

Incarceration Task Force

Date: July 16, 2008 2:30 – 5:30 PM

Attendees:

Grayson Robinson (Chair)
Michelle Sykes (TFL)
Christine Adams, DCJ Facilitator
Tony Carochi, Deputy Director of Prisons
Pam Clifton, CCJRC
Kim English, DCJ
Kevin Ford, DCJ Staff
Mark Gardunio, DRDC
Gary Golder, DOC
Paul Herman, Consultant
Bill Lovingier, Denver jail
Shelby McKinzey, CU graduate student
Norm Mueller, Defense Attorney
Glenn Tapia, DCJ
Debbie Zwirn, Logan County Commissioner

Absent:

Michael Biggio, FREE Coalition
Rhonda Fields, Victim advocate
John Suthers, Attorney General

Issue/Topic:

Introduction (Christine Adams)

Issue/Topic:

Defining the Issues (Paul Herman)

Action:

Discussion:

- Christine reviewed agenda and requested updates from task force members.
- Pam Clifton reports that her request from Maureen O’Keefe has not yet arrived.
- Debbie Zwirn reports a conversation with a judge who would not be supportive of an advisory bond schedule.
- Paul corrects a previous report about Kansas and for-profit bonding. KS still has for-profit bonding. Reports that IL, KY, WI, and OR did abolish for-profit bonding prior to 1984. These states established expectation to appear without bond (Information from the Pretrial Justice Institute - <http://www.pretrial.org/>).
 - An article about this abolishment will be emailed to the group after this meeting.

Discussion of defining the primary task force issues:

- Assessment – better following of offender through the system; improved fidelity in administration and use of valid and reliable measures.
- Case plans – portability of training
- Programming/treatment – (refers to overarching mental health issues)
- Education – types of education; portability of training and treatment
- 35B – change from 120 to 365 days

Follow-up discussion regarding the way the sub-topics fall into the categories.

- What about mental health?
 - Oversight will tackle the mental health issue.
- What about medical stabilization?
 - Generally, this falls into the mental health category.

Issue/Topic:

Modified SWOT of Issues:

**ASSESSMENT
(Paul Herman)**

Action:

Discussion:

ASSESSMENT

This modified SWOT process focuses generally on positives (PLUSES) and negatives (MINUSES) associated with the issue. Intervening discussions of the particular points are inserted.

PLUSES

- + Various state laws that codify assessment for certain offender groups (SO, DV, MI, SA)
- + Broad use of the LSI
- + Battery of tests at DRDC is standard for every person
- + Progress assessments are done every 6 months (PAS/ Classification)
- + Opportunity – Add the LSI to the DOC assessment scheme
- + Mental health assessment [considered a plus and a minus]

MINUSES

- 15-20% of PSI reports are 2-3 yrs. old
(Where are they? Some not being done at all.)
- Lack of PSIR is problematic for DOC.

COMMENTS/DISCUSSION

Are LSIs done on people who have been revoked on parole? YES. Every single person is getting LSI. Previously, due to DOC personnel limitations, it was less than every single person. DOC management is looking into LSI tracking.

Intervening discussion of other assessments performed at DOC - Progress assessment summary (PAS)/Initial classification are re-done every 6 months to determine level of custody necessary. Case managers can change the PAS. The PAS is based on 10 factors. DOC application [re-assessment] committee – mechanism to approve the re-assessment of inmates. Assessments must be approved because treatment and custody level could change.

MINUSES (cont'd)

- Adding LSI to all offenders would be labor intensive.
- Mental health status screening [considered a plus and a minus]

COMMENTS

There may be few services available while waiting in some rural jails. Is the recidivism issue relevant to rural jails? YES. DOC people get out and re-offend in the counties.

Risk can be defined in different ways: Risk of being violent while incarcerated vs. needs risk.

Is there a mental health screening standard in jails? NO. Many have devised their own scale, but some are using the scale provided by statute.

Discussion of definition of recidivism. Some research units use common definition (Judicial, DCJ, DYC) and others - DOC - use a different definition. Is the actual recidivism rate actually higher than it appears? YES.

