

Community Corrections Task Force Colorado Commission on Criminal and Juvenile Justice

Minutes

December 11, 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

Guest

Stan Hilkey, Department of Public Safety and Chair of
the CCJJ

TASK FORCE MEMBERS

Alaurice Tafoya-Modi, Private Defense Attorney
Brandon Shaffer, Parole Board
Christie Donner, Criminal Justice Reform Coalition
David Lipka, Public Defender
Dennis Berry, Mesa County Criminal Justice System
Eric Philp, Division of Probation Service
Glenn Tapia, Division of Criminal Justice
Greg Mauro, City and County of Denver
Heather Salazar, Department of Corrections
Joe Cannata, Voices of Victims
Joe White for Walt Pesterfield, DOC Division of Adult Parole and Community Corrections
Kathryn Otten, Jefferson County Justice Services

ABSENT

Harriet Hall, Jefferson Center for Mental Health
Shannon Carst, Colorado Community Corrections Coalition
Gregg Kildow, Intervention Community Corrections Services

<p>Issue/Topic:</p> <p>Welcome</p>	<p>Discussion:</p> <p>Co-Chairs, Theresa Cisneros and Pete Weir welcomed the group and began the meeting. The group went around the room and introduced themselves.</p>
<p>Issue/Topic:</p> <p>CCJJ Follow-Up on Final Recommendations</p> <p>Stan Action</p>	<p>Discussion:</p> <p>Mr. Hilkey noted his thanks for the hard work of this group and all the good recommendations that came from them. He encouraged the group to not be discouraged by the events and results of the November CCJJ meeting. He stated that he will engage with the governor's office about coming to the commission to restate their charge.</p> <p>Mr. Weir and Judge Cisneros said that they spoke to Mr. Hilkey on the phone yesterday. Their disappointment with last month's meeting was noted and it was stated that it was not that some things failed but the manner in which it was done. Mr. Weir mentioned his gratitude toward Heather Salazar and Walt Pesterfield, the two DOC representatives on the Task Force, and he mentioned that he appreciates them stating DOC's concerns about the recommendations.</p>
<p>Issue/Topic:</p> <p>November CCJJ Follow up</p> <p>Action</p>	<p>Discussion:</p> <p>At the November CCJJ meeting, where recommendations from this task force were presented for final vote, there were four items that were voted down and one tabled.</p> <p>We will turn to Brandon Shaffer regarding the tabled item (Recommendation #10¹). For the other four failed items it's a conversation about whether this task force really wants to push forward on these issues. Remember, in order for a defeated recommendation to be reconsidered one of the Commission members who voted against it (and was thus in the majority) must bring it up for reconsideration.²</p> <ul style="list-style-type: none"> • I don't see the benefit if the reconsideration process of the Commission is going to be the same as it was in November. It's pointless if a single department director basically has veto power. • Language changes may have some effect. This effort may be worth it for at least some items. <p>Let's start with the tabled recommendation (#10 regarding the evidence based referral process).</p>

¹ **FY15-CC#10 Risk Informed Referral Process (Statutory) Recommendation FY15-CC#10**

The Department of Corrections (DOC) shall adopt a risk-informed process for referring inmates to community corrections. This process should mirror the decision making flow charts that accompany this recommendation.

² The failed recommendations include #2, #11, #12 and #13. See the November CCJJ minutes, final votes and recommendations as approved at: <https://www.colorado.gov/pacific/ccjj/ccjj-mtgs2014>.

