

Post-Incarceration Supervision Task Force

Date: May 5, 2009, 9:00 - 11:30 AM

Attendees:

David Kaplan, Chair
Christie Donner, Task Force Leader
Christine Adams, DCJ/Researcher/Facilitator
Lacey Berumen, Executive Director, National Alliance for the Mentally Ill (NAMI)
Kerry Cataldo, DCJ
Kim English, DCJ
Tim Hand, Deputy Director of Regional Operations (Parole)
Pete Hautzinger, District Attorney (via the phone)
Paul Herman, Consultant
Greg Mauro, Community Corrections
David Michaud, Parole Board Representative
Maureen O'Keefe, DOC
Carolyn Turner, CURE
Heather Wells, DOC

Absent:

Carl Blesch, DCJ/Community Corrections
Regina Huerter, Manager of Denver Public Safety
Dianne Tramutola-Lawson, CURE
Doug Wilson, State Public Defender

Issue/Topic:	Discussion:
Welcome and Introductions	<ul style="list-style-type: none"> • David Kaplan welcomed the group, and then everyone went around and introduced themselves. • David Kaplan noted that there has been DCJ facilitator change from Germaine Miera to Christine Adams.

Issue/Topic:	Discussion:
Structured Release Decision Makers	<ul style="list-style-type: none"> • There are 250-300 Parole Board members throughout the country, which is a small group of people. • Majority of the board members are paid members. There are some boards that are part time (i.e. Wyoming, Oklahoma, and South Carolina). There are no longer volunteer members. • In all but two or three states, Parole Board members are appointed by the Governor. In those two or three states where the members are not appointed by the Governor they are appointed by the Director of Corrections. • Dilemmas concerning release decision makers: significant turnover and different perspectives and different knowledge base.

Issue/Topic:	Discussion:
Structured decision making approaches	<p>There are basically three strategies to select from:</p> <ol style="list-style-type: none"> 1. Individual decision making: Using this approach, parole board members operate as individual decision-makers, without regard to colleagues' views or decisions, using their own best judgment, and coming to each case as a fresh and individual decision. This is the approach that characterized parole decision-making almost exclusively up through the 1970s. 2. Individual, evidence based approach: This approach is also based on board members operating as individual decision-makers. A member may utilize research-based tools that are available, including risk assessment instruments. Although individual parole board members may have fairly explicit, personal ground-rules for decision-making, they are not shared in any formal way with other board members. This is the approach that characterizes much of parole decision-making today which became more widespread in the 1980s and 1990s. 3. Policy-driven, evidence based approach: Using this approach, board members begin by coming to some consensus on the goals that the board is trying to achieve in making release and revocation decisions. Working together, the board members agree on the board's philosophy and goals held in common. From there, the board identifies the tools that will be used to assist in decision-making and develop a policy framework to guide decisions so that there is rough consistency and faithfulness to agreed-upon goals. Discretion in individual cases is preserved, and board members are always free to depart from shared policy, if they feel it is appropriate. This is the approach that was first

	<p>implemented by the US Parole Commission and spread more widely among paroling authorities during the 1980s and 1990s as parole guidelines.</p> <p>All three approaches are still being used today.</p>
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Issue/Topic:	Discussion:
<p>Types of Sanctioning Goals</p>	<p>There are three areas that go into developing this policy driven:</p> <ol style="list-style-type: none"> 1. Philosophy-What? <ul style="list-style-type: none"> • Punishment: One of the most important things is punishment. Need to decide how much punishment is enough? And if so, then we need to start looking at release. • Incapacitation, • Rehabilitation, • Deterrence, and • Restoration 2. Norms-How? <ul style="list-style-type: none"> • Proportionality, • Equity, • Parsimony, • Fairness, • Humane treatment, and • Constitutionality <p>***Historically it is in this area that Boards have gotten into trouble.</p> 3. System Needs: <ul style="list-style-type: none"> • Application of evidence based practice, • Using resources effectively and efficiently, • Reducing correctional crowding, • Processing cases in a timely manner, • Enhancing system credibility, and • Generating resources to offset costs

