

Post-Incarceration Supervision Task Force
Colorado Commission on Criminal and Juvenile Justice
Date: November 12, 2009, 9:00AM - 12:00PM

Attendees:

Christie Donner, Task Force Leader
Joe Cannata, Voices of Victims
Tamara Brady, Colorado State Public Defender's Office
Tim Hand, Deputy Director of Regional Operations (Parole)
Regina Huerter, Manager of Denver Public Safety
Kristi Melling, Rocky Mountain Offender Management Systems
Jeaneene Miller, Division Director (Parole)
Maureen O'Keefe, DOC
Dianne Tramutola-Lawson, CURE
Carolyn Turner, CURE

Paul Herman, CCJJ Consultant, Center for Effective Public Policy
Peggy McGarry, Director, Center on Sentencing and Corrections, Vera Institute
Kim English, DCJ
Kevin Ford, DCJ
Shelby McKenzie, CU
Pauline Hackett, CU

Absent:

Lacey Berumen, Executive Director, National Alliance for the Mentally Ill (NAMI)
Carl Blesch, DCJ/Community Corrections
David Kaplan, Chair
Greg Mauro, Community Corrections
David Michaud, Parole Board Representative (available by phone, if needed)
Pete Hautzinger, District Attorney

Issue/Topic:	Discussion:
<p>Welcome Paul Herman</p>	<p>In the absence of the task force chair David Kaplan, Paul Herman chaired the meeting. He welcomed those in attendance, introduced task force guest Peggy McGarry of the Vera Institute and reviewed the meeting agenda items. The agenda included updates from Parole by Tim Hand, the continued discussion of the draft structured decision-making process for the Parole Board, and a discussion of S.B. 09-1355 ("earned time"). Additionally, the task force was reminded to begin to compile recommendations for review for the December 2009 meeting of the CCJJ (Commission on Criminal and Juvenile Justice).</p>

Issue/Topic:	Discussion:
<p>S.B. 09-135 Report Kevin Ford</p>	<p>A brief update was offered by staff member Kevin Ford that the S.B. 09-135 Report due to the General Assembly was submitted on October 26, 2009 in advance of the November 1 deadline. The joint report by the Division of Criminal Justice and the Parole Board was the first of four required by the legislation each November 1st to address the data collection and analysis of Parole Board release decisions and training of the Parole Board to improve decision making. The report is available at the Division of Criminal Justice website: http://dcj.state.co.us/ors/pdf/docs/SB09-135/SB09-135_Report_11-1-09.pdf</p>

Issue/Topic:	Discussion:
<p>Updates from Parole Tim Hand</p> <p>Visit by Tom Hoffman</p>	<p>Tim Hand updated the group on the visit by Tom Hoffman, the former Director of the California Division of Adult Parole Operations at the California Department of Corrections and Rehabilitation (CDCR).</p> <ul style="list-style-type: none"> • Mr. Hoffman received a tour of several levels of the Parole operations and offices. He met with offenders under supervision and met with Jeaneene Miller, Ari Zavaras, David Michaud, Tim Hand, and others in leadership positions. • He shared his experience in California with the implementation of the Parole Violations Decision-Making Instrument. (See <i>Parole Violations and Revocations in California</i> (2008) at http://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf and the CDCR webpage at http://www.cdcr.ca.gov/PVDMI/index.html). • He also met with the Parole Division management team about their experiences. Tim will meet with the management team to debrief and analyze the team's reactions to their meeting. • Jeaneene Miller observed that the meeting was very helpful, especially hearing Mr. Hoffman's thoughts in introducing change. The division is analyzing the best way to design a plan to work with Mr. Hoffman. Ms. Miller also expresses interest in the work by Vera in the State of New York on Parole • Task Force guest Peggy McGarry offers a brief description of the efforts by The Vera Institute to assist New York with revocations. Of the 70,000 cases studies in New York, the beneficial outcomes were found resulting from programmatic interventions and not from punitive intervention. Additional information and contact details about Ms. McGarry and the work in New

