

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

**Minutes**

March 12, 2015, 12:30PM-4:30PM  
710 Kipling, 3<sup>rd</sup> floor conference room

**ATTENDEES:**

**CHAIR**

Peter Weir, 1<sup>st</sup> Judicial District

**TASK FORCE MEMBERS**

Alaurice Tafoya-Modi, Private Defense Attorney

Dennis Berry, Mesa County Criminal Justice System

Eric Philp, Division of Probation Service → officially replaced by Dana Wilkes in April

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

Angel Medina, Department of Corrections

Jennifer Wagoner, Parole Board

Joe Cannata, Voices of Victims

Kathryn Otten, Jefferson County Justice Services (Phone)

Sallie Clark, El Paso County Commissioner

Shannon Carst, Colorado Community Corrections Coalition

**ABSENT**

Christie Donner, Criminal Justice Reform Coalition

**STAFF**

Paul Herman, CCJJ consultant

Christine Adams, Division of Criminal Justice

Kim English, Division of Criminal Justice

<p><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p>	<p><b>Discussion:</b></p> <p>Mr. Herman started the meeting announcing that Pete would be late. In addition, there have been some resignations and replacements.</p> <ul style="list-style-type: none"> <li>- Judge Cisneros announced her resignation from the Commission and Task Force this morning.</li> <li>- David Lipka resigned a few weeks ago due to workload issues. Doug Wilson will decide who his replacement should be.</li> <li>- Angel Medina is replacing Heather Salazar, and</li> <li>- Jennifer Wagoner is replacing Brandon Schaffer.</li> <li>- This will be Eric Philips last meeting.</li> </ul> <p>The group was asked to introduce themselves for the new members and the new members were asked to provide some information on their background.</p> <ul style="list-style-type: none"> <li>- Mr. Medina started as an officer, was a warden for two facilities and is now with offender services. He was never a case manager so he has been learning about a part of corrections I didn't know about.</li> <li>- Ms. Wagoner started with the parole board and became the administrator. She advises new parole board members with historical background and she makes sure they comply with statute. This is a fairly new position so it's a work in progress.</li> </ul>
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<p><b>Issue/Topic:</b></p> <p>Legislative Update</p> <p><b>Action</b></p>	<p><b>Discussion:</b></p> <p>Regarding SB15-007, there is nothing to report now. It will sit until after the budget in April.</p> <p>Mr. Herman has talked to Mr. Hilkey and Mr. Wilson (chair and co-chair of the Commission) as well as Jeanne Smith who are all aware of the fiscal note and how it goes away over time but it doesn't affect the language of the bill.</p>
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<p><b>Issue/Topic:</b></p> <p>Update on Collaboration with DOC</p> <p><b>Action</b></p> <p>Mr. Mauro will update wording for the proposed statutory changes from recommendation #10 for further/final discussion at the April task force meeting.</p>	<p><b>Discussion:</b></p> <p>On Monday (March 9, 2015) Glenn Tapia, Pete Weir, Greg Mauro, Rick Raemisch, Kelley Wasko, Paul Herman met to discuss the two recommendations that were voted down by the Commission In November (#2 and #10).</p> <ul style="list-style-type: none"> <li>- Recommendation 2 was about the packet of information that goes from DOC to Community Corrections. <ul style="list-style-type: none"> <li>o After the November meeting DOC revised AR 250-03 to address this (see PDF document mailed separately with minutes).</li> <li>o One issue was that the material is often cut and pasted from different places. So there was discussion about structuring the packet more consistently.</li> <li>o There is a checklist of information to include and for the excluded items (most likely the PSI) there will be an explanation about why.</li> <li>o We know that a percent of PSIs are waived, particularly if the person is going to prison. But the intent is to make it clear about why it's not there.</li> <li>o The group also discussed a feedback loop. We may ask that</li> </ul> </li> </ul>
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DOC report back monthly here to address any issues that come up as this rolls out.

