can still refuse placement, right? Seems like a waste of resources if they're just going to refuse to go. • If some changes were made to the AR it might say that as a rule someone can't refuse but there are exceptions. • DOC could change the form to include “refusing because of vocational reasons.” • This may be solvable with a form but as the recommendation is currently written it doesn't allow for any refusal. • Motion and second to change the language. Passed unanimously. • The following language was added to the end of the recommendation: except for inmates who are completing a vocational rehabilitation or treatment program. • Some offenders may change their mind for various reasons. • Mr. Weir will be voting against this at the CCJJ meeting tomorrow because he feels that it's a waste of time to send anyone to a board that doesn't want to go. <p>#14 – policy</p> <p>#15 – policy</p> <ul style="list-style-type: none"> • DOC representatives stated that this is already policy but they still send four. • That's the reason for the “shall.” • Then the new AR hasn't been published yet because there was a policy just passed that did this (within the last two weeks). • We may have some non-AR abiders, which is what we're trying to fix.
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	<p>#16 – policy</p> <ul style="list-style-type: none"> • Glenn – my only request is that 15 and 16 should be the same, both should be policy or both should be statutory. • #16 could have some fiscal impact. <p>Is there a way to find out if a recommendation has been implemented?</p> <ul style="list-style-type: none"> • Yes. CCJJ staff track and publish this information.
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Issue/Topic:	Discussion:
<p>Guidance for Funding Sources Work Group</p> <p>Action</p>	<p>At the end of the last meeting we briefly discussed the items that were going to have budget issues. But we need to discuss further what it is that we need to know or what should be included in a statement about cost. This doesn't necessarily need to be as detailed as a budget request.</p> <ul style="list-style-type: none"> • In addition to the cost we should also think about the timing and staging of these recommendations as well as how long of an initiative each may be. <p>So cost, sequence and duration to implement should be discussed for at least some of the recommendations.</p> <p>How do we do this though? It almost seems like a fiscal note analysis. This is true especially since we're mid-budget request cycle. We also need to give the sponsors an idea of what they're agreeing to.</p> <ol style="list-style-type: none"> 1. How much will this cost? 2. Starting where? 3. How long will this take? <p>Mr. Herman asked Mr. Tapia if he has confidence that we can answer the first question?</p> <ul style="list-style-type: none"> • Some will be easier than others. <ul style="list-style-type: none"> ○ Let's say #5, for instance, we can get a basic idea based on IRT. ○ I have an email sent to a criminologist regarding #8. ○ I have an email inquiry sent regarding #6. ○ 9 will be a guess, honestly. • So we have some starting points, but it will take time and be rough. • Also, some of the recs for DOC will require programming changes and that will cost. Those costs aren't reflected here. <p>Mr. Herman stated that it's the commission's responsibility to, to the best of our ability, have a good idea of what these recommendations will cost. If it passes and is picked up for legislation, it will be part of the fiscal note process that each department will be asked about.</p> <p>Where things are changed, as far as the CCJJ goes, is that good public policy ideas are brought forward and if a legislator agrees that it's a good idea they pick it up. If it's not picked up for legislation it becomes a policy rec.</p> <ul style="list-style-type: none"> • We seem to be making a lot more decisions now. • True – we've learned over the years where we need to make changes in

