

# Post-Incarceration Supervision Task Force

**Date: April 7, 2009, 9:00 - 11:30 AM**

**Attendees:**

David Kaplan, Chair  
Christie Donner, Task Force Leader  
Kerry Cataldo, DCJ  
Tim Hand, Deputy Director of Regional Operations (Parole)  
Paul Herman, Consultant  
Regina Huerter, Manager of Denver Public Safety  
Greg Mauro, Community Corrections  
Germaine Miera, DCJ/Researcher/Facilitator  
David Michaud, Parole Board Representative  
Maureen O'Keefe, DOC  
Dianne Tramutola-Lawson, CURE  
Carolyn Turner, CURE  
Heather Wells, DOC  
Doug Wilson, State Public Defender

**Absent:**

Lacey Berumen, Executive Director, National Alliance for the Mentally Ill (NAMI)  
Carl Blesch, DCJ/Community Corrections  
Kim English, DCJ  
Pete Hautzinger, District Attorney

<b>Issue/Topic:</b>  Welcome	<b>Discussion:</b>  David Kaplan welcomed the group and reviewed the day's agenda.
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<b>Issue/Topic:</b>  L-11	<b>Discussion:</b>  <b>L-11 – Promote Partnerships for Correctional Facilities.</b> Carl Blesch was not present to report on this recommendation.
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<b>Issue/Topic:</b> L-12	<b>Discussion:</b>
<b>Action:</b> Revisit whether to include sex offenders as part of the early discharge from parole criteria and include a sex offender risk assessment.	<p><b>L-12 - Early Terminations of Parole.</b> Tim Hand presented a draft of DOC's criteria and procedures for submitting an early discharge request to the Parole Board (Administration Regulation 250-29).</p> <p>The criteria set:</p> <ol style="list-style-type: none"> <li>a. No less than 6 months on parole remaining.</li> <li>b. Substance free through drug testing.</li> <li>c. No crime of violence (current conviction) or sex offense.</li> <li>d. Restitution paid in full or moved to collections.</li> <li>e. Medium classification or below.</li> <li>f. Complaint free for prior 6 months.</li> <li>g. Low risk to re-offend based on CARAS and LSI instrument.</li> <li>h. Compliance with treatment issues.</li> </ol> <p>There was discussion around the exclusion of sex offenders and violent offenders. Paul Herman commented that the CARAS and LSI do not predict recidivism for sex offenders, so he recommends adding a specific sex offender risk assessment (i.e. Static 99, Acute and Stable 2008). DOC wonders what the fiscal impact of adding the sex offender risk assessment would be.</p> <p>It was the decision of the PIS task force to include violent offenders and revisit the inclusion of sex offenders and the addition of a sex offender risk assessment.</p>

<b>Issue/Topic:</b>  BP-60	<b>Discussion:</b>
<b>Action:</b> Greg Mauro will talk with Tom Giacinti about PIS plan to address this issue. Plus Tom will be invited to the next PIS meeting so he can add his input on this issue.  David Kaplan will work with Tim Hand and David Michaud to answer the questions that arose about regarding whether there can be a	<p><b><u>BP-60 DATE-CERTAIN RELEASE FOR COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PAROLE</u></b></p> <p>With limited exceptions, when someone has been transitioned out under inmate status, provide a date-certain release for offenders in community corrections while retaining the authority of the parole board to conduct a rescission hearing and extend or vacate the parole date in the event of noncompliance. Specifically, when an inmate is accepted in community corrections as a transition client, the parole board should set a parole date no later than 12 months from the date of placement in residential community corrections. Likewise, when an inmate has been placed in the Intensive Supervision Program-Inmate (ISP-I), the parole</p>

