

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

Minutes

September 1, 2016 1:30PM-4:30PM
700 Kipling, 4th floor Training Room

ATTENDEES:

CHAIR

Pete Weir, 1st Judicial District, District Attorney

TASK FORCE MEMBERS

Alexandra Walker, Parole Board

Glenn Tapia, Division of Criminal Justice

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

Brian Hulse for Gregg Kildow, Intervention Community Corrections Services

Harriet Hall, Jefferson Center for Mental Health

Joe Cannata, Voices of Victims

Kathryn Otten, Jefferson County

Kevin Strobel, Public Defender

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

Christie Donner, Colorado Criminal Justice Reform Coalition

ABSENT

Dana Wilkes, Division of Probation Service

Dave Weaver, Douglas County Commissioner

Dennis Berry, Mesa County Criminal Justice System

John Cooke, Senate District 13

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

Germaine Miera, Division of Criminal Justice

<p>Issue/Topic:</p> <p>Welcome/Introductions</p>	<p>Discussion:</p> <p>Mr. Weir opened the meeting at 1:45 p.m. Members of the task force, staff and the audience introduced themselves before discussions began.</p>
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<p>Issue/Topic:</p> <p>ISPI Work Group</p>	<p>Discussion:</p> <p>Mr. Tapia began the discussion by reviewing the stakeholder feedback he and the other work group members received regarding the ISPI recommendations as they were presented at the August Task Force meeting. Overall, feedback from members of the Colorado Association of Community Corrections Boards (CACCB), Victims for Justice, the Colorado District Attorney’s Council (CDAC), and the Colorado Criminal Justice Reform Coalition (CCJRC) was mixed. Some liked that there was clarity about when people would be released but others did not like that the Parole Board would be at the front end of the decision making process, especially when the Parole Board is not the full board but only one person making the decision.</p> <p>Feedback on someone’s parole eligibility date (PED) being the reentry date ranged from “good” to “bad” to “I can live with it.” It was explained that for some offenders this would increase their time in prison.</p> <p>Providers had asked if the task force was trying to do all of this for a small number of people who are likely to never parole under current law. One idea that was suggested was to run a sample of 100 offenders through this suggested track, as a pilot study, to see what their results looked like. Providers were also concerned with how tangible the incentives really are. Ms. Donner stated that the incentives are back loaded and that getting out 19 months later is not an incentive to those in prison. She also stated that she does not see these recommendations increasing the predictability of one’s release date but simply delaying the predictability.</p> <p>Ms. Donner stated that the wild card part of it for the offender is the Parole Board. Ms. Carst noted that we currently have a supportive Parole Board but that that could change. She stated that while we should not make decisions on “what ifs” this is a big “what if” that could change dramatically with a new Parole Board.</p> <p>Mr. Weir noted that when someone has met the Parole Board and has</p>
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<p>Issue/Topic:</p> <p>ISPI Work Group</p>	<p>received their approval it is a great help for people to move forward with the other boards. His concern is that boards could be inundated with requests.</p> <p>Mr. Strobel stated that his office is in the “no” category regarding these recommendations. He stated that this does not seem to follow any evidence based policy he is aware of. He is concerned that people will end up serving more time and that it would make the Parole Board ending up to be the Community Corrections board. He noted that this state has always had local control when it comes to Community Corrections placements but is concerned that this would change it to a state controlled placement system.</p> <p>Mr. Strobel stated that reducing parole is something that the public defenders are in favor of, including the presumptive parole piece but feels that getting to that piece of the recommendation results in people serving more time first.</p> <p>Mr. Mauro stated that the Denver Community Corrections Board liked the incentives and that the CACCB liked the efforts to get better information from DOC to the Parole Board. In addition, Mr. Weir noted that the DAs liked it, and thought there would be more integrity in the system with this. There were no major concerns with the reductions.</p> <p>Ms. English asked how many offenders are currently on ISPI status? Ms. Roberts stated that it is approximately 700-800 on any given day and that about 60 have been there for 2 years or more.</p> <p>Dr. Hall asked about the need for some offenders with mental health issues to receive the treatment they need and how this would affect them. Mr. Tapia stated that the group did not discuss the plan to that granularity but that they have agreed since the beginning that what this population will look like must be understood.</p> <p>Mr. Weir questioned how this will drive a fiscal note. He asked if this would not have been settled when crime laws were originally passed? Mr. Allen (Joint Budget Committee Staff, audience member) stated that time actually served and/or anticipated is written into legislative proposals and that pushing the PED out 19 months will have an effect.</p> <p>Mr. Tapia stated that we do not know how this will affect Parole Board behavior or Community Corrections Board behavior and that this will have to be phased in over time. He stated that there are many unknowns,</p>