	<p>our ways. And we've learned that to not have an idea of how much a recommendation will cost has not been a good idea.</p> <p>One of the strengths of the CCJJ is that it was developed in the legislature. While a legislator may pick up something that didn't make it through the CCJJ the chances of it passing in the legislature are low.</p> <ul style="list-style-type: none"> The goal of the CCJJ is to have a body that can develop consensus around policy and to then allow it to move through the legislature. <p>Fundamentally we are promulgating what we think are good ideas. But maybe we need more specificity.</p> <ul style="list-style-type: none"> Mr. Shaffer stated that he's always been reluctant to move forward with something if we don't have an idea of the monetary implications. <p>In 2008 there was a whole set of recommendations where we specified how much something would cost and where the money should come from. We've learned lessons over time.</p> <p>Glenn Tapia will lead this group along with Brandon Shaffer, Alaurice Tafoya-Modi, Shannon Carst, Heather Salazar, and Pete Weir.</p> <ul style="list-style-type: none"> The information from this group will go to the legislative subcommittee of the CCJJ. This should be done by December for the pieces that are legislative. <p>For the budgetary items the group should talk to the relevant department about cost and parallel to that work with the group to answer the three questions by the end of November or early December.</p>
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Issue/Topic:	Discussion:
<p>Next Steps for Tabled/Deferred Items</p> <p>Action</p>	<p>This list includes issues that needed additional work and/or discussion. We don't want to lose traction since we're presenting 16 recommendations tomorrow. We would like to discuss when we might expect some report back from the work groups on these issues.</p> <p>Referral Group:</p> <ul style="list-style-type: none"> Who from DOC would be the best referral person? <ul style="list-style-type: none"> Has there been any recent action on this? Was there not a recommendation on this already? Did we table it? I think we're mixing issues. There is one issue of making sure case managers are equipped to do their jobs, and another about referring people to community corrections. There has been a change of duties for case managers. Job descriptions have been changed and training has been added to help with case planning. Also DOC is changing it so that offenders stay with the same case manager regardless of where they are in the facility. Really thinking about continuity of care. We're trying to address the problem of case managers not being able to do case management. I think we're already addressing these issues.

- The question then is whether this is still a recommendation. We need to have a lengthier discussion with DOC at our next meeting to see if the issues have been addressed (Ms. Salazar is in charge of case management).
- Assessment summary report – this is the diversion side of things and we haven't even started with this yet.
 - Accessibility of PSI-Rs to some of the boards is a transition issue as well.
 - Courts will recommend a screening for community corrections and a PSIR simultaneously. This is something that happens for open sentencing where DOC is an option.
 - An assessment summary exists (note that an ASR is different from the PSIR).
 - There has been resistance from most courts because the ASR doesn't include a criminal history.
 - There has been some preliminary discussion about this. But this is more of a Diversion issue.
 - First we need to make sure we're done with the transition issues.
 - Probation would be happy to join this group when Diversion becomes the focus.
- Population group
 - The Governor's Advisory Council (GAC) met on Halloween. This item (the performance based contracts item) should be suspended until the council can discuss it in February.
 - The second suspended issue (effective distribution of specialized programs) is dependent on Recommendations #5 and #8. It becomes part of the implementation of these recs. The general idea is that the high risk program exists.
 - Both items should be tabled until the council can discuss them.
- Board Group
 - We have a current recommendation that DCJ prepare a curriculum for board member education (Recommendation #1). Does this address this suspended issue (board member education)?
 - For now we'll take this off the list unless anyone remembers something else about the issue.
 - We are planning to meet in the near future about the new item 5..
- Other issues
 - Mr. Weir will have a proposal at the next meeting regarding these issues.
 - Is there a DOC representative on this sub-committee? There are no representatives other than Mr. Weir on this sub-committee.
 - DOC may have a problem given the "DOC shall contribute 5%." I don't think Mr. Weir was stuck on where the money came from. He's also flexible about the percentages. The amount and percent are arbitrary.
 - Mr. Herman explained that these issues came up in a different way. The first 16 recommendations were developed by work groups whereas these were brought to the group by Mr. Weir.

	<p>We've tried to work on this without losing momentum on the other issues. Really, for these issues, the task force is functioning like a work group.</p> <ul style="list-style-type: none"> ○ Mr. Weir stated, before he left, that he will have a revised version of these recommendations at the next meeting.
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Issue/Topic:	Discussion:
Action	The group discussed whether the work group chairs should attend the CCJJ meeting tomorrow. It was decided that they should be in the audience to answer questions, if necessary.

Meeting Schedule and Location for 2014-2015 (First 6 months)

Thursday, Dec. 11	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Jan. 8	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Feb. 12	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Mar. 12	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, April 9	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, May 7	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, June 11	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room