Community Corrections Task Force Colorado Commission on Criminal and Juvenile Justice

Minutes

October 8, 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

Gregg Kildow, Intervention Community Corrections Services

Jennifer Wagoner, Parole Board

Joe Cannata, Voices of Victims

Kathryn Otten, Jefferson County Justice Services

Melissa Roberts, Department of Corrections/Adult Parole

Rose Rodriguez, Independence House

Shannon Carst, Colorado Community Corrections Coalition

ABSENT

Angel Medina, Department of Corrections /Case Management

Christie Donner, Criminal Justice Reform Coalition

Dave Weaver, Douglas County Commissioner

Dennis Berry, Mesa County Criminal Justice System

Harriet Hall, Jefferson Center for Mental Health

John Cooke, Senate District 13

Kevin Strobel, Public Defender

Michael Vallejos, 2nd Judicial District

Mike McIntosh, Adams County Sheriff

STAFF

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

Christine Adams, Division of Chillina Justice

Kim English, Division of Criminal Justice

Guest

Steve Allen, Legislative Budget Analyst

	Discussion:		
Issue/Topic:	Mr. Weir started the meeting at 1:10 by welcoming everyone and calling		
	the meeting to order.		

Issue/Topic:	Discussion:				
Mandatory Parole Update Action	Mr. Herman reviewed a recommendation that will be presented to the Commission tomorrow (October 9) from the Mandatory Parole Sub-Committee. This group started around 6 months ago and was given the specific task of looking at when people start parole and how long they spend on mandatory parole in the community.				
	On Monday (October 5) this group met and voted on a recommendation to send to the CCJJ tomorrow and to be voted on next month (November 2015). This recommendation has multiple parts and is NOT meant to be retroactive:				
	 Release date is determined by COV/Non-COV (crime of violence o Discretionary parole would no longer be available for prison releases. COVs would be released to mandatory parole after serving a minimum of 75% of their sentence. Non-COVs will be released after serving a minimum of 50% of their sentence. They will obtain earned time, but good time will go away. It is possible to not receive earned time but once it has been earned it can't be taken away. This recommendation does not provide earned time for those on mandatory parole, but only those in prison. Mandatory parole periods based on risk to reoffend. Risk is determined by the CARAS while they are in prison, prior to seeing the board. COV mandatory parole periods:				

o Would still make parole decisions, under current law, for

- those currently in prison.
- Would continue discretionary decisions for those with indeterminate sentences.
- See C.R.S. §18-1.3-406 for the statutory definition of COV. A purpose of this recommendation as a whole is to help offenders be better able to determine a release date ahead of time and to help better plan for that release date.
 - One concern for the Mandatory Parole Sub-Committee was on violations. About 80% of violations happen within first year.
 - The goal of this recommendation is to help with clarity, certainty and predictability and in turn to increase success.
 - o Can a person still self-revoke? Yes.

For community corrections:

- COVs will be eligible on their Parole Eligibility Date (PED) and would be released as parolees.
- Non-COVs will be eligible 6 months prior to their PED and would be released as inmates.
- This would not be automatic. The offender would still require acceptance by the community corrections board.
 - Procedurally time lines will have to be backed up initially to make it work.
 - 6 months is not when they can apply for community corrections but when they can be sent to community corrections.
- Was there a community corrections representative on the Mandatory Parole Sub-Committee? No. But our charge had nothing to do with community corrections. However, because of the nature of our recommendation it needed to be discussed here. That's why Mr. Herman has brought it up.
- Mr. Weir expressed concern about presenting this recommendation tomorrow [to the CCJJ] and voting next month. He stated that this issue should not be rushed but should be well thought out from all perspectives.
 - o Mr. Herman stated that that is the purpose of the month in between presentation a voting.
 - The process of the Commission is to present the recommendation, hear feedback, have the group that's making the recommendation make any changes they see necessary and then take the final item to the CCJJ the following month for a final vote.
 - o Mr. Tapia stated that he was confused about a recommendation coming from this group since they aren't a task force. It was explained that the only difference between a task force and a sub-committee is the duration and the fact that they were given a specific task to fulfill.
 - o Ms. Otten expressed disappointment that there was no

