

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

Minutes

August 13, 2015, 1:00PM-4:30PM
710 Kipling, 3rd floor conference room

ATTENDEES:

CHAIR

Peter Weir, 1st Judicial District

TASK FORCE MEMBERS

Dana Wilkes, Division of Probation Service

Glenn Tapia, Division of Criminal Justice

Greg Mauro, City and County of Denver, Community Corrections Boards

Kevin Strobel, Public Defender

Melissa Roberts, Department of Corrections/Adult Parole

ABSENT

Angel Medina, Department of Corrections /Case Management

Christie Donner, Criminal Justice Reform Coalition

Dennis Berry, Mesa County Criminal Justice System

Gregg Kildow, Intervention Community Corrections Services

Kathryn Otten, Jefferson County Justice Services

Harriet Hall, Jefferson Center for Mental Health

Jennifer Wagoner, Parole Board

Joe Cannata, Voices of Victims

Mike McIntosh, Adams County Sheriff

Shannon Carst, Colorado Community Corrections Coalition

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 everyone and had everyone introduce themselves.

Issue/Topic:	Discussion:
<p>Follow-Up Plan for SB15-007</p> <p style="text-align: center;">Action</p> <ul style="list-style-type: none"> • Mr. Tapia will update the fiscal note fact sheet for SB XX-YYY based on today’s conversation and will talk to Mr. Hilkey (CDPS executive director and CCJJ chair) about the revised monetary requests and funding options. • This will be forwarded to the full commission as a public policy recommendation and they can further discuss the funding options. • The updated handout is included here, following the minutes. 	<p>Mr. Tapia updated the group on “Option B” discussed last month (see handout at the end of this document).</p> <ul style="list-style-type: none"> - This handout doesn’t include too much detail per the group’s instructions last month. - The thought was that we could examine about 1/3 of the programs every year. - The grand total is shown by year on the included chart and it cuts the total requested amount by about 50% in comparison to last year’s bill. <ul style="list-style-type: none"> ○ It was noted that last year’s bill didn’t die because it was not favored but because of the fiscal note. ○ Steve Allen was asked if this would be dead on arrival. He then questioned if it needs to be statutory. <ul style="list-style-type: none"> ▪ The group stated that a statutory change is needed to adjust risk language and the existing “boards shall…” language. ▪ Mandatory board training and ongoing training would need to be statutory. ▪ Also, although some of it could be done with budget changes it wouldn’t have the same strength as statutory changes. ○ Steve Allen stated that there is likely to be lesser money available – we’re getting into Tabor limits – and this will put you in the same pot as the other bills competing for this money. <p>The primary idea to embrace EBDM was to give boards a tool to help them make risk based decisions. This can be done without statute but you need the will. Denver went that route. But no one else is doing it without statute.</p> <ul style="list-style-type: none"> - Statute would help with will and consistency. Funding would also help this will. For some programs it’s a resource issue. But without the force it won’t be done by all. - ***Follow-Up: At the September meeting Dennis Berry stated that to say only one board is willing to use a guide without statute that mandates it is not entirely true. There is other interest in this. <ul style="list-style-type: none"> ○ When it comes to a community corrections decision tool we have to help boards learn to think differently.

Intuitively they want to take the low risk offenders, and risk level is the only thing we have scientific evidence for (via actuarial assessments). But the decision about whether or not a person *should* be accepted is subjective.

With Phoenix House closing it will look like there is extra money to be reallocated but this will likely be added back to the general assembly's budget.

There are three ways to obtain money to do this:

1. New decision item to adjust the budget.
 - It's too late for this now.
 - Can't use reversion money if it's not already in the budget.
 - We don't even start talking about reversion money until after first 6 months of the year and we can't really start using it until after third quarter. So then we only have 3 months left in fiscal year to use this money.
 - There is no set reversion process. May get a request to adjust how this money can be spent. But this will be difficult.
 - Also, the amount of reversion money available varies widely from year to year.
2. Budget item – this would be similar to the reversion plan because you'd expect that there will be reversion money.
 - General assembly has been willing to use extra money for special programs. But it's happened through budget process and is for expanding existing programs, not creating new ones.
3. Statutory
 - We should be cautious of the support seen last year. It's easy to say that there was support for a bill when it was likely to die due to the fiscal note.
 - Part of the problem last year was not having an identified budget source.
 - But the conversation here was to keep the reversion money in community corrections. We just lack a vehicle to put the reversion money from one year into a future fiscal year (FYxx into FYx+2).
 - Also, some work has been done to look at the amount saved by a reduction in technical violations.
 - o If technical violator stays in prison 6 months it cost about \$380k (for all of them). This plan would help reduce technical violations and in turn reduce those returned to prison.
 - On average the offender pays about \$11/day (up to \$17/day). But this shouldn't be seen as a funding source because the higher this is the less likely they are to pay.
 - Maybe this should just be a public policy recommendation?
 - We need to speak to Mr. Hilkey (CDPS Executive Director) and

