

**CCJJ Committee on Re-Entry:
Post-Incarceration Supervision Task Force Charter
Phase 1**

May 16, 2007

MISSION

The Post-Incarceration Supervision Task Force will identify, analyze and make recommendations regarding the *structure* of the prison release and supervision system. This work will focus on the following:

- Statutes, policies, regulations, and practices that govern post-incarceration supervision, including:
 - length of time served prior to parole/community eligibility,
 - length of parole,
 - referral process to community corrections boards and programs, and
 - terms and conditions of parole (both regular and Intensive Supervised Parole).

The Post-Incarceration Supervision Task Force will identify, analyze and make recommendations that promote evidence-based, success-oriented supervision and cost effective recidivism reduction practices related to the following:

- the use of incentives,
- technical violations,
- intermediate sanctions,
- supervision conditions, and
- “other-than-revocation” options.

The Task Force will identify, analyze, and make recommendations that reduce the rate of escapes and absconsions. This work will involve the review and analysis of sanctions and rates of apprehension.

Finally, the Post-Incarceration Supervision Task Force will identify, analyze, and make recommendations pertaining to racial and gender disparities in discretionary parole release rates, acceptance into community corrections, and parole revocations (by type).

The Task Force will then make specific recommendations to the Colorado Commission on Criminal and Juvenile Justice (CCJJ) Oversight Committee on Re-Entry, which will in turn make recommendations to the CCJJ.

SPONSOR Re-Entry Oversight Committee of the Colorado Commission on Criminal and Juvenile Justice

BACKGROUND

The CCJJ Oversight Committee on Re-Entry is providing a practical framework and recommendations for stakeholder agencies to promote common interests, integrate services and improve the overall offender transition process. Stakeholders of various agencies participated in a monthly Commission meeting concerning offender transition on April 11, 2008. At that time it was decided that the CCJJ Oversight Committee on Re-Entry and a task force on post-incarceration supervision would be formed.

Introduction

In Colorado over 90,000 adult offenders were under some form of supervision as of December 31, 2007.¹ During FY 2007, 20,000 offenders were sentenced to probation and 10,626 offenders were admitted to prison. Another 2600 were placed in transition community corrections. Thousands more are incarcerated every year in county jails.

Approximately 95% of incarcerated offenders will at some point be released from facilities and returned to live in communities throughout the state. According to the Department of Corrections,² nearly half (49.7%) of Colorado inmates that were released in 2002 returned to prison within three years of release. The number of individuals returned to prison in Colorado for parole violations is growing. Of the inmates admitted to prison in FY 2007, 3,037 (28.6%) were individuals returned for a parole violation. An additional 9.6% (1,020 offenders) were returned for a parole violation with a new criminal conviction.³ As can be seen in Figure 1 below, the number of individuals returned to prison for a technical violation is growing at a much faster rate than those returned for a parole violation with a new crime.

¹ Population Report for December 2007 available at <http://www.doc.state.co.us/Statistics/MonthReport/Dec2007.pdf>. Including probation, community corrections, incarceration, or juvenile placement. See the Division of Criminal Justice Quarterly Population Report for the period ending on 12/31/07 available at