<p>Visit by Tom Hoffman (cont'd)</p>	<p>York may be found at: http://www.vera.org/project/new-york-state-parole-project</p> <ul style="list-style-type: none"> • Ms. Miller indicates that revocations in Colorado have dropped dramatically with increased use of intermediate sanctions. There was a drop of 200 inmates last month in the Colorado Department of Corrections due in part to fewer revocations. The balance of the reduction in inmates was due to the early release program. • In response to a question by Ms. McGarry regarding the impetus behind changes in the response to revocations (viz., imposed from above or self-initiated), Ms. Miller that several factors are bringing change: focus on offender success and training and education on improved practices for parole officers and community re-entry specialists. • Tim Hand adds that there are several other activities that will help maintain this momentum: opportunities derived from the “training grant” (the CCJJ-supported 2009 ARRA/JAG grant), focus on re-entry specialists, Tom Hoffman’s assistance, and a proposed re-entry project with Richard Swanson, Research & Program Evaluation Director at Aurora Mental Health Network. • To what extent are current budget pressures driving these re-entry efforts in parole? Although the budget is not an insignificant factor and the changes will save money, these are changes that are in the best interest of offenders and the community and the momentum will continue regardless of budget pressures.
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<p>Issue/Topic:</p>	<p>Discussion:</p>
<p>Updates from Parole Tim Hand</p> <p>DOC: Administrative Regulation - Offender Driving Privileges</p> <p>(CCJJ Recommendation BP-51: Standardize Driver’s License Restrictions in Parole)</p>	<p>Tim Hand updated the TF on efforts related to CCJJ 2008 Recommendation BP-51 (Standardize Driver’s License Restrictions). This recommendation addresses the inconsistent standards of behavior and driving privileges of individuals on parole and recommends that a policy be written to standardize these privileges. The intention of the policy introduction would be to minimize the varying philosophical and individual influences currently brought to bear on driving privilege decisions made by parole officers.</p> <ul style="list-style-type: none"> • Tim reported on an initial draft by Deborah Schmidt of an administrative regulation addressing driving privileges for parolees. The policy would apply to those under supervision within community corrections and within parole. In other words, the basic rules would not be different for parolees vs. those in community corrections. Given the early state of the policy, the request was made to refrain from general dissemination of the policy draft. • Highlights of the policy include: <ul style="list-style-type: none"> ○ a requirement that all driving privilege decisions be reviewed at the supervisory level ○ a form that would be included in the initial office visit between the parole officer and parolee to described the policy and performance expectations. ○ a process for parolees to file an appeal of driving privilege decisions. • When the policy draft is further along, feedback will be requested from representatives from various levels within Parole. • When finalized, parole officers will receive training on the purpose and goals of the new driving privileges rules.