	<p>Mr. Raemisch (DOC Executive Director). We need to talk to the cabinet and the governor’s office since there’s no formal way to handle this so make a deal.</p> <ul style="list-style-type: none"> o The money is there we just need the mechanism to move the money to where we need it. <p>Making it a statutory item is high risk and although making it a budgetary item may not get us everything we want we need to decide if something is better than nothing?</p> <p>In the past CCJJ has had cost saving measures that were used to fund other items. Might this be a route to go down for this? We’re not sure there are cost savings recommendations being worked on right now.</p> <p>What if the bill was written in a permissive manner (may instead of shall)? Until funding is available nothing may happen so this may or may not be a way to go. We should get it into law and then hope for budgetary initiatives in the future to support the cost.</p> <ul style="list-style-type: none"> - Gets the framework in place but then allows time to get the budget it place later. - A problem would be having to wait an extended amount of time for results. - Also, this doesn’t address the consistency problems if boards MAY do this. In fact, it would result in inconsistency. - There is concern about the program evaluation portion because we need better outcome results. - Supporting this idea will be what comes out of the Result First initiative which may add some attention to this. We want to be a step ahead of what this attention may cause. <p>At our last meeting it was decided that option B (this handout) was what we were going with, with no backups. So it’s not that we haven’t discussed having options.</p>
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Issue/Topic:	Discussion:
<p>Presumptive Parole AR Update</p> <p>Overview presented by: Melissa Roberts</p> <p style="text-align: center;">Action</p>	<p>Eligibility for and placement in presumptive parole is laid out in AR 250-74. This was Initiated from a LEAN report.</p> <p>Overall, as long as the individual completes the community corrections program successfully they will be granted parole. However they will still be an inmate while in the program.</p> <ul style="list-style-type: none"> - They will not go to ISPI (could go to ISPI-P). - Can’t be paroled if they don’t complete community corrections. - Can’t get through community corrections if they don’t meet all of

	<p>the conditions of parole.</p> <ul style="list-style-type: none"> - Shouldn't hit mandatory release data (MRD), however, short sentences may result in people not being incentivized to go this route because they will MRD anyway. <p>Do you think there will be any glitches with the parole board actually granting parole? No. It puts the responsibility on the offender and provides a security for the board.</p> <p>A historical difference exists in presumptive parole and mandatory parole so there needs to be communication with the stakeholder groups about what this is.</p> <ul style="list-style-type: none"> - Consensus is that there should be mandatory parole. - But there is no consensus on how long they should be on parole. <p>Mr. Herman noted that this group should know that another CCJJ subcommittee is looking at mandatory parole. Specifically, they are looking at length of mandatory parole and release decision making (when eligible, etc).</p> <p>We all know that one problem for community corrections providers is that when individuals are inmates they are ineligible for Medicaid. But if they're not inmates some argue it's harder to enforce rules because there's no risk of going straight back to prison for breaking a rule. Ms. Roberts stated that the more we can do to shift the sanction only thinking the better. There needs to be intermediate sanctions and incentives.</p>
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Issue/Topic:	Discussion:
<p>Work Group Updates</p> <p style="text-align: center;">Action</p>	<p>Referral Group – on hiatus until we receive further guidance from the task force regarding our next steps and to define our work plan.</p> <ul style="list-style-type: none"> - We did look at the Diversion referral process and took a survey, but we need guidance on what the working group should work on regarding this subject. - The survey showed that there is a structural frustration because the boards lack confidence in these programs. <ul style="list-style-type: none"> o Similarly, Mr. Tapia found this lack of confidence when he looked into judicial education needs (see more below). o The challenge is understanding what community corrections is to increase confidence in the system. - Mr. Weir stated that he is interested in comparing eligibility criteria across the state. <ul style="list-style-type: none"> o Eligibility to be screened. What are the excluding factors to even be considered? o Screening Process – pre vs post sentencing screening. o Looking at the eligibility criteria will have us look at more