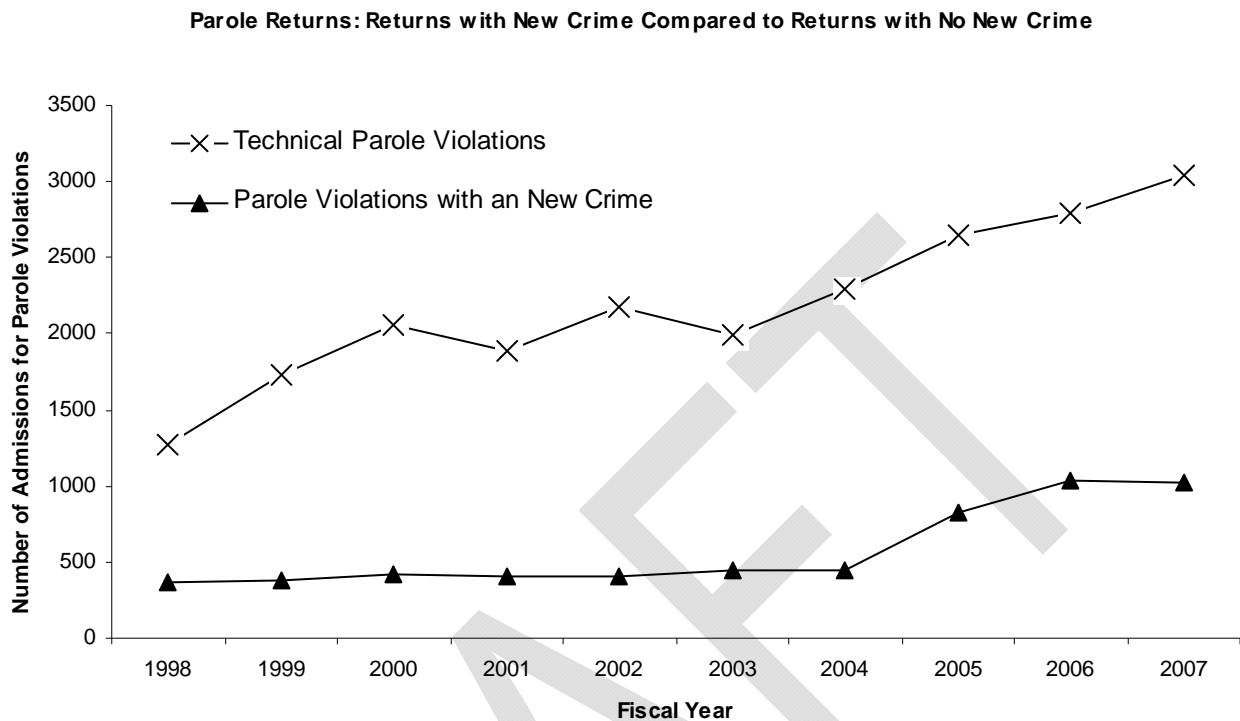
<http://dcj.state.co.us/ors/pdf/correctional%20populations/CORCOP%20123107%20revised.pdf>; Division of Youth Corrections Monthly Population report for December 2007 available at

<http://www.cdhs.state.co.us/dyc/PDFs/MPR1207.pdf>; Department of Corrections Monthly

² Rosten, K., Barr, B., & Mersman, K. (2006). *Recidivism and cumulative return rates, Calendar Years 1997-2004*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections.

³ Harrison, L. (January 2008). *Draft report: The status of the parole violator in Colorado*. Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

Figure 1. Technical and New Crime Parole Violations



Source: Colorado Department of Corrections. Office of Planning and Analysis. Admission and Release Trends Statistical Bulletins, Bulletin numbers OPA 08-08, 02-3, 03-2, 04-3, 05-3, 06-3.

Recidivism reduction translates into increased public safety.⁴ This occurs by systems prioritizing the use of evidence-based methods to prevent known offenders from committing new crimes upon release from incarceration. Many criminologists agree that parole authorities and administrators of post-release programs should redesign their activities and redirect their resources to provide major support to parolees and other releasees in the initial days, weeks, and months following re-entry. Such programs include: intensive post-release counseling and supervision, assistance in finding work, immediate enrollment in drug and alcohol treatment programs, mentorship programs, assistance with obtaining basic needs (i.e., identification cards, clothes, housing and other immediate needs) along with longer term cognitive-behavioral treatment approaches.⁵

A large proportion of community corrections offenders are resentenced to full incarceration in jail or prison, but few (1.5%) are arrested for committing a new crime while in the program. As shown in Table 1 below, 1,110 offenders were terminated from community corrections for technical violations in FY 2007 and another 634 absconded/escaped, resulting in a warrant for

⁴ Rosenfeld, R., Wallman, J., & Fornago, R. (2005). The contribution of ex-prisoners to crime rates. In *Prisoner Reentry and Crime in America*. J. Travis and C. Visser (Eds.). New York, NY: Cambridge University Press.

