

Post-Incarceration Supervision Task Force
Colorado Commission on Criminal and Juvenile Justice
Date: Wed., June 9, 2010, 9:00AM - 11:15AM
FINAL MEETING

Attendees:

David Kaplan, Chair
Christie Donner, Task Force Leader
Tamara Brady, Colorado State Public Defender's Office
Carl Blesch, DCJ/Community Corrections
Tim Hand, Deputy Director of Regional Operations (Parole)
Paul Herman, CCJJ Consultant, Center for Effective Public Policy
Becky Lucero, Chair (State Board of Parole)
Greg Mauro, Community Corrections
Jeaneene Miller, Division Director (Parole)
Maureen O'Keefe, Department of Corrections
Dianne Tramutola-Lawson, Colorado-CURE
Carolyn Turner, Advocates for Change
Colleen Hackett, CU-Boulder
Kevin Ford, DCJ Staff

Absent:

Lacey Berumen, Executive Director, Colorado National Alliance for the Mentally Ill (NAMI)
Joe Cannata, Voices of Victims
Pete Hautzinger, District Attorney
Regina Huerter, Manager of Denver Public Safety

Issue/Topic:	Discussion:
<p>Welcome and Meeting Overview David Kaplan</p>	<p>David Kaplan opened the meeting with an overview of the purpose of the meeting.</p> <p>The primary agenda item was for the Task Force members to discuss whether they considered the work of the Task Force complete or whether the Task Force should continue for another year. The Task Force view was to be presented to the CCJJ (Colorado Commission on Criminal and Juvenile Justice) at the June 11, 2010 meeting where the Commission will make the final determination of the existence of the Task Force.</p>

Issue/Topic:	Discussion:
<p>PIS Bill Christie Donner</p>	<p>Christie Donner provided a recap of the legislative accomplishments of the Task Force.</p> <ul style="list-style-type: none"> • She mentioned that the “PIS bill” (House Bill 10-1374) was greeted very variably by the Judiciary committees in both the House and the Senate. Rep. Mark Ferrandino sponsored the bill in the House and Sen. Josh Penry was the Senate sponsor. • The bill received unanimous support in both these committees and the votes on the floor of the House and Senate also went very smoothly. • The bill was signed into law by the Governor at a signing ceremony that included several of the CCJJ bills on May 25, 2010. <p>David Kaplan commented that all the CCJJ bills were accepted very favorably at the Legislature.</p> <p>Christie mentioned that there are quite a number of implementation projects resulting from HB10-1374 for the Division of Criminal Justice, The Parole Board, and the Department of Corrections.</p> <p>Christie also provided a description and recap of HB10-1360. Although not a PIS Task Force or CCJJ bill, there are broad implications for the Division of Parole in the bill regarding technical violations and treatment for substance abuse.</p> <ul style="list-style-type: none"> • The bill asks the Parole Board to consider substance abuse and mental health issues when making parole decisions. • The bill includes funding for parolees with substance abuse and mental health problems as a way to avoid revocation to the DOC. • The bill reduces SB03-252 eligible parolees stays from 180 to 90 days in CRCF beds (Community return to custody offenders are those violating certain parole conditions who, rather than being returned to the DOC, are housed in some community corrections facilities with funding from the DOC). <p>Another critical element mentioned by Jeaneene Miller was that the bill emphasizes the evaluation of risk as a central consideration in revocation decisions.</p>

