

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

**Attendees:**

David Kaplan, Chair  
Christie Donner, Task Force Leader  
Michael Anderson (for David Michaud), Parole Board Member  
Carl Blesch, DCJ/Community Corrections  
Tamara Brady, Colorado State Public Defender's Office  
Joe Cannata, Voices of Victims  
Tim Hand, Deputy Director of Regional Operations (Parole)  
Regina Huerter, Manager of Denver Public Safety  
Greg Mauro, Community Corrections  
Maureen O'Keefe, DOC  
Dianne Tramutola-Lawson, CURE  
Carolyn Turner, Advocates for Change

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

**Absent:**

Lacey Berumen, Executive Director, National Alliance for the Mentally Ill (NAMI)  
David Michaud, Parole Board Representative (available by phone, if needed)  
Jeaneene Miller, Division Director (Parole)  
Pete Hautzinger, District Attorney

<p><b>Issue/Topic:</b></p> <p><b>Welcome</b> David Kaplan</p>	<p><b>Discussion:</b></p> <p>David Kaplan opened the meeting with introductions and an overview of the meeting. Michael Anderson, sitting in for David Michaud, introduced himself to the task forces members.</p>
---	--

<p><b>Issue/Topic:</b></p> <p><b>Parole Administrative Release Guidelines</b> Paul Herman</p>	<p><b>Discussion:</b></p> <p>Following the Nov. 12 PIS meeting, Paul Herman offered a revision of the Parole Administrative Release Guidelines guide to the task force members for review on Nov. 25<sup>th</sup>. Incorporating feedback from this Nov. 25 version, Mr. Herman presented the latest draft of the Guidelines and provided a recap of the development of the guide. The guide:</p> <ul style="list-style-type: none"> <li>• Provides an evidence-based approach to release decision making.</li> <li>• Provides a discretionary tool for informed decision making</li> <li>• Was created by looking at alternative approaches, including a matrix approach and a decision tree approach, choosing a structured guidelines approach.</li> <li>• Was designed to take advantage of existing data sources and processes, including data elements such as the Colorado Actuarial Risk Assessment Scale (CARAS), the LSI-R, and the Progress Assessment Summary (PAS; an institutional measures conducted at the Department of Corrections).</li> <li>• Having an evidence basis, keeps the release decision-maker focused on an assessment of risks and needs.</li> <li>• Provides an emphasis on inmate readiness. The inclusion of readiness in structured release decisions is an evidence-based and, according to Mr. Herman’s colleagues who have reviewed the guide, an innovative addition to structured decision-making guides.</li> </ul> <p>Task force members provided additional feedback, corrections, and development on the latest draft of the Guide:</p> <ul style="list-style-type: none"> <li>• Tim Hand offered the updated data categories for the “Parole Plan” section.</li> <li>• It was suggested that adding a “Homelessness” category to the Parole Plan section might be advantageous.</li> <li>• Mr. Hand offered comments regarding the Progress Assessment Summary section of the Guidelines. <ul style="list-style-type: none"> <li>○ Mr. Hand compared the actual Progress Assessment Summary ratings labels and offered updates.</li> <li>○ Mr. Hand observes that the PAS ratings for Transition inmates (in community corrections) are only updated when regressive custody moves occur.</li> <li>○ These ratings are not being updated when an inmate is in preparation for a parole hearing.</li> <li>○ A previous implementation adjustment eliminated the requirement that the PAS be updated every six months to reduce case manager workloads.</li> <li>○ There would need to be a review of Administrative Rules, practices and expectations surrounding the use of the PAS and PAS updates if it was to be included in the Guidelines.</li> <li>○ The PAS is used within prison, but maybe some other assessment should be used for those on inmate status in the community?</li> </ul> </li> </ul>
---	--

**Parole Administrative  
Release Guidelines**

Paul Herman  
(cont'd)

