

Post-Incarceration Supervision Task Force

Date: June 27, 2008, 2:30 - 5:30 PM

Attendees:

David Kaplan, Chair
Christie Donner, TFL
Carol Turner, CURE
Carl Blesch, DCJ/Community Corrections
Paul Herman, Consultant
Christine Adams, DCJ/Researcher/Staff
Germaine Miera, DCJ/Researcher/Facilitator
Kim English, DCJ/Researcher
Greg Mauro, Community Corrections
Shelby McKinzey, CU Boulder
Brian Connors, Public Defender (sitting in for Doug Wilson)
Regina Huerter, Manager of Denver Public Safety
Dianne Tramutola-Lawson, CURE
Mike Biggio, The Free Coalition
Mike Maddox, The Free Coalition
Kevin Ford, DCJ/Researcher

Absent:

Tim Hand, Deputy Director of Regional Operations (Parole)
Doug Wilson, State Public Defender
Jeaneene Miller, Director of Parole
Pete Hautzinger, District Attorney
David Michaud, Parole Board Representative
- Regi emailed Pete Weir about talking to David about either participating or sending a representative as this perspective needs to be included in this group's decision making.
Joe Kinada (sp?), Victim Representative → spoken to about joining, but nothing confirmed.

Issue/Topic:

Task Force Update

Action:

Discussion:

- Breakdown of 4 TFs including what each group is focusing on (see next page for outline of each TF's issues).
 - Although we do have the potential for overlap with the Transition group we have avoided program issues.
 - Evaluation seems to be the issue that may be overlapped the most – it just depends on who is being evaluated (offender vs. parole officers, etc...).
 - Overall there doesn't appear to be a lot of overlap that might be a conflict.
- David, Christie and Germaine met to plan out goals for each meeting.
 - See Benchmark calendar below for layout.
 - May need to add an additional meeting between 6 and 7 and may need to change 7th meeting (David will not be here for planned date).
- SWOTs are planned for areas of focus
 - Kim pointed out the importance of this task

Task Force preliminary areas of Focus/June 13, 2008

Probation

Driver's license retention (difficulties that come with the loss of a driver's licenses)

Employment (the need to find and keep good employment)

Money collection (should this be done by someone other than the P.O.)

Job training (while under supervision)

Treatment (not cookie cutter but more specific to individual probationers)

Length of sentence (are average lengths of sentence appropriate)

Probation rules (are the number of rules/regs placed on a probationer too much)

Technical violations

Incarceration

Bond Issues (variation between counties, bond vs. summons, etc..)

Assessment and Reassessment of offenders

Gaps in programming/service delivery

Inconsistent and unclear application of good time and earned time

Lack of release planning

What are the education options for offenders (both jail and prison)

How do we deal with and address the extreme prevalence of offenders with mental health issues

Transition

Survival needs and Support needs

Survival-

- Transportation - driver's licenses' pulled

- Lack of ID's

- Lack of housing; homelessness

- Clothing - only 1 set of clothing upon release

- Release money inadequate (\$100 for at least 18 years, and none for those being released on a revocation charge)

- Access to medication

- Lack of employment

- Fees/ surcharge/restitution

Post Incarceration Supervision

Parole Structure and Case Management

Structure-

- Need for transparency: Parole eligibility date and process

- Is length of time on parole appropriate

- Case Management: Focus on offender success

- Conditions of supervision: prioritize? Too many?

- Use of incentives in supervision, and system incentives

- Reduce technical violations

PIS Task Force Summer Benchmarks

The overall summer timeline goals

Assess the issues

How are we doing things today

What are the changes we have to make

4th meeting

Success based Case Management - Community Corrections

Define current practice

ID significant gaps

Brainstorm potential recommendations

SWOT Analysis

5th meeting (July 11th)

Success based Case Management - Parole

Define current practice

ID significant gaps

Brainstorm potential recommendations

SWOT Analysis

6th meeting (July 25th)

Parole Structure

Final report back on interviews/big picture (Christie Donner)

Parole Proposals (Tim Hand)

Escape white paper (DCJ)

SWOT Analysis

7th meeting (August 15th)