Issue/Topic:

Modified SWOT of Issues:

**ASSESSMENT (Cont'd)
(Paul Herman)**

Action:

Discussion:

ASSESSMENT (Cont'd)

MINUSES (cont'd)

- Funding
- Training
- Use of the assessments
- Lose fidelity/integrity of assessment skills due to lack of quality control

COMMENTS

Is the process of case management handled electronically? Much is recorded electronically. Information flows with offender within DOC and parole; not sure if there is flow to other systems. Would be nice if data followed the person electronically from arrest through to DOC and transition.

LSI or COMPAS from jail to DOC in some states (GA, NY, others). Some states track individuals more closely with these items. We use the LSI because we are a validating state and get to use it for a much smaller cost than normal.

The point: It is difficult to address the necessity to create recommendations based on assessment because ... Assessment is pointless if the services to which the assessment points are not available.

However, if you don't collect the data then there's no way to establish the need for services.

Time spent in DRDC is so short that it is difficult to perform assessments (the are there for 6 day vs. the old 45 days). Review of assessments provided each day of DRDC 6-day stay by Mark G (DRDC). The LSI is completed intermittently over the diagnostic period using information from other instruments.

Assessments performed in jail are discoverable and defense attorney will discourage any assessment that may harm their client's case.

Issue/Topic:

**Modified SWOT of Issues:
INDIVIDUALIZED CASE PLANS
(Paul Herman)**

Action:

Discussion:

INDIVIDUALIZED CASE PLANS

This modified SWOT process focuses generally on positives (PLUSES) and negatives (MINUSES) associated with the issue. Intervening discussions of the particular points are inserted.

PLUSES

- + DOC's internal policies and procedures (applies also to Community Corrections.)
- + Every offender does get a case manager and some kind of plan
- + Some case plans are very accurate for certain specialty populations: chronically mentally ill, substance abusers, and sex offenders
- + Jails have some case managers for high need groups
- + Regular reviews (audits) of case management documents makes sure they are meeting national standards for classification
- + Community Corrections also gets external audits
- + Standard manual
- + Case manager audit by external auditors
- + Supervisory review

MINUSES

- DOC internal case plans are not as accurate as they could be (applies also to Community Corrections). Too much is based on offender self-report. (*See below)
- Policy, training, resources for ICP limited
- Jail plans are a little cookie cutter (there are only a few alternatives that everyone is fit into)
- Caseload size is large
- Liability
- Lack of programs

COMMENTS

*Case plans are often designed to fit the available services rather than based on the actual needs of the offender.

In jails, some case managers deal with only classification whereas in others they do only true case management while the deputies do the classification.

In DOC, do case managers do classification? YES. What is the case management vs. classification time? Considered part of the case manager tasks.

DOC – all accredited (Community Corrections too)

Jails focus on case management topics like education, mental health

Issue/Topic:

Modified SWOT of Issues:

**PROGRAMMING / TREATMENT
/ EDUCATION
(Paul Herman)**

Action:

Discussion:

PROGRAMMING/TREATMENT/EDUCATION

This modified SWOT process focuses generally on positives (PLUSES) and negatives (MINUSES) associated with the issue. Intervening discussions of the particular points are inserted.

There was a discussion of phrases used in the definition of the issue (as it appears on the agenda): “adhere to” changed to “form around”

The discussion of this point assumes that that the previous two issues have been resolved (Assessment and Case Management).

PLUSES

- + Wide variety of programs
- + Evidence-based research models
- + Good programs in CO (SO treatment programs, therapeutic community programs in Community Corrections)
- + Articulation agreements between DOC/community colleges (mostly vocational)

MINUSES

- Wide variety of programs, but not individualized.
- Can't meet all the treatment needs at DOC (e.g., SA)
- Post-secondary opportunities are limited (*See below)
- Need evaluations of education programs to get good data
- Statutes - DOC Classes don't necessarily meet particular certification requirements of certain agencies (DMV example)
- Programs should not be tied to sentences (** See below)
- Wait lists

COMMENTS

* Funding streams available to pay for education (Dept. of Education). Need partnerships with community colleges that are in a better place, because they focus on remedial education and readiness (NM and NC and MN have good models).

Can inmates be teachers? Have Parapros (para-professionals who are inmates) who work with teachers.

Build partnerships to approve each others (i.e., local agencies and DOC) education and treatment classes. Some classes cannot be taught in certain settings: DOC/jail cannot teach domestic violence programs – must be taught in the community due to legislation.