Issue/Topic:	Discussion:
<p>Structured decision making means having a policy to guide decisions that are:</p>	<p>Structured decision making means having a policy to guide decisions that are:</p> <ol style="list-style-type: none"> 1. Explicit: <ul style="list-style-type: none"> • Written • Reviewed and agreed upon; and • Basis for resolving concerns, making choices, and initiating changes. 2. Specific <ul style="list-style-type: none"> • Goals and outcomes sought are clear

	<ul style="list-style-type: none"> • Interests are prioritized • Preferred responses to types of needs, risk and violations are clear • Values to be observed in fashioning responses are incorporated • Supervision practices are described; and • Information is consistent <p>3. Vital</p> <ul style="list-style-type: none"> • Monitored continuously • Results of monitoring are processed and reviewed • Change is initiated as needed and • Participants in the reviewing and changing process are accountable to one another
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Issue/Topic:	Discussion:
Politics and Parole Decision	<p>Someone asked when does politics come into play in Colorado's Parole Board Decision Making?</p> <p>David Michaud, Chairman of the Colorado Parole Board, responded "that politics plays a very little role in a parole decision."</p> <p>It was added that there has been some political involvement with Senator Henry's legislation.</p>

Issue/Topic:	Discussion:
The development of parole guidelines in Colorado	<p>In July of 1987, the Colorado General Assembly, in House Bill 1311, created the Parole Guidelines Commission, chaired by the Attorney General and comprised of members representing public safety interests. The Commission's mandate was to oversee development, implementation, and validation of parole guidelines, a set of specific criteria used by the parole board in making release decisions. This legislation also mandated that the Division of Criminal Justice provide the Commission with an actuarial risk assessment scale. The Division of Criminal Justice developed the first Colorado Actuarial Risk Assessment Scale (CARAS) and by the Spring of 1989, the Commission developed advisory guidelines and a Colorado Parole Guidelines Handbook.</p> <p>In developing the advisory guidelines, the Parole Guidelines Commission identified several criteria that it considered essential to include in parole release decision making that included both "risk factors" and "policy factors." The risk factor was determined through the use of risk assessment instrument. Several additional "policy factors" were also identified including:</p> <ul style="list-style-type: none"> • Time served: The Commission thought that a foundational criterion was to determine whether someone had served enough time so that the punishment component of the sentence was minimally met. The commission identified both 1st degree and 2nd degree aggravating criteria and mitigating criteria because sentence ranges could be very

broad and therefore structuring the “punishment” component was considered an important objective of the guidelines. For example:

- The presence of 1st degree aggravating criteria, the guidelines suggested that a person serve 50-100% of the sentence range for the felony class of conviction. (not 50-100% of the actual sentence imposed)
- The presence of 2nd degree aggravating criteria, the guidelines suggested that a person serve 30-50% of the range for the felony class of crime of conviction.
- The presence of mitigating criteria, the guidelines suggested that a person serve 30% of the sentencing range for the felony class of conviction.

Example: A person is convicted of a Class 5 offense with a sentencing range of 12-48 months. S/he was sentenced to 4 years and had already served 2 years in prison.

Mitigation present (30% sentence served)	2nd degree aggravating (30% - 50% sentence served)	1st degree aggravating (50% - 100% sentence served)
15 months	15-24 months	24-48 months

In this example, if mitigation or 2nd degree aggravating circumstances were present, the guidelines indicated that the person had served enough time for the “punishment” component of the sentence to be minimally served such that consideration could be given to other criteria to determine if release was appropriate. If 1st degree aggravating circumstances were present, then it is questionable as to whether the person has served enough time to meet the punishment goal.

