

Community Corrections Task Force
Colorado Commission on Criminal and Juvenile Justice

Minutes

November 12, 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
Dave Weaver, Douglas County Commissioner
Dennis Berry, Mesa County Criminal Justice System
Glenn Tapia, Division of Criminal Justice
Gregg Kildow, Intervention Community Corrections Services
Harriet Hall, Jefferson Center for Mental Health (phone)
Joe Cannata, Voices of Victims
Kathryn Otten, Jefferson County Justice Services
Kevin Strobel, Public Defender
Melissa Roberts, Department of Corrections/Adult Parole
Michael Vallejos, 2nd Judicial District
Rose Rodriguez, Independence House
Shannon Carst, Colorado Community Corrections Coalition

ABSENT

Angel Medina, Department of Corrections /Case Management
Christie Donner, Criminal Justice Reform Coalition
Denise Balazic, Parole Board
Greg Mauro, City and County of Denver, Community Corrections Boards
John Cooke, Senate District 13
Mike McIntosh, Adams County Sheriff

STAFF

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

<p>Issue/Topic:</p> <p>Welcome</p>	<p style="text-align: center;">Discussion:</p> <p>Mr. Weir started the meeting at 1:11 by welcoming everyone and calling the meeting to order. He announced that Dr. Hall was on the phone and had everyone in the room introduce themselves.</p>
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<p>Issue/Topic:</p> <p>Mandatory Parole Subcommittee Update</p> <p>Action</p> <ul style="list-style-type: none"> • Mr. Tapia and Ms. Otten will organize a discussion with boards and others for feedback. • Ms. Roberts will talk to the person in charge of prisons to see if it is possible to talk to offenders about: <ul style="list-style-type: none"> ○ Importance of clarity and certainty ○ Thoughts/opinion on what this recommendation proposes. • Mr. Tapia will also work on various earned time scenarios. 	<p style="text-align: center;">Discussion:</p> <p>The Mandatory Parole Subcommittee met on Monday with the purpose of considering the issues that had surfaced regarding recommendation #2 and addressing the issues they felt they could. People around the table presented various ideas and motions to come to final conclusions. There was a lot of give a take. The red within the bullet points below demonstrate the final changes that were agreed on:</p> <p>FY16-MP #02 Prison Release Date Determined by COV/Non-COV status AND Mandatory Parole Period Based Upon Risk Score</p> <p><u>Revised recommendation elements</u></p> <ol style="list-style-type: none"> 1. COV and Non-COV status to remain in effect for sentence length and mandatory release date from DOC. No distinction to be made between Crime of Violence and Non-Crime of Violence in regards to the parole period. 2. Parole periods for all revised as follows: <ul style="list-style-type: none"> a. Very Low / Low Risk 1 year (previously 6 months) b. Medium Risk 18 months (previously 12 months) c. High / Very High Risk 2 years (no change) 3. Mandatory parole periods to be determined by the Colorado Actuarial Risk Assessment Scale (CARAS), and would include earned time awards not to exceed five days per month. 4. Ensure a mechanism for victim notification and for victim input on: <ul style="list-style-type: none"> a. Setting of terms and conditions of parole, b. Early terminations of parole, and c. Revocations of parole. 5. Individuals may be placed in community corrections 12 months prior to completion of his/her prison sentence, and can obtain earned time during this period.
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<p>Issue/Topic:</p> <p>Mandatory Parole Subcommittee Update</p>	<p>COV/non-COV status would only apply to the percent of sentence that must be served. Once they are on parole or placed in community corrections they would be treated similarly.</p> <p>Mr. Tapia asked if earned time while in community corrections would coincide with their COV/non-COV status?</p> <ul style="list-style-type: none"> - It would be based on their inmate status. As long as they're an inmate the same standards would apply. <p>Mr. Strobel asked if when one is placed in community corrections does that then move changed their mandatory release date (MRD) from 50% with the 5 days of earned time per month?</p> <ul style="list-style-type: none"> o It was clarified that 5 days of earned time only applies to mandatory parole time. o Offenders received earned time while in community corrections today. You'll never be paroled before the 50%? Correct, that's the intent. <p>Ms. Rodriguez asked if individuals are still on inmate status when they go into community corrections? Yes.</p> <ul style="list-style-type: none"> o Is there a chance that they'd go onto parole while they were in community corrections as an inmate? Yes, but there was a policy consideration that it would become a condition of parole for them to finish the community corrections program. o Mr. Kildow asked what type of sanction would be imposed if they opt out of finishing the program,? They can't opt out. It would be like any other condition of parole. <p>Mr. Weir asked if any type of projection has been done regarding the number of people that will be sent to community corrections because of this?