Issue/Topic:	Discussion:
<p>Parole Division Updates: Parole Violations Reform Efforts Jeaneene Miller/Tim Hand</p>	<p>David Kaplan introduced Tim Hand and Jeaneene Miller who offered an update on the efforts surrounding the CVDMP (Colorado Violations Decision Making Process).</p> <ul style="list-style-type: none"> • The CVDMP is a set of procedures and process to address parole violations and is based on the PVDMI model created in California (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). • Madeline (Mimi) Carter of the Center for Effective Public Policy (CEPP; http://www.cepp.com/) and joined by Tom Hoffman (former Director of the California Division of Adult Parole Operations at the California Department of Corrections and Rehabilitation) are consulting with the Parole Division on the project. • Tim reported that the project includes the elements necessary to comport with the requirements of House Bill 10-1374 and with HB10-1360. The effort goes beyond the requirements in the bill to implement a variety of evidence-based correctional and supervision practices. • The process is being well received by Parole Officers who will be trained in the evidence-based practices. These include, but are not limited to, the use of graduated and intermediate sanctions, reinforcement of good behavior, motivational interviewing, and actuarial risk assessment. The willingness of Parole Officers to embrace the CVDMP changes has allowed planning and eventual implementation to proceed quite rapidly. • CVDMP, offering a systemic approach to parole violations, will definitely enhance the options and alternatives in the management of parole violations. • A representative from the Parole Board (Michael Anderson) and one from the Probation Division are participating on the planning committee for the CVDMP. A representative from the Parole Division is also participating on the group in Probation working on supervision and violations issues. • The implementation plan is tentatively scheduled to require a 9-month period of piloting testing and introduction. The pilot process will be employed by roughly one-third of the parole staff. In smaller offices, one officer will pilot the system and in larger offices, up to six officers will be included in the pilot. The Office of Planning and Analysis at the DOC will provide evaluative data to track the pilot. • It is expected that implementation system-wide will occur in less than a year. • The CVDMP title emphasizes the concept of a “process” for dealing with violations. <p>David Kaplan asked whether the CVDMP applies to individuals in Community Corrections and how revocation decisions are handled between the Parole Division and the Parole Board. Tim responses included:</p> <ul style="list-style-type: none"> • The process, along with a disciplinary system, will be applied to Transition offenders residing in Community Corrections. The disciplinary system will be similar in concept to the Code of Penal Discipline (COPD) utilized for inmate in the DOC.

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**Parole Division Updates:
Parole Violations Reform Efforts**
Jeaneene Miller/Tim Hand

- The Parole Division is collaborating with Greg Mauro of Community Corrections to address violations of Transition offenders.
- Strategies are being developed, where possible (with an eye to public safety), to avoid sending Transition violators immediately back to the DOC.
- Information has been presented to the Colorado Association of Community Corrections Boards (CACCB) regarding the application of evidence-based practices to manage violations while in Community Corrections settings.
- Equipped with an array of potential responses, violations of parole conditions will be handled initially within Parole, depending on the severity of the violation, and subsequently, when necessary, the violation may be forwarded to the Parole Board for a revocation determination.
- Violations are handled at four different levels: Youthful Offender System (YOS) violations are returned to court, Parolee violations are handled at Parole and by the Parole Board, Offenders in Residential Transition beds are covered by the DOC COPD policies, and offenders under Intensive Supervision Parole are handled by independent hearing officers.
- Carl Blesch added that Community Corrections will play a role by funding intermediate sanction alternatives to avoid more expensive alternatives. At the moment, there is greater focus on Transition beds, but more attention and resources should be directed to the Diversion side as well.
- The evaluation of violations alternatives in the Community Corrections system is under study. Programs must respond with information regarding their intermediate sanctions process and other questions regarding evidence-based practices (EBPs) such as violations handling, offender employment and employment opportunities. The questions are intended to stimulate action, if these programs have not embraced EBPs. The encouragement to adopt EBPs is continued at the CACCB meetings. The Community Corrections annual reports will present information/data on programs and EBPs.
- Jeaneene added that the CCJJ/JAG training grant, funded by American Reinvestment and Recovery Act funds, is providing training on such EBPs as motivational interviewing that will have a big impact on supervision practices. She observed that cultural change among parole employees is proceeding very rapidly and the preliminary work to prepare for the cultural change is paying off.
- Tim reported that the supervisory staff in Parole has received/is receiving extensive training on the use of the LSI-R. This is a 3-day training that is being rolled out over a 6-month period (June - December 2010). Good risk assessment is a critical foundation of the elements of the CVDMP.
- Also, Tim reported that trainings in the Parole Division will occur during August 2010 leading up to the CVDMP pilot occurring between September and December. The state-wide is planned to kick off starting in January 2011.

