

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

Minutes

October 6, 2016 1:30PM-4:30PM
700 Kipling, 4th floor Training Room

ATTENDEES:

CHAIR

Pete Weir, 1st Judicial District Attorney

TASK FORCE MEMBERS

Alexandra Walker, Parole Board

Dave Weaver, Douglas County Commissioner

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

Brian Hulse, Intervention Community Corrections Services

Joe Cannata, Voices of Victims

Melissa Roberts, Department of Corrections/Division of Parole

Shannon Carst, Colorado Community Corrections Coalition

Dennis Berry, Mesa County Criminal Justice System (phone)

Kevin Strobel, Public Defender

Valarie Schamper for Glenn Tapia, Division of Criminal Justice

Paul Hollenbeck, Department of Corrections /Offender Services

ABSENT

Mike McIntosh, Adams County Sheriff

Michael Vallejos, 2nd Judicial District

Harriet Hall, Jefferson Center for Mental Health

John Cooke, Senate District 13

Dana Wilkes, Division of Probation Service

Christie Donner, Colorado Criminal Justice Reform Coalition

Kathryn Otten, Jefferson County

Rose Rodriguez, Independence House

STAFF

Richard Stroker, CCJJ consultant (phone)

Kim English, Division of Criminal Justice

Germaine Miera, Division of Criminal Justice

<p>Issue/Topic: Welcome/Introductions</p>	<p>Discussion:</p> <p>Task Force Chair Pete Weir began the meeting at 1:40 p.m. Members of the task force, staff and the audience introduced themselves.</p>
--	---

<p>Issue/Topic:</p> <p style="text-align: center;">ISPI Work Group</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote <p style="text-align: center;">Action</p>	<p>Discussion:</p> <p>Pete began the meeting by stating that the ISP-I Working Group has been focused on revising the recommendations presented during the September meeting. Melissa Roberts and Glenn Tapia have spearheaded the work to incorporate the feedback from task force members and various stakeholder groups. In the last few weeks Melissa has worked as the lead for this group in Glenn’s absence.</p> <p>Melissa addressed the group and thanked Valarie Schamper for filling in for Glenn on the working group. Melissa directed Task Force members to the handouts provided and the three revised Working Group recommendations.</p> <p><i>DISCUSSION POINTS</i></p> <p>Melissa reminded Task Force members that during the September 1st Task Force meeting the working group presented seven recommendations which were fairly ambitious and called for extensive system-wide reform. The conversation during that meeting fostered a lot of discussion around the timing of creating such a vast change. At that time the Task Force asked the Working Group to reconvene and revisit the recommendations, and to come back to the Task Force with recommendations focused on taking smaller steps.</p> <p>With that charge the Working Group held a half-day meeting on September 28th with significant turnout. During that meeting working group members developed language to codify what has historically been referred to as the ‘presumptive parole track.’ The group also created a recommendation to ‘clean up’ and revise the DOC-community corrections referral language in statute. Melissa presented the three recommendations (below) followed by discussion on each.</p> <p><u>FY17-CC #1 Purpose of Community Corrections (Statutory)</u></p> <p>Codify the mission and purpose of Community Corrections in language similar to that of Parole as enacted by SB 16-1215.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> • Melissa explained the recommendation and highlighted that the goal of the proposal is to align the statutory “Purpose of Community Corrections” verbiage with the statutory “Purpose of Parole” verbiage that was proposed by the CCJJ last year and subsequently enacted by the legislature.
--	--