</p> <ul style="list-style-type: none"> o Ms. English stated that no, no projection analysis has been done but we don't expect it to change because the local boards still decide who is and is not accepted. o Right now you're eligible sooner if you're in for a COV than under this. o Mr. Tapia stated that boards may be more likely to accept people because they'll have a pre-determined parole date. If they're going out anyway we might as well take them. It can go both ways but it's hard to predict what they'll consider. o Mr. Berry stated that he is more concerned that there is still no mention of looking at an outcome measure to track the effect these changes have. <ul style="list-style-type: none"> ▪ Mr. Weir stated that from my local board there is strong sentiment
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<p>Issue/Topic:</p> <p>Mandatory Parole Subcommittee Update</p>	<p>to examine the outcome effect.</p> <ul style="list-style-type: none"> ▪ MS. Roberts explained that all that's really changing is the referral date, but what Mr. Weir is asking is if this will affect the acceptance rate. ▪ Mr. Tapia stated that everyone is mandatorily referred now. ▪ Don't want to have a negative effect on the outcomes. <p>Mr. Tapia said that the other thing we don't know is how many offenders will take this option. They can still opt to go to straight to parole and do the rest of their mandatory time in DOC.</p> <ul style="list-style-type: none"> ○ Are they going to want to apply for community corrections? ○ Mr. Herman asked how this would could be assessed. <ul style="list-style-type: none"> ▪ Mr. Berry stated that you would do a focus groups and talk to the offenders. They can refuse placement but not referrals now. Since most refuse is on the front end the best look at this would be with DOC referral/placement data. ▪ Board decisions could go both ways and so could offender likelihood to choose community corrections. ▪ So then you can't mandate CC as a condition of parole? Yes you can. MRD is their release from prison and start parole. This isn't killing their number and being off paper. If they refused they'd go back to prison. ▪ Even if they have hit their parole release date the parole board could make it a condition of their parole that they finish their program before being released just like any other condition of parole. ▪ Earned time would vest. You can't take it away once the month turns over. <ul style="list-style-type: none"> ▪ 5 days a month while in community corrections as a parolee. ▪ While still on inmate status they'd receive 15 days per month if in for a non-COV and 7.5 days per months if in for a COV. <p>MS. Rodriguez stated that they've been asked to put parolees in their community corrections beds for stabilization. Will this affect this?</p>
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<p style="text-align: center;">Issue/Topic:</p> <p style="text-align: center;">Mandatory Parole Subcommittee Update</p>	<p>Mr. Weir asked the group, from a community corrections programmatic perspective if they agree that the CARAS is the appropriate assessment tool and if they feel it is correct in what it predicts?</p> <ul style="list-style-type: none"> ▪ Mr. Kildow stated that that’s difficult to answer, sometimes there are differences. ▪ Mr. Berry stated that it’s more about the need not institutional behavior. ▪ Ms. Carst stated that it’s what we use to help with acceptance. ▪ Mr. Weir asked if the parole period does or does not provide the time needed for treatment. <ul style="list-style-type: none"> ▪ Ms. English stated that lower risk people usually have lower needs and higher risk people usually have higher needs. The LSI total and the substance abuse screening information is included in CARAS. Also, the CARAS works fine with SOs and women. <p>Mr. Weir asked for any additional thoughts regarding the modifications to the recommendation. He asked Ms. Carst first. She stated that she thinks they took 100% of our suggestions.</p> <ul style="list-style-type: none"> ▪ Mr. Tapia added that we (those who attended the intermediate meetings with members of the Mandatory Parole Subcommittee) were really narrowly focused on not doing any damage to community corrections and believes Monday’s Mandatory Parole Subcommittee meeting really helped with that. If this recommendation is going forward these changes have helped to keep our risk reduction issues intact. <ul style="list-style-type: none"> ▪ The intensity on Friday at the Governor’s Advisory Council meeting was because all of these issues to reduce some of the certainty to the offender/victim but to also provide some “carrots and sticks.” ▪ Ms. Otten stated that the other issue she’s still not seeing is regarding the money saved and how it will be split. She feels they’re avoiding the issue. <ul style="list-style-type: none"> ▪ It’s not being avoided but it was tabled because Steve Allen has to redo his projections with updated recommendation. ▪ It could be simple words on how to split the money.