- Some of the voting on these issues may have been for principle not necessarily for the content of the recommendation. There is value to the flow charts. But the details weren't what people were voting on. We need to talk to the brain trust of the DOC to really explain the intent of this recommendation. Not sure if it makes sense to deputize someone to talk to the DOC to explain and to then bring their feedback back to this group.
- I was stunned that it was thought that the flowcharts would be placed in statute when it says right there that the charts are for demonstration purposes. This is a good recommendation and would be beneficial for DOC.
- One of the relative issues was the mandate that the DOC SHALL implement this. The second issue was the charts being put into statute. There are ways that language could be developed around both. Community Corrections should be a risk informed process. It shouldn't focus on one department but should explain that the intent is for these to decisions to be risk informed. Then in words explain what the charts say.
- It goes back to the discussion about the board requirements. What's the intent of the recommendation? We wanted boards to include certain people. For the charts everyone that's involved in the referral process to be involved. Want them to be time based and risk informed.
 - Putting the charts in a narrative would probably have to happen anyway if this went to statute.
 - But if we haven't agreed on the principle then that may be a waste of time.
- I wouldn't change the language – keep the shalls – but broaden the statement to not focus on one department.
- DOC doesn't have the authority to adopt this without statutory change. True, it was always intended to be statutory.
- But the subject isn't the DOC it's the legislature.
- Mr. Shaffer stated that he moved for this to be tabled for greater collaboration.
- Really what we're talking about is to send a group, including Mr. Shaffer, to sit DOC to try and work out the issues.
- This goes to the heart of the CCJJ. The CCJJ is made up of 26 diverse people who are directed to sit down together and make good recommendations. But this task force in particular has put in a lot of work to create good recommendations.
 - It's fine to try and negotiate but if one single entity can overrule the group then it's a waste of time.
 - I sense that we're not going to get enough support without DOC's endorsement. If the Director is saying that he'll work

with us then maybe that's better than nothing.

- I would hope that when you come and sit on the CCJJ you try to take your "hat" off and work with the evidence. At the last CCJJ meeting there were people just deferring to Director Raemisch without working with the evidence.
- It's worth doing something. The recommendations are presented as independent thoughts but when we were working as work groups we saw them as independent thoughts for a larger picture. So it may be worth trying to do something with the issues that failed or tabled. And these same issues have come up before in the early 2000s. They're still issues so it's worth doing something.
- There needs to be some education to the Commission about all of these things and how they have come up in the past, before presenting the recommendation. The group needs to know why the recommendations are the way they are.
- There are some larger Commission issues as Mr. Hilkey noted and there have been education pieces along the way. But we need to be more effective in helping people have the information they need to make decisions at the time of those decisions.
- Blending recommendations and making them a package may clarify the larger picture.
- Mr. Shaffer stated that he has been working with Christina Everist to see how these recommendations would affect them.
 - "While I'm ostensible under DOC I can't speak for DOC. Need to get some feedback on where the sweet spot is."
- There seems to be some agreement that something should be done with these issues. We should be put more thought into how they work together.
- The recommendations, for the most part, are solid. They are not new issues. They are issues that have come up before. But we can make some effort to work with DOC.
- But [Director Raemisch] needs to be at the table. It doesn't help to have DOC representatives at the table, no disrespect intended, but without him it won't happen. [Mr. Ramisch] said some things that we need to hold him to.
- [Mr. Ramisch] was concerned about the information flow. He was concerned that as technology changes, but statute does not, there would be issues. I don't agree though, the recommendation was more global. He seemed to agree with some of the subject matter but not the process.
- "I was frustrated because we've had heavy DOC input the whole time. But [Mr. Ramisch] acted as if he had never heard of it. He promised, on the record, that he'd make this policy.

He asked where DOC was this whole time and I said to my left and to my right. It was frustrating that other uninformed people just deferred. He said six times that he was offended that we tried to micromanage him. Well that's what statute does. So if we can get Mr. Ramisch involved, tell me how. The emotional response from DOC was what these votes were based on."

