

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

Minutes

August 4, 2016 1:30PM-4:30PM
690 Kipling, 1st floor Conference Room

ATTENDEES:

CHAIR

Pete Weir, 1st Judicial District District Attorney

TASK FORCE MEMBERS

Alexandra Walker, Parole Board

Dana Wilkes, Division of Probation Service

Dave Weaver, Douglas County Commissioner

Glenn Tapia, Division of Criminal Justice

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

Gregg Kildow, Intervention Community Corrections Services

Joe Cannata, Voices of Victims

Kathryn Otten, Jefferson County

Melissa Roberts, Department of Corrections/Division of Parole

Paul Hollenbeck, Department of Corrections /Offender Services

Rose Rodriguez, Independence House

Shannon Carst, Colorado Community Corrections Coalition

ABSENT

Dennis Berry, Mesa County Criminal Justice System

Harriet Hall, Jefferson Center for Mental Health

John Cooke, Senate District 13

Kevin Strobel, Public Defender

Mike McIntosh, Adams County Sheriff

Michael Vallejos, 2nd Judicial District

STAFF

Richard Stroker, CCJJ consultant (phone)

Christine Adams, Division of Criminal Justice

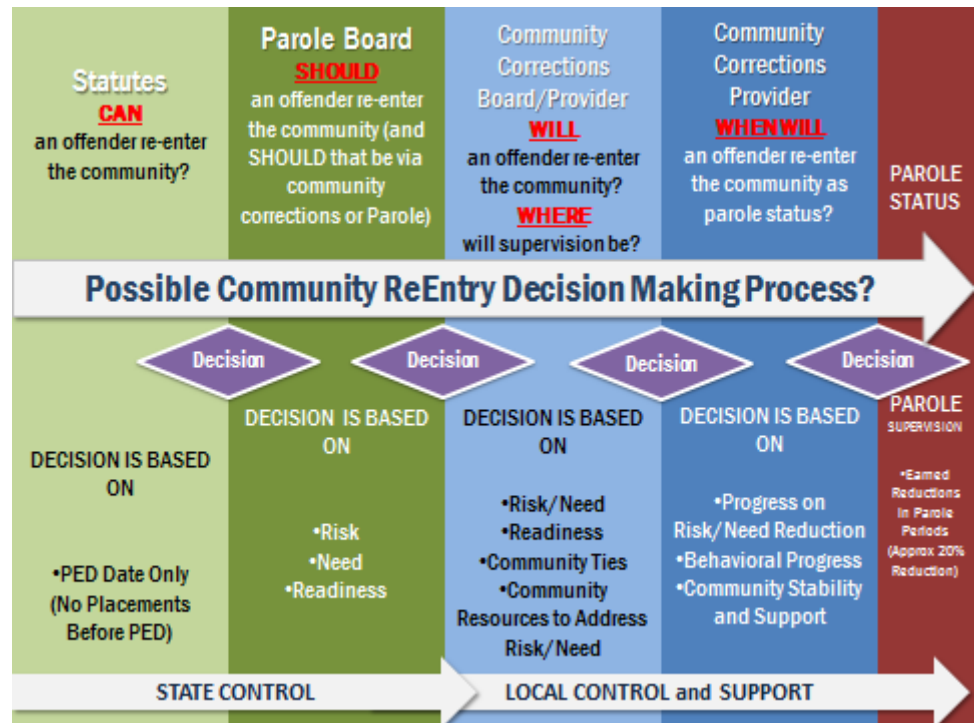
Kim English, Division of Criminal Justice

