

Post-Incarceration Supervision Task Force

Date: July 30, 2008, 2:30 - 5:30PM

Attendees:

David Kaplan, Chair
Christie Donner, TFL
Carol Turner, CURE
Carl Blesch, DCJ/Community Corrections
Germaine Miera, DCJ/Researcher/Facilitator
Kerry Lowden, DCJ/Researcher/Staff
Kim English, DCJ/Researcher
Greg Mauro, Community Corrections
Sara Steen, 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
Tim Hand, Deputy Director of Regional Operations (Parole)
Lacey Berumen, NAMI

Absent:

David Michaud, Parole Board
Doug Wilson, State Public Defender
Jeaneene Miller, Director of Parole
Pete Hautzinger, District Attorney
Joe Kinada, Victim Representative → spoken to about joining, but nothing confirmed.

Meeting:

- The meeting consisted of a review of the suggestions that came about from the Christie's parole survey.
- 9 people responded to the survey.
- The responses below are prioritized with the first recommendations getting the most support (Four in agreement), and the recommendations with less support following in order (Three in agreement, Two in agreement, etc.)
- Following each numbered recommendation are comments (in bullet format) from the group

Four in agreement

24. Change state law to require that credit be given for time spent in jail pending a parole revocation. Current interpretation by parole board/administrative hearing officer is that it is discretionary.

Vote:

7 in favor, 1 abstention

- *A question came up about double credit and whether the offender would get credit if convicted for all of that time?*
- *Brian and David checked the statute book to see if there is any clarity around this issue.*
- *Kim says maybe we should clarify the statute*
- *Tim Hand suggests that the Attorney General is to provide some clarity on interpretation of the statute*
- *Christie reiterates that this is not 'Dead' time and people should get credit for confinement*
- *Christie says the incarcerated time pending a revocation hearing is usually 30 days or less*
- *Tim says if the hold is over 90 days the court will step in and order DOC to drop a parole hold*
- *Consensus is that we need to double check on this statute/issue*
- *Greg has some objection to recommendation #24 and abstains in his vote*

30. Once someone on inmate status in community corrections completes the residential phase, there should be an automatic referral to the Parole Board and/or a date certain parole upon completion of ____ days of ISP-I.

- *Add 180 days into this where there is blank space .In favor of date certain parole and tying in ISP*
- *Language requires no more than 12 months residential, no less than 180 days on ISP-I (?).*
***modify this to look more like Tim's #1.*

"A. Once somebody is accepted as an inmate status in community corrections they will be given date certain parole no later than 12 months from placement in residential. B. Date certain parole after six months of ISP-I placement"

Vote:

8 in favor

****PUT THIS ON HOLD****

Three in agreement

4. Request that DCJ conduct a study on the use of community corrections for transition clients. Are the right people there for the right amount of time?

- *Who is the most appropriate Transition client to be put in Community Correction?*
- *Are we utilizing our resources to the best of their ability? Are we picking people for community corrections who don't need community corrections?*

- *Take away the negative tone on this. Talk about the philosophy and give boards the support they need.*
- *There should be a review of the philosophy of Community Corrections, clarify the expectations of boards.*
- *If we support this recommendation Kim would like some mention of resources to go along with the study.*
- *The question is: how do we best use the resources, who is the best client going to transition community corrections?*

18. Conduct an audit of current practices by the parole board, release hearing officers and administrative hearing officers. Provide technical assistance to the parole board to:

- (1) Develop guidelines, policies, procedures, sanction grids and training standards
- (2) Provide training on the use of assessments and structured decision making
- (3) Build better internal capacity for data collection and reporting
- (4) Conduct a work-load survey to identify inefficiencies and possible remedies.

- *The group does NOT want to use the word “audit”, since Parole is already undergoing a legislative audit.*
- *Plan on word-smithing this word with things like “process review and technical assistance”.*
- *Also wordsmith...”review guidelines, review policies”, instead would like to use “process, review and technical assistance”.*

*Vote:
8 in favor*

19. Enhance the technology available to the parole board, release hearing officers, and administrative hearing officers to include laptop computers and video conferencing for parole board hearings. Allow electronic requests for modifications. Allow parole board members access to C-WISE.

*Vote:
8 in favor*

- *Tim says strike last sentence of this.*
- *Add “support of resources”, make this consistent with 18*
- *Christie says David Michaud talked about a huge need for improved technology, especially video conferencing for the parole board*
- *Inmates don’t like video conferencing in a parole hearing because it is not the same as face-to-face*
- *Parole should talk to the Department of Education because the state is wired and can tap into someone else’s system vs. buying a new one*
- *In this recommendation include wording about support resources for technology*

45. Provide funding to community corrections to allow them to grant a 2-6 week waiver of subsistence fee (not postponement but actual waiver or “grace period”) for transition clients.