	<p>than just offender risk and need but we will also look at community issues.</p> <p>Judicial Education – Met with the Judicial Education Committee and the Governor’s Advisory Council and asked what they would like to see presented if we were to educate the judges?</p> <ul style="list-style-type: none"> - District specific education. - Address the purpose of sentencing – why did you give the sentence that you did. But there are a lot of nuances for sentencing community corrections. - Tours of facilities would be helpful for judges. - Judges said they should be trained on everything related to community corrections to help them sort fact and myths. - This work group is also waiting for guidance on what to do next. <p>Incentivizing Communities</p> <ul style="list-style-type: none"> - Similarly stalled. - When we last met we’d pulled together a group. <ul style="list-style-type: none"> o Senator Jahn o Waiting for Senator Steadman o Sally Clark felt Mayor John Suthers (Colorado Springs) should participate. He was going to contact the head of community corrections in Colorado Springs but that effort has sort of expired. - The issue still exists in Jefferson County – there’s been a fair amount of opposition to move ICCS.
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<p>Issue/Topic:</p> <p>What should Community Corrections Look Like?</p> <p>Used the Discussion</p> <p>Next Step:</p> <ul style="list-style-type: none"> • Based on today’s conversation Mr. Herman will create a task force work plan to discuss next month. • Mr. Tapia will discuss a logic model regarding overall system 	<p style="text-align: center;">Discussion:</p> <p>The following is a categorized list of items discussed at the July meeting (numbered bullets) with today’s discussion points (sub-bullets). The purpose is to narrow down our next steps.</p> <p>Placement:</p> <ol style="list-style-type: none"> 1. Remove board discretion on transition clients, make it mandatory. 2. Truly risk based placement and services. <ul style="list-style-type: none"> o Need to address high risk offenders. o How often do we actually make someone worse by placing them in community corrections? People are often sent to community corrections because it’s seen as a “diversion.” They’ve failed everywhere else so this is a last resort. Rather than treating needs from the beginning we’re waiting for people to just move “up” in the system. It’s often used as the next sanction instead of something that is truly needed. 3. Community corrections should be the transition from prison to the community with only community status, no longer use inmate status.
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<p>improvement and the general interests of the task force.</p> <ul style="list-style-type: none"> • Dr. Adams will analyze data to compare outcomes for public and private programs. Will take risk into account. 	<ol style="list-style-type: none"> 4. See more people go through community corrections (additional beds). Those that are placed should immediately be parole eligible and not be inmate status. This is along the lines of the presumptive parole concept. <ul style="list-style-type: none"> ○ But not everyone needs this. ○ What are the problems with inmate status? There is a media perception of inmates and a benefits issue. <p>Treatment/Programs</p> <ol style="list-style-type: none"> 5. Require and fund specialized treatment services in all CC facilities. Specialized = SO, DV, MH 6. Program funding should be as much about performance as capacity (as an addition to a base rate, not from a 0 base rate). <ul style="list-style-type: none"> ○ If your budget is based on full beds do you really care about failures as long as that bed is full the next day? 7. Closer ties between the community corrections programs and the communities they're in as well as community programs. <ul style="list-style-type: none"> ○ People are often referred because of program availability even if they don't have ties to the community. ○ This is relevant to point #5, above. 8. Provide treatment to individuals based on status (this refers to the people who have regressed back in, not the diversion or transition folks just coming in). The idea is to separate the "trouble makers." It should be inclusive of CRCF but not limited to them. <ul style="list-style-type: none"> ○ It doesn't really matter if someone was placed for treatment or punishment as long as risk and needs are focused on. ○ When does punishment of the offender stop? When does programming and reentry take priority? Are these things really mutually exclusive? ○ Punishment doesn't mean that risk/needs aren't being addressed but it does affect staffing (punishers vs. risk reduction → different people for different results). ○ It's also a money issue. Per diems may not cover all of the needed programs. 9. How can we assist the programs with their employment efforts? We want people to have the ability to get AND (want to) keep a job (at a wage that is at least close to livable). We need to provide tools that enable offender success. <ul style="list-style-type: none"> ○ If they can obtain a job it will increase their success but first we need to address the factors that will help them get and keep the job (e.g., impulse control, criminal/antisocial thinking, non-rule following behavior). ○ We're structured to make them get a job before they're ready. The subsistence grace period program is intended to help with this but while they don't have to pay for 28 days finding a job needs to be replaced with something else. ○ What about a partnership with DOC to increase the continuum of training? The vocational connections are there but we're still missing the thinking piece. And even though the success rates of
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people in vocational programs are high there are limited spots available.