Laurence Lucero, Division of Criminal Justice

<p>Issue/Topic:</p> <p>Welcome/Introductions</p>	<p style="text-align: center;">Discussion:</p> <p>Mr. Weir opened the meeting at 1:40 p.m. Members of the task force, staff and the audience introduced themselves before discussion began. Mr. Weir announced that Richard Stroker, the new CCJJ consultant, is on the phone and asked that he tell the group about himself. Mr. Stroker stated that he has worked in the criminal justice field for 38 year in a variety of rolls and that he has a keen interest in the ISPI (Intensive Supervision Parole-Inmate) topic. He does not anticipate participating in today’s meeting a lot given his place on the phone but stated that he is more than willing to answer questions should they be asked.</p>
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<p>Issue/Topic:</p> <p>ISPI Work Group</p> <p>Action</p> <p>Talk to large stakeholder groups and modify recommendations accordingly.</p> <p>Modify recommendation language to reflect public safety and victim impact.</p>	<p style="text-align: center;">Discussion:</p> <p>Ms. Roberts began the meeting by reminding everyone how they had reached their current point: The last time the Community Corrections Task Force met was in April, after the CCJJ retreat. At that point this task force was given one final charge which was to address the ISPI problem regarding those who have been left to linger after completing Community Corrections but have not been granted parole will likely not be for years. The group’s goal is to make sure that the right people are being paroled at the correct time. The Work Group met monthly beginning in May and for a day and a half in July.</p> <p>Intensive Supervision Parole Inmate (ISPI) offenders are individuals who have transferred from DOC to Community Corrections and have successfully completed a Community Corrections program but are living in the community on inmate status because they have not been paroled. These offenders are typically past their parole eligibility date, or PED, but have been denied parole. They are usually quite far from their mandatory release date, or MRD, and the parole board is hesitant to shorten their sentence due to the severity of their crime. Mr. Weir asked how long someone will have served in Community Corrections and it was stated that all will have gone through at least 6 to 7 months of Community Corrections but there is one person who has been on ISPI status for 3 years. Ms. Walker, a member of the Parole Board, explained that it is highly unlikely for someone to transfer to ISPI without having reached their PED. Ms. Roberts stated that the level of supervision required by current statute for these individuals creates a problem for DOC as well.</p> <p>Mr. Tapia then moved on to the recommendations using a visual diagram (see the graphic below).</p> <p>Mr. Tapia stated that each column is a point at which an offender is placed somewhere. The purple diamonds are decision points where someone can be placed at a lower level of supervision.</p> <p style="padding-left: 40px;">Starting on the left, the state statute determines whether someone CAN be placed in the community. In the proposed model, the the first decision maker would be the Parole Board. This is fundamentally different than the current situation. In the proposed model, the Parole Board would decide if someone SHOULD be placed in Community Corrections. If the answer to that is yes, the</p>
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Community Corrections boards will decide if the offender **WILL** be accepted into a Community Corrections program/halfway house. Then the provider decides **WHEN** the offender completes the program. Individuals can remain on inmate status as long as they are in a Community Corrections program but as soon as they complete that program they will immediately be changed to parole status by virtue of the parole board decision at the front end. This serves as an incentive for offenders to successfully complete the program as then would then begin to serve their parole sentence. Those who do not progress successfully could be returned to prison. Ms. Roberts stated that this proposed model codifies the release process and timing of decision points.



What is also fundamentally different, and is shown in the lower half of this graphic, is that offenders, regardless of crime type, would not be eligible for Community Corrections before their parole eligibility date as the statute currently allows. This new model helps victims and offenders better understand when they could possibly be released. Currently most people do not realize that many individuals get out of prison before their PED due to the statute that allows release to Community Corrections prior to PED.

Ms. Roberts noted that although this decision point is not based on crime type, their PED is calculated by whether or not they are serving time for a crime of violence (COV) or not.

Mr. Tapia went on to explain that the Parole Board decision is based on risk/need/readiness; the Community Corrections board decision is based on risk/need/readiness, ties to a community, and resources to address risk/need; provider decisions are based on progress on risk/need reduction, behavioral progress, and community stability/support (note that the local Community Corrections boards make a decision to accept/deny an inmate, and then the Community Corrections program director

must also agree to accept the inmate). Therefore, what we are suggesting is that these decisions are aided with structured decision making tools.