- *Let’s put a hold on this issue and look at it in relation to our Community Corrections section (below)*

65. Develop a hearings unit in parole where an experienced parole officer reviews complaints prior to filing, assesses whether additional intermediate sanctions would be appropriate, and if not, file the complaint, and present at revocation hearing.

*Vote:
8 in favor*

- *There’s already a pilot at Cheyenne Mountain regarding this issue*

- *Tim feels this could be a pilot program versus taking time of the Commission.*
- *Tim says he can take this one on, he says he is moving forward on this issue already whether we support it as a Task Force or not*
- *“The Commission strongly supports the Department in its effort to establish a hearings unit”*

67. Ask DOC to review the appropriateness of “reporting days”. Parolees and their employers need more flexibility – can wait for hours to see a parole officer and it’s very difficult to do this around a work schedule; explore possibility of expanding hours of parole office and weekend hours; Require DOC vendors to have expanded hours to drop UA/BA or attend classes/treatment.

- *This is two tiered (appropriateness of reporting days AND UA drop sites)*
- *Move this into Transition Task Force/or at least show support for the Transition Task Force’s recommendations.*
- *Be more field oriented than office oriented, make it 80/20, 80% of staff in the field, 20% in the office.*
- *Require vendors to offer extended hours during contracting process. Extended hours, weekends, same with treatment providers, etc. With some kind of flexibility to allow for those vendors who cannot (Trinidad)*
- *DOC to work with mental health providers and integrated treatment providers*
- *Offenders have to leave their jobs, they sit for long periods in the lobby of the Parole Office, they only have a short period of time when they can drop UA’s and BA’s*
- *This is a question of internal efficiency*
- *Can UA’s be dropped at community corrections facilities that are already open 24-hours a day?*

Vote:

8 in favor

Two in agreement

1.Allow the Post Incarceration Task Force to evaluate potential changes to the parole structure that were identified during this survey project and make future recommendations to the CCJJ.

- *No, strike this*
- *Don’t include this, just report out on it*

2. Request that the DOC change the policy on early termination to make it mandatory that parole officers submit early termination requests to the parole board upon completion of specific risk reduction benchmarks.

- *Take out mandatory language*
- *This is just a recommendation, it is not an automatic discharge by the parole board*
- *This is not just for non-violent offenders but for everyone*

Vote:

9 in favor

7. Expand Phase I of community corrections statewide and develop specific standards for Phase I that are different than other community corrections programs. Ask DCJ whether rules would need to change in order for Denver County Jail to launch its pilot project on homeless transition.

- *Those paroling homeless and unemployed who aren't generally community corrections candidates and get them going on something before their mandatory PED.*
- *Starts next July 1. Pilot could start this fall (10-15 beds). Use verbiage saying "We support the work of Carl's group, the CCAC" – Work with Carl on this to clarify*
- *DCJ/Office of community corrections is already doing this*

8. Change DOC policy/practice that require people who are released homeless to be released to the county of conviction if other counties might offer better opportunities and support for successful re-entry.

- *Encourage every county in the state to develop programs to deal with the issue of released offenders who have no resources, homeless offenders, etc.. / Christie will send article to Germaine*
- *Put this in a "soft" category*
- *TABLE THIS*

23. Change state law to allow more options for revocations involving people convicted of F5/F6. (SB 252 fix)
Repeal the 180 day cap on technical parole violations

- *This is two issues. SB252 -Make sure that revocation options for f5/f6 are the same as for higher.*
- *We haven't really had a chance to work on this*
- *We don't have enough information*
- *THIS IS A BIG NO*

26. Change parole board action form – shouldn't deny someone for "not enough time served" when they've met the statutory eligibility based on enough time served. Require parole board to give rationale for decision and communicate that decision to inmate.

- *There is a check box on the parole action form*
- *There are no longer parole guidelines*
- *Parole board's decision making process, use of assessments, clear, transparent, structured and documented.*
- *Parole board should use risk assessment scale. Use Christie Donner verbiage and relate back to the statute. Tie into resources.*
- *Make sure the parole board' decision is CLEAR to everyone and let the offender know what they need to do, not just "not enough time served"*
- *PUT THIS UNDER 18*

28. Allow family/supporters to participate in parole board hearings.

- *Open hearings, put this under 18*

40. Enhance training for parole officers on the importance and use of assessments. PLUS 41, 61, 73

- *Expand language to include 41, then get rid of it and then bullet 61*
- *Enhanced training for criminal justice practitioners around EBP. Delete 41, reframe 61 as just those bullets.*
- *73 should stand alone*
- *Get rid of 73 altogether*

*Vote:
8 in favor*

41. Train judges, prosecutors and defense attorneys on assessments and evidence based practice. Could develop a CLE on topic; could be a panel at state conferences

61. Increase training for parole officers in:

- motivational interviewing
- training for parole officers on working with community groups and vice versa
- use of assessments, how to score, how to use score, and why it's important
- training on working with families and appropriate communication with victims
- cultural competency
- mental illness, treatment, and signs of decompensation
- alcohol addiction, relapse prevention, relapse intervention, and various treatment modalities

73. Technical assistance grants through DCJ for staff development, training, and capacity building in community corrections.