- We need to remember that recidivism isn't only tied to programs. There was more to who was chosen for these programs to begin with. They were more employable and had more life skills to begin with.
- Is there a general agreement within community corrections about the importance of life skills and looking at it as a continuum? It differs by program.

10. Assuming they're risk based, programs should be CBT focused.

11. Remove Medicaid eligibility barriers.

12. Help set offenders up for success - Remove barriers for success AND reduce recidivism.

13. How we deal with behavior.

- The new crime rate is only about 2% so it's technical violations and walkaways that increase the failure rate.
- Programs need to be more consistent because it varies widely.

Community Involvement/Education

14. There is a need for community education and awareness of what community corrections is and its roll. Potentially this will help with the "not in my backyard" issue.

- How can law enforcement help? How are we hindering?

15. Find data, rather than anecdotal information, to educate communities about the safety of community corrections.

16. As a strategy to engage the community with volunteers and mentors bring the community into the centers.

- Some programs do use volunteers from religious/church communities or for skill classes (life skills and hard skills). But this varies widely by program in part because of access.
- This is somewhat driven by staff and how interested they are in this.

Purpose of Community Corrections

17. We need better collaboration among the criminal justice system stakeholders.

- We're not all pulling in the same direction.
- Need to align and understand the purpose and goals.
- Need a consistent mission.

18. We're doing a lot for a lot of people. Not everyone has the same goal. There is some guidance in the standards but not very specific.

- One of our goals is to clarify our purpose. People need to agree on and buy into the goals and purpose of community corrections.
- Clearly there is a huge difference with people doing the daily work.

CC Boards and Programs

19. Program staff quality/qualifications and turnover.

20. Overhaul of the staffing structure. Program staff are low paid but have to do advanced things with problem populations.

21. Make it a safe environment for offenders.
 - When asked what the specific issue was that was being thought of here there was no response from the group.
22. Enhance community corrections board understanding of crime on victims by possibly having them attend a VRA hearing.
 - JeffCo requires every board member to attend a sentencing hearing that involves a VRA at least once per year.

Unknown Category

23. Better data describing successful and unsuccessful cases.
 - This would help to better profile success and failure cases.
24. Zero escapes.
25. Engaging families in the transition process back to home which is tied to engaging the community and ensuring continued success.
 - The DOC reentry program is addressing this because family is a huge motivator.

Based on today's conversation there seems to be a need to look more into programs.

- What should this involve? What needs to be analyzed?
- Mr. Weir asked if we are educated enough to make this decision?
 - What counts as success?
 - What should we be directing programs toward? Successful terminations, reduced recidivism, reduced returns to prison?
- Mr. Tapia stated that it comes down to evidence-based practices which requires staffing, which comes down to a basic program philosophy. There is a monetary bottom line for many programs.
- Ms. English asked if, using contracts, a minimum salary could be required? They can (it was recently increased by 10%) but the reality is that probation and parole start out much higher.
 - Community corrections is often the more difficult job but the staff are less educated and have less experience.
- Staff selection needs to change. They need a counselor/clinical mindset to obtain people who will be satisfied with seeing people change positively.
 - Mr. Weir asked if this should be codified to make the expectations more concrete?
 - Ms. Roberts felt that this would help with the continuum of care issue.
 - Mr. Mauro stated that we first need to decide what community corrections should look like before moving to this detail.
- Ms. Wilkes asked if there has ever been a conversation about making all community corrections programs government run?
 - Mr. Tapia stated that yes, this conversation has been had. Even though it's a bit taboo.
 - Market share and competition are an issue when a program is

	<p>private.</p> <ul style="list-style-type: none">○ Mr. Allen asked what the outcome differences are between the public and private programs.<ul style="list-style-type: none">▪ Commission staff will provide these results to the group.○ If we're supposed to address this big community corrections issues this may be something to address.
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Adjourned at 4:00pm