- The recommendation comes back to the task force today because everyone in that room agreed that the items were addressed. It may not be necessary to take this item back to the Commission as possible legislation.
  - Does anyone have any concerns about the agreement and the changing of the AR?
  - Dr. Hall stated that we should see how it goes and if it doesn't have the intended affect then we'll decide if something else has to be done.
  - There is currently a log jam in the referrals so there may be a time issue to get this moving. So we can't expect the referrals in that jam to have this information.
    - Mr. Medina stated that they were about 700 deep in referrals.
- Recommendation 10 was about risk informed decision making and was tabled by the CCJJ.
  - There was still difficulty understanding that current statute only allows for referrals at certain times. The issue can't be solved by simply changing policy.
  - There was conversation about the flow charts as well. In an effort to be very clear about the intended process these detailed charts were created but it was acknowledged that this may have taken away from the focus of the recommendation.
    - Mr. Mauro stated (today and at the meeting with the director) that he had some language that explains the flowcharts.
    - The transition referral process is currently based totally on time eligibility. Everyone who qualifies on time is referred and it is hoped that the right people get in.
  - DOC was concerned that CCJJ was trying to lock them into a specific assessment which was not the intent. The CARAS was only meant to be used as an example.
  - A handout was provided to show proposed REFERRAL (not placement) changes to statute. This handout was brought to the work group earlier today who agreed that the language captures the intent of the flow chart.
    - DOC was trying to understand how ISP would work with the low risk people in this new design.
    - The original thought was that the low risk offenders could be directly referred to ISP. But this could be discussed further, if necessary.
    - It was decided that we should only use Low/Medium/High terminology to keep the language consistent with other statutes.
    - The Boards are concerned that they may be rejecting someone because it would take someone out of a program but the case manager takes this as they can't

	<p>re-refer for a year.</p> <ul style="list-style-type: none"> <li>○ Mr. Medina supports this concern, likes this idea and believes it could be addressed with training.</li> <li>▪ Last month the Task Force also discussed a need for ongoing communication between the boards and DOC. This recommendation related to this passed CCJJ in November. But #2 and #10 work with that recommendation and are why it's important to have the whole package, not just pieces.</li> <li>▪ The work group has requested that the task force discuss the wording further before sending the proposed changes on to make sure that all of the pros and cons have been thought through.</li> <li>▪ It was asked if the items at the end of the proposed statute need to be in statute. The only thing that is currently in statute is the initial referral. The rest is policy. Mr. Medina stated that this would give us the constant that we want. And Mr. Berry stated that he didn't believe it was so specific that the Department wouldn't have any space.             <ul style="list-style-type: none"> <li>▪ Statutes are harder to change. But would we want it to change? Code of penal discipline states that things should be behaviorally based so statute would maintain that policy. If it's a good policy it should be in statute so that personnel changes don't change the function. Ms. Clark stated that we need to make sure that we don't create something that is impractical.</li> <li>▪ We wouldn't want this refusal to prevent them from ever being re-referred.</li> </ul> </li> </ul>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
<p style="text-align: center;">Work Group Guidance</p> <p style="text-align: center;"><b>Action</b></p> <p>Referral Group:</p> <ul style="list-style-type: none"> <li>• Mr. Mauro will begin work on survey questions (no more than 5) at next work group meeting. Should have prepared in 1-2 months.</li> <li>• Mr. Weir will speak to Tom Raynes about placing a district attorney representative on the work group.</li> </ul>	<p>Referral Group:</p> <ul style="list-style-type: none"> <li>- Today the work group discussed Diversion. They stated that they've been lucky to have Eric Philp on the group and that Dana Wilkes will be replacing him on the work group and task force.</li> <li>- Need to develop a survey to see who the different legal entities see as the best fit for community corrections (what characteristics are they looking for?).</li> <li>- Mr. Philp stated that probation currently consists of approximately 30% felony cases and 70% misdemeanors (which is the opposite of 10 years ago). We would like to go to the source of the referrals to see what lens they look through when making this decision and what case characteristics they are looking for when deciding to make a referral. This information would then be compared with what community corrections is actually seeing.</li> <li>- Many people have been in the system for a very long time and may not know what community corrections currently is. New people may</li> </ul>

