

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

Minutes

February 13, 2015, 12:30PM-4:30PM
710 Kipling, 3rd floor conference room

ATTENDEES:

CHAIR

Peter Weir, 1st Judicial District

TASK FORCE MEMBERS

A Laurice Tafoya-Modi, Private Defense Attorney
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
Gregg Kildow, Intervention Community Corrections Services
Harriet Hall, Jefferson Center for Mental Health
Heather Salazar, Department of Corrections
Susan White for, DOC Division of Adult Parole and Community Corrections
Kathryn Otten, Jefferson County Justice Services

ABSENT

Brandon Shaffer, Parole Board
Christie Donner, Criminal Justice Reform Coalition
David Lipka, Public Defender
Joe Cannata, Voices of Victims
Shannon Carst, Colorado Community Corrections Coalition
Theresa Cisneros, 4th Judicial District, District Court Judge (co-chair)

STAFF

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

<p>Issue/Topic:</p> <p>Welcome and Introductions</p>	<p style="text-align: center;">Discussion:</p> <p>Paul Herman welcomed the group, had everyone introduce themselves and began the meeting. Judge Cisneros will not be able to join us but Mr. Weir should be here shortly.</p>
---	---

<p>Issue/Topic:</p> <p>Legislative Update</p> <p>Legislative Update</p> <p>Action</p> <p>Mr. Herman will bring the issue of the drafted language (and how the fact that the fiscal need is reduced after a few years) to Doug and Stan to see how they'd like to move forward.</p>	<p style="text-align: center;">Discussion:</p> <p>Glenn Tapia was asked to brief the group on SB15-007.¹ The bill includes the community corrections recommendations that passed the Commission in November. This includes:</p> <ul style="list-style-type: none"> • Minimum membership, • Length of membership, • Introductory orientation for all new members, • Annual continuing education for all members, • Development of a research-based decision making process by each board, and • Development of a program evaluation tool by DCJ. <p>This bill passed 4-1 at its first stage (Senate Judiciary). The one vote against it was more an issue of the fiscal note. Because of the large fiscal note it is currently in senate appropriations.</p> <p>As far as the feedback heard from the field:</p> <ul style="list-style-type: none"> • There are concerns about how it's written. Some boards feel like it's the state telling them how to make decisions. So there are some local control issues. • There are also concerns about the fiscal note. But there is some misunderstanding that the fiscal note is temporary. The consultant cost would go away after a few years but on its face it looks permanent. • How much is the fiscal note? Almost \$2 million. But this goes down after 2 years to \$1 million and then after another year to about \$200,000. • There is also some concern about a piece that was added about board training. There was an aggressive time frame added that caused some concern. • Is the board decision making language concern big enough that we should be taking it to the CCJJ legislative committee to work with the drafter? I don't think so but if it were to pass without funding it would be an unfunded mandate which would totally change the tone and intent of the bill. • Another concern is the "shall" vs. "encourage" language. But that was a conversation the task force had and it was decided that if we want something to be done we have to be assertive. • I'm not sure if people outside of this room understand the importance of the program evaluation tool. They're tying that high fiscal note to the board decision making not the program evaluation tool. In addition, many thought that DCJ would be auditing their decision making which isn't true. • Procedural question: If the fiscal piece is stripped away by the legislature is their precedent as far as the Commission taking away their support? The Commission has removed their support before (for other reasons). But the
---	---

¹ For a copy of this bill please go to http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/EFCBCD7D3CA9B3EA87257D94006A79E4?Open&file=007_01.pdf.

