

Oversight Subcommittee on Re-Entry

Date/Time: July 11, 2008, 11:00am – 1:00pm

Attendees:

Peter Weir, Director Dept. of Public Safety (Chair: CCJJ Commission)
David Kaplan, Defense Attorney (Vice-Chair: CCJJ Commission, Chair: Post-Incarceration Supervision)
Regi Huerter, Exec. Dir. Crime Prevention & Control Commission (Chair: Re-Entry Oversight)
Stephanie Villafuerte, Gov. Office / Deputy Chief of Staff: Outreach and Administration
Christie Donner, Exec. Dir. CCJRC (Task Force Leader: Post-Incarceration Supervision Task Force)
Kim English, DCJ: Dir. of Office of Research and Statistics
Regis Groff, State Senator (ret.) (Chair: Transition Task Force)
Pete Hautzinger, Mesa County District Attorney (Member: Post-Incarceration Supervision Task Force)
Paul Herman, Consultant
Tom Quinn, Dir. of Probation Services
Gil Martinez, District Judge (Chair: Probation Task Force)
Jeaneene Miller, DOC Dir. of Parole, CC, & YOS (Member: Post-Incarceration Supervision Task Force)
Mike Reide, Chief Probation Officer (ret.) (Task Force Leader: Probation Task Force)
Grayson Robinson, Arapahoe County Sheriff (Chair: Incarceration Task Force)
Jeanne Smith, Dir. of Division of Criminal Justice
Christine Adams, DCJ: ORS
Kevin Ford, DCJ: ORS
Linda Harrison, DCJ: ORS
Kerry Lowden, DCJ: ORS
Germaine Miera, DCJ: ORS
Diane Pasini-Hill, DCJ: ORS

Absent:

Louise Boris, V. P. of Programs, Colorado Coalition for the Homeless (Task Force Leader: Transition Task Force)

Issue/Topic:

Introduction/Agenda Overview

Regi Huerter

Issue/Topic:

Task Force Updates

Probation Task Force Chair:

Gil Martinez

Discussion:

The meeting began with an agenda overview and announcements. Each Task Force Chair was introduced to provide a progress update to the Oversight Committee. Handouts were provided regarding each group's issues (see page below each group summary).

Probation Task Force: Gil Martinez (Chair)

- Continues to review the standard and special conditions of probation to ascertain whether they all make sense and are necessary.
- Continues to discuss how the typical array of negative probation sanctions may be used more appropriately and may be augmented with incentives.
- Continues to discuss how statutes hinder successful probation.
- Continues to discuss good/earned time in the context of probation.

General comments:

- Offered to support the value of the particular issues being discussed by the task force, including that the more tailored the conditions of probation, the more likely it is that there will be a successful outcome.

Probation Task Force Summary (Handout)

Issue	Description	System Impact			Time Line		
		High	Med.	Low	Immediate	Short Term	Long Term
Standard Probation Conditions	Discussion of the main conditions (as opposed to special conditions). The concern is that many are unnecessary and can actually be harmful to the potential success of the probationer.	X	X		X	X	X
Special Probation Conditions	Discussion of the usefulness of special probation conditions. The concern is that many are unnecessary and can actually be harmful to the potential success of the probationer.	X	X	X		X	X
Sanction Guidelines	There is a need for positive (i.e., incentives) and negative sanctions to help offenders get through probation successfully.	X				X	X
Statutory Reviews	Identify the statutory barriers to successful probation.	Not discussed yet					
Good Time/Earned Time	Good Time and Earned Time programs are available to offenders in other criminal justice arenas (e.g., prison and jail inmates) but not for offenders on probation. The availability of earned time and good time for probationers could make their experience more positive and provide milestones that could be reached to reduce an offender's sentence.						

Issue/Topic:

Task Force Updates

Incarceration Task Force Chair:
Grayson Robinson

Discussion:

Incarceration Task Force: Grayson Robinson (Chair)

- Described the discussions and priorities surrounding the issue of bonding (advisory bond schedule, “Bond –to-court,” Bond commissioners).
- Described discussions on the use of summons, issues surrounding good time, and increasing the time allowed to file a 35B (motion to reconsider sentence).
- Due to its pervasive effect, emphasized the importance of addressing the overarching issue of mental health (at the Oversight level; discussed further below).
- Indicated the issue remaining to be “SWOTed” fully is “good time.”

Regi offers the specifics of the SWOT process so that non task force members on the Oversight Committee are clear.