Mr. Weir asked if there is an amount of time suggested for Community Corrections success. Mr. Tapia responded that no, there is no set amount of time for success. It would be individualized based on risk and needs, similar to the current progression matrix that is behavior (not time) driven. But it will be roughly 6 – 7 months.

Mr. Tapia then explained that the recommendation suggests the following parole board options:

- High Risk/Need and Low Readiness (straight parole is not an option)
 - Option1: Defer (Deny) Parole
 - Option2: Parole only upon successful completion of Community Corrections
- Low Risk/Need and High Readiness (parole is presumed, “no” is not really an option)
 - Option1: Parole only upon successful completion of Community Corrections
 - Option2: Grant Parole without Community Corrections
- All Other Combinations of Risk/Need/Readiness
 - Option1: Defer (Deny) Parole
 - Option2: Parole only upon successful completion of Community Corrections
 - Option3: Grant Parole without Community Corrections

A task force member asked how many people are in each category. Ms. English stated that approximately 55% of the release population is in the high risk category, and while she does not know what their readiness would be, the high need scores typically corresponds with high risk scores. She added that approximately 18% are low risk but stated that these are empirical questions that we could answer if necessary. Risk is determined with the CARAS (Colorado Actuarial Risk Assessment Scale), which incorporates the LSI. However, the readiness piece is dependent on DOC information that is not always reliable. The CARAS has been validated and ORS/DCJ has data to address this question if it is needed.

Mr. Weir asked when the LSI is completed. The LSI is completed at intake and again at parole. Ms. English explained that the most recent LSI is what is used in the CARAS, however the total LSI score as well as the items that are used are unlikely to change while incarcerated (age at first arrest will not change and substance abuse need has been found to be unlikely to change while incarcerated).

Mr. Tapia stated that while we may want to revisit the tools themselves (e.g., the LSI, PBGRI, CTAP, and CARAS), within this recommendation is a better flow of information from DOC through the decision making process. That information flow is the driver of this recommendation.

An audience member asked if the LSI could change while someone was in Community Corrections and if Community Corrections administers the LSI. Mr. Tapia said yes and went on to explain that there are both static and dynamic items on the LSI and that Community Corrections does administer the LSI but that by the time they are able to do so it is and would be too late to inform the acceptance/rejection decisions.

The purpose of Community Corrections would be statutorily changed to be similar to parole:

The purposes of this article with respect to Community Corrections are to:

- a) Further all purpose of sentencing and improve public safety by reducing the incidence of future crime through design and implementation of research-based policies, practices, and programs;
- b) Prepare, select, and assist people who, after serving a statutorily defined period of incarceration, will be transitioned and returned to the community through supported partnerships with local Community Corrections boards;
- c) Set individualized conditions of Community Corrections supervision and to provide services and support to assist people in Community Corrections in addressing identified risks and needs; and
- d) Achieve a successful discharge from Community Corrections supervision through compliance with the terms and conditions of release that address their risks and needs.

Mr. Tapia went on to explain the following additional features of the proposal:

- Requires improved information flow from DOC to Parole Board, Community Corrections boards, and Community Corrections providers
 - Mr. Tapia stated that he feels this should be a statutory change to require the flow of information from DOC to the community.
- Repeals the current ISP Statutory Requirements for minimum supervision standards
- Allows DOC staff to provide an objective recommendation about offender readiness for community placement
 - This is a change from current protocol. Logically, if someone has been working with a person they should be able to make objective recommendations. But that would require a DOC culture change because they have been repetitively told to not make subjective recommendations
- Improves and re-validates Parole Board Decision Making Tool
- Incentivizes boards/providers to use structured decision making tools

Finally, the benefits and goals of the new process according to the Work Group are as follows:

- Eliminates the ISPI problem by removing the possibility that an inmate could successfully complete a Community Corrections program and then not be paroled.
 - Mr. Hollenbeck clarified that ISP (not ISPI) would be reserved for the highest risk parolees. The group concurred.
 - There would no longer be a hybrid population of inmates in the community.
- Better integrates research-informed practices into the Community Corrections referral and Parole Board decision-making processes by using structured decision making tools.
- Creates better alignment between the Parole Board and community by creating a joint decision making process.
- Creates a better process to ensure that those being referred to Community Corrections are appropriate for it.
- Creates additional incentives for offenders to successfully complete Community Corrections programs.
- Creates process efficiencies in the Community Corrections referral process.
- Reduces parole periods for those who successfully complete Community Corrections programs.
- Increases transparency of the term of confinement and reentry to the community for victims.
- Clarifies terms of confinement and reentry to the community for offenders. This

eliminates the concern that offenders will get out before their PED and reduces the victim's exposure to the process.

- Increases inmate incentives to compete both institutional rehabilitation and treatment programs.

Mr. Tapia summarized that this recommendation will create four major shifts:

1. The Parole Board decision starts the process.
2. Not be eligible for Community Corrections until PED.
3. Presumptive parole upon successful completion of Community Corrections.
4. 20% earned reduction of parole period upon successful completion of the Community Corrections program.

Mr. Hollenbeck asked if there be an increase in reentry services available for the homeless population who do not have ties to the community. He stated that they are currently returned to the sentencing county and that this is going to be a large portion of the low readiness group. Ms. Otten stated that they would be referred just like other offenders, with their parole destination the same. Community Corrections would work with local organizations to make sure the offenders are ready for the community when they are released. But this recommendation does not touch the policy of how the homeless are referred.

The current progression matrix is a standardized but flexible way to move clients through the four levels of treatment. Mr. Tapia stated that prior to the implementation of the progression matrix, decisions were inconsistent because each program had its own criteria for determining success. Practices were inconsistent with the DCJ standards and inconsistent between programs. This recommendation is meant to make decisions more consistent by systematically considering risk, need and readiness. It is not a one-size-fits-all model. Along with all of the data that is being shared by DOC, the Parole Board would receive an objective recommendation from someone who has worked with the offender.

Mr. Mauro stated that in the proposed model there are seven Parole Board members who make all of the decisions but in the current model there would be many more levels of decision making regarding placement in the community.

Ms. Roberts added that this will help DOC case managers know that their new caseloads will have a fairly good chance of getting into Community Corrections. Mr. Weir stated his concern that an individual must be accepted if they have a certain score. But Mr. Tapia explained this method is meant to be a guide but there must still be professional judgement.

Mr. Tapia was asked what kind of training this transformation would entail. He responded that training should be focused not on specific forms or instruments, but the general information that must flow from DOC that would be useful for decision making. The "micro-information" (e.g., forms, instruments) would be in statute. Ms. Roberts continued that we need to include the stakeholders in the design of the information transformation.

Ms. Walker was asked what is currently used to help with their decision making. She stated that they use the CARAS and the PBRGI (Parole Board Release Guidelines Instrument) that incorporates numerous items to help the Parole Board determine which "bucket" to put the offender in: defer, release to parole, or Community Corrections. Ms.

Rodriguez asked what questions Ms. Walker asks the inmate during a hearing. Ms. Walker stated that they do 1100 interviews each month between the seven of them and while you can get a lot of information from an interview it is hard to get all of the information in 15 minutes. The Parole Board chair, Joe Morales, strongly supports training and that there is a great deal of information available to help members do their jobs. But Ms. Walker stated that the board members do not spend a lot of time scrutinizing each others' decision making or making sure that they are each making the same decision for the same people, but they do discuss decision making to learn from one another.

Ms. Walker stated that if the Parole Board becomes the first decision maker they will need to be pretty "tapped in" to what is available in terms of services provided by Community Corrections programs. She feels that it may be an advantage to have only seven people "in the know" rather than 200+ (i.e., all of the Community Corrections boards who currently make the first decision).