- There is some frustration in the lack of recognition that these recommendations can be tweaked when you get to the drafting. These are not designed (or intended) to be the final statute. This is the policy. Wordsmith when you get to the drafting.
- Maybe we need to invite Director Raemisich to join the group?
 - We want get some things accomplished. There are methods to get something accomplished, if not moved forward. But getting an executive director involved is not likely. Although maybe we get his executive staff involved .
 - [Mr. Ramisch] needs to be educated on the history of community corrections [in Colorado].
 - I was surprised by the personal offense that was taken by some tweaking. I appreciate that he doesn't have a lot of time but maybe a solid two hour meeting would help educate him.
- Is there any precedent for inviting a Commissioner to a Task Force after they've voted against something to help them understand the principle?
 - We've had recommendations amended to change the language following some discussion to explain the details and back ground. And things have been voted down. But in terms of bringing people back in after something was voted down, that hasn't happened.
- Couldn't we do a general presentation to the Commission? There were terms and misunderstandings that could be explained.
- There is a fundamental issue about being an executive director or an elected official. You can't mandate him to do something.
- What kind of orientation are we doing for new members? The most recent thing has been individual meetings.
- There are tiers of issues here: 1) codify that recommendations and statutes do tell agencies what to do; and 2) orientation about how the commission works.
 - I like that idea because if we don't address the internal commission issues that currently exist we may not move forward at all.
 - There needs to be work with the Commission as a

whole. The original idea was that we all come from different directions and that we will make recommendations that have the support of all.

- Mr. Shaffer stated that his name is on the original bill that created the Commission. There is a pretty specific charge that this Commission was given. Going back to the retreat earlier this year we said that we've done a lot of that original charge. And we came up with the new issues that we wanted to focus on. This is a self-imposed thing that we generated.
- Mr. Herman stated that he disagrees. Reentry and juvenile were in that original mandate. The strategy was not to take sentencing head on. Reentry is not a self-imposed issue but is part of the original charge.
- Sometimes the commission process doesn't work. It's not the only way change can happen. I agree with sitting down with Director Raemisch. I don't know that's it's completely a lack of information though. It sounds like people deferred because the director didn't like it. If folks feel strongly that this is important there are other ways to proceed.
 - Ms. Salazar stated that maybe part of his concern was how this could be done without statutory change. One item has already been done. Maybe it is about sitting down but I think that there are things he's willing to discuss (but I'm not speaking for Mr. Ramisch).
 - Ms. Donner reiterated that "there are other ways to move this."
 - Mr. Weir stated that "I start to become proprietary because this approach again undermines the commission." This goes all the way to the Governor. What is his support for this Commission? If something goes through the Commission and fails it would have been a non-starter with the previous administration.
 - True, but I don't want people to think that we can't make change without the Commission. But maybe Director Raemisch needs to understand that too. There is value for him in working with this process.
- Mr. Philp stated that he was around with the original criminal justice commission was created and when it failed.
 - Everything related to criminal justice had to go through the Commission. But it failed when it was suggested by a few legislators that they introduce their own legislation.
 - There have been other issues that have moved forward without CCJJ approval.
- When we look at the items that failed or were tabled we can see that

they are all policy issues except for the tabled item. So we don't need to look at the legislative clock.

- There may be wisdom in sitting down with Mr. Ramisch. Many of these recommendations were mandates to the DOC, so maybe the language was too forward. I know the history of trying to get DOC to do something and they don't cooperate. But he said he'd talk to us so maybe we should take that invitation and move forward with it.
- Mr. Philp stated that he remembers the original recommendations from the Probation Task Force and thinking "says who?" but then he thought about the work and thought that went into coming up with those recommendations from the diverse task force and Commission.
 - The bottom line is that there may be some benefit to having a conversation with Director Raemisch. Something needs to be done to make sure the line of communication goes all the way to the top.
- Mr. Herman noted that there is an agreement that we should have a meeting with Director Raemisch. Who from here should be a part of that meeting?
 - We need to make sure that its people that have been around long enough to report on the history of DOC and Community Corrections. → Glenn Tapia and Greg Mauro?
 - We need to talk about the history but shouldn't dwell on it.
 - Ms. Salazar stated that we need to work together because DOC works hard but tends to get beat up.
 - Why didn't he seem to know anything about the issues?
 - Ms. Salazar stated that she wants to volunteer herself for the group because we need someone who sees it from a DOC staff perspective.
 - Mr. Philp stated that he's willing to be part of the meeting to present himself as another agency that has had CCJJ recommendations that were directed at them.
 - Mr. Weir stated that he's fine educating the director but doesn't see that as our job.
 - Mr. Shaffer stated that he "wanted to say that [Director Raemisch] is a good guy and that he's new. We should give him some benefit of the doubt."
 - Mr. Ramisch was at the Governor's Advisory Council (GAC) meeting when these were discussed so he should have known what was coming. I wish he would have spoken up then rather than having a visceral reaction at the CCJJ meeting.
- It was suggested that we get the volunteers together and set up a meeting with Mr. Ramisch.
- We should try to move forward with the failed/tabled items because