⁵ National Research Council. (2008). *Parole, desistance from crime, and community integration*. Washington, D.C: The National Academics Press.

their arrest. Many will be charged with felony escape and sent to jail or prison. For additional recidivism rates, please see Appendix A at the end of this document.

Table 1. Community Corrections Termination Rates and Reasons: FY 2007

Offender Type	Successful		Transfer		Escape		New Crime		Old warrant		Technical violation		Other	
	N	%	n	%	n	%	n	%	n	%	n	%	n	%
Diversion	1491	55.2	155	5.73	341	12.6	48	1.8	32	1.2	607	22.5	27	.09
Transition	1618	62.1	85	3.26	293	11.2	26	1.0	45	1.7	503	19.3	36	1.38
Overall	3109	58.9	240	4.50	634	11.9	74	1.4	77	1.5	1110	20.9	63	1.18

Source: Special analysis of community corrections client termination forms conducted by Christine Schmidt, January 2008. Office of Community Corrections, Division of Criminal Justice, Denver, CO.

Post-incarceration supervision focuses on the long-term success of the individual. Table 2 below lists programs that were found in a comprehensive study by the Washington State Institute for Public Policy to reduce recidivism.

Table 2. Examples of Adult Recidivism Reduction Programs⁶

Program	Recidivism* Reduced By
Community-based cognitive-behavioral sex offender treatment	31.2%
Prison-based cognitive-behavioral sex offender treatment	14.9%
Prison-based vocational education	12.6%
Community-based drug treatment	12.4%
Prison-based cognitive-behavioral programs (general and specific)	8.2%
Prison-based correctional industries programs	7.8%
Intensive prison-based substance abuse programs <i>with</i> community aftercare	6.9%
Prison-based cognitive-behavioral drug treatment	6.8%
Work release programs	5.6%
Intensive prison-based substance abuse programs <i>without</i> community aftercare	5.3%
Prison-based basic adult education	5.1%
Community-based employment training and job assistance	4.8%
Educational/Cognitive-behavioral domestic violence programs	0%

⁶ Aos, S., Miller, M., & Drake, E. (2006). *Evidence-based adult corrections programs: What works and what does not*. Washington State Institute for Public Policy.

*Recidivism is defined in various ways, depending on the study. Table 2 reflects findings from a meta-analysis of hundreds of program evaluations of offenders on probation, jail and prison. Typically, recidivism is defined as new arrest or conviction within a specific period of time.

Success-oriented offender management strategies require a context where the following priorities are grounded in legislation, policies, agency regulations, and organizational practice:

- The needs and risk assessment process(es),
- Behavioral interventions,
- Staff-offender interactions,
- Case management, and
- Success-driven supervision.

The work of the Post-Incarceration Supervision Task Force will be conducted in three phases. In each phase, barriers to implementing evidence-based correctional practice will be identified along with strategies to remove these barriers.

Phase 1: Review and compare best practices with existing legislation, agency policies and regulations, and general practice; make recommendations to maximize offender success.

Phase 2: Implement recommendations from Phase 1; undertake a systematic and comprehensive review of practices and data that reflects such practices; make recommendations to maximize offender success.

Phase 3: Implement and monitor new policies and practices; development of measures and monitoring practices to continually provide feedback on implementation success.

The Post-Incarceration Supervision Task Force will make recommendations to the Oversight Committee on Re-Entry, which will in turn make recommendations to the CCJJ. The Commission has identified a number of key areas that are related to successful offender outcomes. Focused, evidence-based strategies must be developed around each of the key areas to improve offender outcomes and enhance public safety.

Evidence-Based Correctional Practices

Each Phase requires assessing and comparing current legislation, agency regulations, policy, and practice against what the research literature has identified as evidence-based practice.