There were victim representatives at the July 2-day meeting and they are satisfied with these recommendations but there were no prosecutor representatives or defense bar members. Mr. Tapia stated that right now the Working Group is looking for Task Force support.

Mr. Weir asked what would happen to the number of individuals in Community Corrections that have been placed there prior to their PED. It was explained that reaching your PED would now be mandatory so this number would be reduced over time, but the proposal is not retroactive so those sentenced under current statute would follow the current process. This proposal would mean that both release processes would be in place for many years.

Ms. Rodriguez stated that some programs establish relationships with DOC and go inside the facilities to form relationships before they are released to Community Corrections. Mr. Hollenbeck stated that this should not change .

Mr. Tapia stated that it was pointed out that a decision point should be added to the recommendation regarding what happens when someone fails Community Corrections. But he stated that we must look at reentry and one's PED as the beginning of the reentry process. Under this proposal, reentry is no longer about punishment, and this is a fundamental shift.

Mr. Weir stated that a sticking point for him is that the language of Recommendation #3 is all about the offender, and only about the offender. Mr. Mauro noted that this was an oversight and that while there was victim representation they are aware that the language needs to be modified to reflect public safety and victim impact.

Mr. Allen asked if a packet of information would be given to the parole board? Yes. It would include some narrative. Ms. Walker stated that right now the Parole Board checks a few boxes but she imagines this will allow them to explain why they made the decision they did. Ms. Roberts agreed that she would especially like to know why someone is denied. Ms. Carst asked if the parole board advisory guidelines could be seen. Ms. English stated that this was something her office could provide (see https://cdpsdocs.state.co.us/ors/docs/Risks/SUMMARY-PBRGI_20121101.pdf). Full board reviews would still be possible and victim impact statements would still be

	<p>included. Concerns were raised about conflicts these recommendations may have with the recommendations presented by the Mandatory Parole Subcommittee, but Ms. English clarified that that Subcommittee has been terminated so these conflicts are not a concern.</p> <p>Mr. Tapia stated that he assumes that if this becomes a bill that has a fiscal impact it will be dead on arrival. So our goal is to be fiscally neutral if not fiscally positive. He stated that it would be best to be able to repurpose money for treatment. It would be difficult to predict the impact on residential Community Corrections beds because it will depend too much on the parole board but it can be worded such that it will have a neutral impact if certain things happen.</p> <p>Ms. Roberts was asked if there will be a cost to DOC. She stated that DOC pays for beds, not people and that real cost avoidance is achieved when units are closed.</p> <p>There was also interest in the financial impact on providers. It was stated that they have been below bed capacity and have had a declining population over the last few years. Ms. Rodriguez feels that there may be a need for more specialized beds but that overall beds are available.</p> <p>This is not intended to be retroactive so there will be a significant lag until all offenders are on this model (years).</p> <p>The group agreed that members should take this proposal and obtain input from the stakeholders they represent before the next Task Force meeting.</p>
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<p>Issue/Topic:</p> <p>Announcements</p>	<p>Discussion:</p> <p>Gregg Kildow announced that he is retiring and thus requested that Brian Hulse replace him on the Task Force. Gregg will send this request to Kim English and she will forward it to Stan Hilkey, Chair of the CCJJ. He and Vice Chair, Doug Wilson, must appoint all task force members.</p>
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<p>Issue/Topic:</p> <p>Next Steps</p>	<p>Discussion:</p> <ol style="list-style-type: none"> 1. September - Discuss implementation 2. Between now and the September 1 meeting – meet with larger stakeholder groups. 3. October 6 - Vote, outcome goes to the CCJJ the following week (October 13) for the preliminary presentation. <p>The CCJJ will vote on these recommendations on November 10.</p>
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Adjourned at 3:30 pm

Next meeting: September 1

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