Draft and finalize recommendations

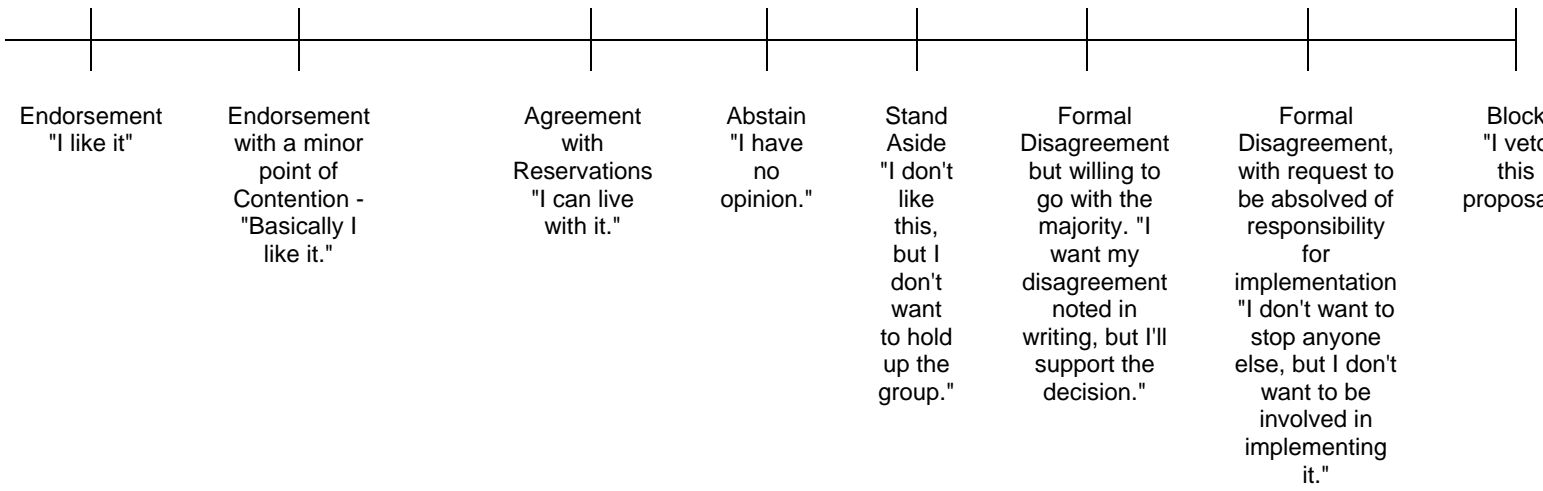
8/21/08	Re-Entry committee review and approval of Task Force findings
9/11,12/08	Commission review of Re-Entry committee recommendations
10/10/08	Commission approval of Re-Entry committee recommendations
11/1/08	Recommendations to Governor

Issue/Topic:

Group decision making process

Action:**Discussion:**

- Kim went over the Gradients of Agreement (see next page for example) that Regi Huerter uses in the Denver Commission as a way to come to consensus or to at least describe where and how the differences exist.
- The gradient is in the by-laws.
- How is this used?
 - In discussion this has been used, but things that are passed are usually under consensus.
 - Record where differences exist.
- David feels that the TFs have been successful at coming to agreement on what the issues are.
- David questioned that even with the gradient, what do we do with formal disagreements?
 - Regi → then the item doesn't go forward.
 - The hope is that we can get everyone at least to level 3 on the gradient (agree with some reservation).
 - Want to hear as many agreeing and opposing voices as possible so that we aren't sabotaged unexpectedly later.
 - David → isn't this more a part of the SWOT process?
 - Given the way the group is set up we should be incredibly sensitive to all of the opinions out there.
 - Regi → If you can't come to an agreement here you better believe that someone outside of this group will oppose.
 - But should ask why they can't accept the idea.
 - If you can get everyone to level 3 or above you'd have a pretty good argument to present to the commission.
 - Christie → wants to have same decision making process (guidelines) as the commission for consistency.
 - Regi → this group has to decide what they are comfortable pushing forward.
 - Paul → if the stakes are high for the issue you need more agreement (left on the gradient). May be easier to have less agreement with lower stakes.
 - Time is also an issue.
 - The more specific the proposal (the deeper you go) the more likely you are to find stronger disagreement.
 - David agrees that we (the TF) needs to agree if we're going to go to the commission. But if at some point the commission may say that these are things that need to be reformed even if there are individuals who strongly disagree.
 - They may be in a area that simply needs to be reformed.
 - Greg → so we're looking at 3 kinds of recommendations:
 - "low hanging fruit" that will be easy to gain consensus.
 - Items where there may be opposition, but it can be lived with.
 - High stakes issues where the opposition will be high or concern that the "right" people won't be on board



Gradients of agreement

Issue/Topic:

Community Corrections Case Management: Identify significant gaps and brainstorm about potential recommendations

- Presented by: Carl Blesch & Greg Mauro

Action:**Discussion:**

Inconsistency of process. Public safety should be balanced with offender treatment.