- community corrections representative on this subcommittee. She stated that she believed that was the purpose of the CCJJ - to be a collaborative, well represented group.
- O Ms. Otten also requested a presentation on this recommendation so they can better look at what impacts this recommendation will have without decisions being made in a vacuum. This recommendation may be fine but it does impact community corrections so we should have had input.
 - Ms. Roberts, who is on this task force and the Mandatory Parole Sub-Committee, asked to clarify that this is not a DOC group. They had only one representative and that it is chaired by the public defender (Doug Wilson) and that there are district attorney representatives.
 - Ms. Otten reiterated that those individuals may not understand how this will affect community corrections and the locals.
- Ms. Carst stated that there is a need to see the recommendation in writing to be able to ask appropriate questions.
 - What does it do to the mindset of the person in the program and what's the carrot to get people to do it?

Mr. Herman stated that the first purpose of this recommendation is for clarity and certainty while the second issue was the length of mandatory parole. These are the issues this group was tasked with. They will say that this recommendation fulfills these tasks.

While discussing this recommendation the sub-committee added a
piece about funding for victim and offender services. Similarly,
community corrections became part of the conversation as release
dates were adjusted.

Are sex offenders handled differently? Yes.

- Most are not COVs but it's still a specialized program.
- Earned time is a key component but isn't it almost a given? Once passed the next immediate step will be to write the legislation. The legislative sub-committee will lead this.
 - Will also need a group to look at the implementation issues.
 - Mr. Weir stated that he likes the general concepts of the recommendation but views it as an opportunity to do things right by first looking at some of the unintended impacts on locals and venders.
 - It may just be a timing thing. CCJJ shouldn't feel compelled to vote one month after hearing about something.

What happens if someone has burned their time and they revoke while on

parole? They would finish their parole.

- So they could just blow off their parole? We need to think about why we have mandatory parole in the first place.
 - o This feels like it's being fast tracked. What's the rush?
 - Mr. Allen stated the he's attended these meetings and part of the push is because of the legislative session starting in January.
 - o Some analysis done by the DCJ/ORS staff has shown:
 - Small reduction in the prison population, and
 - Large (approximately 75%) reduction in parole population.
- It was stated that we shouldn't put something in front of the legislature that hasn't been well thought out and that there is a need for a joint meeting between this task force and the Mandatory Parole Sub-Committee. Can see people lobbying against each other simply because of the unknowns.
 - o Mr. Herman explained that we can't present the recommendation to this group until the Commission sees it tomorrow since it's from a different sub-committee.
 - o Mr. Weir and Ms. Rodriguez are on the Commission and will represent this task force there.
 - Ms. Rodriguez stated that one thing she's noticed is that there aren't community corrections, clinician, or vender representatives on the CCJJ.
 - o Can we make a motion for this to not be presented to the Commission tomorrow?
 - Mr. Weir said that he's fine with it being presented tomorrow but that it needs fine tuning and he doesn't think a month is enough time for that to happen. He also stated that he's not hearing a lot of opposition to the recommendation, just a need for clarification.
 - Mr. Herman stated that much of the discussion on Monday was that until it gets out there officially we can't work on the detail.
 - o Mr. Cannata stated that a concern from the victim community is that they're losing their voice, a voice they worked so hard to obtain. Is this a violation of the Victim's Rights Act (VRA)?
 - The parole board would still set conditions so they would still have a mechanism for the victims to be heard.
- Mr. Weir pointed out that the CCJJ has a high success rate for legislation and that we don't want to hurt that.
- Mr. Herman stated that a movement to wait for a vote has been suggested before and it has and has not happened.
 - o There are 26 Commissioners and some like the speed at