	<p>risk here is if it happens at the last minute. It's hard to say anything that late in the game.</p> <ul style="list-style-type: none"> ○ Could we define our support to specify that if it doesn't have the necessary fiscal support we would withdraw our support? We can bring it up to the chair and co-chair of the Commission as well as the legislative sub-committee. ○ It's not the Commission's intent to create unfunded mandates. So we will bring it up to Stan and Doug who can speak to the sponsors. ○ An alternative would be to change the "shall" language to "encourage" if the fiscal note is removed. <ul style="list-style-type: none"> ▪ I would be concerned about having an alternate bill because if there aren't resources there would be a problem. ○ We could also lobby the Governor at the end if it passes without fiscal support. <ul style="list-style-type: none"> ● When the language was crafted it was on the assumption and expectation that there would be resources. But the way it is drafted misses the fact that the need for these resources goes away after a few years which is problematic. ● In a legislative process the details of the intent are not always discussed. So we need to keep an eye on this for both language changes and fiscal changes. <p>Are there any other bills out there that will effect community corrections?</p> <ul style="list-style-type: none"> ● SB 15-124² is a bill regarding parole revocation procedure changes. It's essentially taking the Hawaii Hope Model³ and using Community Corrections as an intermediate sanction for parole. Prison would be used as the very last option when dealing with technical violations. ● The felony DUI bill (HB 15-1043⁴) is another one that could refer more people to community corrections. <ul style="list-style-type: none"> ○ The way the language is written on this bill makes it so that the court can send people to community corrections. ○ It has a huge fiscal note. ○ It passed house judiciary and is currently in appropriations. ○ The Governor supports it. ○ The effect on Probation is that it would increase the number of district court cases. DOC/parole requested some language changes to clarify that the counties have bed authority. The sheriffs should have the authority to determine the number of available beds. DOC has been asked to do a fiscal assessment of the amendment. ● All three of these bills will be run by the Governor's Advisory Council (GAC) for their guidance on what to do.
--	--

²To see a copy of this bill please go to

http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/0FBB07461F36BEFB87257DB10065DA22?Open&file=124_01.pdf.

³ For more information on this model, please see: <http://www.nij.gov/topics/corrections/community/drug-offenders/pages/hawaii-hope.aspx>.

⁴ To see a copy of this bill please go to

http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/A75F41EF2AF63A8D87257D90007813CD?Open&file=1043_01.pdf.

Issue/Topic:	Discussion:
<p>Overview of the 2015 Colorado Community Corrections Statewide Training Series (CACCB Conference)</p> <p style="text-align: center;">Action</p>	<ul style="list-style-type: none"> • This is the third or fourth year that we’ve met with the providers and boards to provide some basic education as well as information on evidence-based programs. • This year we focused on transformational leadership. Our key presenter was Kerry Plemmons,⁵ from Denver University, who discussed leadership development. <ul style="list-style-type: none"> ○ We want people to be more future and change oriented. ○ The supervisor level participants seemed to have a hard time focusing on what the presenter was saying and how it applied to them. But the board members thought it was excellent. ○ He was talking very globally and the providers/supervisors wanted to know how to use if for their specific programs. • The third day focused specifically on leadership development with boards. • Overall, it was a good conference. People walked away feeling like they really got something out of it. <ul style="list-style-type: none"> ○ The board members were asking what they can do better to help the providers do more. • We also used some time to discuss what’s coming out of SB 15-007.

Issue/Topic:	Discussion:
<p>Update on Collaboration with DOC</p> <p style="text-align: center;">Action</p> <p>Christine Adams will contact Mr. Weir’s assistant to set up a meeting with Director Raemisch.</p> <ul style="list-style-type: none"> ○ Invited group will include Rick Raemisch, Pete Weir, Glenn Tapia, David Lipka, Erik Philp, Heather Salazar, and Greg Mauro. ○ Heather Salazar will brief Director Raemisch on today’s discussion and notify him that he will be contacted for this meeting. 	<p>When we left our last meeting (December) the intent was for Pete, Brandon, Glen, and Eric to meet with Director Raemisch and/or some of his staff about recommendation #10 - the risk informed referral process – which was tabled by the Commission in November. But this meeting has not yet occurred.</p> <ul style="list-style-type: none"> • Mr. Weir stated that the meeting had not yet happened because we were delaying until the CDAC was able to meet with the Governor’s office regarding EDO positions on the Commission. This meeting occurred and it was said that the Governor did not intend for any one EDO to have veto power over Commission recommendations. • The DA’s were very disappointed with the process because the policy discussion and the merits of the recommendation were not discussed because of one executive director trumping that decision. • In general, the Governor will support recommendations that are supported by the majority of the CCJJ. • But to get recommendation #10 to move forward we will need some collaboration with Director Raemisch. <ul style="list-style-type: none"> ○ Ms. Salazar stated that we need to have a discussion about where we can make some policy changes. ○ Mr. Mauro stated that “with all due respect referral language is in statute so these changes can’t be made with policy changes.” ○ Mr. Herman stressed that a meeting needs to happen between representatives (ideally the chairs) of this group and DOC (Director Raemisch) in order for this to move forward. ○ Mr. Tapia stated that this will inform us on how and if we can move