<ul style="list-style-type: none"> <li>• Mr. Tapia will prepare trend data (separating the specialized from regular program data).</li> <li>• Mr. Philp will create a small survey (&lt;5 questions) to send to judges and probation officers. Dana Wilkes will present to Task Force once prepared (few months).</li> <li>• Ms. Tofoya-Modi will begin trying to obtain survey data from the defense and CDAC.</li> </ul> <p>Behavioral Health:</p> <ul style="list-style-type: none"> <li>• The group voted to take the issue to the Commission for further discussion.</li> </ul> <p>Judicial Education:</p> <ul style="list-style-type: none"> <li>• Mr. Tapia will present next time once he's able to meet with this group.</li> </ul> <p>Incentivizing communities:</p> <ul style="list-style-type: none"> <li>• Mr. Weir will establish a conference call with Sallie Clark and some of his commissioners to explore possibilities.</li> </ul>	<p style="text-align: right;">misunderstand and out of ignorance may not be making referrals.</p> <ul style="list-style-type: none"> <li>- Mr. Philp will create a survey and get permission to send it to judges and probation officers.             <ul style="list-style-type: none"> <li>o It would also be interesting to also see what characteristics DAs and defense attorneys see as a good fit.</li> <li>o Ms. Tofoya-Modi will begin trying to obtain survey data from the defense and CDAC.</li> </ul> </li> <li>- This information will help us decide what issues need to be addressed.</li> <li>- It's interesting that we try to see who will be accepted vs who will be the best fit. Should community corrections think about it as providing a risk informed service to the courts? Just because there are more misdemeanors than felonies doesn't mean they have less risk/need.</li> <li>- One of the things that came up in February was judicial education. A survey is good but we may also need to educate them. Maybe work this into the survey.</li> <li>- Exclude specialization (IRT, SO...) because that's the growth side of community corrections and is already being addressed.</li> <li>- Need to keep in mind that Diversion clients succeed less. They tend to be at the beginning of the criminal careers.</li> </ul> <p>Behavioral Health:</p> <ul style="list-style-type: none"> <li>- The issue presented last month: Perhaps community corrections could be a housing option for homeless people with behavioral health issues but who are not yet to the point of going to community corrections, jail or prison.</li> <li>- Dr. Hall took the idea to the Mental Illness Criminal Justice Task Force (MICJTF) to obtain names of people who may be interested in looking into this, also need names from this group.</li> <li>- A lot of people from that side felt that this is not a good idea because people who haven't penetrated deep enough into the system shouldn't be housed with people that have. This would be mixing cultures that may be dangerous.</li> <li>- Didn't convene a work group yet because she wanted to bring it back to this group first since it seems that the mental health and some of the criminal justice people in that group didn't think it was a good idea.</li> <li>- There was also discussion about the risk of putting people who already have trouble following rules in a very structured/rule based situation.</li> <li>- Mr. Tapia stated that the idea of the ¾ house may look different for this population than the RES program does.</li> <li>- Dr. Hall said that she is not clear on ¾ house concept as approved by the CCJJ.             <ul style="list-style-type: none"> <li>o Mr. Tapia explained that it was not specifically aimed at mentally ill offenders. But was for low risk/high need offenders.</li> <li>o It's wouldn't be as structured as community corrections but would be more than probation which is good from the victim's point of view.</li> </ul> </li> <li>- Mesa County has done something similar to help this population with very basic life skills.</li> <li>- Many of these people may be in the system already because there is nothing better to help them. Mr. Weir said that this idea would create</li> </ul>
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a “diversion lite.”