<p>Issue/Topic:</p> <p>ISPI Work Group (continued)</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote 	<p><u>FY17-CC #2 New Community Corrections Reentry Referral Process (Statutory)</u></p> <p>Process:</p> <ol style="list-style-type: none"> 1. Crime of Violence (COV) offenders will be eligible for community corrections reentry placement at their Parole Eligibility Date (PED). Eligibility for non-COV offenders will remain the same under current statute. 2. If a community corrections program/board accepts a COV offender, the offender will be seen by the Parole Board. If the Parole Board approves the offender for the Presumptive Parole Track, the offender will be transferred to the community corrections program and will be paroled upon successful completion of the program. If the Parole Board does not approve the offender for the Presumptive Parole Track, the offender will not be transferred to the program. Non-COV offenders who successfully complete the program will be paroled. 3. Community Corrections boards and facilities/programs may accept or deny on the basis of the following factors including but not limited to: risk of recidivism, need, readiness for community placement, community ties, public safety, and local resources to address risk and need. <ul style="list-style-type: none"> o Community Corrections boards and facilities/programs shall utilize a structured, research-based decision making process that combines professional judgment and actuarial risk assessment tools. 4. Clients who successfully complete Community Corrections will be paroled to the community. 5. Repeal the Statutory Definition of Intensive Supervision Program-Inmate: To repeal the minimum standards and criteria for the operation of Intensive Supervision Programs, specifically C.R.S. 17-27.5-102 Subsections 2, 3, 4. <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> • This recommendation would result in Crime of Violence (COV) offenders becoming eligible for comcor placement at their parole eligibility date (PED). The goal is to bridge the gap between comcor eligibility and parole eligibility as much as possible in order to reduce the number of ISP-I offenders in community. • The language in item #3 would direct legislative changes so the revised presumptive parole track is codified in statute. Therefore, if the parole board agrees to a presumptive parole track, the offender will only then be transferred to community corrections. • If the parole board does not agree, the offender will not be moved to the program. • COV offenders will be eligible for community corrections placement at their PED. The goal is to ‘back up’ how soon someone can see the parole board so they can be <u>placed</u> at their PED.
---	--

<p>Issue/Topic:</p> <p>ISPI Work Group (continued)</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote 	<ul style="list-style-type: none"> • If someone is accepted by the comcor program but the board does not approve them, they won't go to community corrections at all. If a program accepts someone and the board agrees, then that person will be put on the presumptive parole track. The parole board decision happens anyway, so the parole board hearing will happen just as it always would. • Violent offenders are often deferred at their first hearing, which resets the clock for other opportunities. A record of the hearing history will provide the facilities with more information. • Pete noted that it feels backward to have a facility make the determination on whether or not to accept, followed by the parole board then doing their review, especially when the parole board has far more detailed information. He asked if the Working Group considered this in reverse order. Melissa replied that the parole board would like to go into the hearing knowing whether or not the offender would even be accepted. • Alex Walker noted that there are a number of competing interests and it was challenging to work with all the feedback from the last meeting. The only way the working group could figure out how to make it work was to do it this way. In order to make this recommendation effective the group bolstered the information available in the referral packet from DOC. This recommendation provides a more thoughtful process for both COV and non-COVs. • Pete replied that it is significant to ask community corrections boards to vote on whether to accept someone if they have yet to meet the parole board. • Brian Hulse pointed out that from a process standpoint the problem already exists. • Alex clarified that the intent is for the community corrections boards to determine if they have the <u>ability to address an offender's needs</u>. The role of the parole board is to determine whether someone is <u>ready</u> to leave the institution. • Pete responded that his concerns are mostly about the COVs and that 19 months also seems too early. • A question was asked about whether there is a third option for comcor boards. Could they table their decision depending on the parole board decision? Could there be a conditional acceptance? • Greg proposed the possibility of two different processes. The parole board could look at COVs first, and comcor boards could look at non-COVs first. • Brian reiterated that from a program perspective it doesn't matter. The program's responsibility is to decide whether they can manage the person or not. The parole board's responsibility is to look through a different lens of 'should they come out and are they ready.'
---	--