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<p>Issue/Topic:</p> <p>Mandatory Parole Subcommittee Update</p>	<ul style="list-style-type: none"> ▪ It will be addressed once the projections are made. ▪ What's the rejection rate? Mr. Tapia stated that he's heard anecdotes of 50-60%. <ul style="list-style-type: none"> ▪ Mr. Berry feels that that's a bit distorted because the boards don't control how referrals are made. ▪ Local boards will know how often they reject. The Office of Community Corrections may be able to give overall numbers but not necessarily by program. ▪ Mr. Weir stated that he is concerned about overloading community corrections programs. He feels it's a significant factor if someone is looking at mandatory release in a short amount of time. ▪ Mr. Tapia said that we will need to think about the possible impact on the Diversion side. Plea and sentence deals may change. But he said that this though is really just conjecture. <ul style="list-style-type: none"> ▪ Right now the break down is a little heavier on the diversion side. ▪ Mr. Weir asked Mr. Tapia where, statewide, they are as far as capacity? <ul style="list-style-type: none"> ▪ We definitely have empty beds, especially on the female side; certain programs are low; and some programs have closed (Adams County). <p>Mr. Weir asked one more time for any other thoughts on the recommendation.</p> <ul style="list-style-type: none"> ○ Mr. Berry stated that he's been doing this work for 40 years and he feels that this recommendation reflect how we worked 40 years ago: Small groups sitting around talking about what sounds good. <ul style="list-style-type: none"> ▪ Need smart goals based on current research. ▪ Need to make the purpose of these changes clear. ▪ Need a clear measure of whether or not this is a good idea. ▪ All of this should be worked through with all of the key players. ▪ But it doesn't appear that any of this has been done. Instead, this group (Mandatory Parole) looked at this for a few weeks and made some on the fly recommendations.
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<p style="text-align: center;">Issue/Topic:</p> <p style="text-align: center;">Mandatory Parole Subcommittee Update</p>	<ul style="list-style-type: none"> • This doesn't address the work that THIS group has done. Not sure what it is addressing. • I appreciate the work that's been added for community corrections but it doesn't do all of this. <ul style="list-style-type: none"> ▪ Ms. Roberts asked who should have been involved <ul style="list-style-type: none"> • Mr. Berry replied that community corrections should have been involved from the beginning, as well as broader representation from the courts, and inmates. • This should be done very thoughtfully and over longer amount of time. ▪ Ms. Otten said that last Monday and Tuesday she attended a meeting where she heard Ohio Commissioner Moore speak. He said, "if you don't change how things are done on the inside it impacts how we do things on the outside." She then said that "if this recommendation is going to impact 50 pages of other legislation maybe we should look at all of that first." ○ Ms. Roberts noted that there is no research about what amount of time on parole is best. <ul style="list-style-type: none"> ▪ Mr. Berry disagreed and said that positive incentives have been shown to be useful. ▪ Ms. Roberts stated that that is part of supervision - All this recommendation does is change timing. ▪ Judge Vallejos stated that there is research that shows that longer time on parole isn't always beneficial. ▪ Ms. Roberts noted that the Mandatory Parole Subcommittee used Colorado data. <ul style="list-style-type: none"> ▪ Ms. English said that this group looked at more data than most other task forces have and that the purpose of this group and the recommendation is clarity. ▪ You can change parole length of time without changing treatment. <ul style="list-style-type: none"> ▪ We don't know what this will do except change money. ▪ Doug Carrigan (provider, audience member) stated that there are marginal differences between transition and diversion. There have
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<p style="text-align: center;">Issue/Topic:</p> <p style="text-align: center;">Mandatory Parole Subcommittee Update</p>	<p>been a lot of compromises which is good. But his biggest concern is programs being under filled. He stated that he has seen his board say countless times that they think someone should spend more time in prison.</p> <ul style="list-style-type: none"> ▪ Mr. Strobel stated that this recommendation makes intuitive sense because not all offenders are the same in the amount of time they need to be on parole. But his understanding is that their parole period will be decided at DOC so how does he, as defense counsel, advise his client to help them decide? <ul style="list-style-type: none"> ▪ Ms. English stated that the CARAS is a public document, but the information on it is timely and may change slightly over time. But at the time of sentencing you'll likely be saying between 1 and 2 years. ▪ Mr. Weir stated feels that this is a step in the right direction but that there are a lot of unknowns. While it narrows the options we'll face the same issue with victims. ▪ Mr. Tapia asked if the Commission decides not to vote tomorrow what does the Mandatory Parole