- **Institutional conduct:** Institutional conduct was considered relevant both to provide a management tool for the institutions and developing an expectation that good conduct in prison was a prerequisite for release on parole.
- **Treatment needs:** Treatment needs and program participation were identified as release criteria because the Commission believed it was relevant information as it pertained to risk control. It was thought that the parole board should know whether the inmate had attempted to address their problems during incarceration; if programs were available to them, and if progress was achieved. When offender needs suggested a parole risk, the Guidelines advised that the parole board apply special conditions of parole. Guidelines suggested that release be postponed when high or severe need was combined with no or limited program participation.
- **Additional information:** The Commission also believed that additional input was relevant from victim(s), prison case manager, district attorney/law enforcement, offender families, prospective employers, etc. The guidelines advised that this additional information be tied to: (1) the presence of aggravating/mitigating factors; (2) prison program participation; and (3) parole plan.

An Information and Action Form was developed as a decision making tool for the parole board.

In evaluating for the “time served” criterion, a decision was made as to whether the time served was UNDER, WITHIN, or OVER the guidelines. If time served was Under, the advisory decision options indicated that parole should be deferred. If time served was Within the guideline, then other criteria would be evaluated to determine whether release was appropriate. If time served was Over the guideline, then the suggested decision option was to release on an expedited basis.

Next, a person’s risk was calculated using a risk assessment instrument. A person was categorized as high, high/medium, medium or low risk. Based on this assessment, the release guidelines included the following “advisory decision options”.

- *High Risk:* Advisory decision option was to NOT RELEASE on parole until risk could be reasonably controlled with intensive supervision. Parole for 3-5 years was recommended.
- *High/Medium Risk:* Advisory decision option was that MAYBE release was appropriate. NO RELEASE was the suggested option whenever a parole plan was inadequate to reasonably manage risk level. The Guidelines suggested RELEASE only when intensive supervision plan was created and special conditions were set. Parole for 2-3 years was recommended.
- *Medium Risk:* Advisory decision option was that MAYBE release was appropriate. RELEASE was suggested where a suitable parole plan with special conditions was created. If no such parole plan was developed, NO RELEASE was the suggested option. Parole for 1-2 years was recommended.
- *Low Risk:* Advisory decision option was that the inmate should be RELEASE at the first (or any subsequent) parole hearings with a standard parole plan and standard conditions. Parole for 6 months – 1 year was recommended.

The next step involved an evaluation of institutional conduct. If time served and risk level suggested that someone was appropriate for release, the guidelines allowed for an extension of the parole release date for 90 days if the inmate had received a Class 1 COPD (code of penal discipline) conviction within six months. Similarly, the release date could be extended 60 days if the inmate received a Class 1 COPD within the past 6-24 months.

The next step involved an evaluation of program needs and program participation which was used to identify any special conditions of parole that should be ordered.

This process went on until 1996. Then the Board began moving away from this

structure when the new Board Chair was installed.

David Michaud mentioned that the current Parole Board still uses the risk scale, looks at time served, institutional conduct, treatment needs, and any additional information. However, Kim English and Paul Herman mentioned that the difference between how this process looked in the 1990s and now is that in the 1990s this process was very specific and explicit.

Issue/Topic:	Discussion:
<p>Summary of the current statutory parole board guidelines (17-22.5-404, C.R.S.)</p>	<p>(1) “Standard of review” –... may parole when board determines there is a strong and reasonable probability that the person will not thereafter violate the law and that the person’s release from institutional custody is compatible with the welfare of society. The board shall first consider the risk of violence to the public in every release decision.</p> <p>(2) Factors – the parole board shall consider, but need not be limited to the following factors:</p> <ul style="list-style-type: none"> I. testimony of the victim/relative II. substantial observance of rules/regulations in prison and faithful performance of duties assigned III. good faith effort to make restitution IV. good faith effort to pay costs of parole supervision V. good faith effort to have specific employment or occupation VI. good faith effort to enroll in school, vocational, technical training VII. whether offender has attempted but was unable to obtain employment; has employment disability; age prevents employment VIII. good faith effort to remain within prescribed geographical are; notify parole officer/court of change in address/employment IX. good faith effort to report to parole officer X. good faith effort to participate in community service XI. offender has not harassed victim verbally or in writing XII. good faith effort to provide support, including child support XIII. participation in literacy corrections programs <p>(3) Extraordinary Aggravating Circumstances – the board shall consider the following extraordinary aggravating circumstances when determining the conditions for parole, length of parole when such aggravating factors show offender has high risk of recidivism or violence.</p> <ul style="list-style-type: none"> I. crime involved serious bodily injury, threat of serious bodily injury, acts that are cruel, vicious, callous II. armed with or used deadly weapon at time of offense III. offense involved multiple victims IV. victim was particularly vulnerable due to age, disability, illness V. conduct directed at law enforcement, judge, prosecutor, defense counsel, corrections officer, firefighter on duty VI. offender induced others to participate in offense or occupied position of