General comments:

- There is also a push by Judicial to update the bond schedule. Cash bonds are mentioned as an alternative to a standard bond. Because this issue is not statutory, it ultimately is a matter of judicial education.

Incarceration Task Force (Handout)

Issue	Description	System Impact			Time Line		
		High	Med.	Low	Immediate	Short Term	Long Term
Advisory bond schedule	The idea of an advisory bond schedule for the state due to the diversity between judicial districts.		X	X		X	X
Bond-to-Court	The idea that bond money can go to the court, rather than needing a bondsman, and can be used for programming. Would eliminate for-profit bonding.	X	X	X		X	X
Bond Commissioners	Would allow low risk defendants to be released from custody to continue working and supporting their financial responsibilities while minimizing community risk and appearing for all Court proceedings.	X	X	X		X	
Summons statute	Mandate that the statute be a more prevalent option.	Discussed in combination with bond commissioner idea.					
Mental Health	Mental health issues in the prison and jail system (to be looked at as a whole, not broken down).	X			X	X	X

Issue/Topic:

Task Force Updates

Transition Task Force Chair:
Regis Groff

Discussion:

Transition Task Force: Regis Groff (Chair)

- Provided an update on the task force discussions of survival needs: housing, IDs, financial obligations (restitution, fees, & costs), release money, transportation, employment.
- The task force will soon address social support issues.

General comments:

- There was a brief discussion of the exorbitant nature of the current fees and costs (not referencing restitution or child support, but court fees, programs fees, and surcharges).
- Jeaneene Miller offered to pull information regarding housing subsidies following a question of the amount DOC spends on subsidizing housing. Kim English offers that about 5% of transition parolees were moving to a hotel/motel setting.
- Idea mentioned to extend DOC inmate support stream (equivalent of \$2500/month) for one year to support the parolee in programs during this high risk, first year of release. At the moment, there is a lack of funds to support such an idea. Reduced recidivism may make the idea fiscally viable.
 - How much is DOC currently spending on parolees?
 - Maybe use current funding formula as a starting point, however, housing is not included in the formula.
 - There's a lack of services in many communities toward which these funds could be spent.
- Drug surcharges are necessary to support drug programs. Is this funding method common across the country? Shouldn't the general fund pay for such programs? How much money is being spent on each parolee?

Transition Task Force

Issue	Description	System Impact			Time Line		
		High	Med.	Low	Immediate	Short Term	Long Term
Survival Issue - Housing	There is a need for every offender coming out of the Department of Corrections and jail to have somewhere to live. There is currently a large number of offenders who parole homeless	X					X
Survival Issue - ID's	It is critical that every inmate coming out of the Department of Corrections and other facilities have proper identification. Without a government recognized ID it is impossible to acquire absolute necessities such as housing and employment.	X				X	
Survival Issue - Restitution, Fees and Costs	Inmates being released are oftentimes heavily burdened with fees, fines and costs that can run into the thousands or tens of thousands. Inmates often have trouble finding work, let alone well paying jobs. Failure to pay fines can result in technical violations and return to prison	X					X
Survival Issue- Release Money	Discussion over the amount of release money given to offenders (\$100 per offender hasn't changed in more than 20 years). #1 – Is this amount appropriate? Is the current release money system appropriate or could we switch to a more effective model? (e.g., vouchers, etc.)	X					X
Survival Issue- Transportation	Offenders re-integrating into the community need to get from their homes to their jobs, parole and various treatment appointments.			X			X
Survival Issue - Employment	This is a complex, multi-layered issue. Offenders need immediate employment upon their release (often just a 'job') but also work that can be meaningful and well-paying (more of a 'career'). There is often lack of skills on the part of the offender, lack of willingness by employers to hire felons, difficulty for offenders holding down a job to make daytime appointments with PO's (dropping random UA's, etc.), transportation getting to a job and even an ID to get a job.	X				X	X
Social Support Issues related to EBP	The issues stated above are all 'Survival Issues' in that these are issues that every offender is faced with upon re-entry into the community. 'Social Support' Issues deal more with an offender's personal experiences, barriers and challenges surrounding positively re-associating into the community.	Not discussed yet					

Issue/Topic:

Issue/Topic:

Task Force Updates

Post Incarceration

Task Force Chair:

David Kaplan

Discussion:

Post Incarceration Task Force: David Kaplan (Chair)