- Established standards are not always implemented consistently. For example, the LSI is not always administered appropriately.
- Some assigned treatments don't make sense for a particular offender. The way a urine analysis (UA) is administered, especially when an offender has no drug offenses, can be damaging to the potential for success of the offender (e.g., requires time away from work).

Length of stay. Maybe there should be some customization of length of stay depending on the extent of need to reach stabilization.

- A sample of the Diversion population should be studied to better predict and serve needs (be aware of predictors of success: 30 or older, employed, married or in stable relationship).
- At least 15% of the Diversion population could be expedited to "enhanced non-residential" treatment after approximately 90 days rather than the current average of 8 months.

Parole entities. Government, Non-Profit, and For-Profit.

- The government alternative is the most stable and has higher success rates than Non-Profit, followed by For-Profit (the performance of these can vary quite a bit).
- A stable, trained, motivated staff is critical to the success of programs and parolees.
 - Financial audits are not available from For-Profits because of trade secret laws.
 -

Treatment Costs. Typically the more treatment an offender receives, the better the outcome.

- This is costly, therefore, offenders are asked to supplement or foot the bill.
 - This move to have offenders pay is tapping their funds to depletion which sabotages their path to success (e.g., lack of funds necessary to get an apartment, pay living expenses, etc.).
 - Need to find a way to fund treatment that doesn't increase the criminogenic risks of offenders.
- The money being saved by preventing recidivism is not being taken into account (i.e., is not seen as an investment).
 - A new kind of cost argument must be devised to reflect the savings by investing in the less costly therapeutic intervention avoiding the more expensive option of re-imprisonment.

Community Corrections in 2008: Observations for the Post-Incarceration Subcommittee

I. Summary Problem Statements

A. Treatment is a cornerstone of community corrections

- 1) There is some data that community corrections may not provide treatment in an evidence-based fashion
 - a) Performance audits have revealed that treatment plans which are required to be individualized under the *Colorado Community Corrections Standards* are sometimes "cookie-cutter" programming that fails to address individual needs appropriately
 - b) Some aspects of the both the *Standards* and conventional wisdom about community corrections may sometimes "get in the way" of treatment
 - i) For example, some offenders may not need as many urinalyses as the *Standards* may require, sapping financial resources and staff time, and actually leading to technical violations that may not be related to individual criminogenic behaviors
 - ii) The current average residential length of stay for community corrections offenders may too long for some and not long enough for others; some data would support a significant reduction in residential stays for selected offenders
 - c) The degree to which current nonresidential and day-reporting services help to prevent recidivism is unclear, in part because the focus has long been on residential treatment
- 2) Despite the proven efficacy of treatment in the reduction of recidivism, there is no state program that provides consistent financial assistance for treatment unless the offender is one of the relatively few persons assigned to a special program
 - a) Research data strongly supports the hypothesis that the more criminogenic needs one treats, the better the outcome
 - b) The offenders largely bear the costs of individualized treatment
 - i) Offenders are often "tapped out" by costs associated with their subsistence fees, court costs, restitution, child support and other expenses, and are often unable to bear the financial burden of the treatment they may need to avoid recidivism
 - ii) There are numerous reports that offenders have failed community corrections because of the financial pressures associated with the payment all required fees and costs

- iii) Community corrections programs themselves have limited resources to provide treatment, though some programs provide meaningful therapeutic interventions without additional state or local support
- 3) There remains a disparity between programming for men and women offenders
 - a) The research data supports the conclusion that female offenders require gender-specific programming to address their generally higher LSI scores, their victimization needs, their particular employment-related needs and some of the mental health/substance abuse issues that are common among female Transition clients
 - b) Despite these needs, female programming and bed space remain at a premium
- B. There is some emerging discussion of how community corrections programs should be used for Transition offenders beyond those currently served
 - 1) Does community corrections have a role in the approach to Transition offenders who have reached their mandatory parole dates, and are about to parole homeless and unemployed?
 - 2) Does community corrections have a role in the approach to Transition offenders convicted of sexual offenses who are thought to have a high risk of recidivism?
 - 3) Does community corrections have a role in the approach to Transition offenders who, by virtue of physical or mental disability, are unlikely to rejoin society in a financially productive role?
- C. Community corrections programs have insufficient capacity to meet the reported demand
 - 1) There are more potential Diversion referrals than there are compensated beds available for Diversion clients
 - a) County jails are sometimes forced to hold community corrections clients for weeks to months before a bed is available
 - b) Although Diversion is popular with many sentencing judges, apocryphal reports have been received that some judges send offenders to prison rather than to community corrections due to capacity issues
 - c) Apocryphal reports have been received that some local community corrections boards turn down otherwise qualified Diversion offenders due to capacity issues; usually, such offenders are then sent to prison
 - 2) It can be difficult to increase community corrections bed space
 - a) NIMBY considerations are prominent in local thought processes, making the zoning process especially difficult
 - b) It can be difficult to find money for construction