⁵ For more information on Mr. Plemmons please see <http://daniels.du.edu/faculty-staff/kerry-plemmons/>.

	<p>forward on any other issues. Until then we're a little stagnated.</p> <ul style="list-style-type: none"> ○ Mr. Herman reminded the group that recommendation #10 is something the Task Force is expected to work on. It was tabled by the Commission for further work by the Task Force. ● Procedurally how can it go back to the CCJJ, does it have to change? <ul style="list-style-type: none"> ○ No, it can have language changes or it can go back exactly the same. ○ The expectation is that we'll look at it for greater collaboration. ○ Can we look at the ones that were rejected and pull parts from them to change this one (recommendation #10)? ● Ms. Salazar stated that there have been some significant changes within the department since the recommendations were originally drafted so that may affect what opportunities are available. ● Mr. Mauro stated that from the work group perspective the momentum is gone. Meeting for weeks or months to simply have it put aside has killed or at least stalled the momentum that we once had. We don't want to do that again on this or other recommendations. <ul style="list-style-type: none"> ○ Mr. Weir stated that a lot of expertise work was ignored with no discussion because of one director. It comes down to what the purpose of the CCJJ is. ○ Specific to this recommendation, there were comments made by Director Raemisch, at the November CCJJ meeting, that the charts can't be put in legislation. This was intended to be a policy recommendation so maybe we can tighten the language so that it can be transferred to legislation more easily/clearly/without the charts? ○ So we should write out what the charts look like procedurally? <ul style="list-style-type: none"> ▪ It was difficult for some Commissioners to grasp what this recommendation was meant to do. ▪ Currently referrals are based on time only. It was hard for some to understand that if implemented this recommendation would change these decisions to be based on risk. ○ We need to explain the basic intent of the recommendation. The flow chart simply gives guidance on how to make those decisions. In other words, a portion of the discussion section part of the final recommendation should become part of the actual recommendation (the basic summary). ● The referral process is already in statute. What we're trying to do is improve the community corrections referral process and this is how to do that. <ul style="list-style-type: none"> ○ Do we need to the work group to work this out our can we bang this out today? ● What exactly happened to the recommendation at the CCJJ meeting? The recommendation was unintentionally killed but that was backed out of to resurrect it to be reconsidered. ● Concern was stated that reintroducing this recommendation before there's been a discussion with Mr. Ramisch may be useless. <ul style="list-style-type: none"> ○ Is that conversation going to happen or is there no longer a need? ○ Mr. Weir stated that what was said today is fine but I'm skeptical of what will happen in practice.
--	--

- It was reiterated that CCJJ is not supposed to be about negotiating with a single department director but is supposed to be about what we think is good policy.
- Director Raemisch is a key stake holder and there appears to be a disconnect with his representatives.
 - Ms. Salazar stated that DOC representatives have changed during and since the language of this recommendation was drafted and that there have been internal (to DOC) policy changes.
 - So we need to have a conversation with the Director to see what the concerns are.
 - Would it be helpful to have the language redone and flowcharts removed before having a meeting with him? It might be.
 - Mr. Tapia stated: "I don't think these issues were discussed on merit. I heard that 'we don't need law to make us do it.' They don't want to be micro-managed."
 - If you can get the meeting, great but at least we can document that we did our best to try.
 - See Action portion of minutes to the left.