The Post-Incarceration Supervision Task Force has been charged with identifying the best post-incarceration supervision structure and practices by systematically reviewing and analyzing evidence-based correctional practices and comparing them with current legislation, policies, regulations, and practices in Colorado. This includes how these policies and practices may be related to the disproportionate representation of minorities, individuals with behavioral health problems, gender, and other special populations.

The following six components of post-release supervision will guide the work of the Post-Incarceration Supervision Task Force. The Task Force will review, analyze, and make recommendations in the following six structural areas of post-supervision.

1. Parole eligibility, length of parole, and referral to community corrections boards

- Determine the optimal length of parole supervision.
- Analyze prison sentence lengths required for parole and community corrections eligibility.
- Review the advantages and disadvantages of parole and community corrections terms served within versus consecutive to a prison.
- Evaluate the advantages and disadvantages of following
 - a discretionary parole model,
 - a mandatory parole model, and
 - both.
- Review the advantages and disadvantages of release without supervision.
- Identify and assess the release decision making processes.
- Examine the use of community corrections in the transition from prison to community.
- Assess the use of community corrections for “return to custody” beds for parole revocations.

2. Conditions of supervision

- Review and assess the impact of current conditions of supervision, ISP, and community corrections.
- Analyze the consistency of the enforcement of conditions of supervision, ISP, and community corrections.
- Identify the methods to modify conditions.
- Review the impact of the “non-association” condition.

3. Use of incentives

- Determine available incentives?
- Assess available incentives: Are they appropriate, adequate, and consistently used?
- Consider implementation of the 4:1 evidence-based ratio of positive to negative sanctions

4. Technical violations

- Evaluate the types of technical violations leading to revocation
- Identify and assess current practices and policies of the Department of Corrections and Parole Board related to the use of:
 - intermediate sanctions,
 - modification of terms and conditions, and
 - revocation options.

- Review consequences of SB 252.
- Obtain information from other states (i.e., Kansas, Connecticut) that have developed evidence-based and effective strategies for preventing and responding to technical violations.

5. Escape/abscond

- Define escape and abscond.
- Review incidence rates and apprehension.
- Identify sanctions for absconding and escaping across judicial districts.

6. Examine ethnicity or gender disparity

- Study discretionary parole release rates based on inmate gender and ethnicity.
- Study differences in acceptance rates into community corrections based on gender and ethnicity of applicant.
- Study parole revocation rates for new crimes by gender and ethnicity of parolee.
- Study parole revocation rates for technical violations by gender and ethnicity of parolee.
- Study the difference in length of time on parole prior to revocation by gender and ethnicity of parolee.

Issue

The mission of the Post-Incarceration Supervision Task Force is to identify for the Commission the barriers and issues surrounding the long-term successful reintegration of the offender into the community after the first six months of supervision and intensive services. The task force will make recommendations regarding the *structure of the release and supervision processes* aimed at increasing successful supervision and, in turn, reducing recidivism.

Additional Information

- The cost of building a new prison is approximately \$40,000 per bed for minimum-security and nearly \$90,000 per bed for maximum-security.
- The cost of Colorado State Penitentiary II, a 948 beds facility, will exceed \$100 Million for construction alone.
- As of December 2007, the number of offenders on parole in Colorado was 8,508. It is projected that the parole population will increase to 12,496 by 2014.⁷
- Research shows that community supervision that is service-oriented rather than surveillance-oriented can reduce recidivism⁸.