Christie Donner asked whether community corrections programs collaborated with non-profit and faith-based programs. Jeaneene and Tim responded:

- There is quite a bit of interaction with such organizations for re-entry planning and services

<p>cont'd)</p> <p>Parole Division Updates: Parole Violations Reform Efforts Jeaneene Miller/Tim Hand</p>	<ul style="list-style-type: none"> • Parole officers have a menu of community options for services many of which include such organizations • The Parole Division is exploring communities around the state to determine where there may be gaps in the local service options. • Christie Donner offered that the Colorado Criminal Justice Reform Coalition (CCJRC) is available to help teach non-profits and faith-based organizations to more effectively serve the parole population. Employment and housing are two of the focus areas of the CCJRC. • Jeaneene indicated that such organizations do need training to understand and meet the requirements necessary to work with offender populations. • Christie asked that the Parole Division please remember the CCJRC if the Division is contacted by such organizations hoping to work with offenders but who may need assistance to tailor services for offenders.
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<p>Issue/Topic:</p>	<p>Discussion:</p>
<p>Future and Status of PIS and Next Steps David Kaplan</p>	<p>David Kaplan initiated the discussion for the Task Force members to determine whether they considered the work of the Task Force complete or whether the Task Force should continue for another year.</p> <ul style="list-style-type: none"> • David points out that many of the efforts of the task force have lead to changes in policy and practice, while others have lead to legislative change. • He posed the question to the group whether there are tasks yet uncompleted for the task force. Also, he asked whether there are tasks or issues that the Commission or a different task force should address. <p>Christie Donner reviewed the task force charter to locate tasks that the task force had not addressed or not addressed completely. She also identified other potential areas for review. Her observations included :</p> <ul style="list-style-type: none"> • The task force spent a great deal of time and attention on parole supervision strategies. • Alternatives to the parole board structure had not been discussed. • Alternatives to the parole model had not been discussed. The strengths and weaknesses of the current parole model should be discussed because there is still ambiguity in sentence length. Given the work by other Commission groups on sentencing, the parole model should be revisited in the context of this sentencing work. • The number of face-to-face hearings conducted by parole board members is still onerous and there could be efficiencies found to improve this situation. For example: <ul style="list-style-type: none"> ○ An exploration of disqualifying criteria would be an option to eliminate futile hearings. For example, individuals who have committed recent and severe violations of the DOC Code of Penal Discipline are unlikely to be granted parole. An automatic delay/postponement in hearing date would avoid a hearing where the decision to deny release is not in question. This saves time for the parole board and prevents potential victims from enduring a hearing where there is no possibility of release.

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Issue/Topic:

**Future and Status of PIS
and Next Steps**

David Kaplan

- A statutory option could be created allowing the Parole Board to conduct paper reviews rather than face-to-face hearings in particular cases, for example for very low- or very high-risk offenders.
- A thorough review of the conditions of parole should be conducted.
- There is some evidence suggesting there should be a study of racial/gender disparities in revocations. Relatedly, recommendations should be developed to address minority over-representation.
- There is work left to do on the implementation of the revisions to the parole guidelines statute (HB10-1374) and HB10-1360.

Carl Blesch suggested that the task force conclude for three reasons:

- 1) There are currently over 100 CCJJ recommendations. With the Commission continuing work in other areas of focus, there is significant work to be done by criminal justice institutions to respond to the existing recommendations.
- 2) With elections approaching in November 2010, there may be directives initiated by the new executive office administration.
- 3) The Commission's remaining work (for example, on sentencing, on juvenile justice, etc.) will require substantial resources.

Jeaneene Miller concurred that many agencies are saturated with current reform efforts and projects that need time to unfold. A great deal of effort and resources are being directed toward the implementation of reforms, leaving little time to generate additional areas for study. The time feels right to step back and study the outcome of current reforms, once implemented. The developments in the DOC will be available in the annual reports from the agency. Jeaneene also expressed interest in whether there is an effort to review and monitor activities in the state's jails. Finally, the concern regarding the ability to flexibly accommodate the agenda of the new governor was also mentioned.

Tim Hand concurred with the comments by Carl and Jeaneene.

David Kaplan commented that there will always be the need for additional work in the post incarceration realm. But, maybe it is time to let the outcomes from previous and ongoing efforts to unfold. He expressed deep appreciation for the time and commitment of the task force members. He observed that it appeared that sentencing will likely be the future focus of the Commission.

