

Community Corrections Task Force Colorado Commission on Criminal and Juvenile Justice

Minutes

June 11, 2015, 1:00PM-4:30PM
710 Kipling, 3rd floor conference room

ATTENDEES:

CHAIR

Peter Weir, 1st Judicial District

TASK FORCE MEMBERS

Alison Morgan, Department of Corrections/Adult Parole
Dennis Berry, Mesa County Criminal Justice System
Dana Wilkes, Division of Probation Service
Glenn Tapia, Division of Criminal Justice
Greg Mauro, City and County of Denver
Harriet Hall, Jefferson Center for Mental Health
Jennifer Wagoner, Parole Board
Joe Cannata, Voices of Victims
Kathryn Otten, Jefferson County Justice Services
Shannon Carst, Colorado Community Corrections Coalition

ABSENT

Angel Medina, Department of Corrections /Case Management
Alaurice Tafoya-Modi, Private Defense Attorney (last meeting)
Christie Donner, Criminal Justice Reform Coalition
Gregg Kildow, Intervention Community Corrections Services
Kevin Strobel, Public Defender
Mike McIntosh, Adams County Sheriff

STAFF

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

Guest

Steve Allen, Legislative Budget Analyst

Issue/Topic:	Discussion:
Welcome and Introductions	Mr. Weir welcomed the group and had everyone introduce themselves. Dana Wilks was welcomed to her first meeting.

Issue/Topic:	Discussion:
<p data-bbox="212 497 435 527">Legislative Update</p> <p data-bbox="282 567 365 596">Action</p> <ul data-bbox="110 636 542 1556" style="list-style-type: none"> For the purposes of the Commission meeting we believe the recommendations are needed and solid. Therefore we are recommending the Commission move forward with this item and that the substance of the stay the same but we are working on a plan to reduce the cost. <ul style="list-style-type: none"> Mr. Tapia will work on/present this cost reduction by next month. We anticipate presenting options to the commission in August. <p data-bbox="110 1276 496 1377">***Therefore, the task force will need a plan to discuss by next month (July 2015).</p> <ul style="list-style-type: none"> Note: this date is based on the standard CCJJ backtiming procedure this is when the revised rec should be discussed by the task force. 	<p data-bbox="565 497 1513 558">Paul Herman went over a brief update of the final legislative recommendations related to the Commission.</p> <ul style="list-style-type: none"> SB 007 – as a result of the fiscal note the bill didn’t make it through the legislature. Tomorrow (June 12) the Commission will discuss how to or not to move forward on this. <ul style="list-style-type: none"> Mr. Tapia stated that he thinks the recommendation is worth revisiting for sure but he’s not sure what the procedure is for it to be it to be reintroduced what needs to change, if anything?). Or, if nothing changes do we need to find a funding source? Dying because of money means the concept still has merit. We just need to reduce the cost or find new funding sources. It may still be worthwhile to tell the Commission that we will look at it again to see if we can lessen the fiscal impact. Regarding reintroduction of the bill – the Commission approved the recommendation that became the bill. So now the Commission just needs to decide if they want to find a legislator to introduce the bill again. It’s fair to say that the Commission will want to be able to answer the money questions. It’s unlikely that they will be willing to introduce the exact same with exactly the same cost. If you were to look at the recommendation and eliminate some parts that have fiscal costs it would have to be reintroduced and voted on by the TF and CCJJ. But if it is kept exactly as it is we will need us to find a funding source. Mr. Mauro stated that a possible third option would be to recalculate the costs to reduce the final cost without changing the actual recommendation. Mr. Tapia stated that some of the cost was for the evaluation portion which was expected to be done quickly to provide fairness and close to real-time evaluation. If the evaluation was spread over more time this cost would be reduced. We could develop the tool and validate it on a smaller sample of providers/programs to reduce the cost. This would reduce the cost but not solve the funding source issue. Mr. Tapia explained that much of the cost was temporary but this wasn’t necessarily clear due to the legislative process. Mr. Herman stated that he sees two options: 1) revise the fiscal note but keep the recommendation as is and then come back to the group to see if it’s still feasible. This wouldn’t change language but would change the assumptions that under lied the fiscal note. This would require that everyone understand that it wouldn’t be a statewide baseline; 2)