Subcommittee have left to decide? <ul style="list-style-type: none"> ▪ Ms. English stated that there will not be new data by the next meeting but that the one thing the group was going to talk about at the next meeting was the cost piece and how it's phased in. <ul style="list-style-type: none"> • Wouldn't expect to see much savings for the first year or two. ▪ Mr. Kildow stated that he appreciates that this will just be discussed at tomorrow's Commission meeting but agrees with Mr. Berry that we haven't had enough time to discuss this. ▪ Mr. Tapia stated that there's already a bill being drafted. So yes, we're trying to catch up. But this is our chance to say something. <ul style="list-style-type: none"> ▪ Mr. Tapia continued stating that if the commission is going to take another month before voting maybe we should run some other scenarios and make sure we're really happy with the time frames. ▪ Ms. Otten stated that if there is already a sponsor it seems like that is an even better reason to not run it until next year. Rather than writing a bill that will do the least
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<p style="text-align: center;">Issue/Topic:</p> <p style="text-align: center;">Mandatory Parole Subcommittee Update</p>	<p style="text-align: center;">amount of harm let's do the most good.</p> <p>Mr. Weir said that from what he's hearing this will not be voted on tomorrow but that he needs something more definitive to take to the district attorney community.</p> <ul style="list-style-type: none"> ▪ Mr. Tapia stated that given more time we should have some providers drill into the earned time scenarios and how different numbers play out. We don't want offenders to just do time. ▪ Mr. Weir asked Mr. Strobel what his experience is with community corrections board. → Some will pay attention to time, time from sentencing, time to MRD, some don't seem to like community corrections at all. ▪ Mr. Berry stated that he still thinks it would be useful to talk to some offenders to get their feedback on these scenarios. ▪ Ms. Otten stated that round tables with board members would be useful as well. ▪ Mr. Cannata expressed this concern on Monday at the Mandatory Parole Subcommittee meeting and will restate it here, but he is worried that victims are being left out of the process. They want to see a behavior change. He feels the process is being rushed and hasn't been well thought out with all of the stakeholders. It bothers him that there is already a bill drafted with a sponsor when the CCJJ hasn't even voted on it. <ul style="list-style-type: none"> ▪ The bill sponsor is Representative Daniel Kagan, who is the chair of the house judiciary committee so there is a good chance it will pass at least the House. Michael Dohr was brought in right away because of the number of groups it will touch.
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Issue/Topic:	Discussion:
<p>Judicial Education Recommendation</p> <p>Action</p> <ul style="list-style-type: none"> • Staff will finalize the recommendation for the task force to approve at the next meeting. • The final recommendation will be presented to the CCJJ in December. 	<p>This recommendation was drafted by staff and is based on items listed during last month’s meeting. Today, we’d like your feedback on the content and text.</p> <ul style="list-style-type: none"> • Local boards would collaborate with DCJ to create the curricula. • SB 007 has wording on DCJ working with local boards to create a curriculum. • It is important that curricula are locally based. • Remember, this recommendation is meant to cover the minimum of the curricula, local boards could add more. <p>The following is the final text following today’s conversation:</p> <p>FY16- CC#X Judicial Education</p> <p><u>Recommendation FY16- CC#X</u></p> <p>The Division of Criminal Justice shall work with local community corrections boards to develop judicial education curricula for judges, probation staff, and other interested parties on local community corrections programs. Community corrections boards shall work with stakeholders including probation and judges to develop local curricula and determine the frequency of training. Each training program should include tours of local programs and should be tailored to local needs. The curricula should include at a minimum the following content:</p> <ul style="list-style-type: none"> • What is the purpose of community corrections? <ul style="list-style-type: none"> ○ Kinds of programs available and the target populations of each. ○ Role of probation and how community corrections works as a condition of probation. • Why do boards accept/reject offenders? Include eligibility criteria. • What is the process when an escape occurs? • How and when do local boards make placement decisions? • Profile of clients in community corrections (state overall versus local) • Role of assessments in local programs (and role of these in case management) • Length of placement/earned time/role of non-residential placements • Sanctions and incentives used by programs • Revocation process • Management of special populations (behavioral health, individuals with disabilities) • Monitoring practices