- which they work while some don't.
- o Typically they vote in the fall because of when the legislative session starts.
- The group asked what other parts of the recommendation were included:
 - Cost savings (from reduced prison bed use and reduced parolees) would be splits between community-based services for victims and offenders.
 - o This would be provided via grant programs within DCJ
 - Who would be doing the auditing? DCJ.
 - Ms. English explained that the idea was that there would be that there would be grant programs created for DCJ to manage, because we have a good history with grant management, to help expand possibilities for communities.
 - The group doesn't want to give the money to the victim advocates employed by the prosecutors or to DOC services. The money is intended for nongovernment agencies such as community providers.
- Mr. Weir reiterated that the fundamentals are really good and that he's excited about the idea but stated that this is a big deal so more thought needs to go into it.
 - o Mr. Kildow moved that this task force ask the Commission to wait 60 days for a vote, to run it by community corrections stake holders for feedback, and to bring the two groups (this task force and the Mandatory Parole Subcommittee) together to discuss the recommendation.
 - Ms. Wilkes suggested that given the CCJJ time line it might be more prudent for this group to meet more often instead of asking for an extension. She noted that there's a greater likelihood of having opposition from the CCJJ if they really want to have a vote in 30 days.
 - Mr. Herman stated that the Commission decided this was an issue that needed to be vetted but that it was a short term issue. This is why they created a subcommittee with specific directions and a short time line. To meet these requirements the Mandatory Parole Subcommittee has met multiple times a month.
 - It was stated that we need time to go to our stakeholders and to create an impact statement.
 - Others feel that this group can't take a position because we don't have enough information.
 However it is hoped that in 60 days, after it's been vetted through community corrections stake

holders, a position can be stated. This motion was seconded by Ms. Carst. All in favor, none opposed.	
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Issue/Topic:

Judicial Education Recommendation

Action

- Staff will write a recommendation based on this information for the November Task Force meeting. Wording will be finalized then.
 - Present to the CCJJ in November.

Discussion:

Mr. Herman reminded the group that at the last meeting it was agreed that this should be a recommendation but we didn't actually write the recommendation.

- What are the key elements should be included in the final recommendation?
 - o Localized training not just going to a judges conference
 - List available programs in their area and how this district works with diversion.
 - Who is the target audience for this training?
 - It should be required for judges and probation staff, and
 - Open to district attorneys and defense attorneys.
 - Training would be the responsibility of local boards in conjunction with the DCJ/OCC.
 - o Tours of local programs should be included.
 - o Basic curriculum (template with important and consistent information) should then be tailored to local needs:
 - What does community corrections do?
 - Role of probation.
 - Dispel myths.
 - Address confidence issues.
 - Why do boards accept/reject offenders?
 - What do we do in escape situations?
 - What does "condition of probation" look like?
 - Board decision making.
 - Kinds of programs available.
 - Target populations of said programs.
 - o Frequency of training?
 - Minimum of annual.
- This will be an advisory, not mandatory, recommendation (non-legislative).

Issue/Topic:

Update on Questions:

- 1. Specifically Define Groups
- 2. Define Services Needed for Each Group
- 3. Describe Necessary Structural Changes

Next Step:

Discussion:

Mr. Tapia reported on the discussion he and Dennis Berry had regarding the structure and service needs for the most high risk offenders (see attached handout, below). He noted that these handouts are based on this brainstorm along with a brainstorm with the DCJ/OCC staff.

• Many of our recidivisms and failures come from very High Risk/High Need offenders. So traditional community corrections may not be the most appropriate plan for them.

Mr. Tapia walked the group through the handout and noted that this all for high risk/high need offenders only.

- Phase diagrams (pages 4-6) show what each treatment phase would look like.
- Provides continuity of care.
- Focus is on treatment needs instead of immeadiately getting a job.
- There is no time set for each phase but is based on readiness to move on instead.
 - o Why are the hour numbers what they are? Why 200-250 hours?
 - What's different from now? Phases 1 and 2 are front loaded, (treatment based). Phase 3 looks more like regular/current community corrections.

Page 7 lists several funding models.