- Given advances in technology, restoring the 6-month update schedule for the PAS may be feasible.
- A current PAS would be helpful both for parole hearings and for revocation hearings.
- If the PAS information was dated, the parole board member could get a verbal update during the hearing, if the PAS information appears old.
- The term “community supervision” is suggested as an alternative to “parole supervision” for broader applicability.
- Less restrictive language is suggested in “Step 6: Setting Conditions” (“may” rather than “shall”).
- In the risk-readiness matrix in “Step 5: Parole release decision,” alternatives to the phrasing that “the parole board should WORK WITH the inmate to develop a plan” was discussed.
  - There are concerns this language may suggest role expansion for the parole board members that does not formally exist.
  - It is felt that the responsibility to work with inmates to develop a parole plan resides with case managers.
  - Parole board members may, and sometimes do, have the opportunity to provide feedback, but this would not be accurately characterized as “working with” inmates.
  - Mike Anderson of the Parole Board reports that inmates fail to understand the extent to which matters of risk (for example, institutional behavior as reflected in the offender’s code of penal discipline records) affect parole decisions.
  - Mr. Herman indicates the “work with inmates” concept for parole boards is derived from evidence-based research and guidelines found in the Transition from Prison to Community Model which generally state that, “Providing feedback to offenders regarding their progress builds accountability, and is associated with enhanced motivation for change, lower treatment attrition, and improved outcomes.”
    - Mr. Herman referred to the following resources:
      - ❖ *The TPC Re-Entry Handbook: Implementing the NIC Transition from Prison to the Community Model* by Peggy Burke (2008) (Available at <http://nicic.gov/Library/022669>)
      - ❖ *Comprehensive Framework for Paroling Authorities in an Era of Evidenced-Based Practices* by Nancy M. Campbell (2008) (Available at <http://nicic.gov/Library/022906>)
  - There is agreement that a feedback mechanism would be advantageous for inmates who are not released and their case managers and that this feedback should provide areas for improvement. The feedback should not create benchmarks for improvement that would create an expectation of guaranteed release. Release discretion must still reside with parole board members.
  - An important factor is what the inmate believes is critical in the release decision. Has the inmate internalized the behavioral standard necessary to re-integrate into the community? Meeting this standard should be internally driven and not just a goal that is externally imposed.
  - There is general agreement that the wording should be that parole board members “indicate areas for improvement” rather than “work with offenders.”

<p><b>Parole Administrative Release Guidelines</b> Paul Herman (cont'd)</p>	<p>VOTE: With agreed upon changes, the task force voted unanimously (with one abstention) to forward a recommendation to adopt the Parole Administrative Release Guidelines to the Commission.</p> <p>The next steps for the task force regarding the Guidelines is:</p> <ul style="list-style-type: none"> <li>• to review Colorado statutes that would be affected by the use of the Guidelines (for example, CRS 17-22.5-404). Christie Donner is undertaking this statute review,</li> </ul> <p>and, subsequently:</p> <ul style="list-style-type: none"> <li>• to update the Parole Board Action Form,</li> <li>• to update the Parole Board Application Hearing Portal (the web-based interface that delivers inmate information to parole board members and records parole board decisions),</li> <li>• to determine the fiscal impact, and</li> <li>• to work through implementation issues such as a workload analyses and the development of a plan and whether to include a pilot period.</li> </ul>
---	---