- Could be run by a community corrections system but be separate.
- Another issue will be location. Communities have zoning rules that will prevent this from developing.
- A few years ago the Oxford House, from another state, came to us with the idea that they would buy residential properties for the sake of housing this population. They left the Office of Community Corrections alone when it was explained that that is not how our community corrections works.
  - Aren’t we really saying we need to expand the Oxford House system if they’re going to serve the criminal justice population, not that we need to expand the community corrections system?
    - This could be disruptive if the facility didn’t already have other offenders.
- This is not impossible to do, but it’s not going to be a quick and easy solution.
  - Ideally we would have different areas. Mental health and criminal justice would have to work closely with one another (similar to JERP) to make it work.
- What’s the response about MICJTF being able to address this issue? The Commission has always said that they’d leave it to the professionals but is the MICJTF willing and able to take this on?
  - Dr. Hall explained that the MICJTF is charged with dealing with legislation. If they think this can be dealt with legislatively they can handle it. But I didn’t take this to the MICJTF asking them to take it on because I don’t see it as legislative. They’d like to work with CCJJ but it would be collaboration.
  - Mr. Herman stated that things were put aside by the CCJJ over the years because that group was seen as a problem solving group not a legislatively driven group.
    - They do problem solving but it has to lead to legislation.
  - Should this be taken to a ¾ house group to work with?
    - Mr. Tapia stated that the ¾ house recommendation already passed the CCJJ so it could be pushed to legislation and deal with zoning issues there.
    - Still going to hit the “not in my background” issue.
    - Would want to incentivize the communities to accept this population.
- Mr. Weir state that this may not be just a housing issue. Where does the criminal justice system cross the mental health system?
  - Maybe we should be looking at more of a civil system?
    - If it’s only a behavioral health issue there are placement options. But once criminal justice is included that becomes the primary issue. But really, criminal justice may not be the best place to take these people.
  - Harriet – today there may be a different perspective of mental

	<p>health than there was 10 years ago. There is currently an understanding and agreement that it's more of a shared issue.</p> <ul style="list-style-type: none"> <li>○ We do still have the dual diagnosis stigma on both sides. But today there is more acceptance and understanding for how it should be handled.</li> </ul> <ul style="list-style-type: none"> <li>- Another issue is that while the mental health system has figured out how to work with criminal justice they don't yet understand the community corrections system.       <ul style="list-style-type: none"> <li>○ It could be useful to tackle this issue.</li> <li>○ What did it take to get jail based treatment providers in most jails? It took JBBS with money.</li> <li>○ We could do things like the JERP program in other areas of the state.</li> </ul> </li> <li>- If you were to bring a group together with mental health and criminal justice representatives, what would you need in terms of the charge:       <ul style="list-style-type: none"> <li>○ What's the best way to bring our two systems together?</li> </ul> </li> <li>- How are the MH offenders in Non-Res status handled? There's not a system. It will vary by program, community. If they're transition offenders they're overseen by the parole officer while diversion offenders are overseen by case managers. So it will depend on the care program they've established.</li> <li>- Until everyone is on board we could have this conversation endlessly.       <ul style="list-style-type: none"> <li>○ This is a broader issue than community corrections.</li> <li>○ Is it possible though, to have this conversation in terms of community corrections? Would this be of value given all these other issues? Or should the CCJJ deal with this from a broader perspective?</li> <li>○ This may create a need for another task force which has been discussed before but left out because it was thought MICJTF would handle it which we've learned they won't (unless it's legislative).</li> <li>○ Could deal with it as it applies to the just community corrections.</li> </ul> </li> <li>- Mr. Herman asked: Behavioral health and their relationship with criminal justice. This would be a step higher than the ¾ house idea. Is this group interested in this?       <ul style="list-style-type: none"> <li>○ Should bring it up to the CCJJ to see if there is anyone there that wants to be part of this discussion.</li> <li>○ Mr. Weir stated that it makes sense to propose this as its own task force. We would be part of the solution but what we have to offer wouldn't solve the whole problem.</li> </ul> </li> <li>- At the same time, the Reentry Task Force has chosen three areas of focus that includes this topic.       <ul style="list-style-type: none"> <li>○ Mr. Herman said that part of him feels that we should let the CCJJ take this on as a whole but we haven't always been successful with the bigger more complex topics.</li> <li>○ There are established bodies (MICJTF and the BHTC) that should be working on these things but they're not.</li> <li>○ Mr. Herman heard about this need during his initial commission member interviews in 2007 as well as the</li> </ul> </li> </ul>
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statement that other groups were working on it so let them work. But that hasn't happened.