	<p>they're good items.</p> <ul style="list-style-type: none"> • Mr. Weir stated that there is also a larger commission issue and would like to see something on the agenda to educate the group about community corrections and why these were our top 16 recommendations. <ul style="list-style-type: none"> ○ Also, it should be explained that these recommendations are part of a larger package. • The group who will contact Mr. Ramisch for a meeting will include: Eric, Glenn, Greg, Dennis, David, and at least one of the chairs. • Mr. Herman stated that he will talk to the leadership about bringing up a general education issue. A general community corrections education might be too much though and has already been done. It will be more important to address these specific issues and why they're important.
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<p>Issue/Topic:</p> <p>Funding Sources Work Group</p> <p>Action</p>	<p>Discussion:</p> <p>Mr. Tapia has been spearheading the work on funding sources.</p> <ul style="list-style-type: none"> • He categorized the items into two groups: items that we want funding for now vs later. • Recommendations 1, 6, and 8 (board member training, professional judgment and research based decision making, and development of program evaluation tool) are the items that an estimated cost analysis were conducted for. • It is estimated that a ¼ of the boards could be trained each year. • Development and implementation of the program evaluation tool would take approximately 2 years. • Some FTE for DCJ were included because eventually the consultant will go away and we'll need some permanent training people. • An estimated time line shows that the cost would peak in second year and then decrease. • The most difficult cost to estimate was the program evaluation item. Really just took some rates that consultants charge and did some math. • Do your figures, with regard to training, consider board turn over? Is this something that would be an annual training? Or would it be everyone and then rotate. • These figures were only applied to the 15 boards that have facilities. But the recommendation to train the boards applies to all 22 boards. <ul style="list-style-type: none"> ○ I would guess that some materials would be created to cover the basics until someone can get to the new board orientation. ○ Yes, but that's not enough. ○ If members rotate there would be some training each year. Sometimes county commissioners are liaisons but not actual members. • The bare minimum would be an annual training but if there was a request for more training we would try to accommodate. • These cost estimates don't cover anything that DOC would incur due to programming. Part of the issue is that a mechanism would have to be created for the feedback to go back to DOC.
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- There is also no inclusion of IT costs for individual boards to send feedback to DOC (e.g., staff costs, time, hand input). Boards or the jurisdiction would absorb this. So DOC would absorb their part.
- My understanding was that a group would get together to discuss any costs that would be incurred for all of these items.
- That was the intent but the group has not met in the short time since that was decided.

- *Glenn, Heather, Shannon and Brandon will get together to discuss.

It was asked what the purpose of this funding source is since there's a fiscal process for legislation already.

- Mr. Herman stated that yes, there will be a fiscal note and everyone will contribute as usual. But it was decided that as the commission votes and tries to find a sponsor for legislative recommendations it may be helpful to have some estimated dollar amounts. Money always comes up so this will provide an estimate. But we are not trying to duplicate the fiscal note.

What he should do now?