- c) Per diem payments to community corrections providers need to be high enough to incent the substantial effort necessary to initiate new construction
 - 3) The "local control" model is the foundation of Colorado community corrections; community corrections probably could not exist in Colorado without local control.
 - a) As part of the "local control" model, different local community corrections boards may view Transition clients differently
 - i) Transition client attitudes – and therefore, Transition client acceptance – is uneven between the judicial districts
 - ii) Some local community corrections boards strongly prefer Diversion to Transition clients because the acceptance of a Diversion client frees up local county jail space
 - iii) Some local community corrections boards have complained that specific Transition clients really shouldn't be sent to their jurisdictions, even if the offender is statutorily appropriate for that jurisdiction
 - a. The local reaction is particularly problematic when IRT clients temporarily assigned to a program decide that they want to stay in the community where they have found employment
 - 4) There remains a disconnect between the numbers of offenders who require community corrections services and the timely and efficient placement of such persons in appropriate programs
 - a) The Department of Corrections reports a significant backlog in individuals who have been approved for community corrections but who await actual transfer
 - b) At the same time, some programs report empty beds, especially in treatment programs specifically funded by the legislature for substance abuse and mental health services
- D. Some community corrections programs report financial difficulty associated with the state per diem
 - 1) Community corrections programs suffered a significant financial blow in 2003, when the state's fiscal condition required per diems to be reduced
 - a) Many community corrections programs report that they have never recovered from this reduction
 - b) Recent increases in the state per diem still have not brought community corrections payments back to a point sufficient to reflect costs in 2008 and beyond
 - i) Programs are especially sensitive to rising food prices

- 2) For many non-governmental programs, employment in both security and case management positions is a "revolving door," in part because salaries and benefits for community corrections workers tend to be lower than in other law enforcement jobs
 - a) Better-paying jobs in law enforcement, and especially in probation and parole, attract many of the better community corrections employees
 - b) Specific costs associated with training may limit the ability of some programs to adequately keep up with the training needs of large numbers of new employees

E. The future of community corrections seems at once both bright and uncertain

- 1) The Colorado legislature has tended to favor community corrections in part because the present and measurable costs of community corrections are lower than those of both private and public prisons
- 2) The state may be entering a time of reduced revenues secondary to an economic downturn; therefore, it may be particularly important to address the immediate and longer-term benefits of community corrections as a reflection of fiscal responsibility
- 3) Conversely, an increase in any state subsidy for offender treatment or any significant increase in the provider per diem would reduce the gap between private prison costs and costs associated with residential community corrections, making community corrections financially less attractive to policymakers unless it can be demonstrated that the associated recidivism reduction provides significant and measurable cost-avoidance in the future

II. Suggested (and not all-inclusive) Approaches to Summary Problem Statements

A. Opinions from decision-makers are required to establish the following information:

- 1) What should be the true future demand for community corrections bed capacity?
 - a) What types of Diversion and Transition offenders should be accepted, and in what numbers?
 - i) Is there sufficient political will to incent or require the acceptance of additional Transition offenders?
 - ii) If so, is there a willingness to build an appropriate parole infrastructure to supervise additional Transition offenders, or would there be a different infrastructure to deal with offenders who are regressed?
 - b) Is it likely that other types of offenders will be deemed appropriate for community corrections?
 - i) Should community corrections accept homeless mandatory parolees and similar persons who may not benefit from traditional community corrections programming?