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<p>Issue/Topic:</p> <p>ISPI Work Group</p>	<p>especially if a fiscal note is limited to 3 years. Mr. Allen responded, noting that fiscal rules would probably require a 5 year window for this and that even if it would be difficult to predict all of the impact it may have it would be inaccurate to say that it would have no impact even in that short of a time span.</p> <p>Ms. Donner then stated that her understanding was that the reason parole eligibility dates were designed this way (19 months and 9 months for nonviolent and violent crimes, respectively) was because Community Corrections was intended to be a step down from parole. Ms. Walker stated that this recommendation would not change that, it just changes where in the timeline this step is placed.</p> <p>Ms. Walker stated that a lot of education would be needed along with these changes to make sure the right people are sent to Community Corrections and the right people are sent directly to parole.</p> <p>Ms. Donner stated that this increases the average length of stay for those that have not committed a crime of violence. Ms. Walker responded that the group has discussed whose interests are important for various situations. Both offenders and victims are confused. The benefit that comes from this, even though it increases time served for some, is clarity for everyone. Ms. Walker stated that an increase in the presumptive parole will also be seen.</p> <p>It was stated that the low risk offender referrals should be on parole (but they are not). This new method provides a feedback loop and stops the mandatory referrals for people we know will never be accepted. Ms. Otten stated that there are low risk people that should be on parole and that that is why on Track 1 Community Corrections is not even an option.</p> <p>Ms. Walker noted that the Parole Board Release Guidelines Instrument (PBRGI) needs to be updated. Ms. Donner asked how to know when a tool is good enough?</p> <p>Mr. Mauro stated that offenders are placed in one of two categories. The victim-related crimes seem to be the ones where people want offenders to meet their PED but what if we look at something else for the low risk/low need/non-violent offenders?</p> <p>It was stated that discussion cannot move away from the original problem which is the ISPI category. These will not all be high and medium risk</p>
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<p>Issue/Topic:</p> <p>ISPI Work Group</p>	<p>offenders.</p> <p>Mr. Weir and Mr. Tapia discussed the idea of having a safety loop. It was noted that the final decision should still be locally controlled but that there may be a way for someone to go around the Parole Board and directly to a Community Corrections board if they were denied parole. Mr. Hollenbeck stated that feedback on why someone is denied provides directions for what to do next, and what can help them be accepted later. For instance, if parole is denied it would be different if it is because they need to do more time versus because they need more work related education (something that could be done in the community).</p> <p>Ms. Roberts stated that there is also confusion about the process. A referral from DOC is often taken as an endorsement, which it is not. DOC is simply complying with the statute that requires mandatory referrals. She stated that this is an efficiency issue but it is also not fair to the inmate because it gives them a false sense of hope by being referred.</p> <p>Mr. Weir asked the group where they should go from here. Ms. Donner stated that the group could disaggregate some of the points made but that there is some opportunity for consensus.</p> <p>Ms. Roberts stated that the group could work on this and get rid of the replaced part of the statute. The criteria of the ISPI supervision is unnecessary for many of these people.</p> <p>Ms. English reminded the group that the CCJJ had a retreat in February and Community Corrections was not determined to be a priority. This Task Force is scheduled to come to a close after it finishes its ISPI work. Many of the items discussed could be proposed as topics for the Reentry Task Force.</p> <p>Mr. Mauro asked that if these topics are sent to the Reentry Task Force that a Community Corrections representative be included.</p> <p>Ms. Donner then asked if there are really only 3 issues regarding ISPI?</p> <ul style="list-style-type: none"> - Mandate parole after Community Corrections (with no ISPI) - Have the Parole Board review the 60-70 existing cases of people who have been on ISPI for 2+ years - Revise (remove?) the current Mandatory Supervision Standards for ISPI <p>Ms. Walker explained that those on ISPI have completed Community Corrections but have not been paroled because it would cut their sentence</p>
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<p>Issue/Topic:</p> <p>ISPI Work Group</p>	<p>short. They may be non-residential, but they are still on inmate status. The offenders are very aware of their status, but victims may not be and the community may not understand that there are “inmates” on the streets. It was also stated that almost all of these individuals have 5 years of mandatory parole because of the seriousness of their crime.</p> <p>Mr. Mauro stated that this gets everyone closer to a better reentry process and Ms. Walker stated that the parole board is in support of working through this to make it work.</p>
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<p>Issue/Topic:</p> <p>Next Steps</p>	<p>Discussion:</p> <p>Mr. Weir asked if it made sense to have a small group meet to address these three issues and he suggested that an executive summary of unfinished work may be needed to not lose other issues. The group agreed.</p> <p>The work group must meet before the final task force meeting on Oct. 6.</p> <p>The Task Force’s next meeting is scheduled for October 6. At that time the group will vote on the final recommendations from the Work Group. Outcomes will be presented to the CCJJ the following week (October 13) for the preliminary presentation.</p> <p>The CCJJ will vote on these recommendations on November 10.</p>
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Adjourned at 3:30 pm

Next meeting: October 6