- Even if the Commission doesn't take on the whole, this group could have a real impact.
  - Do we have the bandwidth to address this?
  - Mr. Tapia said that this task force should be at the table but this is bigger than just us.
- Dr. Hall asked if the Commission has ever had a presentation on the intercept model? No.
    - o This model shows every point at which a mental health individual can cross into the system. Would show how dealing with one section wouldn't work, which is what we would be doing if we only addressed community corrections. .
    - o There are other parallel issues as well (e.g., Medicaid).
  - There are two possible roads for us to take:
    - o Send it to the CCJJ
    - o Look at the interaction from the community corrections perspective.
    - o The group voted by hand. Only 2 voted for the latter. So it will be sent to the CCJJ. But it should be noted that under two administrations we have yet to have an active member that deals with this population.

#### Judicial Education:

- Mr. Tapia stated that this group hasn't had a meeting due to scheduling conflicts.
- It was stated that we weren't able to apply for the judicial conference.
  - o The head of the judicial education committee (within Judicial) would like to build a video education library but these lessons have to be completely unbiased and must be factual. The presenter can't be selling something or presenting a specific social perspective.

#### Incentivizing communities:

- Because this group is currently only Mr. Weir the task force needs to decide if this is something we're interested in looking at?
- This provides an opportunity to look at the issue through a different lens.
- Some communities are just stuck and there are a lot of restrictions. It differs by jurisdiction but it's not a unique problem.
- It's not simply about empty beds.
- If zoning could open up you could increase the competitions.
- This is at the County Commissioner level because they fund these programs.
  - o Seems like we end up putting these programs in the neighborhoods that are already at a disadvantage and it just makes it worse.
  - o Other options are more remote locations but that has transportation and being part of a community issues.
  - o Successful options have been to put facilities on the same



	property as the criminal justice system (but not within neighborhoods).
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Issue/Topic:	Discussion:
<p style="text-align: center;">Other Areas</p> <p style="text-align: center;"><b>Action</b></p> <p>CRCF:</p> <ul style="list-style-type: none"> <li>• Mr. Herman will contact Alison Morgan himself to discuss her attending the April meeting regarding information on return to custody.</li> </ul> <p>Membership:</p> <ul style="list-style-type: none"> <li>• Need to contact department heads about possible replacements.</li> <li>• Must address replacing Judge Cisneros.</li> </ul>	<p>Ms. Wagoner was asked about Brandon Schaffer’s presumptive parole issue.</p> <ul style="list-style-type: none"> <li>- There will be a meeting on presumptive parole soon. The AR is still being drafted.</li> <li>- Concern from many on this task force is that this issue seems to be moving forward quickly but not everything is in sync.</li> <li>- Mr. Herman stated that while this group provided feedback Ms. Wagoner or Mr. Schaffer are welcome to come back for more information.</li> <li>- Mr. Tapia noted that he’s heard that there has to be two separate ARs (Division of Parole and Parole Board). And even if these are both created in sync with each other the IT team will have to get it set up in order to get the AR actualized.</li> </ul> <p>In February there was CRCF discussion and having Alison Morgan present on this. Is this still something we’re interested in?</p> <ul style="list-style-type: none"> <li>- Yes. It is closely related to community corrections and after speaking to her we can decide if the issues are something this task force should address.</li> </ul> <p>Other issues:</p> <ul style="list-style-type: none"> <li>- Mr. Tapia asked if our membership and attendance is something we’re happy with?</li> </ul>

Adjourned at 3:00pm

**Meeting Schedule and Location for 2015 (next 6 months)**

Thursday, April 9 <sup>th</sup>	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, May 7 <sup>th</sup>	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, June 11 <sup>th</sup>	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, July 9 <sup>th</sup>	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, June 11 <sup>th</sup>	12:30pm-4:30pm	710 Kipling St., 3rd floor conference room
Thursday, August 13 <sup>th</sup>	12:30pm-4:30pm	<b>700 Kipling St., 1st floor conference room</b>