- Some of this whole process started with Pete's new ideas. We really wanted to drill down to get an idea of what the costs may be. A next step may be to find these resources. Line item, budget change. If these are things we're asking community corrections to do we need to ask for the money.
- A legitimate concern was raised earlier – if we received so much blowback from DOC for the word "shall" what's going to happen if we try to move money?
 - We need to find a practical way to fund these items. There are multiple ways to do this.
- Does this need to go through the Commission? Is it something we vote on?
- Mr. Herman stated that he doesn't see this as a formal proposal to the Commission. We'll need to gather some people to decide what is strategically the best way to move forward.
- Some of this may be a significant amount of money. My understanding is that this is meant to provide information for the legislators that are making decision. Correct?
 - Practically – there are two issues, will this cost money and where will that money come from? But Rec 5 already passed and it's hugely expensive.
 - Mr. Tapia explained that this is a sequence thing – recommendation 5 can't be done until 8 is complete.
 - I'm confused because these recommendations already passed. What is the report going to say if an item is shelved until something else happens?
 - This is the package issue. There was no expectation that we would seek funding for this while everything else is happening.
 - Things are sequenced for the implementation process.
- The long bill process starts in March. It's important to have this in our back pocket if we think the JBC is going to be looking for ways to spend money. They're going to have money to spend. We can use these estimates and this information to argue that they should put some money into treatment.

Issue/Topic:	Discussion:
<p data-bbox="147 258 479 289">Other Work Group Updates</p> <p data-bbox="272 327 354 359">Action</p> <p data-bbox="94 401 516 499">Slides presented by Mr. Shaffer can be found at the end of these minutes.</p>	<p data-bbox="560 258 1437 357">Referral Group – Mr. Shaffer presented a new idea that he’s seeking feedback on. This is not necessarily intended to be task force/commission recommendation.</p> <ul data-bbox="560 367 1437 466" style="list-style-type: none"> • Presumptive Parole has existed for a few years (June 2013). It is called something else here to keep this separate from other policy and statutory issues. <p data-bbox="560 510 958 541">People tend to get stuck in limbo.</p> <ul data-bbox="560 546 1469 1365" style="list-style-type: none"> • Existing parole policy is based on the type of crime committed, not their risk to reoffend. Also, there are logistical differences in how violent crime is defined. This proposed change used the current statutory definition. • Outdates aren’t real dates unless the PB approves your release. This has confused inmates and case managers for years. • The current parole track is based on an arbitrary amount of time. • DCJ Community Corrections has developed a progression matrix that this new parole track would now be based on. <ul data-bbox="657 871 1453 970" style="list-style-type: none"> ○ Rather than having a fictional date they would see the parole board first and their parole would be contingent on completing the progression matrix. • The reason I’ve brought this to you today is because all of the referral discussion we’ve had is about the decision made by the community corrections boards. • This proposed track would guarantee parole if the community corrections board accepts them and they make it through the progression matrix. • This doesn’t change current statute. The parole board could still send someone straight to parole and they could still apply for community corrections the regular way (where they see the parole board for first time after completing community corrections). But this provides a guarantee. <p data-bbox="560 1409 1461 1549">Mr. Shaffer stated that he reached out to Mr. Tapia and Mr. Mauro to make sure nothing was missed. Together they decided that it would be good to receive some feedback from stakeholders represented on this task force before moving forward.</p> <ul data-bbox="560 1591 1469 1900" style="list-style-type: none"> • If they follow this track and wait to see the parole board would they stay in DOC longer? Possibly. If you waive community corrections you would stay in DOC longer before you were eligible to go to the parole board. • What we anticipate is that by creating this track we offer a better product for the community corrections boards. You basically have an applicant with a pre-approval. Once the education is complete the community corrections boards will hopefully realize that what they’re getting out of the new pool is for sure compared to what you’re getting from the current (and still possible) track.