- Last month we decided that funding per diem may not be the best option. All we did here was list options.
- Based on the idea that more isn't always better (main goal shouldn't just be to fill beds).
- Want to incentivize local communities to develop these programs either with providers or as a government run program.
- Continual, ongoing monitoring and evaluation is necessary so we would need to fund an outcome and process evaluation component.
- State and local roles are listed in bubbles on last page.

Mr. Tapia stated that Mr. Berry was concerned about meeting the dosage markers.

- Ms. Rodriguez asked if the dosage amounts are based on evidence-based practice (EBP).
- These are based on studies in community settings, although one had an institutional setting, and all were around this range.
- Ms. Wilkes noted that there is probably some cognitive behavioral research that could address this.

It was suggested that explicitly stated that the dosage is to be over a long period of time so that the individuals can practice.

• There's no research addressing this. You could hit this dosage in a short amount of time but over a longer amount of time makes more logical sense.

• Motivational way for criminal justice staff to interact in a cognitive behavioral therapy (CBT) way without being therapists.

Ms. Wilkes noted that probation has moved to something similar and one thing they've heard from staff is how hard it is to have an entire case load hat is high risk. It's demanding and demoralizing. Some really like this population but it's difficult.

- Going to be hard for have all staff with a BA and experience but this difficulty is why this requirement is needed.
- Puts pressure on providers to hire more competent staff.
- Officer to offender ratio for probation is about 25 to 1.
- Mr. Mauro said that there is almost a burnout issue, may need to use a rotation.
- Need staff with a cognitive behavioral mindset. It's hard to make a shift from law enforcement mind set to this.

The group then discussed the practical elements of having 25-30 of these offenders in a program. But the reality is that they're already there.

• Fillmore is focused on high risk/high need and their staff is very different from everyone else.

Mr. Weir asked if it is possible to have a similar chart for current practices? Or how does this differ from current practice? Phase III is current practice.

- But Phase III would be better for at least this sub-pop if they get to work on Phase I and II first.
- Deal with the criminality needs first.

Mr. Herman asked if this would be for both male and female offenders? This was an issue that came up at Reentry Task Force yesterday.

- Not something that we've really thought about.
- The discussion at the Reentry meeting was that men and women are different and there are different theories (pathways) on why they commit criminal acts so they shouldn't be dealt with identically.
- Mr. Tapia stated that about 85% of the community corrections population is male and since this is a gender neutral plan we should probably look at it for men.
 - We can't really be gender neutral, there's too much research about the reasons behind criminal differences and how to handle cases.
 - o In the selection criteria on the document we should note that this is for men.
 - o Mr. Herman said that this is opportunity for something else this group can look at, if you're interested.
 - How many women are there? About 15%. (around 450). Few programs are co-ed.
 - If about 51% of the current male population is high risk or very high risk how does this equate to women? Women are generally higher risk. But their outcomes are different.
 - Programs are meant to be gender specific and trauma

- informed but they don't always follow this.
- Offenders are often called offenders, inmates, or clients but female offenders should be called women. And calling people by name as well is a huge way to connect with women.
- Not only is this population is affecting the staff but it's also affecting the other offenders. It's not like the medium risk are going to bring down the high risk, but it does go the other way.

Mr. Weir asked what the next step will be for this issue.

- Does this reflect what we perceived when we recommended funding for high risk/high need offenders? Yes.
 - o What are we missing?
 - o Ms. Rodriguez asked if they were looking at a mixed group trying this or are they talking about everyone?
 - Mr. Tapia said that the one thing this doesn't really address is the anti-social, peer-to-peer culture that is addressed at Fillmore.
 - Ms. Rodriguez said that she can't decide if she thinks it's a good idea to pull this population out or if it's good to keep them together for good peer mentors (like at Fillmore).
- Mr. Kildow pointed out that smaller jurisdictions may not have the same concentration of people.
 - o Theoretically would have staff to deliver the CBT in-house.
 - o If other recommendations (such as the Mandatory Parole recommendation) come through there is a definite relationship.
 - Can't forget that we'll still have the Diversion clients.
- Should we do a similar thing for the low risk population? That's probably the next thing to look at but for now our task was to look at the high risk and very high risk.
- How does the LSI relate to the CARAS? The CARAS includes the total LSI score and another item but if the Mandatory Parole recommendation passes there will probably be fewer low risk offenders going to community corrections because they'll server shorter sentences.
 - COVs wouldn't be removed from the community corrections population they just won't be inmates, they'll be using condition of parole beds instead.
 - Problem is that condition of parole offenders don't have any "teeth." They can't be sent back to prison, they're just removed from community corrections. It's unlikely that they'll go back unless they commit a new crime.
 - COVs are a very small percent of the