<p>DOC: Administrative Regulation - Offender Driving Privileges (cont'd)</p>	<p>Task force members asked questions and provided feedback and suggestions on the policy. The observations and feedback from the discussion included:</p> <ul style="list-style-type: none"> • Close scrutiny of parolees' past and ongoing driving records, especially DUI issues will be necessary. • One of the criteria for granting driving privilege is that driving is "necessary for employment." In addition to existing employment, will the privilege extend to those who can show they are engaged in the job search for new employment? • The policy must be written with enough specificity for all parties to understand expectations, but also not be over-specified such that a parole officer loses the flexibility to tailor driving privileges to the needs of specific individuals. • When the policy is finalized, it might be helpful to offer definitions and descriptions of terms to ensure common understanding by all parties (parole officers, offenders, supervisors, etc.). • Regarding the oversight of parole officer driving privilege decisions, it will be the more experienced supervisors reviewing the decisions and, when there is an appeal, managers will review supervisor decisions. • When there are violations that might affect driving (for example, a "hot" urine analysis), there will be a graduated response to the violation. • There may be a necessity to allow an immediate suspension of driving privileges when there is imminent threat to the safety of the offender or others on the road. There should be an option allowing a parole officer to place an "emergency suspension" (for example, for 24-48 hours) without review that would be quickly followed by the regular suspension decision and review process.
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<p>Issue/Topic:</p>	<p>Discussion:</p>
<p>Updates from Parole Tim Hand</p> <p>Mandatory Parole Revocation Statutes and Administrative Regulations</p>	<p>Tim Hand updated the TF on a review of mandatory parole revocation statutes and provisions compiled by Mary Kanan in a document entitled, "Digest of Statutory & Policy Provisions Which Mandate the Filing of a Parole Complaint Seeking Revocation." The purpose of this review was to determine whether there are dated or illogical statutes or policies that should be revised or eliminated. Another reason for this review is to determine whether such statutes and provisions prevent the appropriate use of intermediate sanction for parole violation as an alternative to immediate revocation proceedings.</p> <p>After a discussion of the handout led by Tim and Jeaneene Miller, CRS 17-2-207 (3) determined to no longer be feasible as written. All task force members were in agreement to recommend striking the three conditions in the paragraph...</p> <p>3) Offenders on parole shall remain under legal custody and shall be subject at any time to be returned to a correctional facility. If any paroled offender leaves the state without lawful permission, he shall be held as a parole violator and arrested as such. If any parolee not paroled to reside in a county in which a correctional facility is located is found within the boundaries of such county without lawful permission, or if any parolee who is paroled to reside in such county or is in such county without lawful permission is found within the boundaries of state property without lawful permission, he shall be arrested as a parole violator.</p>

<p>Mandatory Parole Revocation Statutes and Administrative Regulations (cont'd)</p>	<p>The administrative regulations connected to the statute would be modified to accommodate the change.</p> <p>There is language in the statutes regarding “chemical testing” and “DNA testing” that should be modified to increase wording consistency. Additionally, there is wording in statute that implies that the Parole Division makes revocation decisions when these decisions are made by the Parole Board.</p> <p>Parole will continue its review of the requirement of mandatory arrest and parole revocation proceedings directed by CRS 17-2-201 (5.5) (e) and any other parole-related statutes.</p>
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<p>Issue/Topic:</p>	<p>Discussion:</p>
<p>Update on Parole Structured Decision Making Paul Herman</p>	<p>Paul Herman continued the discussion by the TF of the structured decision making by the Parole Board.</p> <ul style="list-style-type: none"> • Paul clarified that the model being discussed would best be described as a decision guide and not a decision tree. • The elements of the decision guide include: <ol style="list-style-type: none"> 1. Risk factors evaluation (from the CARAS, LSI-R, previous escape, Victim consideration, and custody level) 2. Need factors evaluation (of criminogenic needs from the LSI-R) 3. Readiness factors evaluation (from COPD convictions, LSI-R protective factors, Progress Assessment Summary Ratings, parole plan) 4. Readiness determination (from above data) 5. Release decision (based on above) 6. Setting of conditions (based on above) • The more intensive case reviews should be reserved for those offenders determined to be of moderate risk and with more ambiguous readiness profiles. Those offenders with low risk and obvious readiness and with high risk and inadequate readiness should not require as extensive a review. • Task force members offered several wording and structural suggestions and observations for the decision guide: <ul style="list-style-type: none"> ○ Maybe a combination algorithm of the CARAS and the LSI-R would be beneficial. ○ The “CARAS” label should be removed from step 5 (release decision) text. ○ The Progress Assessment Summary section should include a “not applicable” alternative.