- So would it reduce the number of people coming out through community corrections? No. The same number of offenders would be coming out. This is just another way for them to get there.
 - This reinforces the need to make sure that the communication piece exists between the two boards (community corrections and parole).
- The population that meets the criteria in general is about 5000.
 - One thing that the parole board really looks at is a parole plan. Those who fall between the cutoff but without a good parole plan will be sent back to DOC. This will provide an option to help them get their plan together.
 - Once they get to community corrections will they have the necessary 5-8 mo needed for success? Yes, the only sticky part is that they're required to see the parole board at 1 yr. and at that time the parole board can say that they're progressing fine and keep them on the track or, if they've made no progress, can pull them (and send them back to DOC).
- By definition this group should be 100% referrals, correct? Yes, if they were referred to the community corrections board at 6 or 16 months and were denied.
 - It's possible that they will waive their mandatory referral to community corrections at 6 or 16 months and are by choice waiting for the parole board.
- Some of the discussion was about how this relates to the risk informed referral process (recommendation 10, which was tabled by the Commission).
 - Part of the discussion in the work group was about those boards that say "we'll wait for the parole board and see what they say."
 - This reinforces the need for improved communication between the two boards.
- We will have to work out the eligibility criteria to make sure they have enough time left on their sentence.
 - So folks with a shorter sentence will be ineligible? Yes.
 - So in addition to the risk criteria there is also a time criteria?
 - Mr. Shaffer read through the eligibility criteria on his draft AR proposal: If you're inmate status....If you've been out on parole and are revoked you will see the Parole Board in 6 months.
 - So the time criteria isn't included but it was on a previous draft.
 - Individuals need to have at least had enough time before their mandatory release date (MRD).

Mr. Tapia – I've been thinking about the comment that these will by default be re-referrals. There is a need for something at the PB level to make sure that they can be re-referred without having to wait a year.

- As long as you're eligible for community corrections they are eligible. The intent is to not change the existing referral policy.
- I understand that community corrections referrals happen months before one's parole eligibility date (PED) so they're usually lower risk. So this seems counter intuitive.

- If the risk informed referral process were implemented simultaneous to this it would address this issue because the lower risk offenders would be referred quickly.
 - This provides an opportunity to sync the risk informed referral idea with this.
 - This policy is moving on a fast track. It was scheduled to be implemented last week. But if there is agreement to slow it down and see if we can work with the two issues, that's possible.
 - Mr. Shaffer stated that in his perfect world there wouldn't be a second track, everyone would filter through the parole board. But no one would be eligible until they reach their PED. But he recognizes the huge monetary effect that idea would have.
- This is incentive for people to apply for the community corrections board and change their behavior.
 - Sometimes when they get to community corrections board and haven't seen the parole board the idea of seeing the parole board can be a motivator. If we were to do away with the top (current) track I don't think there'd be as much motivation.
 - I hear what you're saying but I also hear from offenders how upset they are to get everything together but to then be denied by the parole board.
- Would this add to the parole board waitlist? We don't have a waitlist.
 - Okay, but if they have to spend more time in DOC would you then have a waitlist? The waitlist you're referring to is for the community corrections boards. We've approved them. Community corrections boards have 90 days to decide if they're going to accept someone. If denied, the parole board can put them on parole or put them back in DOC. From there, DOC can then put them in ISP-I.

The majority of DOC offenders will meet your criteria for at least risk but we don't have nearly enough community corrections beds. Why not consider capacity?

- This morning we discussed why if 5000 are referred to parole are only 2000 being accepted for discretionary release.
- My concern is not to create such a massive amount of people that we can't handle it, it's to help people have a better plan for success.
- What they tell me their parole plan is has not been investigated.
 - But that's a problem with this idea. If they are at or past their PED but you (the Parole Board) don't have data on their parole plan you're going to always put them on the community corrections track, correct? Yes.
 - But that's the problem. You'll default to putting everyone on community corrections.
 - First, I'll see if they're picked up by the community corrections board. If not, I'll do exactly what I do today.

Is there concern that there will be an unintentional effect of net widening?