- Provided an update on the task force exploration of community corrections case management (completed), parole case management (to be completed), and parole structure (to be completed).
- Community corrections case management: Have looked at assessment, availability and funding for treatment services, financial burdens on offenders, difficulty of meeting conditions of parole, and flexibility in length of stay (LOS). Will likely make statement of support for efforts by the Community Corrections Advisory Council.
- Parole case management: Provided a brief introduction to preliminary information on this topic provided by Tim Hand to be discussed at the upcoming task force meeting.
- Parole structure: A brief description is presented of the extensive interview project being conducted by Christie Donner to be presented at an upcoming meeting of the task force. So far, there is not a lot of consensus among the 49 interviewees on the issues, but there is agreement on the desire and need for change.
- There is an expression of the anxiety over the time pressure to complete a recommendation document in time.

General comments.

- There are so many fees for and demands of offenders in community corrections that it is difficult for them to begin to create a normal life. It sets up offenders for failure upon release.
- DOC supports the reduction in the need for community corrections beds by having more step-down alternatives, but there is currently not enough money to create or maintain such facilities.
- Governor's office is interested in looking at the activities of parole boards to improve the efficiency of processes through the use of technology.
- The risk assessment instrument used in Virginia appears to be working well. Can it be adapted for use in CO?

Post-Incarceration Supervision Task Force

Issue	Description	System Impact			Time Line		
		High	Med.	Low	Immediate	Short Term	Long Term
Envision a 'perfect parole system'	<p>Detailed report to come July 25th (47 people interviewed and observation of 40 parole revocation hearings) This report will help identify specific recommendations that the PIS Task Force can consider. The general topics are falling into three general areas:</p> <p style="padding-left: 40px;">(1) releasing mechanism – parole board/no parole board; discretionary parole/mandatory parole; and time served prior to eligibility for release (this includes an analysis/evaluation of the status quo as well as a future vision)</p> <p style="padding-left: 40px;">(2) transition – the role of “step down” facilities (ditto-evaluation of status quo and vision)</p> <p style="padding-left: 40px;">(3) case management/supervision in parole and community corrections (which includes EBP – use of assessment, etc.) (ditto-evaluation of status quo and vision)</p>						

Issue/Topic:

Task Force Updates: Conclusion

Action:

Discussion:

Task Force Updates: Conclusion

General comments were offered regarding the next step of task forces constructing their recommendations.

Recommendation construction

- Recommendations can be written as a catalyst to explore issues and need not be presented as fleshed out programs or solutions.
- Recommendations can address the need to alter policies in current structures, or to suggest new structures for which new policy will be required.

Recommendation format

Regi Huerter discussed a potential format for the task force recommendations (she provided a sample that has not been included here). The task force recommendation document may not take the exact form of the model, but simply offer a guide for the structure of the document. There was general agreement that the example provides a format to follow.

Appreciation

Pete Weir expressed appreciation to the task forces for their hard work under the time allotted for this first phase of the process. Although the commission is most interested in broad recommendations, don't overlook opportunities to provide recommendations regarding short-term solutions (immediate or within 6-12 months) that might be acted upon within constraints of the tight budget cycle.

Issue/Topic:

Overarching Issues

Regi Huerter and Paul Herman

Action:

Discussion:

In the meeting time remaining Regi Hurter and Paul Herman presented thoughts on the overarching issues for the Oversight Committee.

Regi Huerter introduced the issues as listed on the agenda (see list below) and provided a handout regarding these issues ("Discussion of Overarching Issues;" see below).

Overarching Issues:

- Data/information systems
- Identification for inmates leaving incarceration
- Community corrections
- Training
- Mental Health/substance abuse
- Decision items: Executive and Judicial Branches noting fiscal impact on other (local) systems
- Additional items? (added during the meeting)
 - Disproportionate minority representation
 - Gender

Data Access Issue

Kim English (DCJ) reviewed handout information on the topic and stated that a cultural change in data sharing is required.

- Jeaneene Miller reported that there are too many requests for information in the current task force process. She requested that the protocol be used restricting who can ask for data and how it is requested. Task forces are referred to the already existing protocol for data requests.
 - The Oversight Committee as a whole will not vet the requests. Requests should travel from the Task Forces to DCJ/Kim English.
- Regarding the broader topic, there is no common identifier for individuals moving through the justice system, which makes tracking difficult.
- It seems that although most units in the justice system are collecting data for tracking, there is less emphasis placed on using the data for planning.

ID Issue

This issue was mentioned, but not discussed.