<p>paper review done or was a parole hearing necessary.</p>	<p>board should set a date for parole at 180 days from the placement on ISP-I.</p> <p>The community corrections subcommittee held its first meeting on March 11, 2009. Among other items, subcommittee members agreed to examine BP-60 and recommend a course of action. The subcommittee has formed a smaller working group to look specifically at date certain release from community corrections. The working group planned to meet by May 2009 to develop and recommend a date certain release pilot program. However, this working group is no longer necessary because there was discussion around why this issue was brought to the Community Corrections Advisory Board in the first place. The group agreed that this is more of an issue for the Parole Board rather than. Community Corrections, and so this issue is going to remain with PIS.</p> <p>Tom Giacinti is going to be invited to the next meeting to add his input since he has been working on this issue for many years.</p> <p>The only concerns with this recommendation that the Parole Board saw would be the lack of victim input. Suggestions were made that if there were any victim interest, then that case would be put in a different category.</p> <p>Also questions arose by Tim Hand and David Michaud about whether they could just do a paper review for these offenders or if a parole hearing would be necessary.</p>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>CS-64</p>	<p><b>CS-64 - Credit for Time Served.</b> Christie Donner gave a status report on several House Bills...</p> <p>HB 09-1044-Expungement of juvenile delinquent records: was signed into law on March 18, 2009.</p> <p>HB 09-1122 Concerning increasing the age of persons eligible for sentencing to the Youthful Offender System: was signed into law on April 2, 2009.</p> <p>HB 1262-Summons in lieu of arrest warrant: passed and sitting on the Governor's desk.</p> <p>HB 1263-Time computation for jail inmates: passed and sitting on the Governor's desk.</p> <p>HB 1264-College level education for state inmates: passed and sitting on the Governor's desk.</p> <p>HB 1266-Repeal of the loss of driving privileges: passed and sitting on the Governor's desk.</p>

Issue/Topic:	Discussion:
<p style="text-align: center;"><b>CS-65</b></p> <p>Since no JAG funding decision has been made yet, this will be tabled until the July/August PIS meeting. At the August meeting, Tim Hand is going to invite the DOC managers who have been working on this TV unit proposal to come and present to the PIS task force.</p>	<p><b>CS-65- DOC (Parole) Technical Violations Unit.</b> Tim Hand provided a description of the Technical Parole Violation Unit ...</p> <p>This project’s purpose is to create a technical parole violations unit and to provide a cognitive behavioral change program, “Thinking for a Change” to parolees at risk for technical parole violations at no cost to the offender. In collaboration with the Court State Court Administrator’s Office, Division of Probation Services and NIC, 16 Community Parole Officers and 12 community partners would receive training in teaching the “thinking for a change” curriculum. The 22 session course would be offered to approximately 300 offenders at risk for technical parole violations, in various locations throughout the state. In collaboration with Protocol and the DOC Office of Planning and Analysis, data collection system would be designed to track and evaluate the effectiveness of the program in reducing recidivism.</p> <p>Regi Huerter commented that this unit should not only be about the curriculum but also about developing relationships. Also she mentioned that they should use this class as a tool, so that if the parolee is complying then they don’t need to go before the parole board. However, if the parolee is not complying then they will go before the Parole Board.</p> <p>Christie Donner commented that they will also need to look at the individual’s parole conditions and look at why this parolee violated their conditions. Did life/environment issues get in the way?</p> <p>Tim Hand is open to any ideas, professionals to bring in, etc. to help develop this unit.</p> <p>Currently, no decision has been made regarding the JAG grant application submitted in March for this Technical Violations Unit. Regi Huerter informed Tim Hand and Maureen O’Keefe that there is some additional state and federal JAG funding that they should resubmit their application for. Also Paul Herman mentioned that he is aware of some other funding as well.</p>

Issue/Topic:	Discussion:
<p style="text-align: center;"><b>BP-57</b></p>	<p>Paul Herman briefly revisited recommendation BP-57, and informed the group that this is where the recommendation currently stands and will be moving forward...</p> <p><b>BP-57 Outside Agency Analysis and Assistance for the Parole Board</b></p> <p>The Commission requests that an independent agency with expertise in paroling authorities (in particular, the Center for Effective Public Policy) provide technical assistance to the parole board to increase efficiency and effectiveness. This assistance would involve bringing to Colorado experts in parole and release to engage in the following tasks:</p>

- Review parole guidelines, policies, procedures, sanction grids, and training standards;
- Review the use of assessments, the decision making process, and how parole decisions are communicated to interested parties;
- Review the parole board's internal capacity for data collection and reporting;
- Review forms used by the parole board;
- Conduct a work-load survey to identify inefficiencies and possible remedies; and
- Review the opportunities for inmate supporters and victims to participate in the parole hearing.

Due to the closing of the JEHT Foundation we have developed a plan to accomplish the tasks set out in BP-57 through a variety of sources. A technical assistance report has been submitted by the Parole Board to the National Institute of Corrections for outside assistance. As a result of the recent audit, the Board, DCJ and DOC have a number of responsibilities and tasks to accomplish. Finally, the PIS Task Force will play a major role during this calendar year in pulling all of these components together to forward recommendations to the CCJJ.