leadership or dominance

VII. offender took advantage of position of trust or confidence to commit the offense

VIII. offender committed crime for money/payment

IX. crime required substantial planning and deliberation

X. object of crime was to obtain controlled substance or possess illegal substance

XI. offender engaged in pattern of violent conduct which indicates serious danger to society

XII. offender was on parole or probation at the time of offense

XIII. offender was on bond for a previous felony at time of offense and was convicted of prior felony

XIV. offender was confined as a convicted felon or escapee when offense committed

XV. offender has numerous or increasingly serious convictions as adult or juvenile

(4) Extraordinary Mitigating Circumstances – when determining the conditions of parole, length of parole when such mitigating factors show offender has low risk of violence or recidivism

I. played passive or minor role in offense

II. victim was initiator, willing participant, aggressor, provoker

III. substantial grounds exist to excuse or justify conduct, through failing to establish defense

IV. committed crime under duress, coercion, threat, compulsion

V. no prior delinquency or criminal activity; led law abiding life for substantial period prior to crime

VI. acknowledge wrongdoing and demonstrate remorse

VII. responsible for the financial support of others; shorten time in prison to avoid undue hardship on dependents.

VIII. rehabilitation would be enhanced by imposing a shorter period of incarceration

IX. before parole hearing, offender made good faith effort to compensate victim

4.5 Conditions for Minors – may require offender under 18 to attend school, or work toward GED, diploma as condition of parole. Must notify local school board of that requirement.

(6) Additional Considerations – to determine whether to grant or deny parole

(b) DCJ develop objective parole criteria which is statistically shown to be good predictors of risk

(d) DCJ collect data on parole decisions and report quarterly to parole board and division of adult parole

(e) DCJ validate risk assessment scale (at least every 5 years)

(f) DCJ provide training semi annually to DOC and parole board on use of objective criteria

(g) DCJ/DOC/parole board develop forms containing objective parole criteria

According to Paul Herman, consultant, who brings an outside perspective that when you look at (2), (3), and (4) of the current parole guidelines it begins to “muddy the waters.” The more things are articulated the more items people