Community Corrections Issue

Private facilities are seen as "single biggest issue." No further discussion.

Issue/Topic:

Overarching Issues

Regi Huerter and Paul Herman

Action:

Discussion:

Overarching Issues (cont'd)

Training Issue

There is a trend toward the increase of training academies.

- A more efficient approach would be to offer a common academy to provide commonly needed training with supplementary academies to offer setting/job-specific training.
- The current training provided in Probation was described.
- There was a training alliance that existed previously, but it “fell apart.”
- It was suggested that the training academy might also include community partners to provide additional training perspectives (from Non-profits and Faith-based programs).

Decision Item Issue

Include impact statements to fiscal notes to avoid the “silo problem” (looking at initiatives and solutions as having isolated impacts).

Mental Health Issue

Oversight Committee will weigh and make recommendations on this pervasive impact issue.

Disproportionate Minority Representation Issue

It was suggested that the Colorado Black Roundtable (<http://coloradoblackroundtable.com/>) may be a source for recommendations on this point.

CCJJ Re-Entry Oversight Committee

Discussion of Overarching Issues

July 11, 2008

Goal: Develop recommendations with specific objectives that resolve the issues related to the following concerns identified by multiple Task Forces and/or the Re-Entry Oversight Committee

Questions for the Oversight Committee are in this font below

Data/information systems

Issues:

- Lack of access to data
- Lack of data quality
- Data in current systems often not developed for analysis
- A common, non-duplicative information system is necessary to move correctional case management into the future
- Tracking performance of CCJJ initiatives may require data in current systems to be developed as performance indicators
- Lack of common identifier to track offenders across systems

Lack of access to local and state data that is required for basic planning and evaluation purposes impedes efforts to understand existing systems, the individuals in those systems, specific case management procedures, and agency performance.

In addition, developing a single case plan that follows individuals throughout their justice system experience requires sharing information and avoiding duplication of data entry.

- What are the barriers to accessing data from state and local agencies for analysis by planning entities like the CCJJ?
- What safeguards are required to ensure the privacy of individual cases is maintained when data are analyzed in the aggregate?
- What resources/support is necessary to remove current barriers to data access by non-agency personnel?
- What is required for agency officials to encourage rather than restrict the access and analysis of data by other entities?

Identification for inmates leaving incarceration

Background. The federal Secure and Verifiable Identification Act, passed in 2001, requires state statutes to be in compliance with the regulations specified in the Act for individuals to obtain access to federal buildings that require IDs (such as airport transportation). To this end, in 2003 (the year mandated for compliance), the National Conference of State Legislatures noted that most states addressed the issue of drivers license and identification card security on three main fronts: 1) eligibility requirements; 2) falsification concerns; and 3) anti-counterfeiting measures.¹ In 2003, Colorado enacted the Secure and Verifiable Identity Documents Act (HB 1224), which prohibits public entities that provide services from accepting or relying upon documents that are not secure and verifiable as proof of identification. The law defines a "secure and verifiable document" as "... documents issued by a state or federal jurisdiction, or recognized by the U.S. government, and that are verifiable by state or federal law enforcement, intelligence, or homeland security agencies." The law states that public entities that issue licenses or ID cards shall not accept identification documents that are not "secure and verifiable."

The following types of identification are *Secure and Verifiable* according to the Colorado Department of Revenue:²

- Any Colorado Driver License, Colorado Driver Permit or Colorado Identification Card, current or expired one year or less. (Valid temporary paper license with invalid Colorado Driver's License, Colorado Driver's Permit, or Colorado Identification Card, expired one year or less is acceptable.)
- Out-of-state issued photo driver's license or photo identification card, photo driver's permit current or expired one year or less.
- U.S. Passport current or expired less than 10 years.
- Valid foreign passport with I-94 or valid processed for I551 stamps. Exception: Canadian Passport may not have I-94 attached.
- Valid I-94 issued by Canadian government with L1 or R1 status and a valid Canadian drivers license or valid Canadian identification card.
- Valid I551 Resident Alien/Permanent Resident card. No border crosser or USA B1/B2 Visa/BCC cards.
- Valid I688 Temporary Resident, I688B, and I766 Employment Authorization Card with intact photo.
- Valid US Military ID (active duty, dependent, retired, reserve and National Guard).
- Tribal Identification Card with intact photo. (U.S. or Canadian)
- Certificate of Naturalization with intact photo.
- Certificate of (US) Citizenship with intact photo.