	<p>separate the cost and no-cost options.</p> <ul style="list-style-type: none"> ○ Mr. Tapia stated that this task force was charged with suggesting major reforms based on science. Without this recommendation/bill we haven't done this. ○ Ms. Morgan asked how much the programs revert each year? Mr. Tapia answered that it ranges from around \$500k - \$2M. But if you use reversion money it's really only temporary money and it's not necessarily a safe bet that it will always be there. Only a certain percentage of departments can roll over money. ○ Can a budget issue be put into the bill? Steve Allen stated that it's possible for much of this to be addressed with ordinary appropriations. It is also possible to deal with this through a budget committee and a sympathetic analyst. Can't see funding other than savings or reversions. There is excess capacity and that is something to take advantage of. <ul style="list-style-type: none"> ▪ It will always remain a passed CCJJ recommendation. But the question is whether the CCJJ reaches out again to a legislator to sponsor it. ○ Glenn Tapia confirmed that he would work something up to reduce the fiscal note. ○ Dr. Hall asked if we have to decide which route we want to pursue now or if we can write up both options and then decide? "I want to go the course that has the most likelihood for success." <ul style="list-style-type: none"> ▪ Ms. Morgan stated that she didn't think the two options are mutually exclusive. ○ Steve Allen asked if it could be presented as two bills? <ul style="list-style-type: none"> ▪ Yes, but then you risk part of it passing and part of it not passing. We addressed this last year and said that it needed to come as a package. ● In February AR-250 was amended by DOC. Is it being done now? Are you seeing it in the field? <ul style="list-style-type: none"> ○ Ms. Otten stated that they had seen an increase in information but that it wasn't consistent across all clients. Mr. Berry agreed, as did Greg Mauro who stated that it would be useful to have a technological piece. ○ Ms. Morgan confirmed that it was implemented in February but that they soon found a significant glitch. <ul style="list-style-type: none"> ▪ The 250 series of ARs is for parole, while the 550 series is for case management. The language only made it into 250. ▪ But it was implemented in 550 in late April. We had a backlog of over 800 but now it's around 56. ○ Ms. Morgan explained that part of the problem was that the PSI files were too large so they must be broken down. But first we have to make sure it's redacted. If you're not seeing a PSI it is under the old law and we don't have it and we're still trying to find it. Those coming in now have a PSI. We have doubled or tripled our band width which has helped our ability to electronically include the entire PSI. We continue to work to be customer service conscious to help boards make better decisions about offenders. ○ Mr. Mauro asked about presumptive parole and the community corrections presumptive parole reentry. Where do they stand? <ul style="list-style-type: none"> ▪ Ms. Morgan explained that presumptive parole is still on hold, as is
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	the presumptive parole reentry track. OIT is still working on this. Mr. Mauro stated that that message is not getting out to everyone. Ms. Morgan stated that they will work on clarifying that confusion.
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Issue/Topic:	Discussion:
<p>Work Group Updates</p> <p>Action</p> <p>Diversion Survey:</p> <ul style="list-style-type: none"> • Greg Mauro will send final survey to Christine Adams. • Christine Adams will re-create in Survey Monkey and send out. • Send to stakeholder groups • Respond within one week. <p>Judicial Education:</p> <ul style="list-style-type: none"> • Glenn Tapia will have a list of topics to move forward with at the July task force meeting. <p>Incentivizing Committee:</p> <ul style="list-style-type: none"> • Pete Weir will gather the group to meet. • Previously named members: <ul style="list-style-type: none"> ○ Senator Cheri Jahn, ○ Casey Tighe, ○ Sallie Clark, ○ Carl Blesch, and ○ Greg Kildow • Need to add Kathy Otten • Paul Herman will send Mr. Weir the name of the new legislative members of the Commission. <p>Next Steps:</p> <ul style="list-style-type: none"> • Staff will pull together information from earlier meetings to provide a synopsis in order to help us move forward on what we'd like community corrections to look like. 	<p>Referral Group – Diversion survey</p> <ul style="list-style-type: none"> • Mr. Mauro explained that this working group was tasked with creating a short survey to go out to multiple stakeholder groups to help us understand what is affecting diversion referrals. • The following people will send the survey to their respective groups: <ul style="list-style-type: none"> ○ Alaurice Tafoya-Modi - Defense Bar ○ Doug Wilson - Public Defenders ○ Eric Philp - Judges and Probation ○ Glenn Tapia - Community Corrections Boards ○ Pete Weir - District Attorneys <p>Judicial Education</p> <ul style="list-style-type: none"> • Mr. Tapia stated that by the next task force meeting he should have a list of topics from both probation and judicial to move forward with. • Mr. Mauro noted that with whatever shape this education takes an important component is to get the judges to the actual facilities, not just read about it. <ul style="list-style-type: none"> ○ If we only present at the judicial conference we won't touch every judge because they won't all participate in the criminal portions. ○ Experience is hard to coordinate but probably most valuable. • It was asked if another group could take the lead on this? Maybe the Community Corrections Board Association? <ul style="list-style-type: none"> ○ Mr. Tapia stated that one of the underappreciated functions of boards is that they reach out to their communities. The Board Association can't get that deep. But they may be able to push the local boards to move forward on addressing this. <p>Incentivizing Communities</p> <ul style="list-style-type: none"> • Mr. Weir reminded the task force that this working group meeting had been delayed until after the legislative session. • They were scheduled to meet a few weeks ago but had to be rescheduled because Senator Jahn canceled at the last minute and she is an important component. • Mr. Herman will send the names of the new legislative members of the Commission. • Ms. Otten stated that she is looking to meet with surrounding businesses of a new facility and neighbors to make sure that they see the positives of such a facility and that they realize the difference between a correctional facility and a community corrections facility. <ul style="list-style-type: none"> ○ Her meeting is taking place on Thursday June 18th at 6pm, 8th and Quail, if anyone is interested.