- ii) Should community corrections have a role in the management of special offenders, including sex offenders and those with disabling conditions?
 - 2) Once the true future demand for community corrections bed capacity is estimated, and presuming that the demand requires additional bed space:
 - a) Is there sufficient political will to incent or require that local communities allow the construction of community corrections facilities?
 - b) Is there sufficient political will to "build around" zoning issues by providing funds for state-local partnerships to build community corrections facilities on land owned by local governments?
- B. A major research effort should be undertaken to establish or improve our understanding of the following:
- 1) Is the investment of additional state monies in community corrections treatment likely to produce a further reduction in recidivism? If so, what is the cost-benefit analysis of the current costs of additional treatment versus the future savings associated with the avoidance of recidivism? What is the cost of *failing* to provide individualized treatment?
 - 2) Should we develop more appropriate individualized treatment plans within the context of the relative lack of experience of many case managers? Should treatment plans – and the supporting data – be more consistently reviewed by a separate authority for approval? How might we provide more consistent *training and supervision* of the development of individualized treatment plans?
 - 3) What is the effect of lower salaries and benefits for community corrections workers on offender outcomes? If an adverse effect is demonstrated, what can the government do in addition to providing additional resources for compensation to make long-term community corrections employment more attractive?
- C. Officials within state and local officials and agencies should work together to accomplish the following tasks within existing resources or resources that are relatively inexpensive to obtain:
- 1) Local community corrections boards should review their practices in the acceptance or rejection of Transition offenders
 - 2) "Discharge planners" should identify and facilitate the efficient transfer of Transition offenders who require substance abuse and residential mental health treatment
 - 3) A specific effort should be made to encourage, incent or require more gender-specific programming in programs across the state
- D. Based upon the information derived from Paragraphs A through C, the executive, legislative and judicial branches of the state government, local community corrections boards and programs and interested persons in law enforcement, victim services and correctional reform should agree upon a five-year plan for community corrections. We need a roadmap; to draw one, we need to know where we want to go.

Issue/Topic:

Community Corrections:
Transition

Action:

Discussion:

- Cherry picking offenders for Community Corrections:
- Offenders fit into 4 categories:
 1. Those going straight to Community Corrections
 2. Those that don't need programs.
 3. Those on mandated parole, but participating in no treatment (Will be jobless and homeless at parole).
 4. Those who cannot live independently.
- Discharge planning
- Pre-release assessments quality, treatment location identification, bed locations.
 - Assessment interviews should be conducted by well-trained discharge planners based on motivational interviewing principles.
 - Parole Boards do not use consistent criteria for decision-making.
- Straight-to-ISP Option. There has been a slowdown in ISP investigations, but this is improving.
- Capacity → There are more Diversion candidates than there are beds. Some people are "diverted" to prison when they should be in Community Corrections.
- Diversion → Why are there more spaces? Money for construction is scarce, NIMBY, inadequate per diem payments for current residents that might fund expansion (from Carl's presentation notes). Take construction funds from canceled prison construction to expand Community Corrections construction and program expansion (Paul...should explore KS model to convince legislature to divert prison construction to community corrections).
- Staff Instability (parole officers) → This is a concern because this is tied to bad outcomes for offenders.
 - Solutions: Increase the standards of practice which will in turn enhance the professional stature. Create a training academy to further professionalize the individuals.
- Discussion shifted to possibility that each of the offender supervision positions (Parole, Probation, Comm. Corr, Correctional Caseworkers) could participate in a common training academy to cover basic issues (motivational interviewing, placement resources, LSI, etc.). These groups could subsequently experience classification-specific training.

Issue/Topic:

Summary List of Issues, Ideas,
Recommendations

Action:

Discussion:

1. Assessment process and treatment services are inconsistent and uneven
2. There is a significant financial burden on offenders as a result of fees, restitution and cost for treatment services
3. Comm. Corrections may not serve the breadth of those that it could - Specifically those who haven't had DOC treatment and will be jobless and homeless)
4. Staff stability/turnover is perceived to be associated with poor outcomes.
5. Need expectations from State about beds
 - a. More Community Corrections vs. more prison beds
6. Provide consistent ongoing training to community corrections, parole and probation staff in the most cost effective manner possible
7. Need of greater flexibility in the length of stay for community corrections placements.
8. Probation ineligibility results in community corrections or prison (Eligibility for Comm. Corr.)
9. Develop legislative proposal providing alternatives and cost saving measures to reduce the need for new prison bed construction (similar to CSG's justice reinvestment project)
10. Improve referral process to Community Corrections
11. Gender specific assessment and treatment
12. Culturally relevant treatment

Issue/Topic:

Assignments/Next meeting

Action:

Discussion:

Germaine will make sentences out of 12 issues.
Group members should then do a revised SWOT individually (to help prioritize).

- We will then develop recommendations out of priorities.
 - Some of these are already recommendations.
- Bring this assignment to the next meeting.
- We will move forward with these issues and then move on to parole.