To obtain a driver's license or state ID card, applicants must present two forms of documentation to prove date of birth and social security number (SSN), if one was ever assigned. At least one of the two identity documents must be from the primary list. DOC's Inmate ID is not a Secure and Verifiable ID but it can be used to obtain a birth certificate when the person was incarcerated using his/her real name (name on the birth certificate).

Federal law requires that states collect driver's license applicants' Social Security numbers (SSN) under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.³ However this requirement applies only to applicants who have a SSN. Most states require applicants to provide proof of their SSN as a prerequisite for obtaining a driver's license. However, 40 states have exceptions to that rule, which range from providing a Letter L-676 from the Social Security Administration (SSA) to a sworn affidavit from the applicant stating that he or she neither has, nor is eligible for a SSN (Colorado requires the sworn affidavit). According to a February 2002 U.S. General Accounting Office (GAO)

¹ Chan and Morris (October 2003). *Driver's Licenses and Identification*. National Conference of State Legislatures. Available at <http://www.ncsl.org/programs/transportation/2003driverID.htm>

² http://www.revenue.state.co.us/mv_dir/formspdf/2841.pdf

³ National Immigration Law Center, Overview of States' Driver's License Requirements, updated August 25, 2003. Available at <http://www.nilc.org/immspbs/DLs/index.htm>

report, only six states--Georgia, Kansas, Maryland, Michigan, Minnesota and Oregon--do not collect SSNs of all applicants for driver's licenses. Some states, such as New Mexico, allow applicants to submit IRS individual taxpayer identification numbers (ITIN) in lieu of a SSN. Under U.S. law, earned income is taxable whether the earner is lawfully or unlawfully present. To track earnings of immigrants who are not eligible for a SSN, the Internal Revenue Service (IRS) created the ITIN, a nine-digit number similar to the SSN, but which begins with the number 9. Since the program began in 1996, the IRS has issued about 5 million ITINs. Since the establishment of the ITIN, its use, like the use of the SSN, has expanded beyond its originally intended purpose. Today, seven states--Kansas, Kentucky, New Mexico, North Carolina, Pennsylvania, Utah and West Virginia--allow submission of the ITIN in lieu of the SSN at application for a driver's license.⁴

Issues:

- Identification for inmates leaving correctional facilities has been discussed by several Task Forces as a significant issue.
- The Community Re-Entry Summit Report of September 14, 2006 identified the lack of identification as an impediment to housing and employment.
- The Department of Corrections is working with the Dept. of Revenue's Driver's License Bureau to make IDs for departing inmates but this event has occurred only twice (every 6 months) and made IDs for only fewer than 100 inmates each time.
- Approximately 50 inmates are released each day from DOC—how many require IDs?
- Many efforts to solve this issue over the years consistently faced barriers.
- Other states have solved this issue.

Community Corrections

Community corrections in Colorado was established in 1974, and refers to a system of specific halfway house facilities that provide residential and non-residential services to convicted offenders. These facilities, often referred to as programs, receive state funds but are based and operated in local communities. These programs provide an intermediate residential sanction at the front end of the system between probation and prison, or reintegration services at the tail end of the system between prison and parole. Offenders are required to pay up to \$17.00/day for room and board; on average, they pay \$13.00 per day. Currently approximately 1,630 beds exist in halfway houses across the state, serving between 5,000 and 6,000 offenders annually.

Many concerns have been raised about the current operation of the community corrections system. The concerns are broad in scope and have been raised by all stakeholders. Among the concerns raised are the following:

⁴ Chan and Morris (October 2003). *Driver's Licenses and Identification*. National Conference of State Legislatures. Available at <http://www.ncsl.org/programs/transportation/2003driverID.htm>

- Is the community corrections system serving the most appropriate correctional population?
- Is the variability across programs reasonable?
- What *exactly* is the client referral/acceptance process? Should it be more predictable and transparent?
- What is the appropriate length of stay for offenders in community corrections?
- What should the per diem rate be?
- How much should we expect offenders to pay?
- How can staff training, turnover and professionalism be best addressed?
- How can we manage issues of expansion?
- What are the benefits and disadvantages of privatization?
- How are evidence-based practices integrated into the community corrections system? Since the program began in 1974, is it time to revisit the goals, structure, and operations of this system?

Training for community based case management professionals

Currently the DOC, along with the Division of Adult Parole, Community Corrections and Youthful Offender System, and Judicial's Division of Probation Services each operate training academies. Discussion is underway to regarding the development of yet another training academy for community corrections staff.