Summarizing the discussion thus far, David agreed that there was extensive activity on parole supervision underway, but that additional work may remain regarding the Parole Board and the structure of parole. Often time the difficult issues get delayed or only small pieces of issues are addressed. Although the task force may feel it is time to conclude, the ultimate decision rests with the Commission. The broader issues faced by the Commission include resource allocation of potential task force members and staff time, how dangling issues will be prioritized, and the impact of a new governor. Although, David feels that an argument can be made that the work of the Commission become institutionalized. There may be some shifting of emphasis, but the Commission explores, reviews, and suggests reform based on evidence-based practice and where the need exists rather than other types of agendas.

<p>(cont'd)</p> <p>Issue/Topic:</p> <p>Future and Status of PIS and Next Steps</p> <p>David Kaplan</p>	<p>The discussion shifted to observations on comments made previously:</p> <ul style="list-style-type: none"> • Jeaneene Miller noted that CCJJ recommendations have a large resource impact on the Office of Planning and Analysis at the DOC. Maureen O'Keefe noted that there needs to be some time to study the changes implemented thus far, as well as other changes underway, to identify any necessary modifications for implementation improvement. • Christie Donner pointed out that there are additional FTE positions in HB10-1374 and HB10-1360 to relieve resource demands. Also, some additional agencies have offered staff assistance to the Commission. • Christie pointed out that, if the Commission continues the work on sentencing, issues of parole structure and the parole model would necessarily need to be addressed given the relationship between sentencing and parole. Many of the dangling PIS issues can be addressed in the context of sentencing, allowing the PIS task force to conclude. • David pointed out that sentencing and systemic parole reform will require more time than the PIS task force has existed. It will be incumbent on those studying sentencing to address parole if particular topics are explored, like sentencing transparency, truth in sentencing, and sentence lengths. • Jeaneene felt that the issues that remain at the cross-section of sentencing and parole require thorough and complete analysis and cannot be addressed in a piecemeal or hasty fashion. Additionally, the Parole Board structure must be studied in the context of community corrections. • Given the number of "moving parts," David expressed that the discussions about parole should not be delayed until the end of the sentencing review. • Paul Herman mentioned that, based on the recent survey and interview of Commission members, there is still some uncertainty regarding the areas of focus the CCJJ will pursue. Paul described the upcoming CCJJ meeting where Commission members will briefly explore potential areas of study and undertake a process to decide which and how many topics to address. • David added several questions will guide the decisions made by the Commission members: What areas need attention most? What resources are available to support the study of topics? Are certain areas more ripe for consensus solutions than others? • Christie Donner asked Becky Lucero her view on Parole Board priorities. Becky responded that the structure of the Parole Board makes it difficult for the Chair to address broad issues of Parole Board structure and function. The Parole Board member must conduct hearings limiting the time and attention that can be paid to broader issues. <p>David Kaplan offered a synopsis of the discussion:</p> <ul style="list-style-type: none"> • The task force could probably continue forever, but the consensus appeared to be that it was time to conclude the task force. • Remaining issues surround the Parole Board and Parole can be taken on in the context of sentencing. It would also be possible for the internal processes of the Parole Board to be addressed separately from sentencing issues. • How these dangling issues are prioritized and the method by which they will be addressed will be a matter for the CCJJ.
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<p>(cont'd)</p> <p>Issue/Topic:</p> <p>Future and Status of PIS and Next Steps</p> <p>David Kaplan</p>	<p>David asked if there was consensus that the Post Incarceration Supervision Task Force should recommend to the CCJJ that it conclude.</p> <p><i>All members were in agreement to conclude the task force.</i></p> <p>Carl Blesch thanked the Task Force chair, David Kaplan, Task Force Leader, Christie Donner, and those who have staffed the task force for their time and effort.</p> <p>Meeting adjourned at 11:30am</p>
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Subsequent to this task force meeting, there was a discussion of the status of the Post Incarceration Supervision Task Force at the June 11, 2010 meeting of the Colorado Commission on Criminal and Juvenile Justice (CCJJ). The CCJJ members approved the recommendation by the task force members to dissolve the task force.

Therefore, June 9, 2010 was the last meeting of the Post Incarceration Supervision Task Force.