Issue/Topic:	Discussion:																														
Policy frameworks/Guideline models	<p>Parole boards have adopted two basic types of policy frameworks, also known as guideline models, to integrate the basic considerations that come into play when a parole decision is to be made:</p> <p>1. Matrix: The matrix format has the advantage of integrating severity and risk in establishing a range of time to be served within each “cell” of a matrix.</p> <p>Example of a Matrix...</p> <table><tr><td></td><td colspan="3">Range of Time</td><td>Score</td></tr><tr><td>Felony Class</td><td></td><td></td><td></td><td></td></tr><tr><td>A</td><td></td><td></td><td></td><td></td></tr><tr><td>B</td><td></td><td></td><td></td><td></td></tr><tr><td>C</td><td></td><td></td><td></td><td></td></tr><tr><td>D</td><td></td><td></td><td></td><td></td></tr></table> <p>2. Decision tree: It appears to be a bit more complex than the matrix, it has the advantage of being able to incorporate more factors, and to mimic the actual decision process that a decision-maker might follow in arriving at a choice. (Michigan uses a decision tree).</p> <p>Both of these models, or others that boards may devise are designed to “structure” parole decisions so that decisions are consistent with the board’s philosophy and goals. Although a board member is still free to depart from those guidelines in an individual case, in general, the board decides to establish these guidelines to enhance consistency.</p>		Range of Time			Score	Felony Class					A					B					C					D				
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Issue/Topic:	Discussion:
<p>What other states are doing and their use of parole guidelines</p>	<p><u>Michigan</u></p> <p>Michigan is currently revising their parole guidelines. The primary criteria are a determination of likelihood of risk of re-offense and program performance/institutional behavior. Unique about Michigan is the very high importance placed on institutional programming in influencing parole decision-making and the concept of determining “parole readiness”. As part of the decision-making process, it is being proposed that a “Parole Eligibility Report: Readiness for Reentry” worksheet be completed. This worksheet includes the following sections:</p> <ul style="list-style-type: none"> • Assessments: (CORE or Reentry COMPAS to identify violence and recidivism scale –low, medium, medium-high, and high). If convicted of a sexual offense, a VASOR score determines risk as low, medium, or high) • Institutional adjustment: identifies the number and type of major misconducts and sanctions • Program performance includes a number of different measures including

degree of completion of recommended programs (excellent, good, acceptable, limited/minimal); overall level of participation (excellent, good, acceptable, limited, minimal), achievement of program objectives (all, most, many, some, few/none)

- Additional information such as whether prisoner is seriously mentally or physically challenged, whether there are documented threats by prisoner to victim(s)/others, whether prisoner is a member of a security threat group or designated as a predator, and whether the prisoner has exhibited exemplary behavior or committed meritorious act while incarcerated.
- Employment and Housing: includes proposed housing placement and employer

A Reentry Readiness Assessment point scale indicates whether someone is considered “high”, “average”, or “low” readiness for reentry.

- HIGH readiness is defined as an offender that is low risk or has fully participated in and/or successfully completed recommended programs and the offender has demonstrated an acceptable level of institutional behavior and has had few major misconducts.
- AVERAGE readiness is defined as an offender that has fully participated in and/or successfully completed some of the recommended core programs and the offender has demonstrated an acceptable level of institutional behavior and has had few major misconducts.
- LOW readiness is defined as an offender who has not fully participated and/or successfully completed recommended programs and the offender has not demonstrated an acceptable level of institutional behavior and has a pattern of major misconducts.

Texas

In 1985, the legislature mandated that the Texas Board of Pardons and Paroles incorporate parole guidelines, with minimum release criteria, into parole decision making. The enabling legislation required that guidelines were to be developed according to acceptable research methods and be based on the seriousness of the offense and the likelihood of a favorable parole outcome. In August 1987, the Board formally adopted parole guidelines. In August 1999, the Board contracted with an outside consulting firm for an 18 month project to develop revised parole guidelines which included a comprehensive review of the Board’s current practices (Phase I); completing a validation test on existing guidelines and proposing revised draft guidelines (Phase II); and training Board members and institutional parole officers in the use of the new guidelines (Phase III).

The revised parole guidelines consist of two major components that interact to provide a single score. The first is a risk assessment that weighs both static and dynamic factors. A low score is associated with low risk. The higher the score, the greater the risk the offender presents. Risk is organized into four categories: low, moderate, high, highest.

The other component is offense severity class. The Texas Board of Pardons and Paroles have assigned an offense severity ranking to every one of the 2,381

felony charges in the state criminal code. Offense severity classes range from low, moderate, high, and highest.

After both of the factors have been considered, the two components of the guidelines are then merged into a matrix that creates the guidelines Score. Parole Guidelines Scores range from 1 for an individual with the poorest probability for success, up to 7 for an offender with the greatest probability of success.

Severity of Offense	Risk Level			
	Highest	High	Moderate	Low
Highest	1	2	2	3
High	2	3	4	4
Moderate	2	4	5	6
Low	3	4	6	7

The guidelines are not automatic nor are the parole guidelines score presumptive as to whether an offender will be paroled. Board members retain the discretion to vote outside the guidelines when the circumstances of an individual case merit their doing so. However, there was nothing in the Texas guidelines that indicated how parole board members were to be guided by the 1-7 score.