Each organization has agency-specific training needs. Yet members of the Task Forces have discussed the need for a different approach to case management, and the training needs that accompanying "success-oriented supervision." Further, research has established that supervision alone does not reduce recidivism. Research has established that treatment- and service-oriented supervision does reduce recidivism by, on average 17%, and save taxpayers over \$11,000 per offender.⁵

- Are there advantages to establishing a common case management training curriculum for delivery to supervising officers and mid-level supervisors in agencies across the criminal justice system that would address evidence based correctional practices, including
 - Assessment of criminogenic needs and risk for reoffense
 - Success-oriented case management strategies
 - Motivational Interviewing® and coaching

⁵ Steve Aos, Marna Miller and Elizabeth Drake. (2006). *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Washington State Institute for Public Policy, Olympia, Washington. See Exhibit 4 on page 9.

- Case manager performance measures (increasing consistency in direction and philosophy across the system)
- System performance measures
- Might an interagency team of trainers be developed to deliver the training?
- Would this approach improve consistency of service delivery for offenders regardless of their status in the system? That is, would this model improve our ability to focus on individual offender risk/needs in a way that consistently prioritizes broad-scale recidivism reduction through individual-level risk reduction?
- Is it possible identify and implement a set of consistent performance expectations of corrections professionals across the state?
- Is it possible under this model to identify agency-level performance indicators—for multiple corrections agencies--that link to the implementation of skills learned and employed by professionals engaged in success-oriented supervision?
- Since the pool of trainees (from probation, community corrections, DOC and parole/community) would expand significantly under this model, could training be offered regularly and frequently so new employees could receive training immediately rather than waiting (often months) for the next available opportunity?
- Could this training capacity eventually result in expanding such training for in-facility correctional officers?

Decision Items and Fiscal Notes: Executive and Judicial Branches noting fiscal and other impacts on associated (local) systems

In Colorado, new budget requests and associated impacts are referred to as Decision Items and Fiscal Notes, respectively. Each agency is required by both the Governor's Office (for executive branch agencies) and the General Assembly's Joint Budget Committee to submit budget requests that carefully specify the cost of the budget item proposed.

The Re-Entry Task Force discussions have raised the issue of agencies seeking resources for new initiatives--and preparing the required decision items and fiscal notes—in a way that documents the full fiscal and non-fiscal impact of new initiatives on other entities. Carefully analyzing and quantifying the full range of expected consequences (for example, the impact that a state-level initiative might have on a county jail) is a systematic and unified approach to all

agency's recidivism reduction efforts. This documentation can be revisited in the future for review and discussion should unintended consequences surface.

- How might an agreement be crafted among agencies that propose recidivism reduction initiatives to address the concerns identified here?

Mental Health and Substance Abuse

Each Task Force has raised issues related to serving offenders with behavioral health problems. Because of the significant toll arrest and incarceration takes on individuals with behavioral health problems and their families, and the corresponding toll it takes on local and state justice systems poorly designed to meet their needs, a detailed overview is provided.⁶

Overview. Between 1988 and 1998, the Colorado Department of Corrections (DOC) reported that the proportion of the correctional population with serious mental illness (SMI) increased nearly sixfold.⁷ By 2006, the proportion grew to 24 percent both in Colorado prisons by 2006.⁸ Likewise, the number of mentally ill persons in county jails in Colorado has increased dramatically in recent years. One metro area jail reported an increase from 16 percent to 31 percent seriously mentally ill inmates within a three-year period. Correspondingly, a recent report indicates that 40 percent of current jail inmates throughout Colorado have some type of mental disorder.⁹ Although there are no standardized measurements of mental illness among jail inmates, every jail in the Front Range corridor has reported significant increases.

The Colorado Department of Corrections reports that offenders with mental illness (OMIs) face monumental re-entry challenges such as scarce transitional placements or aftercare plans, lack of employment, homelessness, co-occurring substance abuse problems, and difficulties obtaining psychotropic medication.¹⁰ While OMIs need more assistance to meet their myriad needs as they attempt to re-enter society, discharge planning is one of the least frequently provided services for this population.¹¹

The many issues facing offenders with mental illness are often further confounded by the fact that a majority of them also suffer from substance abuse problems. James and Glaze (2006) reported that 76 percent of jail and 74 percent of state inmates showed substance dependence.¹²

These dually-diagnosed offenders have a further reduced chance of acceptance into parole or community corrections programs due to their perceived risk to society. Colorado DOC researchers Schnell and O'Keefe Leipold report that:

- Twenty-eight percent of OMI's were placed in community corrections during their incarceration as compared to 36 percent of inmates without mental illness.