<p style="text-align: center;">Issue/Topic:</p> <p>Follow-Up to Oct High Risk/High Need Offender Discussion</p> <p style="text-align: center;">Next Step:</p>	<p style="text-align: center;">Discussion:</p> <p>At the last meeting Mr. Tapia presented a model of how a high risk/high need program would be structured. Today we wanted to make sure that in the event that funding is ever provided this is the model he will move forward with.</p> <ul style="list-style-type: none"> ○ Ms. Otten asked how this will work with the proposed changes from Mandatory Parole Subcommittee recommendation. Most high risk/need clients are COVs, right? <ul style="list-style-type: none"> ▪ Mr. Tapia stated that this was not necessarily true. It may be more important to get a program like this going because of that recommendation but it's still all conjecture. It would align with the importance. ▪ Every referral would be going in on inmate status. ○ Ms. Rodriguez stated last time, and wished to repeat, that she doesn't totally agree with keeping all high risk clients together, but separate from the others. That it might create a culture of negativity. There's something to be said for the positive peer experience they could have by being with others. <ul style="list-style-type: none"> ▪ This is really a practical decision. ▪ Ideally it would be a smaller number of beds. ○ Mr. Tapia stated that he was just making sure we're good with this or if more work needs to be done. <ul style="list-style-type: none"> ▪ It's good, and we believe its broad enough to address Ms. Rodriguez's concerns.
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<p style="text-align: center;">Issue/Topic:</p> <p>Summary of CCJJ Programming Presentation</p> <p style="text-align: center;">Next Step:</p>	<p style="text-align: center;">Discussion:</p> <p>Mr. Weir contacted Jeanne Smith, Director of the Division of Criminal Justice, about having Mr. Tapia present programming information to the CCJJ tomorrow because of the recommendation from the Mandatory Parole Subcommittee. He wants them to be aware of what's been going on already.</p> <ul style="list-style-type: none"> ○ The presentation will include: <ul style="list-style-type: none"> ▪ Community corrections basics, ▪ Current data, and
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<p>Issue/Topic:</p> <p>Summary of CCJJ Programming Presentation</p>	<ul style="list-style-type: none"> ▪ What's going on in community corrections now ○ Any suggestions for what else could be included? <ul style="list-style-type: none"> ▪ Encourage them to visit a facility. ○ This presentation is happening after the vote on the parole recommendation but this is only MP#1 about revising the purpose of parole which this group agrees was well written.
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Adjourned at 3:36pm

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

Thursday, Dec. 10 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Jan. 7 th	1:00pm -4:30pm	700 Kipling St., 4th floor training room (Note: This is NOT the 2 nd Thursday)
Thursday, Feb. 11 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Mar. 10 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, April 7 th	1:00pm -4:30pm	700 Kipling St., 4th floor training room (Note: This is NOT the 2 nd Thursday)
Thursday, May 12 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, June 9 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, July 7 th	1:00pm -4:30pm	700 Kipling St., 4th floor training room (Note: This is NOT the 2 nd Thursday)
Thursday, Aug. 11 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Sept. 8 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Oct. 13 th	1:00pm -4:30pm	700 Kipling St., 4th floor training room
Thursday, Nov. 10 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Dec. 8 th	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room