Are we proposing that all of the failed recommendations be discussed or just rec #10?

- One of the other items that received a lot of merit discussion was the "refusal to be referred" recommendation. Right now policy is that you can refuse to be referred but this recommendation would only allow someone to refuse placement, not a referral.
 - This would require a lot of staff time for someone who is going to refuse placement.
 - We can let this one go in light of some of the bigger ones that we've had problems with in the past when trying to get DOC to actually implement.
- Mr. Tapia stated that risk informed referrals and the information included in the referrals are the important issues.
 - Ms. Salazar stated that from DOC's perspective there are some new/better key players involved in the information flow.
 - Haven't we discussed this already? Sure but there are different key players now. Okay, but the key players are always going to change so it can't be dependent on only those people.

It should also be noted, to be fair, that while items failed they didn't fail only because of only Director Raemisch's vote.

In the past it's been said that it was better to break a package of recommendations apart. But maybe here it would have been better to put them together as a package?

Procedural issue: Recommendation #10 was tabled so the Commission is expecting it to come back to them. But the items that were voted down have to be brought up by someone who voted against it. If those issues are worth future consideration you need to work with the people that voted against them to bring them back up.

	<ul style="list-style-type: none"> ▪ This includes recommendations <ul style="list-style-type: none"> ○ 2 – regarding reliable and consistent information from DOC. ○ 11 – This recommendation asked case managers to give a real recommendation and seemed to get some heat from the CCJJ. I can live without this. If you’re getting a risk informed suggestion with #10 you wouldn’t need this. And #2 provides better information. ○ 12 – This was about the readiness assessment. <ul style="list-style-type: none"> ▪ Mr. Tapia said that he sees this like #13. ▪ Ms. Salazar noted that in addition, DOC is already doing something that addresses this with our CTAP work with Dr. Ford from DCJ. ○ 13 – This is the refusal item and although we’ve agreed that it’s a nice idea we can live without it. ▪ So now we’re left with #10 and #2. <p>Should we brief the director with these issues? We don’t want to hit him cold.</p> <ul style="list-style-type: none"> ▪ Ms. Salazar can brief the director and tell him that he’ll be asked to meet. ▪ Dr. Adams will help Mr. Weir set up a meeting with the others and Director Raemisch. <ul style="list-style-type: none"> ○ Both of these items are listed on the left, under actions, for this portion of the agenda. <p>Are we talking about having these ready for this legislative session or next? It’s possible that SB 7 could be amended to add these but it’s too late for new bill.</p> <p>Our intent is to have a meeting with Director Raemisch before the March meeting.</p>
--	---

Issue/Topic:	Discussion:
<p>Funding Sources Issues</p> <p>Action</p>	<p>In December this group had yet to meet but have they met now?</p> <ul style="list-style-type: none"> ▪ Mr. Tapia stated that at the time what we were talking about was how to quantify some of the future recommendations that may have passed are not yet connected to a bill. He spoke to Ms. Salazar and it was decided that it would be best to wait until a fiscal note was requested. <p>Are there other pending issues regarding funding sources?</p> <ul style="list-style-type: none"> ▪ It depends a lot on what happens with SB 15-007. A lot of that work was a pre cursor to what’s in SB 15-007. So if that bill doesn’t pass that changes, or possibly stops, what can happen with the other recommendations. ▪ We can do some wheel spinning with the providers to see what some of those recommendations (like the ¾ house idea) would cost but it may not be worth the effort until we know that SB 15-007 has passed. ▪ A lot of these recommendations are smaller pieces to a larger whole. So pushing some things forward may not work without the greater whole.