⁶ This review is excerpted from a report in progress by Diane Pasini-Hill, Christine Adams, and Germaine Miera, Colorado Division of Criminal Justice, Department of Public Safety.

⁷ See *Offenders With Serious Mental Illness: A Multi-Agency Task Group Report to the Colorado Legislative Joint Budget Committee* (Colorado Department of Corrections, 1998).

⁸ Schnell, M. and O'Keefe Leipold, M. (2006). *Offenders with mental illness in Colorado*. Colorado Department of Corrections, Office of Planning and Analysis.

⁹ Metro Area County Commissioners (Katy Human. Triage centers planned for mental-health care. *Denver Post*, April 20, 2008, 16A.)

¹⁰ Schnell, M. and O'Keefe Leipold, M. (2006). *Offenders with mental illness in Colorado*. Colorado Department of Corrections, Office of Planning and Analysis.

¹¹ Osher, F., Steadman, H. J., and Barr, H. (2003). A best practice approach to community reentry from jails for inmates with co-occurring disorders: The APIC model. *Crime and Delinquency*, 49, 79-96.

¹² James, D. J., and Glaze, L. E. (2006). *Mental health problems of prison and jail inmates*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

- Offenders with mental illness were granted discretionary parole 14-16 percent of the time, compared to 21 percent for offenders without mental illness.
- Twenty-four percent of offenders with serious mental illness completed their sentence while in prison as opposed to 18 percent of offenders without mental illness.
- OMI's serve approximately four months longer sentences, on average, than offenders without mental illness.¹³

Additionally, while 25 percent of the population has a mental illness in the Schnell and O'Keefe Liepold study, these offenders committed 34 percent of the total disciplinary violations in prisons. This directly relates to the OMI's inability to navigate the harsh environment of a prison setting. However, release decision-makers weigh institutional behavior quite heavily when contemplating the release of an inmate, regardless of the circumstances, leaving OMI's at an even greater disadvantage for release.

- **Assertive Community Treatment (ACT).** Assertive Community Treatment is a team treatment approach designed to provide comprehensive, community-based psychiatric treatment, rehabilitation, and support to persons with serious and persistent mental illness such as schizophrenia.¹⁴ The clinical team is made up of several disciplines including psychiatry, nursing, addiction counseling, and vocational rehabilitation. The effectiveness of ACT has been well established with over 55 controlled studies in the US and abroad.¹⁵

The Colorado Division of Mental Health oversees the implementation of several ACT programs around the state, one of which is located at The Mental Health Center of Denver (MHCD). MHCD operates a specialized ACT program to manage those with mental illness who have a history of jail incarceration. According to the Division of Mental Health, outcome data from local programs indicate that the ACT program is highly successful, with positive post-enrollment outcomes that included increased functioning, reduced substance abuse, and fewer days of incarceration and hospitalization.¹⁶

- **Partnership for Active Community Engagement (PACE).** PACE is an innovative program begun in 1999 in Boulder, Colorado, and is also a model for the project described here. The goal of PACE is to increase client functioning and reduce jail use by the target population. PACE is an integrated treatment and diversion program that is based on the ACT model, but does not include an outreach component. All PACE staff are located in a single facility and represent a wide range of disciplines dedicated to providing services and structure to adult offenders with mental illness who have a history of incarceration. Collaboration with a variety of agencies ensures that clients receive complementary services that address individual needs.¹⁷

An evaluation conducted by Silvern et al. (2006) found that PACE had several successful outcomes. For example, PACE clients in Boulder County spent an average of 3.4 days per year in jail after entering the

¹³ Schnell, M. and O'Keefe Liepold, M. (2006). *Offenders with mental illness in Colorado*. Colorado Department of Corrections, Office of Planning and Analysis.

¹⁴ Available at <http://www.actassociation.org/actModel/>.

¹⁵ Morrissey, J., and Meyer, P. (2005). *Extending ACT to Criminal Justice Settings: Applications, Evidence and Options*. Paper presented at Evidence-Based Practice for Justice-Involved Individuals: Assertive Community Treatment Expert Panel Meeting. February 18, 2005, Bethesda, MD. Available at <http://gainscenter.samhsa.gov/text/ebp/Papers/ExtendingACTPaper.asp>.