Issue/Topic:	Discussion:
<p><b>Proposed</b> <b>HB 09-1351 Revisions</b> <b>(CRS 17-22.5-405)</b> Christie Donner</p> <p><b>Proposed</b></p>	<p>Christie Donner presented the latest revision of the proposal to update HB 09-1351 regarding CRS 17-22.5-405. The updates are designed to clarify language in the statute. The proposed changes are as follows:</p> <p>(NOTE: Capital letters indicate suggested new material to be added to existing statutes; a strikethrough of words indicates suggested deletions from existing statute.)</p> <p>CRS 17-22.5-405</p> <p>(1.5) (a) Earned time, not to exceed twelve days for each month of incarceration or parole, may be deducted from an inmate's sentence if the inmate:</p> <ul style="list-style-type: none"> <li>(I) Is serving a sentence for a class 4, class 5, or class 6 felony;</li> <li>(II) Has incurred no CLASS I code of penal discipline violations WITHIN THE PREVIOUS TWENTY-FOUR MONTHS AND NO CLASS II CODE OF PENAL DISCIPLINE VIOLATIONS WITHIN THE PREVIOUS TWELVE MONTHS OR SINCE BEING CURRENTLY INCARCERATED IF LENGTH OF INCARCERATION TIME ON CURRENT CONVICTON IS LESS THAN TWENTY-FOUR MONTHS. <del>while incarcerated</del></li> <li>(III) IS CURRENTLY <del>has been</del> program-compliant; and</li> <li>(IV) Was not convicted of, and has not previously been convicted of a <b>felony</b> crime in sections 18-7-402 to 18-7-407, C.R.S., section 18-12-102, C.R.S., <del>or</del> section 18-12-109, C.R.S., SECTION 18- <del>6-701</del> or a crime listed in section 24-4.1-302 (1), C.R.S.</li> </ul> <p>...</p> <p>(6) Earned release time shall be scheduled by the parole board and the time computation unit in the department of corrections for inmates convicted of class 4 and class 5 felonies up to sixty days prior to the mandatory release date and for inmates convicted of class 6 felonies up to thirty days prior to the mandatory release date for inmates who meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) The inmate has INCURRED no CLASS I code of penal discipline violations WITHIN THE PREVIOUS TWENTY-FOUR MONTHS AND NO CLASS II CODE OF PENAL DISCIPLINE VIOLATIONS WITHIN THE PREVIOUS TWELVE MONTHS OR SINCE BEING CURRENTLY INCARCERATED IF LENGTH OF INCARCERATION TIME ON CURRENT CONVICTON IS LESS</li> </ul>

<p><b>HB 09-1351 Revisions (CRS 17-22.5-405) Christie Donner (cont'd)</b></p>	<p><b>THAN TWENTY-FOUR MONTHS.</b></p> <p>(b) The inmate is <b>CURRENTLY</b> program-compliant; and</p> <p>(c) The inmate was not convicted of, and has not previously been convicted of a <b>felony</b> crime in sections 18-7-402 to 18-7-407, C.R.S., section 18-12-102, C.R.S., <del>or</del> section 18-12-109, C.R.S., <b>SECTION 18-6-701</b> or a crime listed in section 24-4.1-302 (1), C.R.S.</p> <p>A discussion of the latest revision followed:</p> <ul style="list-style-type: none"> <li>• Ms. Donner will make modification that make the wording appropriate for inmates in community settings and inmates in prison.</li> <li>• Ms. Donner reviewed the list of offenses affected by the inclusion of the modifier “felony” in (6)(c) and the explained the inclusion of 18-6-701 in the same paragraph (this statute addresses contributing to the delinquency of a minor).</li> </ul> <p>VOTE: Following a motion and second to accept the all changes and vote on the entire proposal as bundle, task force members were unanimous in support (with one abstention) to forward the proposal to the Commission.</p>
---	--

<b>Issue/Topic:</b>	<b>Discussion:</b>
<p><b>Revision to Mandatory Parole Revocation Statutes [CRS 17-2-207(3)]</b></p>	<p>After a discussion of the CRS 17-2-207 (3) statute, it was 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><del>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.</del></p> <p>A subsequent discussion also concluded that the first sentence of the paragraph should also be struck, assuming the intent of the sentence was included elsewhere in statute. Therefore, the proposal was to strike the entirety of paragraph (3).</p> <p>VOTE: Following a motion and second, the task force was unanimous in support of the proposal and to forward it to the Commission.</p> <p>The administrative regulations connected to the statute would be modified to accommodate the change.</p> <p>There was a brief follow-up discussion regarding “chemical testing” and “DNA testing” that should be modified to increase wording consistency between the Parole Administrative Rules and statute [CRS 17-2-201 (5.5) (e)]. Additionally, there is wording in statute that implies that the Parole Division makes revocation decisions when these decisions are made by the Parole Board. No specific action was taken on these items.</p>