Issue/Topic:	Discussion:
<p data-bbox="191 212 461 241">Work Group Guidance</p> <p data-bbox="282 281 367 310">Action</p> <p data-bbox="107 352 293 382">Referral Group:</p> <ul data-bbox="155 390 540 884" style="list-style-type: none"> • Greg Mauro will continue to lead this group. • Your first task is to gather this group and frame the problems that, if solved, would have an impact. • In addition to the standing group a probation representative, someone from a DA’s office or the CDAC, and David Lipka or other defense representative should be added. <p data-bbox="107 892 329 921">Behavioral Health:</p> <ul data-bbox="155 930 524 1171" style="list-style-type: none"> • Harriet Hall will take the lead with a group for one meeting to discuss. • The group should include Eric Phelp, Sallie Clark, and Evelyln Leslie should be contacted. <p data-bbox="107 1180 329 1209">Judicial Education:</p> <ul data-bbox="155 1218 513 1388" style="list-style-type: none"> • Glenn Tapia, Eric Philp (or other probation staff – Dana Wilkes, Tom Harbaugh), and a judge should meet to discuss. <p data-bbox="107 1396 172 1425">CRCF</p> <ul data-bbox="107 1434 524 1640" style="list-style-type: none"> • Contact Allison Morgan about possibly presenting to this task force on this topic. • Find out if she’ll be sitting on the task force as the interim director of parole. <p data-bbox="107 1648 427 1677">Incentivizing communities:</p> <ul data-bbox="107 1686 540 1751" style="list-style-type: none"> • Pete Weir can report out on this issue at the March meeting. 	<p data-bbox="566 174 1487 203">We need to discuss what still needs to be done with the current work groups.</p> <ul data-bbox="566 212 1511 1913" style="list-style-type: none"> • Mr. Lipka said that although the board transparency issue didn’t go through a 9 month process like other items it doesn’t seem that there was a ground swell of support for moving forward on that issue. <ul data-bbox="662 317 1511 457" style="list-style-type: none"> ○ This is not a pressing issue. I’m in favor of transparency but there are more pressing issues. ○ So for the Board Work Group there doesn’t seem to be anything on the table right now. We will declare victory for them. • To Mr. Mauro – did you have anything left on your plate regarding transition? Nothing besides what was discussed earlier. There are diversion issues that we were waiting for transition to be completed to discuss. <ul data-bbox="662 569 1511 1913" style="list-style-type: none"> ○ Mr. Shaffer has brought up a new issue (the Parole Reentry Track issue) but I’m not sure that that was supposed to be a CCJJ rec. <ul data-bbox="703 642 1511 989" style="list-style-type: none"> ▪ Ms. White noted that once the parole board started working with this we started to add more risk items. ▪ Our next step will be to bring it back to the Referral Work Group and then possibly to the Task Force. ▪ Although Mr. Shaffer is anxious to get something in place the Task Force shouldn’t be in a hurry to get something in place until the right people have looked at it. ▪ This item was only brought to this group for feedback and with the hope that it will continue. But it wasn’t intended to be a recommendation from this Task Force. ○ Is diversion the next step for the Referral Work Group? We’re waiting for direction from the Task Force. That was certainly on the time table. Is this something that you still want us to pursue? <ul data-bbox="703 1104 1511 1913" style="list-style-type: none"> ▪ What are the diversion issues? Is the sentencing decision risk informed like on the transition side? Maybe the first step would be for this group to decide what the issues may be? ▪ There is probably a significant educational component for the judges about community corrections. ▪ About 70% of the cases on probation are misdemeanors because of the drug laws. They used to look at community corrections for drug cases (felony level) but that’s a very small portion of probation now. ▪ Is it worth considering expanding the role of community corrections? For instance, mental health clients could use it as a housing unit to then feed into other community services? Would they be there voluntarily? They’d be there from probation as a post-revocation client. Housing is important for these individuals so this would provide that service. True, but housing is an issue for other offenders too. ▪ We need to look at it from other perspectives as well (e.g., Community Corrections Coalition). ▪ We used to have multiple settings – ½ way and ¾ way houses for their various transition levels. This plays into the importance of continuity of care. ▪ We may want the state to start chipping in. Mr. Weir stated that his understanding is that housing is a problem throughout the