¹⁶ Lee, J.M. (September 2004). *Colorado Criminal Justice Assertive Community Treatment: For Individuals with Mental Illness and at Risk for Involvement with the Criminal Justice System, 2001-2004*. Division of Mental Health, Colorado Department of Human Services, Denver, CO.

¹⁷ Przybylski, R. (2008). *What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs A Compendium of Evidence-Based Options for Preventing New and Persistent Criminal Behavior*. The Colorado Division of Criminal Justice, Denver, CO.

program compared to 56 days per year in jail before PACE entry.¹⁸ Overall, the study found that participation in PACE produced statistically significant reductions in the rates of incarceration and in the rates of new criminal charges.

- **Integrated Dual Diagnosis Treatment (IDDT).** IDDT is an evidence-based method of service delivery that combines both mental health and substance abuse treatment modalities delivered by either the same practitioner or the same treatment team. According to IDDT training literature,¹⁹ providing effective integrated dual disorders treatment includes the following key components:
 - Knowledge about alcohol and drug use, as well as mental illnesses, and the interplay between them,
 - Integrated mental health and substance abuse services,
 - Stage-wise, individualized treatment that occurs over a period of time,
 - Assessment and individualized treatment development,
 - Motivational treatment that includes specific listening and counseling skills to help consumers develop awareness, hopefulness, and motivation for recovery, and
 - Substance abuse counseling.

Clinicians are provided a toolkit containing 13 tenets from which to base their work with consumers. The model is flexible in that clinicians don't have to follow a specific script. Instead, they utilize the elements applicable to tailor treatments to the specific needs of individual clients. Although not originally designed to do so, the IDDT model has been increasingly implemented with criminal justice populations around the country.²⁰

- **Re-Entry Policy Council Tenets.** The Re-Entry Policy Council reported that the majority of offenders returning to the community suffer from behavioral health problems.²¹ Among the Council's recommendations are these:
 - Understand re-entry issues in the targeted release jurisdiction;
 - Ensure that high-need individuals exiting from prison are released to intense supervision and support;
 - Maximize the value of existing funding by focusing resources on periods immediately preceding and following a person's release to the community and coordinate resources;
 - Integrate systems that share clients and link data to promote continuity of care and effective service delivery;
 - Create ongoing forums for project oversight, information-sharing, communication and problem-solving across agencies and organizations; and
 - Measure performance.

Given the concerns identified by Task Force members and detailed in the material above, consider the following questions:

¹⁸ Silvern, L., Bowels, A., Richards, J., Poncelow, J., and Richardson, G. (July 2006). *PACE evaluation study: Final report and progress report #3*. University of Colorado, Boulder, CO. Also see Epp, G., and D'Alanno, T. (October 8, 2004). *Presentation on Boulder PACE for Increasing Access to Mainstream Services for Individuals and Families Experiencing Homelessness: National Learning Meeting*. Sponsored by the U.S. Departments of Health and Human Services, Housing and Urban Development, Veterans Affairs, and Labor. Arlington, VA.

¹⁹ Available at http://download.ncadi.samhsa.gov/ken/pdf/toolkits/cooccurring/IDDTinfoPMHAAJ1_04.pdf.

²⁰ Verbal communication, JCMH IDDT Consultant.

²¹ See www.reentrypolicy.org. http://www.reentrypolicy.org/reentry/THE_REPORT.aspx

- Inmates with behavioral health problems are more likely to incur disciplinary reports, and these disciplinary reports often preclude placement in a community corrections facilities. How can this barrier to community placement be overcome?
- How might fully implementing evidence-based practices affect the management of these special populations?
 - Individual behavioral health screening tools and complete assessments could identify behavioral health problems for early interventions.
 - Assessment data would quantify the need for specific types of services and the location those services were required.
 - Assessment is required to identify the appropriate treatment; matching treatment to needs and risk is a central tenet of evidence-based correctional practice.
- What would it cost to fully fund behavioral health treatment in jail and prison?
- What would it cost to fully fund behavioral health treatment for offenders in the community?
- What would it cost to fully fund Colorado's behavioral health systems?
 - What would the impact of such funding be on local jails and state prisons?
 - What would the impact of such funding be on the homeless community?
 - Would this improve the overall health of Colorado communities, thereby improving public safety and quality of life?

Additional issues to be added here per July 11, 2008 meeting:

- ❖ Disproportionate minority overrepresentation
- ❖ Gender differences
- ❖ Parole