Meeting Schedule and Location for 2015

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

At a Glance **SB XX-YYY Fiscal Note**

Features of SBYYY

Evidence Based and Balanced Board Decision Making

Validated Evaluation of Community Corrections Program Performance

Professional Training for Board Members

Upgrading and Modernizing Standards to Focus on Evidence Based Practices and Principles

Colorado Commission on Criminal and Juvenile Justice



Concerning Standards Related to Community Corrections

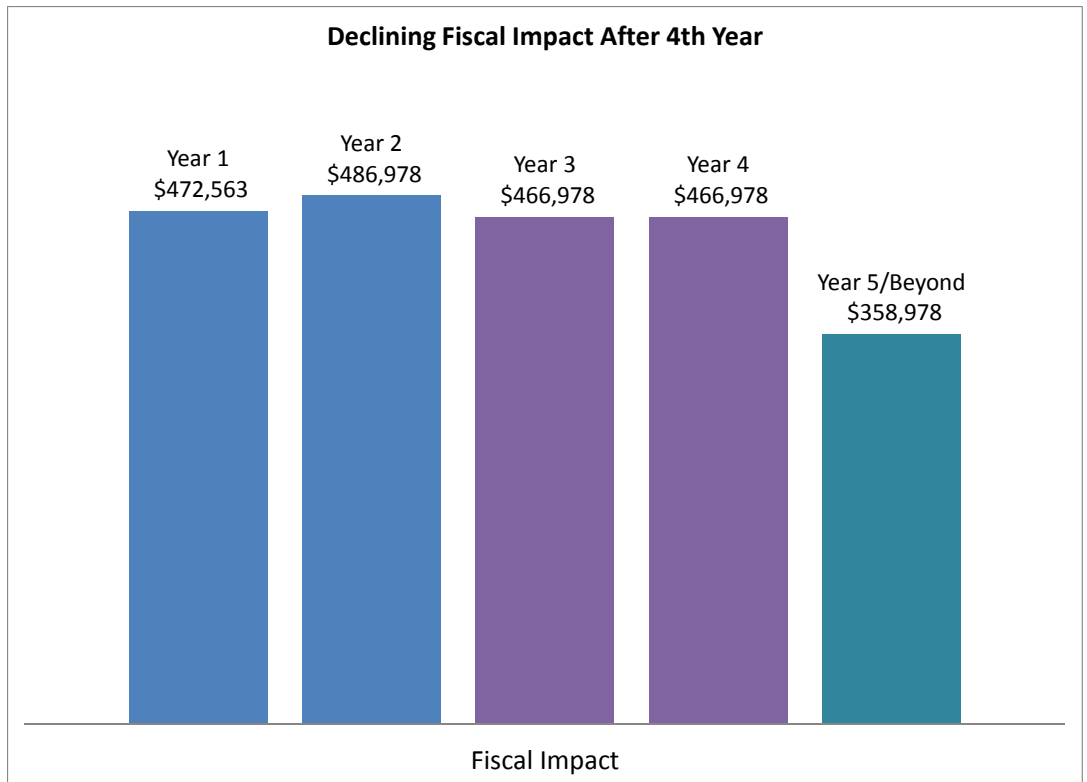
Investment in Long Term System Improvement

The bill provides **\$108,000 in temporary funds for professional consultation** to design and develop evidence based decision making tools for community corrections boards throughout the state. The funding model is based on providing professional technical assistance to 4 boards each year (\$27,000 per board) for a total of 4 years to design and implement locally-based evidence based decision making tools. After 4 years, consultant funds are no longer necessary.

The bill provides **\$20,000 in temporary funds for professional consultation** to design and validate a tool to formally evaluate community corrections programs' adherence to evidence based practices and principles. After the first 2 years, consultant funds are no longer critical.

The bill provides **\$344,563 in permanent funds for 4.0 FTE** to the Division of Criminal Justice to supply the State of Colorado with a permanent resource for ongoing evaluation of community corrections performance as well as ongoing training, coaching, and quality assurance of evidence based decision making for boards.

After the first 4 years, the permanent fiscal impact is under \$360,000 annually



Modest Investment (less than a 1% increase to Budget)

The FY 2015-16 overall appropriations for Colorado Community Corrections is \$68,489,813. SB15-007 results in a maximum budget increase of 0.7% for the first 4 years and **ultimately a 0.5% permanent increase in the 5th year** and beyond.