<p>Issue/Topic:</p> <p>ISPI Work Group (continued)</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote 	<ul style="list-style-type: none"> • Alex noted that if there were to be two separate processes, two different sets of Administrative Regulations (ARs), and two different systems - there would be potential for a lot more problems. The goal is to create ONE process to help people understand an already difficult and confusing system. <p>Richard reminded task force members that the reason the group was tasked with this is because of the issue of people successfully completing comcor and then being denied parole and placed on ISP-I status. This is an important issue that needs to be resolved and these recommendations are an attempt to resolve it. This is an attempt to accomplish the work that has been assigned. The CCJJ is looking for a recommendation from the group soon. It is important that the task force ultimately achieve some acceptable result.</p> <ul style="list-style-type: none"> • Kevin Strobel asked why the referral for non-COVs can't stay the same as it is now at 19 months prior to PED. He asked why the proposal doesn't keep eligibility the same for COVs with the same eligibility date. Alex replied that the reason is because the COVs create the ISP-I issue. As for the non-COVs, if someone gets accepted by a comcor board they're automatically on the track. • Success is defined as completion of the Progression Matrix. • This recommendation is important for clarity for victims. • Kim explained to the task force members that COVs account for 2% of the DOC population. COVs are the majority of those who are on ISP-I for two years or more. • The people who are on ISP-I have committed serious offenses, but they have also been successful in community corrections and in the community after comcor. However, the parole board still refuses to grant them parole. This means they are in the community and are still considered an inmate, living under DOC supervision. • Alex expressed that she understands the frustration. She noted there are a lot of reasons why someone with a COV would be deferred and why the parole board won't grant them parole. • Melissa pointed out that the ISP-I population consists of a pretty stable number. This recommendation changes nothing for people already on ISP-I, but it gives DOC latitude on how they supervise ISP-I people. Currently they are being supervised at the highest, most restrictive level, which literature shows is not evidence-based for people who are doing well. • Joe summarized that if a non-COV offender is referred at 16 months and completes at 7 months, they still can't be paroled until their PED. This just guarantees that once they hit their PED they will be paroled. • Pete asked how much time prior to PED someone really needs. Is it 9 months for referral and 6 months before they go in? Kim answered that
---	---

<p>Issue/Topic:</p> <p>ISPI Work Group (continued)</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote 	<p>moving the date up would create a fiscal note impact on DOC. If it were to move too far out, that would decrease the incentive.</p> <ul style="list-style-type: none"> • Dennis Berry said he agrees with Pete and that the COV part is backwards. He believes comcor boards will be hesitant to accept someone without the parole board seeing them first. • Shannon said that comcor boards can absolutely make a decision without the parole board going first and that there are a lot of stop-gaps. She pointed out this is a very small population and that the comcor board and parole board are looking at the same things. The only determination the comcor board needs to make is whether the person can be managed in the community. She added the comcor board rarely sees a recommendation from the parole board anyway. Comcor boards also always want to know ‘why’ the parole board deferred someone so it would be great to have that information. • Greg and Alex both said they were more comfortable with the recommendation proposed last month, but that as far as structure, this current recommendation is the way to deal with competing interests. Dual review is the best solution and best public policy. • Melissa noted that item #4 in this recommendation is a reminder that these new pieces would change the existing process. • The indentation on item #3 refers to boards utilizing structured, research-based decision making process. • Pete asked if there should be additional verbiage about victim input, length of sentence and type of crime. Melissa replied that the working group did agree to add victim input and that it was an oversight not to include it. That element will be included before the recommendation presentation to the Commission. • Kim noted that if this is being looked at from a risk based perspective – current offense doesn’t help predict that, nor does time served. Also, all of that information is in the referral packet. Melissa agreed that the current language is evidence-based. • Shannon said she agrees to add victim input verbiage but not current offense or time served verbiage because time served is not needed when looking at risk. More time is not going to predict how someone is going to do in comcor. • Melissa clarified that the Parole Board focuses on whether someone has served enough time, a community corrections board decides whether they can serve someone’s needs. She added that every board runs differently and that it is challenging to try to keep verbiage both clear and general. • Pete reiterated that he wants to add language that individual board members shall exercise judgement along with other evidence-based factors.
---	--