** - Results in net widening

- Avoid offering certain programs in jail so that judges don't confine people to jails where programs are offered before placing them in the community.

Issue/Topic:

Modified SWOT of Issues:

**CHANGE PROCEDURAL RULE TO
INCREASE 35B FILING
(Paul Herman)**

Action:

Discussion:

CHANGE PROCEDURAL RULE TO INCREASE 35B FILING

This modified SWOT process focuses generally on positives (PLUSES) and negatives (MINUSES) associated with the issue. Intervening discussions of the particular points are inserted.

Norm provided an introduction to the 35B issue. The idea is to alter the 120 days to 365 days in either DOC or jails. Appellate process extends the period. Expand the time in which the offender has time to do something to get them into the programs.

- A summary of the 35b will be sent separately.

Two statutes that deal with reconsideration.

Mandatory Sentences - There are disincentives to judges to alter the mandatory sentencing rules.

Boot Camp (Regimented inmate program) – DOC can provide a report to the judge who can grant some relief. 35B would affect most people but these other two procedures can also affect the issue.

Discussion of the concerns about extending the period ensued before the SWOT

- CONCERNS: Some DAs may be adamantly opposed, court dockets could become overloaded, and the authority of judges could be reduced.
Norm rebuts: Judge is still in control; Frequency of filing would not change. Why would DAs be in opposition? It doesn't affect them.
- The DA on the Incarceration Task Force has missed a few meetings and there is concern that the "DA view" is being under-represented.
Rebut: There are DAs on the Oversight Committee who can review the Task Force recommendations.
- Many sit in jail with no access to programs and in only 120 days can show no evidence of personal improvement.

PLUSES

- + 2 current statutes
- + Provides incentive to offenders
- + Chance to demonstrate competencies

MINUSES

- Clog dockets
- Reduce judges' discretion?
- Impact on local jail transports (must run people all over state) and this would be costly.
- Filings may go up in frequency

COMMENTS

Comments were made on portfolio sentencing with accommodations to an individual making progress in programs.

Video advisement could improve the transport problem.

Would a good case file take the place of "looking in the eye"?

Issue/Topic:

Modified SWOT of Issues:

**CREATE A FLEXIBLE
GOOD TIME SYSTEM
(Paul Herman)**

Action:

Issue/Topic:

Points for the next meeting:

Review of minutes

Recommendation format

Discussion:

CREATE A FLEXIBLE GOOD TIME SYSTEM

This modified SWOT process focuses generally on positives (PLUSES) and negatives (MINUSES) associated with the issue. Intervening discussions of the particular points are inserted.

Grayson requests that the issue be re-defined from the phrasing on the agenda from "Develop/Recommend a uniform, statewide "good time" schedule for jails" to "Create a flexible good time system." This allows community norms to affect the "good time" system.

Good time and trustee time are different things

The "good time" issue will be discussed at the next meeting.

DISCUSSION

A request was made that the opportunity to review and modify or amend minutes be included in the meeting agenda.

Review the format for the recommendations (Dept. of Ed. sample) and the over-arching issues document (format similar, but with arguments).

Issue/Topic:

Issue Impact Endorsements

Action:

Discussion:

The following are the impact matrices for each of the major Incarceration issues with endorsements broken down by impact on DOC/Community Corrections and on Jails.

Assessment

-- DOC / Comm Corr. --

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>
High	1	4	4
Medium		1	
Low			

-- Jail --

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>
High	1		
Medium	1	4	1
Low	1	3	

Case Management

-- DOC / Comm Corr. --

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>	
High	1	2	5*	1 abstention
Medium		1		
Low				

*one "Long" vote due to assumed complexity of program change and one to funding.

-- Jail --

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>	
High	2	1		2 abstentions
Medium	1	2	1	
Low		1		

Programming

-- DOC / Comm Corr. --

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>
High		4	4
Medium			1
Low			

-- Jail --

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>	
High		4	2	1 abstentions
Medium		1	1	
Low				

35B

-- DOC/Comm Corr. And Jail Combined--

	<u>Immediate</u>	<u>Short</u>	<u>Long</u>	
High			1	1 abstention
Medium		4	4	
Low				