Issue/Topic:	Discussion:
<p data-bbox="110 205 516 415"><b>DOC: Administrative Regulation - Offender Driving Privileges</b> Tim Hand (CCJJ Recommendation BP-51: Standardize Driver's License Restrictions in Parole)</p>	<p data-bbox="560 205 1523 451">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> <p data-bbox="560 489 1523 556">Mr. Hand reviewed the revisions made to the draft policy since the last task force meeting and responded to questions. Revisions included:</p> <ul data-bbox="592 562 1523 814" style="list-style-type: none"> <li>• Providing a list of factors for parole supervisors to consider when granting driving privileges (for example, necessary for employment, DUI history, etc.)</li> <li>• A reinstatement provision in case the driving privilege has been previously revoked.</li> <li>• A requirement for proof of insurance.</li> <li>• A provision for collaboration between a DOC liaison, case manager and/or program director for offenders in residential settings.</li> </ul> <p data-bbox="560 852 1523 951">Mr. Hand agreed to modify the conditions to grant the driving privilege to those who have a valid driver's license and those who are eligible to obtain a valid driver's license.</p>

Issue/Topic:	Discussion:
<p data-bbox="180 1176 448 1243"><b>Parole Reform Efforts</b> Tim Hand</p>	<p data-bbox="560 1171 1523 1270">Tim Hand updated the group on the follow up since 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 data-bbox="592 1276 1523 1890" style="list-style-type: none"> <li>• Parole is moving forward with their study of model provided by the PVDMI, the Parole Violations Decision-Making Instrument. (See <i>Parole Violations and Revocations in California</i> (2008) at <a href="http://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf">http://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf</a> and the CDCR webpage at <a href="http://www.cdcr.ca.gov/PVDMI/index.html">http://www.cdcr.ca.gov/PVDMI/index.html</a> ).</li> <li>• A conference call with Tom Hoffman, Madeline (Mimi) Carter of the Center for Effective Public Policy (CEPP; <a href="http://www.cepp.com/">http://www.cepp.com/</a>), and Parole addressed the opportunities and challenges of engaging in a reform process in Colorado at this time.</li> <li>• The Division of Parole plans to conduct a "PVDMI Summit" in late January tentatively to include Tom Hoffman, Madeline Carter, and Paul Herman to discuss a strategy to further the reform process. Discussions continue regarding additional attendees (for example, Parole Board members).</li> <li>• The tentative plan for the Summit includes a fact gathering day for Ms. Carter and Mr. Herman following by a strategy planning day.</li> <li>• Mr. Hand will provide an update on the Summit at the Feb. 10, 2010 task force meeting.</li> </ul>

<p><b>Issue/Topic:</b></p> <p><b>Next steps</b></p>	<p><b>Discussion:</b></p> <p>Potential items for discussion at the next meeting include:</p> <ul style="list-style-type: none"> <li>• Presentation of statutes affected by the proposed Parole Administrative Release Guidelines by Christie Donner</li> <li>• Review of recommendations for the January 8 CCJJ meeting.</li> <li>• Update by Tim Hand on any “PVDMI Summit” developments</li> </ul> <p>[Note: The Post Incarceration Task Force recommendations were tabled at the December 9, 2009 CCJJ meeting. These recommendations will be on the January 8, 2010 CCJJ meeting agenda.]</p>
---	---

**Next meeting:**  
**Wednesday, January 6, 2010**  
**9AM-12PM**  
**150 East 10<sup>th</sup> Avenue**