

Oversight Subcommittee on Re-Entry

Date/Time: September 4, 2008, 8:30am – 5:00pm

Attendees:

Regi Huerter, Exec. Dir. Denver Crime Prevention & Control Commission (Chair: Re-Entry Oversight)
Peter Weir, Director Dept. of Public Safety (Chair: CCJJ Commission)
David Kaplan, Defense Attorney (Vice-Chair: CCJJ Commission, Chair: Post-Incarceration Supervision)
Tom Quinn, Dir. of Probation Services (Sherri Hufford subbed on some votes)
Jeanne Smith, Dir. of Division of Criminal Justice

Probation Task Force

Mike Reide, Chief Probation Officer (ret.) (Task Force Leader: Probation Task Force)
Gil Martinez, District Judge (Chair: Probation Task Force)

Incarceration Task Force

Michelle Sykes, (Task Force Leader: Incarceration Task Force)

Transition Task Force

Regis Groff, State Senator (ret.) (Chair: Transition Task Force)

Post Incarceration

Christie Donner, Exec. Dir. CCJRC (Task Force Leader: Post-Incarceration Supervision Task Force)

Non-Voting Attendees:

Pam Clifton, CCJRC (Member: Incarceration Task Force)
Sherri Hufford, Probation Mgmt. Analyst (Member: Probation Task Force) (subbed for Tom Quinn on some votes)
Ann Terry, CDPS Legislative Liaison (Member: Probation Task Force)
Shelby McKinzey (CU Student)
Tracy Lacock (CU Student)

Staff

Kim English (DCJ: Dir. of Office of Research and Statistics)
Adrienne Loye (CDPS: Program Assistant, Office of the Executive Director)
Christine Adams (DCJ: ORS)
Kerry Cataldo (DCJ: ORS)
Kevin Ford (DCJ: ORS)
Linda Harrison (DCJ: ORS)
Diane Pasini-Hill (DCJ: ORS)

Absent:

Louise Boris, V. P. of Programs, Colorado Coalition for the Homeless (Member: Oversight Committee and Task Force Leader: Transition Task Force)
Paul Herman, Consultant
Jeaneene Miller, DOC Dir. of Parole, CC, & YOS (Member: Oversight Committee and Post-Incarceration Supervision Task Force)
Grayson Robinson, Arapahoe County Sheriff (Chair: Incarceration Task Force)

Issue/Topic:

Introduction / Agenda Overview

Issue/Topic:

Over-Arching Issues

Introduction/Agenda Overview – Regi Huerter

This meeting was the continuation of the Re-Entry Oversight Committee business begun on August 21st, 2008. On August 21st, the Committee reviewed, discussed and provided support ratings on the 97 recommendations forwarded from the four Re-Entry Task Forces (Probation, Incarceration, Transition, and Post-Incarceration Supervision). The goals of this meeting were:

- To complete a discussion of the recommendations identified for further review
- To update the wording of recommendations where clarification was determined to be required
- To provide impact ratings on each of the recommendations (to accompany the previous support ratings)
- To discuss potential funding mechanisms
- To begin the discussion of strategies to address the Over-Arching Issues (IDs, Data Access, Community Corrections, Training, Fiscal Notes, Mental Health and Substance Abuse, Disproportionate Minority Overrepresentation, & Gender)

NOTE: Because the 97 Re-entry Recommendations were considered tentative until after the Oct. 10th CCJJ Commission meeting, they are not attached to these minutes. The final list and wording of Re-Entry Recommendations may be found in the final report.

Over-Arching Issues

Regi Huerter began the discussion of the Over-arching issues:

- By informally polling interest in Oversight committee members in serving on potential working groups to address the issues
 - ID - Regi Huerter working Carol Peeples (CCJRC)
 - Mental Health - Regi Huerter
 - Training - Tom Quinn
 - Community Corrections - Jeanne Smith with Carl Blesch)
 - Data Systems -
 - Disproportionate Minority/Gender
- Pete Weir interjected whether the Committee should delay the discussion and solicitation of working group members until after the two-day CCJJ Commission meeting to discuss the recommendations. Weir argues that
 - Until the conclusion of the Commission meeting, the number and priorities of potential working groups and task forces will be unknown.
 - Following that meeting there will be more clarity regarding Commission priorities allowing for better decisions to allocate people and time resources toward task forces and working groups.
- Following a discussion of the potential loss of momentum and/or narrower scope of two of the over-arching issues (viz., Fiscal notes and IDs), the merits of shifting the two issues to recommendations from the Oversight Committee was discussed.
 - Regi Huerter briefly described to members the Fiscal notes concept. There should be a requirement that any legislative item offer as complete as possible a Fiscal impact statement describing the costs, funding sources, and state and local entities that may be affected by the legislation. This requirement may decrease the frequency of passing unfunded mandates, the costs of which in dollars and human resources is often borne by local entities.