	<p>state.</p> <ul style="list-style-type: none"> ▪ But is this a criminal justice solution to a mental health problem? It's absolutely inappropriate for someone not in the criminal justice to be housed with people that are in the system. ▪ But is an environment with lots of rules really a good place for people that have problems with rules? ▪ Mr. Weir stated that in his view it would be a step below Diversion (1/4 house?). ▪ We (society) assume it to be cheaper than a jail but with all of the services provided this isn't always the case. <ul style="list-style-type: none"> ○ Don't want to put people in a setting that the Affordable Care Act (ACA) sees as ineligible. <ul style="list-style-type: none"> ▪ This is a great discussion but not necessarily for the Referral Work Group. It's a mental health housing issue. ▪ In some ways community corrections already has a structure for this even if it may not fit perfectly. ▪ If they're not on inmate status but can live there they'd still be eligible for Medicare. ▪ We don't need to be constrained by existing groups. But it is grounds for future conversation. ▪ Can we not limit it to mental health? Should be more like behavioral health to cover other recovery needs. ○ This sounds like what community corrections already is. If they fail at probation the next step is community corrections-diversion. This may be a way to help them before they fail. ○ This system would have to be well designed and have a new way of managing the offenders because they already have problems following the rules. ○ This issue may be more relevant to the Population Work Group. ○ Would it be relevant to the Reentry Task Force (currently still just exploratory)? The reentry group narrowed their priorities to: Assess medical and mental health care and access and coverage under the ACA. <ul style="list-style-type: none"> • The issue of providing incentives for the community was briefly discussed before. Incentives may help move a program or build new. <ul style="list-style-type: none"> ○ We need to discuss what it takes to start a new facility and avoid the "not in my neighborhood" mentality. <p>To summarize our future direction and next steps (see the Action section to the left for immediate next steps):</p> <p>Referral Group:</p> <ul style="list-style-type: none"> • You've spent a lot of time on transition. • If you look at diversion should you look at the make-up of the group? Probably would be useful. We need probation representative, someone from a DA's office or the CDAC, and David Lipka or other defense. • Your first task is to gather this group and frame the problems that, if solved, would have an impact. •
--	--

	<p>Behavioral Health:</p> <ul style="list-style-type: none"> • Harriet Hall will take the lead in meeting with a group for one meeting to discuss. • The group should include Eric Philp, Sallie Clark, and Evelyln Leslie should be contacted. <p>Judicial education:</p> <ul style="list-style-type: none"> • Usually this term means educating the bench, not probation. • Do we need to educate judges about community corrections? Does that hold true for probation (PSI writers, etc.)? It might, but PSI writers are usually more senior staff. • What percent of probation revocations have a community corrections recommendation? • We are attempting to define the right population for community corrections. We want to make sure the referrals are made appropriately. Community corrections is in the middle so it feels like we end up with everyone that they don't know what else to do with which makes it difficult to staff properly • Revocation cases may be a good place to start. • Glenn Tapia, Eric Philp (or other probation staff – Dana Wilkes, Tom Harbaugh), and a judge should meet to discuss. <ul style="list-style-type: none"> ○ Judge Murphy is the chief judge in the 17th judicial district and he may be able to help identify someone there that could help. ○ Justice Boatright is working on short webinars for specific topics. Maybe this could be something like this. ○ NIC has great, free videos that can be accessed. These may be useful. <p>CRCF – do we want to do anything with this and is it appropriate for this group?</p> <ul style="list-style-type: none"> • Return to custody beds. • Alison Morgran has taken on a new interest in this at DOC. • There are approximately 250 contract beds total. • There are all kinds of issues with this program though. • Would she be willing to come to our next meeting for a short conversation? • Until there is a new director she is likely to sit on this Task Force as the representative. • Then she can share her intent. <p>Incentivizing communities:</p> <ul style="list-style-type: none"> • Have Mr. Weir report out on this at the next meeting. Have they met on this? • Doug Carrigan may be a good source for information on this.
--	--

Adjourned at 4:30.

Meeting Schedule and Location for 2015 (First 6 months)

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