

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

Minutes

April 9, 2015, 12:30PM-4:30PM
710 Kipling, 3rd floor conference room

ATTENDEES:

CHAIR

Peter Weir, 1st Judicial District

TASK FORCE MEMBERS

Alaurice Tafoya-Modi, Private Defense Attorney
Alison Morgan, Department of Corrections/Adult Parole
Angel Medina, Department of Corrections /Case Management
Dennis Berry, Mesa County Criminal Justice System
Dana Wilkes, Division of Probation Service (Substituted by Tom Harbaugh)
Greg Mauro, City and County of Denver
Gregg Kildow, Intervention Community Corrections Services
Harriet Hall, Jefferson Center for Mental Health (phone)
Joe Cannata, Voices of Victims
Kevin Strobel, Public Defender
Shannon Carst, Colorado Community Corrections Coalition

ABSENT

Christie Donner, Criminal Justice Reform Coalition
Glenn Tapia, Division of Criminal Justice
Jennifer Wagoner, Parole Board
Kathryn Otten, Jefferson County Justice Services (Phone)
Sallie Clark, El Paso County Commissioner

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>Discussion:</p> <p>Mr. Herman will start and run the meeting until Mr. Weir arrives.</p>
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<p>Issue/Topic:</p> <p>Membership</p> <p>Action</p> <p>Following this meeting Sheriff McIntosh from Adams County was asked and agreed to be added to this group.</p>	<p>Discussion:</p> <p>Three new members were introduced:</p> <ul style="list-style-type: none"> • Kevin Strobel, public defender • Dana Wilkes, probation (substituted for today Tom by Harbaugh) • Alison Morgan, DOC/Adult parole <p>The CCJJ chair and co-chair were notified about the membership gaps on this task force, mainly a legislative and sheriff’s representative.</p> <ul style="list-style-type: none"> • We’re still having trouble getting legislative representatives on the Commission so it may take a while for this task force. • Is the county sheriff position important for this group’s discussion? <ul style="list-style-type: none"> ○ Yes, especially since we’re moving toward Diversion. ○ Some of what we do will affect them and they’re good representatives of the local communities. ○ Are there any recommendations? Jeff Schrader from JeffCo is new and may be good. The only issue with him is making this group too JeffCO centric. Adams County may be another good option.
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<p>Issue/Topic:</p> <p>Legislative Update</p> <p>Action</p> <p>At the Commission meeting it was decided that the removal of the evaluation piece of SB15-007 would cause it to no longer be a CCJJ bill which in turn will kill the bill.</p>	<p>Discussion:</p> <p>Jana Locke is here to update the group on the SB-007.</p> <ul style="list-style-type: none"> • It is scheduled for appropriations tomorrow. It’s been sitting there since February because of the large fiscal note (close to \$1M). There are about 25 bills being discussed tomorrow and only about \$5M in discretionary funds for all of these bills. • The House passed the budget this morning but it’s not’s completely final. So the group doesn’t know exactly how much they have to deal with. • Earlier there was discussion about an amendment. Is that still being discussed? • Ms. Locke stated that because this is a CCJJ bill she has to go to them with any possible amendments. The CCJJ legislative committee, along with Jeanne Smith and Jana Locke, have discussed removing the evaluation piece but this may change the item’s status as a CCJJ bill if the Commission decides this. It comes down to whether it’s worth it not passing at vs. maintaining this piece of the bill. • The task force agreed that this may be at least one of the most important parts because it will improve decision making • Ms. Locke will take this discussion to the Commission tomorrow and then to the sponsors.
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Issue/Topic:	Discussion:
<p data-bbox="175 237 444 300">Risk Informed Referral Recommendation</p> <p data-bbox="269 342 350 369">Action</p> <p data-bbox="94 415 519 548">Change recommendation language to not be statutory but to be a recommendation to DOC to include in policy.</p>	<p data-bbox="553 201 1455 264">The memo from Mr. Weir regarding his concerns with this recommendation was discussed by the Work Group.</p> <ul data-bbox="602 275 1498 1911" style="list-style-type: none"> <li data-bbox="602 275 1498 407">• The group agreed that they are valid concerns but decided that the language does not need to be changed. The recommendation is simply a referral to community correction not a “free pass” to community corrections. <li data-bbox="602 417 1498 590">• Also, the examples provided in the memo would already be excluded from the low risk referral (e.g., victim rights cases, violent offenses). It’s already a small percentage of people that would be in this category. And from a defense perspective Mr. Weir’s concerns are a sentencing issue for the judiciary to consider at that time. <li data-bbox="602 600 1498 772">• Mr. Weir stated that someone classified as low risk by the courts is immediately referred to community corrections. He believes this is a disservice to the community including the victim community. The court sentence at this point, for low risk offenders, in his view becomes pointless. <li data-bbox="602 783 1498 955">• But just because someone is referred to us doesn’t mean they’re accepted. Boards say no to a lot of people and they take more into consideration than just this early referral. It’s a pretty small population but there are other factors considered. Being low risk doesn’t equal automatic acceptance. <li data-bbox="602 966 1498 1163">• Mr. Herman stated that this group has debated this for months now. It’s been 5 months since it was tabled by the CCJJ and brought back to us. He stated that his purpose today, and if not, very soon is to solve this and move forward. How can we do that? Or, if we’ll never resolve this we should move on without it. But would be bad because we’ve been talking about this for a year. <li data-bbox="602 1173 1498 1730">• Mr. Herman asked, “the percent of low risk offenders in the DOC population is miniscule, right? We all have anecdotal information. If it’s a miniscule group we could actually look at that group, couldn’t we we? “ <ul data-bbox="699 1314 1498 1730" style="list-style-type: none"> <li data-bbox="699 1314 1498 1451">○ Couldn’t DOC researchers look at the data to see how many people would fall into this category? What did they do (conviction?)? Would you also need to know their criminal history? <li data-bbox="699 1461 1498 1591">○ Ms. Morgan stated that they can provide data. But Mr. Weir noted that while it would be helpful it doesn’t get to the heart of the issue. Mr. Tapia agreed that it appears to be an issue of principle. <li data-bbox="699 1602 1498 1665">○ Mr. Herman stated that if we’re only talking about the principle we’ve already voted on this. <li data-bbox="699 1675 1498 1730">○ Mr. Weir agreed but stated that it was sent back to the task force. <li data-bbox="602 1740 1498 1911">• Mr. Weir offered that the group re-write the recommendation to inform the court that this person would be immediately eligible for a community corrections referral. The judge would then take this into consideration (Mr. Weir feels this offers more intellectual honesty). If the individual is still given this sentence it would essentially be a