Issue/Topic:

Over-Arching Issues (cont'd)

Issue/Topic:

Funding Mechanisms

Over-Arching Issues (cont'd)

- It was felt that the ID issue can be explored quickly, given the groundwork already completed by Carol Peeples of CCJRC. It was felt that the issue is urgent enough for prospective work to proceed, even though the Commission has not yet vetted the recommendation and given final approval for the work.
- Fiscal notes was considered a more complex issue with members concluding that, although the idea is good, impacting the budget process to require fiscal notes is a very complex matter.
- The Fiscal notes issue evolved to a general discussion of funding whereupon Pete Weir moved the meeting discussion to the next agenda item, Funding Mechanisms. The Fiscal notes item was tabled for later discussion.

Funding Mechanisms

The discussion began with a proposal offered by Pete Weir that a reserve fund be created to support recidivism reduction projects. The fund would collect the savings realized from cost saved as a result of successful recidivism interventions.

- There was a discussion of whether there is statutory precedent for such a fund. Ann Terry, CDPS Legislative Liaison, referred to Title 17 that offers such an option.
- Regis Groff describes that earmarks are possible in the budget process, but that it is a difficult goal to accomplish.
- Ann Terry mentions that another approach can be found in the example of 2003 SB 318 which included a provision creating the Drug Offender Treatment Fund (cost-savings derived from recidivism reduction allocated to the fund to pay for drug offender treatment). However, it was felt the Title 17 option would be preferable. Language can be created so that funds in such a “cost savings account” would not revert to the General Fund at the end of the fiscal year.

The discussion shifted from the cost-savings fund to idea for cost savings.

- Public safety is not affected by slight decreases in moderate-length sentences for non-violent offenders. Current sentences could be cut by 30 or 60 days with little impact on public safety. Although reducing current sentences would be a sensitive issue, it was felt that the public safety concerns could be addressed effectively, given the proposal would only apply to non-violent offenders.
- There was a brief discussion of the use of the terms “good time” and “earned time.”
- Addressing the issue of parole, Tom Quinn described that the quality of supervision is an important factor in contributing to successful re-entry.
 - How might the 2-month sentence reduction idea affect the numbers of individuals moving to parole and the demand on the parole system and parole officers?
 - There may be an initial increase in the parole population, but the incarceration savings would more than pay for any additional parole expense.
 - There was a debate about DOC savings and whether the dollars saved is “real” money. However, money saved from the private prison sector would be “real savings.”

Issue/Topic:

Funding Mechanisms (cont'd)

Funding Mechanisms (cont'd)

- The initial increase in parolees would be over a short duration at the initiation of the 60-day reduction. The releases would level off back to the previous rate.
- Additional savings in parole supervision could be realized by parole boards better identifying those who need supervision. Low-risk offenders provided with excessive supervision have an increased likelihood of recidivism.

The discussion shifts to questions regarding the capital construction budget of the DOC.

- If recidivism reduction plans prove successful, resulting in a reduction in DOC bed needs or, at least, a reduction in the growth of needs, would the construction budget of DOC be revised downward? Would already committed funds ever be re-allocated? Could funds be diverted to recidivism reduction projects?
 - The short answer is that capital construction funds are set aside and held for state building projects. Although funds may not eventually be spent on DOC prison expansion, they will still be held, but spent on other state capital construction projects.
 - Given that, at what stage is the current-year budget process and will it be possible to intervene in the construction funds request in the current year?
 - The current construction five-year projection is roughly 850\$ million, but the actual funding request will not be known until later in 2008-2009. The budget process is not public at this time.
 - There may be an opportunity to influence the five-year plan, assuming some of the recidivism reduction ideas begin to bear fruit, but it is unlikely there can be influence brought to bear on the budget request for a particular year.
 - There may be some benefit for the Oversight Committee to hear a presentation (possibly from a representative of the JBC - The Joint Budget Committee) on the process by which the long bill is constructed.
 - Rhetorical: Isn't it within the authority of the Governor's Office to decide to shift funds from DOC to recidivism reduction projects?
 - The Oversight Committee will write and forward to the Commission a specific recommendation to propose the 60/30-Day one-time cut in sentences as a potential funding mechanism to jump-start the recidivism reduction projects initiated by the recommendations eventually approved by the Commission. The hope was expressed that Ari Zavaras and/or Jeaneene Miller will be present to discuss this recommendation at the Commission meeting.
 - It might be beneficial for the Commission to hear a presentation on the construction budget process and the DOC five-year construction plan estimates.
 - The 60/30-Day proposal is just one idea to generate funds. There may be other cost savings ideas generated by those at the Commission and there are probably several Task Force recommendations that will result in cost savings.
 - Another promising cost savings idea comes from the Post-Incarceration Task Force (Recommendation #PIS-92) to promote local/state facility and program partnerships to provide multi-purpose correctional supervision and re-entry services. There is potential to combine local work release and

Issue/Topic:

**Oversight Protocol:
Report to Commission
(cont'd)**

Issue/Topic:

**Review of Task Force
Recommendations
(continued from the August 21st
Oversight Committee meeting)**

Community Corrections providing a context to administer intermediate parole sanctions that would prove less disruptive to parolees lives.