community corrections population (they're less than 3% of DOC to begin with).

- Does anyone see this creating a need for more beds?
 - COVs couldn't go to community corrections until they hit their release date and there's no reason to think they'd all be referred.
 - But community corrections could become a default for the COVs because it provides structure.
 - What if people refuse community corrections to just burn their number instead?
 - The idea was not to increase/decrease the number of offenders going to community corrections. But this may be an effect.

Issue/Topic:

Next Steps/Task Force Work Plan

Next Step:

 Read the recommendation from the Mandatory Parole Subcommittee after it is sent out tomorrow.

Discussion:

We will meet on Oct. 22 at 1:30pm at 700 Kipling in the 4th Floor Training Room to discuss the recommendation from the Mandatory Parole Subcommittee.

• Their chair, Doug Wilson, will be contacted and invitations will be sent to the whole group by Germaine Miera for them to attend this meeting.

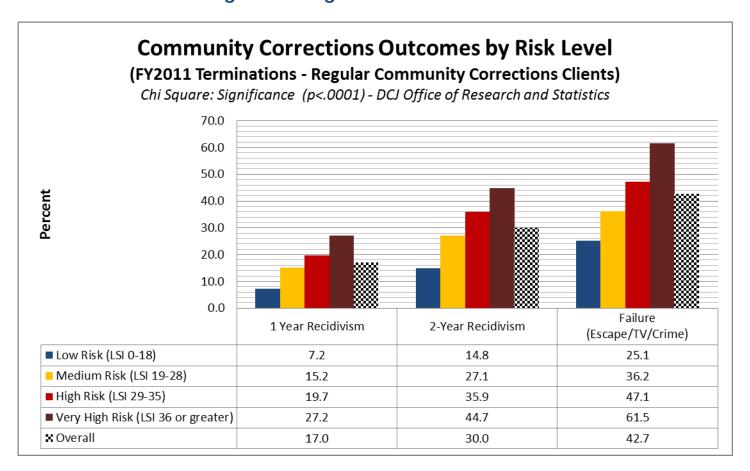
Adjourned at 4:00pm

Meeting Schedule and Location for Remainder of 2015 and All of 2016

1:30pm -4:30pm	700 Kipling St., 4th floor training room
1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
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	(Note: This is NOT the 2 nd Thursday)
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HANDOUTS

Community Corrections Prototype Program for High Risk/High Intrinsic Need Offenders



Program Overview

This program utilizes a 3-phase approach to addressing criminogenic needs of HIGH RISK criminal offenders.

- **Pre-Entry Phase** This phase emphasizes highly structured supervision along, highly intensive cognitive behavioral interventions, and structured directed skill practice in impulse control.
- **Re-Entry Phase** This phase emphasizes continuing but less intensive cognitive behavioral interventions along with employment readiness and family re-integration.
- Community Entry Phase This phase models regular residential community corrections in 2015.

The program is specialized for a targeted and high risk population high intrinsic needs in the areas of criminal orientation/personality and impulse control deficits. Each phase of programming includes risk informed and evidence-informed efforts in the following areas:

- **Supervision** Throughout all phases of program supervision random, frequent drug testing will be utilized due to the high risk population being served.
- **Evidence Based Interventions** Throughout all phases of programing, an evidence based approach to sanctions and incentives will be utilized along with cognitive-behavioral therapeutic interventions.
- Intensity/Dosage/Aftercare Throughout all phases of programming intensity and dosage will be risk and assessment informed to include individualized aftercare planning.