- Arrest data is not available at hearings by the Parole Board.
- Victim statements should be kept separate from the decision guide to ensure privacy.
- The data included in the “Parole Plan” section should match with the items available from the actual offender parole plans.
- The escape/abscond notation in step #1 should be stated as “while on community supervision” (rather than “on parole”).
- Some readiness notations may overly weight or draw attention to data already included in other steps. For example, in step #3 COPD violations may be too heavily weighted given their inclusion in the CAARAS risk assessment measure in step #1.
- Maybe the CARAS and LSI-R items should be displayed in full rendering unnecessary the added notations in subsequent decision steps.
- Regarding step #6:
 - A determination should be made whether to expand and develop step 6 or to leave it more open and flexible.
 - Peggy McGarry offered that she created a system that used an “adjusted risk score” to take into account all considerations before setting programmatic (parole condition) orders.
 - Additional input on conditions from parole officers, case managers, and parole board members would be advantageous.

The decision guide provides an impetus to have the parole plan in place prior to parole hearings. The re-introduction of institutional parole officers to work with parole candidates would contribute to this development. Due to caseloads sizes, institutional case managers do not have the time to develop parole plans and prepare parole candidates for parole hearings. Although the data is in place for the creation of comprehensive parole plans, the process is need of automation.

The necessity to create a sub-group to look at the assignment of conditions was discussed. Tim Hand indicates that, if this is deemed necessary, he could bring a group of parole professionals together (including a representative for DOC Business Technology) to study the issue and report back to the PIS task force. No final decision was made to create this study group.

There was a brief discussion of the need to modify the current Parole Board Action form to correspond to the decision guidelines and to adhere to the data requirements of S.B. 09-135. The requirements of S.B. 09-135 were described as not practical at his time. Regarding the analysis of data and reporting on parole board decision-making, the privacy of victims and parole officers must be maintained.

Paul will make the requested modifications and forward the revised document to task force members for comment before the December PIS meeting. An analysis of affected statutes will be necessary, if the task force moves forward with the structured decision guide.

Issue/Topic:	Discussion:
<p>Proposed HB 09-1351 Revisions Christie Donner</p>	<p>Christie Donner presented two proposed revisions to HB 09-1351 regarding CRS 17-22.5-405 as follows:</p> <p>ORIGINAL</p> <p>(1.5) (a) (II). Has incurred no code of penal discipline violations while incarcerated;</p> <p>(6) (a). The inmate has no code of penal discipline violations;</p> <p>PROPOSED MODIFICATIONS (see caps and strikethrough)</p> <p>(1.5) (a) (II). Has incurred no CLASS I code of penal discipline violations WITHIN THE PREVIOUS TWELVE MONTHS AND NO CLASS II CODE OF PENAL DISCIPLINE VIOLATIONS WITHIN THE PREVIOUS THREE MONTHS; while incarcerated</p> <p>(6) (a). The inmate has INCURRED no CLASS I code of penal discipline violations WITHIN THE PREVIOUS TWELVE MONTHS AND NO CLASS II CODE OF PENAL DISCIPLINE VIOLATIONS WITHIN THE PREVIOUS THREE MONTHS;</p> <p>There are still issues to resolve regarding standards for community behavior vs. institutional behavior by offenders. The provision in the statute requiring that the offender is “program compliant” is unclear. Maureen O’Keefe will look into this matter. Other issues that may be addressed are time computation, classification, and a note regarding cost savings.</p>

Issue/Topic:	Discussion:
<p>Next steps</p>	<p>Potential items for discussion include:</p> <ul style="list-style-type: none"> • Parole updates by Tim Hand: developments regarding consultation by Tom Hoffman, revisions to the driving privilege policy, and any additional revocation statutes in need of modification. • Structured decision-making: continued review and vote on the decision making guide. • Finalize modifications to HB 09-1351 • Review compliance required by S.B. 09-135 and generate recommendations to contribute to compliance. • Update on CCJJ Recommendation BP-57 (Outside Agency Analysis and Assistance for the Parole Board). • Plan to generate statutory and other recommendations from the Task Force to present to the Commission in December or later meetings of CCJJ.

Next meeting:
Wednesday, December 9, 2009
9AM-12PM
150 East 10th Avenue