- There was another reference to the 2003 SB 318 that created an interagency committee that tracked savings due to a shift from incarceration bed costs to paying for treatment. The plan worked and the example could be applied to other inmate/offender populations.
- The parole revocations unit proposed by the Post-Incarceration Task Force (in Recommendation #PIS-93) may also offer cost savings opportunities. The implementation of such a unit in Connecticut included a provision in which the averted incarceration costs (when a technical violation did not result in a return to prison) were funneled into parole/re-entry services.
- There is a “compounding effect” of small recidivism reduction savings over time.
- One must address the issue of capacity versus occupancy. DOC must always have slightly more capacity than occupancy to proactively prepare for under-estimated population projections.
- It would behoove the Commission to have better information surrounding prison bed demands and projections, construction plans, the budget process, and private prisons. There are roughly 5000 prison beds in the private sector with 1200 more beds coming online soon. In the past few weeks there were approximately 1100 free beds in the private sector.

Review of Recommendations

Kim English provided an introduction to the documents and materials available for the meeting.

- One recommendation document for each of the four Re-Entry Task Forces (Probation, Incarceration, Transition, and Post-Incarceration Supervision).
- Each document listed findings, recommendations, any recommendation notes and the average support rating.
- The average support rating (on a scale from 1 to 3, with 3 indicating most support) was collected from Oversight committee members at the August 21st meeting.
- The documents reflected any comments collected at the first of three focus groups with crime victims (two subsequent victim focus groups were to meet following the Sept. 4th Oversight meeting, but prior to the Sept. 11/12th CCJJ Commission meeting).

As mentioned previously, among the goals of the meeting were for Oversight committee members to assign an impact rating to each of the recommendations and suggest any wording modifications to clarify a recommendation’s intent. Members were provided and approved the following criteria and information to guide this impact assessment:

Impact Criteria

1. Number of people a recommendation affects
2. Cost (averted / re-allocated / effectiveness)
3. Furthers the mission* of the CCJJ Commission

Specifically, results in system change and recidivism reduction.

*CCJJ Mission

- To ensure public safety
- To ensure justice
- To ensure the protection of the rights of victims
- Cost effective use of public resources
- Evidence-based recidivism reduction initiatives

(*See also <http://cdpsweb.state.co.us/cccj/>)

Issue/Topic:

**Review of Task Force
Recommendations**
(continued from the August 21st
Oversight Committee meeting)

Issue/Topic:

Meeting Conclusion

Review of Recommendations (cont'd)

The Oversight Committee members discussed each of the 97 recommendations, focusing especially on each of the recommendations receiving a moderate level of support on August 21st. In several cases, clarifying language was added to these recommendations and some recommendations were combined where there were corresponding concepts or an overlapping focus. Less time was spent in discussion on recommendations receiving unanimous support and on those receiving little support. Regardless of the level of support, all the recommendations were assigned an impact rating by each member.

Note: The Oversight Committee support and impact ratings can be found on the final version version of the impact recommendations.

There was an intervening discussion during this review of recommendations regarding the shift of some recommendations to the “over-arching issues” category. These “overarching issue” recommendations are ones that appeared in several task forces or that affect multiple systems and it was felt that these more complex recommendations be addressed in a more focused manner. The intent is to create a specific working group to address these particular issues. Concern was expressed that the work of task forces on recommendations labeled “over-arching” not be lost in the subsequent work on the issues.

Meeting Conclusion

Regi Huerter solicited any further discussion regarding preparation for the Sept. 11/12 CCJJ Commission Meeting.

Pete Weir briefly proposes the goals and protocol for the Commission meeting.

- Members will be asked to consider the threshold for determining when a recommendation will be considered approved and the form the recommendations will take in the final report document.
- A voting structure will be devised whereby Commission members will indicate their level of approval for recommendations, allowing for discussion and explanation of recommendations when necessary.
- Given the public nature of the Commission, member votes should be recorded individually.
- The recommendations will be presented in a tiered fashion, taking into account the degree of Oversight Committee support and impact ratings and the conceptual characteristics of the recommendations (e.g., legislative, practices, cost savings measures, etc.).