Program Selection Criteria

- HIGH RISK offenders featuring intrinsic criminal risk factors
- Offenders indicated with substance abuse in addition to criminal orientation are also eligible

Offender Type Research-Driven Dosage Minimums	Very High Static Risk High Criminality Low to Moderate Behavioral Health Problems NA	High Risk High Need Significant Indications on Top 4 Criminogenic Needs 300 hours	Medium Risk Moderate Need Mix of Central 8 Criminogenic Needs 200 hours	Low Risk Low Need High Stakes Cases
General Program Approach	Cognitive Restructuring plus Intensive Surveillance	Behavioral Change Focused CBT for Criminal Thinking Skill Building in Impulse Control Strong Peer Support Lower 4 Needs are Low Priority at Initial Placement	Behavior Change and Community Integration Focus CBT-Driven Behavioral Health Tx Life Skills Education Community Support Lower 4 Needs can be addressed	"Get out of their way" reinforce pro-social attitudes and orientation Only minimal monitoring
LSI	36 or greater	29-35	19-28	18 or lower
CARAS	44-72	37-43	32-36	1-31
SRT Males	21+	15-20	9-14	0-8
SRT Females	23+	19-22	11-18	0-10
RT Males	(NA)	16+	10-15	0-9
RT Females	(NA)	15+	11-14	0-10

NOT appropriate for program (these typologies are covered in other programs):

- High Risk Substance Dependence
- High Risk Serious Mental Illness

Program Completion Criteria

- Completion criteria is transparent and based on criminogenic needs
- Periodic assessment and re-assessment to document measurable change in order to move on to the next phase of programming
- Ongoing behavioral observation and feedback throughout program participation
- Structured decision making would be utilized in program completion process and planning for appropriate aftercare

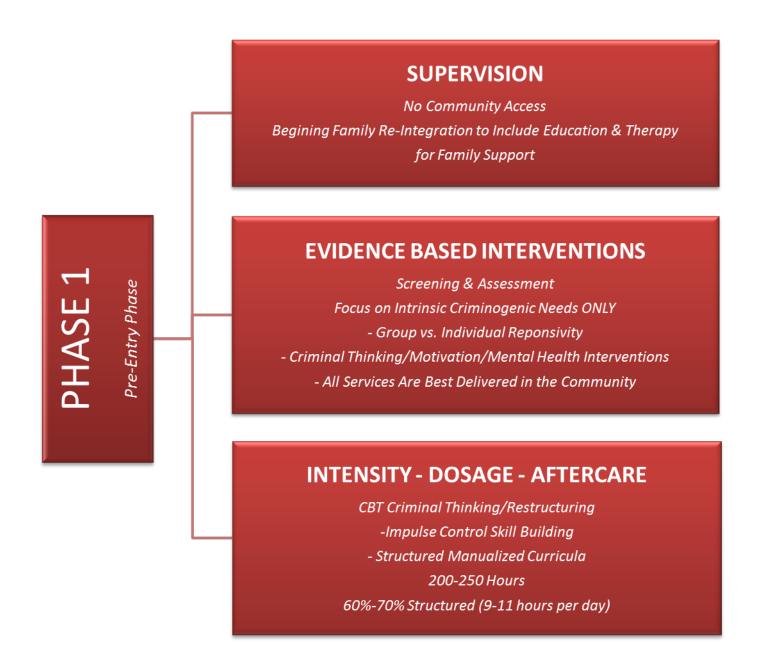
Staffing

- All staff, including administration, has a vital role in behavior change. The program should use teams of staff that all share a role in both behavior change and direct supervision.
- Must be experienced and competent with Risk/Need/Responsivity research and practice models
- Staff will be open and knowledgeable in evidence based interventions
- Staff competency will include ongoing skill development practice model with coaching and feedback
- Staff are selected, in part, based on their motivation to apply evidence based practices and their alignment with behavior change