- First referrals will go through the current track.
- Community corrections boards will defer and wait to see what the Parole

Board does.

- It seems like in a perfect world you're trying to replace the current track.
- In a perfect world I'd have a drug, sex offender, mental health tracks.
 - Sure but we don't live in that world.
 - To some extent this does already exist. Mesa County currently has 9 tracks. This is just another track. (Note that some programs may only have 4 or whatever).
 - The intent of this would not be to add beds to Community Corrections.
 - I disagree, all the things we're doing with Community Corrections will lead to increased beds. I have more beds available (at Mesa County) but we're not getting referrals.
 - "But Brandon wants to roll this out next week. Right now we don't have enough beds."
 - I like this idea on paper but we need to think about how this plays out. Because it might involve and affect everyone. We need to think about a smaller sub-population.
 - Maybe for now include only those that typically get denied by boards now to test what might happen.
 - If you were using the parole guidelines you'd be paroling the low folks already.
 - Mr. Shaffer stated that if the group thinks that it makes more sense to take the low and the very low out he's willing to do that.
 - I'm open to that if you're really paroling the low and very low.
 - What is preventing us from taking the same criteria and using the flow charts (recommendation #10) and applying them to this policy?
 - Narrating the flow charts would be helpful. If there is a way to glean out of those charts eligibility requirements it would be good. But I think it will go down to the CARAS scores.
 - The top (current) track looks like med risk folks on the flow charts. They're going to get out earlier and will be accepted by the boards.
 - The bottom (proposed) track looks like high risk. They are past their PED and closer to MRD.
 - We want the high risk folks closer to their MRD, right? Right.
 - This exactly what the parole release guidelines already say.
 - But this is where overlaying the risk informed referral charts can come into the play.
 - What's the option for the very high risk folks? Parole? I understand why you want to be more selective but you don't have all the options you wish you had.
 - This (proposed) track would be for the high and very high risk folks. And then the specialized programs for the very high risk would come into