diversion sentence. The court would then make an informed decision.

- Mr. Herman stated that if we're just talking about the principle this group, other than Mr. Wier, voted to move the recommendation forward (i.e., back to the Commission).

Another part of the conversation at the CCJJ meeting when this recommendation was tabled was Rick Raemisch not wanting to be statutorily told how to refer offenders. Because of this we met with him to better explain the recommendation. He was confused about the drawn matrix. This was explained in the meeting with him later. Brandon Shaffer tabled the item to make sure it didn't die at the CCJJ.

In the absence of another solution I'm not sure what to do. The statutes already drive the referral. The point was to add something besides time to drive the referral. This says that their chances to be fit for community corrections are likely better. This gives us a better picture of those being referred.

- The referral is not just time driven but readiness and programming are considered.

When would the risk assessment be known? By the sentencing court or by DOC? Does the judge have the chance to know that that this is a possibility?

- No, this assessment happens at the DRDC.
- Assessments have changed at DOC. DOC wants to move away from the LSI but haven't been given approval because the other agency entities still use it.
- We agreed to not name a specific tool because this sort of thing changes over time. Instead we said it this way to avoid having to change the statute later. We want to know what the tool is not to put it in statute but to make sure it's something we are confident with.

Mr. Weir agreed that we should move on but noted that if the court doesn't know that this is possible there could be an unintended consequence. We need to be able to tell the defendant and the victims what is possible.

- With that said, I will concede to the majority.

Other issues:

Discussion about escapes – we weren't sure if this was for crimes of violence.

- Walk-aways are not mandated consecutive sentences any more following a rec from the CCJJ a few years ago.
- There may be mandatory language for escapes that may trump this.

Is the recommendation that it stay in statute or that it should be policy instead of statute?

- Ms. Morgan stated that on behalf of the DOC Director this should be policy, not statute. We had language similar to this in an AR. When we have language that is as vague as this is it is problematic.

The language in pink is intended as a literal interpretation of the flow charts.

The core group discussed changing the “annual” language to “a minimum of 180 days to a max of 365 days” to address things like programs that aren’t a year long and to keep the appropriate people referred to community corrections.

If you’ve been rejected from or refused by a program why are they referred so soon? Should be more than a year.

- Right now there isn’t a consensus on how things are being done so the purpose of this was to add some structure and guidance.
- Some people are rejected because they need to finish a program but there’s no priority to re-refer upon program completion.

Could the language be changed to MAY instead of SHALL?

- We did this to ensure that this is done. Over the years people have said they would do something but didn’t.

Ms. Morgan stated that we don’t want to end up with applications that were just closed out.

- Mr. Weir stated that we’ve avoided language such as “contingent on approval.” Also, there may not be agreement within a group about why someone should be rejected.
- Ms. Morgan stated that although she can’t speak for the director she knows he dislikes policy decisions in statute.
- We’re really just trying to develop case manager skill sets to make sure that the right people are referred.

We still need to address the issue of policy vs. statute.

- Ms. Morgan stated that we have worked diligently to get the check lists into policy.

Mr. Herman requested a vote: Should we put this language in statute or not?

- Include in Statute
 - yes: 5
 - No: 5

Mr. Weir suggested, and the group agreed, that we take it out of the statute and make a recommendation to DOC to include in policy?