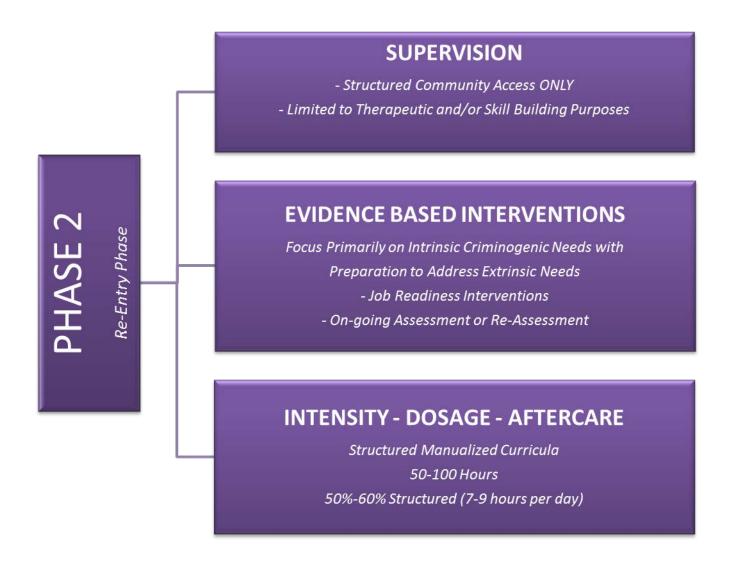
Staff Credentials

- Clinicians Licensed and appropriately certified
- Counselors Bachelor Degree (Master Degree preferred with experience working with community based high risk offender population)
- Program Director Experienced in staff development, quality assurance, coaching, fidelity and feedback practice

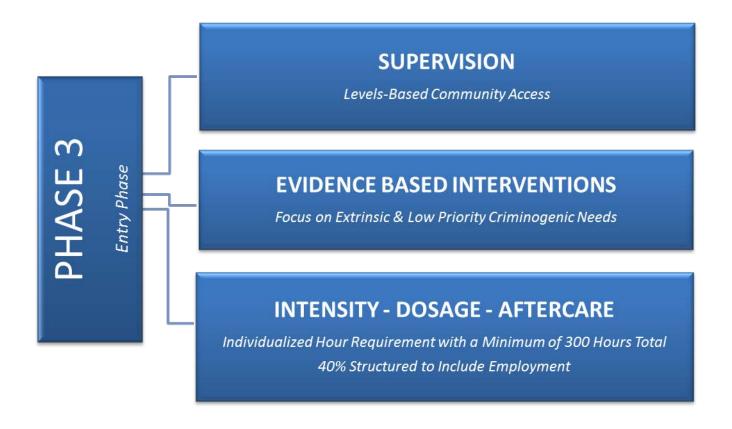
PHASE I — [Pre-Entry Phase]



PHASE II – [Re-Entry Phase]



PHASE III – [Community Entry Phase]



Program Funding Options

- Phase Based Rates
- RFP (Request for Proposal)
 - Proposals to be selected based on that which is most responsive to the scope of work rather than the lowest rate.
 - Proposals selected by an independent panel of criminal justice leadership to determine strength of proposal.
 - o Panel should represent local governments.
- Per Diem Only (current program funding format)
- Enhanced Per Diem
- Performance Based (Process Evaluation)
- Performance Based (Outcome Evaluation)
- Menu for Services
- Flat Rate
- Line Item Pay

Program Funding Inclusions

- Discretionary Funds to support on-going program development and innovation at the local level
 - Mesa County CARR program
 - o Mesa County EBDM,
 - o Mesa County MacArthur Pretrial Grant
 - o Denver's EBDM
 - o Denver's CBT Program
- Funding should be included to support an infrastructure for on-going monitoring of short term and long term outcomes.

STATE ROLE

Evaluation: Process & Outcome

- Technical Assistance
 - Coaching
 - Training

Incentivizing Local Government to Collaborate and Develop Program

LOCAL ROLE

Offender Participant Selection
Quality Assurance for Core
Security Supervision
Evidence Based Decision Making