No – dealt with already per Carl

42. Substantially increase state funding for substance abuse and mental health treatment.

- *FULL SUPPORT*

66. Ask DOC to develop a policy that says that if parolee gets new parole officer, the new parole officer can't change things if prior parole officer approved solely on the rationale that "this is the way I do it." Must have a rationale that is due to the parolee's behavior or change in circumstance that warrants the change.

- *All in favor but work on verbiage/wordsmith this*
- *Recommend that to the greatest extent possible assign a PO that stays with inmate throughout their parole*
- ***First – promote PO stays with offender throughout – RECOMMEND THIS ONE ONLY***
- *Second – if that isn't possible then change*

ALL IN FAVOR

78. Need to standardize a definition of recidivism based on new filing (as a measure of desistence from crime); need to separate revocation rates (as a measure of parole outcome)

DOC defines recidivism as a return to prison within 3 years

DCJ/Probation define recidivism as a new criminal filing within 3 years

- *Put this in overall data piece - Over-arching issue (put this as one of the legs under data).*

87. Repeal two-prior felony law.

- *DA can waive the 2 felony rule*
- *Table this issue for the sentencing subcommittee*

The following issues had individual support from members of the Task Force..

Individual Support

9, 14, 16, 17, 20, 26, 34, 35, 36, 39, 46, 55, 56, 60, 68, 70, 72, 75, 80, 88, 90, 91

After discussing the above mentioned parole recommendations the group focused on Community Corrections case management recommendations

Below are the minutes taken from the July 11, 2008 PIS Task Force meeting. The group was asked to provide feedback on 12 items of importance. Task Force members were in agreement on making recommendations on the following issues

1. **Assessment: YES**, keep in the recommendation mix. Existing structures make this a viable item.
2. **Fees, Restitution, Costs:** An “overarching issue” for the Oversight committee due to its attention from several task forces.
3. **Length of stay (LOS) in Community Corrections. YES**, by offering a support recommendation for a “length of stay pilot study” being proposed by the Comm. Corr. Advisory Council.

Discussion.

- The pilot will focus on reducing the residential length of stay.
- The higher bed turnover will create more residential slots.
- At the moment, 15% of residential meet non-residential requirements (e.g., age, LSI, nonviolent, community ties).
- Greg: What if judges avoid Community Corrections sentences, if offender stay is perceived to be too short?
- Has there been an audit of Community Corrections residents to determine whether they are “misplaced?” About 3% could have been placed directly on Probation.
- Maybe LOS limits should not be the decision basis for the move from residential to non-residential, instead basing the LOS decision on LSI.
- What is the purpose of the LOS study, if there is current data to answer the question? Need additional non-residential funds to offer support services and need professional data collection.

4. **Alternatives/Cost savings to reduce DOC bed construction. YES**, with appropriate caveats. Reevaluate capital construction budget and suggest money for future facility be diverted to alternative to prison beds. Evaluate the Mesa and Larimer county models and explore partnership between state and local communities. If a reduction in recidivism will reduce needs for DOC beds immediately and for foreseeable future, this item is viable. If recommended results will develop too slowly, then this may not stem the need for DOC beds.

Discussion.

- Will money go to Community Corrections programs for Transition and other Comm. Corr. Beds?
- Recidivism will be reduced by expanded Community Corrections offerings reducing the flow to DOC.
- Need to tease out the legislative elements from the Kansas justice reinvestment model.
- Need more Transition and Diversion beds.
- Need a different kind of Transition facility that focuses on job and career skills (e.g., in the context of a work-release facility).
- Create local/state work release partnerships and shift the funding stream.
- Mesa model. Although Mesa is not a funding model, it offers a model of partnership-building that should be emulated.

After discussing the community corrections case management issues (above) the group turned their attention to one of the possible proposals that Tim Hand had worked on (see the item below). After some discussion and Tim's reluctance to move the issue forward we 'Tabled' the topic.

1. Increase Parole Board responsibilities and reduce system inefficiencies

Grant DOC the authority to determine when a client should be moved from Community Corrections to ISP- I and/or unilaterally place offenders from a prison setting to ISP-I. Require that Parole state its position that an inmate should be placed on ISP-I rather than residential community corrections but let the Community Corrections boards make the decision.

At the end of the meeting the group decided that we were in agreement on the above issues. Before the next meeting, Christie, David and Germaine will get together and wordsmith some formal proposals and recommendations to have ready for the group for our final meeting and for final approval.