Issue/Topic:	Discussion:
<p>Work Group Guidance</p> <p>Action</p> <p>Referral Group:</p> <ul style="list-style-type: none"> • Mr. Mauro will draft survey questions (no more than 5) to show the task force at our next meeting. • Mr. Weir will speak to Tom Raynes about placing a district attorney representative on the work group. • Mr. Philp will create a small survey (<5 questions) to send to judges and probation officers. Dana Wilkes will present to Task Force once prepared (few months). • Ms. Tofoya-Modi will begin trying to obtain survey data from the defense and CDAC. <p>Judicial Education:</p> <ul style="list-style-type: none"> • Mr. Tapia will talk to the Judicial Education committee and CPOs to find out more about what education is needed and how to proceed. He'll report back to the group in a month or two. <p>Incentivizing communities:</p> <ul style="list-style-type: none"> • After the legislative session ends Mr. Weir will pull together a group to discuss this issue (the group will include Senator Cheri Jahn, Casey Tighe, Sallie Clark, Carl Blesch, and Greg Kildow) 	<p>The Referral work group met this morning.</p> <ul style="list-style-type: none"> • Last month we discussed beginning work on a survey. • We know that diversion placements have increased for special groups but the "regular" population has decreased. • We hope to have a draft survey for this task force to see next month. • We would like to have a DA representative on this work group. But otherwise our membership and participation is good. <p>Judicial Education:</p> <ul style="list-style-type: none"> • Mr. Tapia stated that if the goal is training we learned that the things that don't work are giving them a fact sheet and relying on the annual conference. • Often judges are educated by probation. Self-paced video modules may be good. District administrators also need to be educated. What was suggested is if we really want to educate judges we need a "comm corr 101" at the judicial conference and/or self-paced online classes that go through the judicial education committee to stimulate conversation to see what is needed. We don't want to rely on any one method and timing is important because if you do it at their initial orientation it will be a waste of time for half who will end up in civil courts. • On the probation side we were given options: <ul style="list-style-type: none"> ○ Probation Academy (CC 101): training could be put on the calendar for existing probation officers. One thing that was emphasized was local and regional level trainings because of more local/regional issues that could be best handled. ○ It was suggested that we talk to local folks to determine what they want to know and what would be the best way to relay that information. • The bottom line is that there are lots of options. We need to narrow down priority education topics for both judges and probation. • My question for you is how far down the line do we want to go? There are many solutions. Is this a solution tied to a problem and is it worth our energy? It's a fairly complicated opportunity but it is an opportunity. The task force needs to discuss the cost/benefit. • Did you discuss combining the board training video with this? Yes. There may be some overlap but it may not be enough of one thing or another for each group. <ul style="list-style-type: none"> ○ CPOs are doing a lot of the judicial training and some things may be missed. ○ Education is important across the board. People are often unaware of how long people stay in the system. Many assume it's the same amount of time they'd get in DOC which it's not. ○ There may be an opportunity for programs to help with education. Ms. Carst provided existing DVDs (copies available) that her program created.

	<ul style="list-style-type: none"> • What is the time frame for this idea? One time or ongoing? <ul style="list-style-type: none"> ○ Mr. Tapia stated that he was going about this assuming it's an ongoing thing. • It sounds like it's worth talking to the judicial education committee and CPOs. If we think it will solve some problems it will be worth the work. • Mr. Herman stated that this group decided that judicial education was one of the top four issues. But I thought the focus was on judge education. But today we've been talking about more than that. <ul style="list-style-type: none"> ○ They're all related and have to all be educated. When you train one part it doesn't always relay to other groups. ○ Judges' egos may get in the way though. They often think they already know. But if they're willing to be educated, they are often educated by probation. • So where do we want to go with this? Do we solve the world or a specific piece? Do we want to focus on specific stakeholder groups? And if so, which ones? Or do we want to go more broadly? <ul style="list-style-type: none"> ○ We can prioritize probation and the courts but the survey results discussed by the Referral Group may be useful. • Would something like this be useful for the parole Board? <ul style="list-style-type: none"> ○ Ms. Morgan stated that the board may benefit by a tour of community corrections, a few programs maybe. They have a week every month for education. <p>Incentivizing communities:</p> <ul style="list-style-type: none"> • After the legislative session ends Mr. Weir will pull together a group to discuss this issue
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<p>Issue/Topic:</p> <p>Other Areas</p> <p>Action</p> <p>We will move this meetings start time to 1pm.</p>	<p>Discussion:</p> <p>When we first stated these meetings we decided to start earlier and go longer but our problem is that we don't have a chair at 12:30 because he has a another meeting.</p> <ul style="list-style-type: none"> • Mr. Herman will talk to Mr. Weir about pushing the start time to later.
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Adjourned at 3:00pm

Meeting Schedule and Location for 2015 (next 6 months)

Thursday, May 7 th	CANCELLED
Thursday, June 11 th	1:00pm -4:30pm 710 Kipling St., 3rd floor conference room
Thursday, July 9 th	1:00pm -4:30pm 710 Kipling St., 3rd floor conference room
Thursday, June 11 th	1:00pm -4:30pm 710 Kipling St., 3rd floor conference room
Thursday, August 13 th	1:00pm -4:30pm 700 Kipling St., 1st floor conference room
Thursday, Sept. 10 th	1:00pm -4:30pm 710 Kipling St., 3rd floor conference room