Pennsylvania

The Pennsylvania Board of Probation and Parole has developed decision-tree model. The criteria includes:

- Instant offense (violent/nonviolent)
- Risk/needs assessment (LSI-R or Sex Offender Risk Assessment score used to determine high, medium, low risk)
- Institutional adjustment (unacceptable program compliance, reasonable efforts, currently involved, completion of required programs)
- Institutional behavior within one year of parole interview (pattern of institutional misconduct, criminal code violations, drug/alcohol offense, assaultive behavior, or return to institution while in prerelease)

Each option within the criteria is assigned a point value and the cumulative score determines whether someone is “likely to parole” (2-6 points) or “unlikely to parole” (7 or greater points).

Issue/Topic:	Discussion:
<p>L-11 Promote Partnerships for Correctional Facilities</p>	<p>***Please note that recommendations are copied as they stood at the time of this meeting. Final changes may still occur.***</p> <p>Partnerships for Correctional Facilities</p> <p>Phase 1 Recommendations</p> <p><u>L-11 PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITIES</u></p> <p>Encourage the General Assembly to provide funding that promotes partnerships between local and state public or private entities for the construction on publically owned lands of multi-purpose correctional supervision and re-entry facilities.</p> <p>Phase 2 Recommendations/Update</p> <p>The Post Incarceration Supervision Task Force strongly supports the concept of state and local partnerships as outlined in L-11. The ability to increase multi-purpose beds at the local level to meet local and state needs is sound public policy. In addition these local beds could reduce the need for additional and/or current state correctional beds.</p> <p>The current fiscal problem facing state and local government inhibits the ability to move forward on the recommendation at this time. It is estimated that a 200 bed facility would cost (on average) \$8,000,000 with \$4,000,000 provided by the state and \$4,000,000 provided by local government. It is unlikely in this fiscal environment that either the state or local government have available funds to proceed with this recommendation.</p> <p><i>Discussion:</i></p> <p><i>It was proposed the idea of clearing out a minimum security facility and turning it into a Community Corrections facility. But then there was concern about where would all the minimum custody level inmates then go?</i></p> <p><i>Decision:</i></p> <p><i>It is the recommendation of this Task Force that L-11 remains a priority of the Commission and that implementation is pursued when economically feasible.</i></p>

Issue/Topic:	Discussion:
<p>L-12 Early Termination of Parole Action:</p> <p><i>Paul is going to bring the broader issue of sex offenders to the</i></p>	<p>Early Terminations of Parole</p> <p>Phase 1 Recommendation</p> <p><u>L-12 EARLY TERMINATIONS OF PAROLE</u></p> <p>The Commission requests that the Department of Corrections develop and</p>

attention of the Oversight Committee.

implement a standardized policy regarding early terminations of parole and require parole officers to submit such requests to the parole board when a parolee has served at least half of the parole period and has met other risk reduction benchmarks. In addition, the Department of Corrections should provide data on the numbers and decisions of early termination requests to the Division of Criminal Justice. The Commission further requires that such request comply with the Victim's Rights Act.

Phase 2 Recommendation/Update

The following policy (DOC Regulation 250-29) was suggested by the Department of Corrections Implementation Committee. The policy was endorsed by the Task Force with the modification that violent offenders be included for early discharge consideration. Members of the Task Force would also like to eventually explore the impact of including sex offenders for early discharge consideration.

*Please see the policy hand-out distributed by Tim Hand at the April meeting.

Discussion:

Tim Hand updated the task force about whether or not to include violent offenders and sex offenders for early discharge consideration. DOC would support the inclusion of violent offenders for early discharge consideration as long as there is an avenue for victim and the full parole board reviews these cases. The Administrative Regulation (AR) is currently being revised, and the revisions are expected by July 2009 with full AR implementation as of January 2010. However, it was the decision of DOC's Executive Director not to consider sex offenders now or later for early discharge consideration.