<p>Issue/Topic:</p> <p>ISPI Work Group (continued)</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote 	<ul style="list-style-type: none"> • Dave Weaver asked how the system got flawed to the point of inmates on inmate status, in the community, not in community corrections who have no hope of being paroled. • Pete asked if this is something that could just be fixed between DOC and Parole. He wondered why the Parole Board couldn't just agree to parole someone once they have successfully completed comcor? Melissa offered that DOC is operating under decisions made in the past. • Alex noted that this would create an automatic parole mechanism for non-COVs. • Pete asked why, if someone is safe to be in the community, the Parole Board isn't paroling them? • Joe Cannatta shared that he doesn't think the victim community will support this recommendation. • Pete replied that he thinks the victim community would be astounded to know that people have gone through comcor, are out in the community, and are still inmates. He believes if society is comfortable with them out in the community then they should be paroled. He added this is a parole/DOC issue that should be corrected. He asked why someone is even going through community corrections who does not have a likelihood of being paroled. Greg replied that the comcor board decisions in made on the appropriateness to place someone under supervision in the community. The parole decision is around discharging a sentence. • Under this recommendation non-COVs accepted in the community would be automatically paroled if they do well. • Melissa reiterated that the goal of this recommendation is to fix this issue in the future. • Paul added that this framework offers a multi-disciplinary approach and folds everyone involved into the decision. • Shannon agreed that this proposal incorporates some of the elements that have been desired for several years. It means more clarity for everyone and cleans up the I-SPI 'mess' resulting in better referrals and better information. <p><u>FY17-CC #3 Community Reentry Process Procedures (Policy)</u> Timing of Community Reentry Process:</p> <p>Referral Criteria: DOC will define "displayed acceptable institutional behavior" under C.R.S. 18-1.3.30 (IV) (2) (b) as the following:</p> <ul style="list-style-type: none"> • The offender has spent as least six months in DOC upon regression or revocation • The offender has a classification/institutional placement of medium or lower
---	--

<p>Issue/Topic:</p> <p>ISPI Work Group (continued)</p> <ul style="list-style-type: none"> • Final Recommendations • Discussion • Vote 	<ul style="list-style-type: none"> • The offender has not received a Class I COPD in the last year • The offender has not received a Class II COPD in the last 6 months <p>Definition of Successful Community Corrections Completion: The Division of Criminal Justice Office of Community Corrections defines successful completion of a Community Corrections program as having advanced to Level Four in the Progression Matrix or having advanced to the final phase/level of a program.</p> <p>Achievement Earned Time: Inmates are eligible for Achievement Earned Time in accordance with C.R.S. 17-22.5-405 and DOC AR 550-12. DOC will communicate the Achievement Earned Time eligibility and process to all programs.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> • Shannon asked if there was any data on admissions and the number of people who would be impacted. • Melissa added that this also provides the definition of what successful completion looks like. • Valarie noted that there should be a language change on the 'successful completion' verbiage to 'through' instead of 'to.' She also asked if there was a discussion about achievement earned time impacting PED. Paul noted it has an impact on both, but it's greater for mandatory parole. <p>Melissa reviewed the proposed changes to the recommendation:</p> <ul style="list-style-type: none"> ➤ Recommendation 3, page 2, item 1, clarify COV offenders eligible for comcor reentry placement upon acceptance by boards and programs and at their PED ➤ Add 'receipt of parole board action form' ➤ Second sentence should read "if board approves board will get conditions, offender will be transferred". ➤ Add 'victim input' to the list of factors. ➤ Pete suggested comcor boards and facilities shall utilize a structured research-based decision making process in addition to professional judgement and actuarial risk assessment tool. Val agreed to research-based decision making process. The process is a combination of judgment and actuarial tool outcomes. A proposal was made to use the following verbiage "Comcor boards and facilities, to the extent possible, will utilize research-based decision making. In addition professional judgement and actuarial risk assessment tools should also be used." ➤ Page 5, on referral criteria add 'admission' before regression ➤ Under definition of successful, should be through instead of to
---	--

	<ul style="list-style-type: none"> ➤ Change verbiage to ‘six months continuously incarcerated’ ➤ Recommendation 1 (a), add ‘standards’ after programs ➤ Change the name to ‘Performance Based Parole’ <p>Votes were taken on the three recommendations as follows:</p> <p><u>FY17-CC #1 Purpose of Community Corrections (Statutory)</u></p> <p>Support - 9 Don’t support - 0 Abstain - 1</p> <p><u>FY17-CC #2 New Community Corrections Reentry Referral Process (Statutory)</u></p> <p>Support - 6 Don’t support - 4 Abstain – 0</p> <p><u>FY17-CC #3 Community Reentry Process Procedures (Policy)</u></p> <p>Support - 7 Don’t support - 2 Abstain – 1</p>
--	---

<p>Issue/Topic:</p> <p>Next Steps</p>	<p style="text-align: center;">Discussion:</p> <p>Pete adjourned the meeting at 4:35 pm and noted that these recommendations would be presented to the CCJJ on Friday, October 7th (tomorrow) with a vote scheduled for November.</p> <p><i>This concludes the final meeting of this Task Force.</i></p>
---	---