	<p>play.</p> <ul style="list-style-type: none"> • The majority of the VH in DOC are staying until their MRD. So the criteria that you have to have 6-8 months until your MRD will be out of this option. • If we want to have a better handle on the very high risk folks we may want to have two new tracks. <ul style="list-style-type: none"> ▪ I don't think it adds that many people back in if we include the very high. If you hit an MRD you're going to be paroled. This proposal is about discretionary parole. ▪ I agree that we should use Community Corrections for a public safety issue. But we're excluding the riskiest people. <ul style="list-style-type: none"> • Mr. Wier stated that his concern is that it's not all offender focused. I agree with step down but we really need to look at how much time they've served and truth in sentencing. <ul style="list-style-type: none"> ○ If someone was within 2 years of their MRD would you put them on parole? ○ We'd much rather have him go this (proposed) way than straight to parole. ○ Is the person a good candidate for parole? If they've put a good plan in place we'll parole them. But if they don't this will be a better option than to go directly to parole. Community Corrections is a more stable place to help them work on themselves. • The medium, low and very low are being accepted by boards anyway. A pre-approval letter would help but it's not as important as for the high and very high folks. <p>Mr. Shaffer stated "I appreciate the feedback. But I do not think this will have the big effect that we're afraid of."</p> <ul style="list-style-type: none"> • We're seeing the very high risk offenders anyway. This would allow for a better way to direct them. • So would it help to include the very high risk? It depends on what they are. Some boards accept SVPs some don't, etc. • Is part of the problem having two decision making bodies? Is part of this to bring some more thoughtfulness and integration between the two boards? <ul style="list-style-type: none"> ○ Sure, but what bothers me (Mr. Shaffer) is that it doesn't seem like there is a well-organized step down process from prison. This is a more orderly method. Is it the right progression? I don't know. ○ If the parole board is able to see the offender with the times recommended by the charts the straight line would make a lot of sense. • Mr. Shaffer stated that there is still work to be done on this. But that what happens next is not entirely up to him. <ul style="list-style-type: none"> ○ Where do you want us to leave this? Thank you for your feedback or would you like to see another draft?
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	<ul style="list-style-type: none"> ○ I really think it would be good to work in the flow charts. ○ What’s missing in the flow charts is where the parole board sits. ○ When using the charts we have the low and med first referral on the current path. Then if they hit a PED the very low, low and very high (because of MRD) should be paroled while the medium and high will follow the new lateral line.
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<p>Issue/Topic:</p> <p>Board Work Group</p> <p>Action</p>	<p>Discussion:</p> <p>Community Corrections Board Transparency:</p> <ul style="list-style-type: none"> ● Mr. Lipka stated that the group hasn’t met about this but there have been discussions. Everyone is opposed to this. Not sure what we should do next. Type up some reasons why? <ul style="list-style-type: none"> ○ It would unnecessarily politicize the vote. The boards should come up with bylaws to fit local needs. There are not current rules to inhibit this but it would give unnecessary weight to individual votes. ○ Do boards record individual votes? Some do for sure not but we haven’t looked across the state. <ul style="list-style-type: none"> ● JeffCO using electronic voting and you can ask to see how someone voted at that meeting but it’s not kept. This follows the sunshine law because we had an issue. ○ How do you track fidelity? You can record votes for fidelity without it becoming public. ○ There are multiple reasons to record individual votes. But the rational for this recommendation was for a CORA report. <ul style="list-style-type: none"> ● I don’t see why a citizen should ever be called to the carpet for a CORA report. ● Boards can do their own internal tracking. But this specific issue is for CORA requests. ○ Board policy and procedure speaks to what their community wants. ○ Citizen members were most concerned. Public safety issue. ○ I don’t see how this has any rational use. This was just brought to the Task Force right before we went to the Commission with the other recommendations. This didn’t go through the work group/task force process so I’m not sure why it came to us. ○ The practical issue is that we’re not hearing a lot of consensus on this issue (it was brought up by one person) and the work group is opposed. But in all honesty it hasn’t gone through the normal deliberation process because it’s not opposed on its face.
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Adjourned at 4:30.

Meeting Schedule and Location for 2015 (First 6 months)

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

Community Corrections Parole Reentry Track

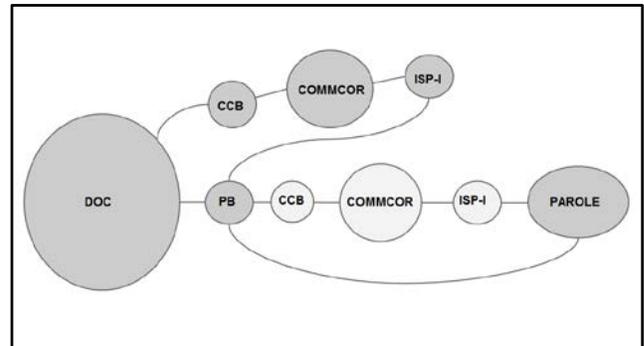
(formerly, Community Corrections Track
Presumptive Parole)

Reforms

1. Eligibility requirements based on CARAS cut-offs: 24 (low) - 43 (high)
2. PB decides first (granted parole and tabled for CCB approval)
3. Must complete the Community Corrections Progression Matrix before paroling

Background

- Create an incentive-based process (“carrot” not “stick”)
- Create predictability by providing a “date-certain” track
- Effective as of June 12, 2013



Reforms based on lessons learned

Three major issues of concern:

1. Eligibility criteria (violent vs. nonviolent crime)
2. How offenders are placed on the track
3. Arbitrary amount of time (365 days), instead of evidence-based progression

Conclusion

Revisions are designed to:

- Retain incentive-based approach
- Base eligibility on risk, not crime
- Ensure decision is made by PB and CCB
- Utilize evidence-based progression vice (rather than) an arbitrary number of days
- Retain predictability and certainty