Concern was expressed by DOC regarding the validity of the CARAS with special populations. DCJ offered to discuss the issue further.

Decision:

- *Violent offenders will be included for early discharge consideration.*
- *Sex offenders seems to be a broader discussion, and so Paul was going to bring it to the attention of Oversight Committee.*

Issue/Topic:

BP-60 Date Certain Release for Community Corrections

Action:

Tim Hand, David Michaud, and Greg Mauro are going to get together and create a list of issues regarding the pilot and will bring back to the July meeting for discussion.

Discussion:

Date Certain Release

Phase 1 Recommendations

BP-60 DATE-CERTAIN RELEASE FOR COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PAROLE

With limited exceptions, when someone has been transitioned out under inmate status, provide a date-certain release for offenders in community corrections

<p>A discussion with the Attorney General could occur regarding any legal issues surrounding the pilot.</p>	<p>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 board should set a date for parole at 180 days from the placement on ISP-I.</p> <p>Phase 2 Recommendations/Update</p> <p><i>Discussion:</i></p> <p><i>Greg Mauro updated the task force on his conversation with Tom Giacinti. He mentioned that Tom has been working on this idea of data certain release for over 10 years, but his idea is very different than what is presented here in BP-60. BP-60 has very little to do with Community Corrections. They felt that if they move forward with BP-60 than maybe they should get some input from the Parole Board.</i></p> <p><i>Tim Hand said that DOC supports this idea but would like to pilot it in a smaller setting. However, they haven't identified a jurisdiction or community corrections to pilot it yet.</i></p> <p><i>Greg Mauro asked if there would be any legal issues regarding a pilot since parole would be altered in one jurisdiction or at one facility. Kim English responded that they could ask the Attorney General.</i></p> <p><i>Tim Hand, David Michaud, and Greg Mauro are going to get together and create a list of issues regarding the pilot and will bring back to the July meeting for discussion.</i></p> <p><i>Decision:</i></p> <p><i>This issue is currently unresolved and so further discussion and analysis is necessary before moving forward with this recommendation.</i></p>
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Issue/Topic:	Discussion:
<p>BP-57 Assistance for the Parole Board</p>	<p>Outside Assistance for the Parole Board</p> <p>Phase 1 Recommendations</p> <p><u>BP-57 OUTSIDE AGENCY ANALYSIS AND ASSISTANCE FOR THE PAROLE BOARD</u></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.

The Commission requests that the Department of Public Safety, on behalf of the Colorado Criminal and Juvenile Justice Commission, apply for funding from the JEHT Foundation to provide the aforementioned assistance.

Phase 2 Recommendations/Update

Due to the closing of the JEHT Foundation after the approval of this recommendation, the Task Force developed a plan to accomplish the tasks set out in BP-57 through a variety of other sources. A technical assistance report was submitted by the Parole Board to the National Institute of Corrections (NIC) for outside assistance. NIC approved the request for technical assistance in April 2009. As a result of the 2008 Audit of the Parole Board, the Board, DCJ and DOC have a number of responsibilities and tasks to accomplish. Finally, the PIS Task Force is playing a major role during the 2009 calendar year in pulling all of these components together.

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, the PIS Task Force 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 the PIS Task Force will need to look at their practice related to the abovementioned issues and to the best of their ability align policy and practice of all concerned.

Discussion:

David Michaud mentioned that he has received copies of the 100+ page report, and will be distributing the report to each member of the Parole Board.

Paul Herman mentioned that he has spoken to his colleagues about providing TA and they are planning to move forward. They are planning to schedule some time in June for some initial discussion.

Issue/Topic:	Discussion:
The recommendations that were not discussed due to time	The recommendations that were not discussed due to time were... CS-64: Credit for Time Served/H.B. 1263 CS-65: Technical Violations Unit

**Next meeting June 9, 2009
9-11:30AM
150 East 10th Avenue**