	<p>Other Issues</p> <ul style="list-style-type: none"> • Mr. Weir asked the group if there are other things we could be doing to improve community correction. He brain stormed with Carl Blesch recently and he's wondering if there is a need for this task force to look into any of this? <ul style="list-style-type: none"> ○ Job seeking incentives ○ Navigation services in local Departments of Human Services (access) ○ Enhanced training for security personnel ○ What do facilities need to do your jobs better? • The employment item is appealing because of a new standard that reduces supervision while on job search but increases readiness to job search. Many programs don't have the specialists needed for this. <ul style="list-style-type: none"> ○ It can't be forgotten thought that there are plenty community corrections clients that shouldn't have employment as a first priority. Our current model (which is very job focused) is flawed for this portion of offenders. These other needs should be addressed first because much of the recidivism is coming from these folks. ○ Would it be useful to flesh this out to help people prioritize needs? ○ There's another part of the population that may need employment but they need something that has meaning – more than just a “get by” job – which requires real training. They need vocational skill training. ○ Mr. Mauro stated that we had a passed recommendation related to this, but asked what the status of that recommendation was. <ul style="list-style-type: none"> ▪ In 2008 the Post-Incarceration Task Force, and then the Commission, passed Recommendation FY08-GP28. This recommendation suggested the “Governor's Community Corrections Advisory Council pilot a carefully controlled study to address the value of providing a two to four week “grace period” in which fees and subsistence payments are delayed until the offender is stabilized in the community. After appropriate data is collected and analyzed, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.” ▪ In FY2014, House Bill 1245 created the Subsistence Grace Period Pilot Project which is currently being evaluated by the Division of Criminal Justice, Office of Research and Statistics. An evaluation report is due to the Joint Budget Committee in November, 2015. ○ Ms. Carst stated that doing the upfront training will have the biggest benefit in the end. ○ Faye Taxman has a tool that will determine typologies (based on a national comparison). Looking at something like this would help with prioritizing our focus. <ul style="list-style-type: none"> ▪ Her tool has a gaps component but it's weak because of some assumptions. ▪ Mr. Tapia added that this is what PACE would create but we don't have a program evaluation tool at this time. ○ Mr. Weir suggested we may need a gaps analysis to show where the focus and funding should go. ○ From a financial perspective would it be useful for these offenders to put a moratorium on the amount they pay initially. This may not require a
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	<p>budget changes but just a shift if how the money is dispersed.</p> <ul style="list-style-type: none"> ▪ This is related to the existing subsistence grace program which is currently being evaluated by DCJ/ORS. We will know what effect this has had by November. <ul style="list-style-type: none"> • Mr. Herman asked what the group is trying to do with this conversation? Are you trying to create a model? Mr. Weir responded that he was thinking about what the task force's next steps should be to improve community corrections. <ul style="list-style-type: none"> ○ What should community corrections look like? Our next meeting should focus on how to improve community corrections and/or what we think it should look like. Staff will pull together information from early meetings to provide a synopsis in order to help us move forward on this. <ul style="list-style-type: none"> ▪ We may also want to look at the membership list and discuss who should possibly be added. <ul style="list-style-type: none"> □ Judge □ Sheriff (Adams County sheriff has been added) □ Public Defender (Kevin Strobel has been added) ▪ This will get us to more driving issues rather than just tweaks here and there. <p>Regarding the risk informed decision making discussion at our last meeting:</p> <ul style="list-style-type: none"> • Only part was voted on to be a policy issue. • New ISPI issue – the system is set up such that people who finish their treatment early could be released to non-residential as an inmate for their remaining months. This is problematic. <ul style="list-style-type: none"> ○ ISPI while in residential is okay. There is precedence regarding controlled environment and receiving treatment. ○ The issue is regarding those who are no longer in residential but are still inmate status. • These conversations may be pertinent to where this group goes next. <ul style="list-style-type: none"> ○ It's may not be good public policy to have an "inmate" in non-residential but do they have to stay in community corrections until they meet the parole board or do they get automatic parole?
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Adjourned at 3:00pm

Meeting Schedule and Location for 2015 (next 6 months)

Thursday, July 9 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
Thursday, Oct. 8 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Nov. 12 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Dec. 10 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room