A brief explanation of the tasks and responsible parties is outlined below:

1. NIC Technical Assistance Providers would primarily focus on:

- Working with the Board to identify sanctioning goals (Philosophical, Normative and System).
- Assisting the Board in defining policy objectives for structured decision-making.
- System mapping of key decision making points in the release and return process.

2. The Colorado Division of Criminal Justice would primarily focus on:

- Analyzing Colorado Actuarial Risk Assessment Scale data and Parole Board Action Form data and report the information in a quarterly memorandum to Parole Board members.
- Working with the Colorado Department of Corrections to obtain return-to-prison outcome data and thereby provide stakeholders with the most comprehensive recidivism information.
- Working with the Parole Board to discuss the results of the analysis of the Parole Board data and how that information can be used to improve decision-making.
- Requesting additional resources from the General Assembly for the Fiscal Year 2011 budget cycle to ensure the ability to comply with audit recommendations.

3. The Colorado Department of Corrections would primarily focus on:

- Working with the Board to ensure that accurate and meaningful data are collected and reported on parole decisions by the Board

and parole releases by the Department.

- Working with the Board to ensure mutual understanding of their duties related to the reporting of parole decisions and formalize the process in a memorandum of agreement.

4. The Colorado Commission on Criminal and Juvenile Justice and its Reentry Oversight Committee and Post Incarceration Task Force would primarily focus on:

- Working with the parole board to clearly understand its current release decision making elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
- Working with the parole board to understand the current parole revocation decision elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
- Studying the current parole board structure and identify possible improvement recommendations.

During the rest of this calendar year, the PIS Task Force will work with the various parties outlined above to address BP-57. Our proposed work plan strategy is in two phases:

Phase I: January – June, 2009

#### RELEASE DECISION MAKING ELEMENTS

- The use of risk assessment instruments
- The use of instruments that identify criminogenic needs
- Statutorily mandated elements
- Specific offender file material
- Written release guidelines
- Written Policy & Procedure (parole board manual)
- Hearings and hearing schedules, types, purpose, timing, etc.
- Types of hearing decisions
- Setting of conditions

#### REVOCATION DECISION MAKING ELEMENTS-

- The use of risk and need instruments in revocation decision making
- The use of parole revocation guidelines, based on the severity of the violation and the risk posed by the offender
- Hearing types, schedules and the parties involved
- Types of decisions

Phase II: July – December, 2009

#### PAROLE STRUCTURE ELEMENTS

- Define the purpose of parole

- Define the preferred structure
  - Identify current structure
  - Identify the preferred structure
  - Identify gaps between the current and preferred structure
- Written policy and procedure
- Performance Measures
  - Monitoring the process
  - Evaluating the impact

In addition to the aforementioned issues we will look at Board membership, qualifications and the appointment process. Further, we will engage in a discussion on initial an ongoing training for board members and for other key stakeholders in board policy and practice.

Finally, there are a number of key disciplines involved in the parole decision and revocation process, thus we will need to look at their practice related to the abovementioned issues and to the best of our ability align policy and practice of all concerned.

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Revocation Decision Making Elements</p>	<p>As the revocation decision making elements currently stands...</p> <p><b>REVOCATION DECISION MAKING ELEMENTS-</b></p> <ul style="list-style-type: none"> <li>• The use of risk and need instruments in revocation decision making</li> <li>• The use of parole revocation guidelines, based on the severity of the violation and the risk posed by the offender</li> <li>• Hearing types, schedules and the parties involved</li> <li>• Types of decisions</li> </ul> <p>Additional elements added are...</p> <p><b>Policy or Statute:</b> Any felony convictions/sentences are returns to prison.</p> <p><b>Statutory:</b></p> <ul style="list-style-type: none"> <li>• Senate Bill 252: Mandates F5 or F6 offenders, with some exceptions, when found guilty of a technical violation, are a community return to custody for 180 days.</li> <li>• Violent offenders with a technical violation can return to prison for the remainder of their parole period.</li> <li>• Nonviolent offenders with a technical violation can return to prison for 180 days.</li> </ul> <p><b>Policy:</b> There is no firm policy, but review case by case.</p> <p><b>Revocation-Board Members</b> Hearings AHO-use of AHO is based on need (3)</p>

***What information is provided at a revocation hearing***

Per David Michaud-the Parole Board gets the entire offender file to review before the Parole hearing.

**Next meeting May 5, 2009**

**9-11:30AM**

**150 East 10<sup>th</sup> Avenue**