⁷ Harrison, L. (December, 2007). *Population projections for adult prison and parole, community corrections, and juvenile commitment and parole*. Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

- Educational, vocational, substance-abuse treatment, mental health, and cognitive-behavioral programs reduce recidivism and are cost-effective.⁹
- The data show that the majority of individuals that regress to DOC are returned for technical violations. A parolee is about three times more likely to return to prison for a technical violation than for a new crime.¹⁰
- It has been found that the rates of committing a new crime or violating the terms of parole are highest within the first six months after release.¹¹ Thus, the time period immediately following release from prison is the riskiest for the offender and for the public.
- The cost-effectiveness and savings of an offender successfully completing parole rather than returning to prison is significant. According to DOC, the supervision of four offenders on Intensive Supervision Parole (ISP) is less expensive than incarcerating one inmate for one year.¹²
- Offenders who participate in family services, education programs, and/or mental health programs had greater success rates in comparison to those who did not participate in such programs.¹³
- Research shows that recidivism rates are decreased if parolees participate in work, education, and substance abuse programs.¹⁴

Concluding Statement

The increased rate of recidivism is the leading reason why Colorado's prison population and correctional costs are rising.¹⁵ Successful reintegration into society is critical in reversing this trend. The Post-Incarceration Supervision Task Force's structural recommendations will link to the above guidelines as well as data that is relevant to the parole system's policies, the over-

⁸ Przybylski, R. (2008). *What works: Effective recidivism reduction and risk-focused prevention programs. A compendium of evidence-based options for preventing new and persistent criminal behavior.* Denver, CO: Office of Research and Statistics, Division of Criminal Justice.

⁹ Ibid.

¹⁰ Rosten, K., Barr, B., & Mersman, K. (2006). *Recidivism and cumulative return rates, Calendar Years 1997-2004.* Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections.

¹¹ Ibid.

¹² Rosten, K., Barr, B., & Mersman, K. (2006). *Recidivism and cumulative return rates, Calendar Years 1997-2004.* Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections.

¹³ Burrell, N.H., & English, K. (2006). *Community corrections in Colorado: A study of program outcomes and recidivism, FY00-FY04.* Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

¹⁴ Lipsey, M., & Cullen, F.T. (2007). *The effectiveness of correctional rehabilitation: A review of systematic reviews.* Annual Review of Law and Social Science.

¹⁵ Przybylski, R. (2008). *What works: Effective recidivism reduction and risk-focused prevention programs. A compendium of evidence-based options for preventing new and persistent criminal behavior.* Denver, CO: Office of Research and Statistics, Division of Criminal Justice.

representation of minorities, individuals with behavioral health problems, gender, special populations, and community corrections.

STRUCTURE

- The Task Force will make recommendations to the Re-Entry Oversight Committee, which will, in turn, make recommendations to the Commission.
- The Task Force shall comprise a representative sampling of the stakeholders and the community.
- The Task Force chair will be a Commission member.
- The Task Force shall consist of no more than fifteen (15) formal members identified by the CCJJ chair, vice-chair and Re-Entry Oversight Committee chair.
- Non Task Force participants, as opposed to members, will be encouraged to provide input as directed by the Task Force chair.
- The Task Force Leader will assist in the planning of the Task Force.
 - These task force members are meant to represent the voice of the community and are not representative of government agencies. They serve to ensure a community voice by committee.
- The Re-Entry Oversight Committee chair will chair the Task Force when the chair is unavailable.
- The meetings will be held in the Denver Metro area. Videoconferencing via satellite will be used when possible to include stakeholders statewide.
- The task force will implement “ground rules” to facilitate effective interaction.
- Research staff from the DCJ Office of Research and Statistics will:
 - Work with the chair to organize meetings and prepare the meeting agenda
 - Facilitate meetings to free the chair to lead the discussions
 - At the request of the Task Force will:
 - Provide information on existing knowledge and research
 - Identify local data sources
 - Analyze local data sources when feasible
 - Work with researchers from other agencies to obtain relevant information.
- **DATA**
 - DCJ staff will respond to requests for information and data. Because gathering information and analyzing data is a resource-intensive activity, requests for additional information and data analysis will require the following considerations:
 - **What specific question are you trying to answer?**
 - **How will having this information affect the discussion?**
 - **How will having the information improve decision-making?**

DESIRED OUTCOME: A successful project will result in...

- Identified gaps in policy, procedures, services and staff training
- A short- and long-term strategy to address the gaps
- A focus on significant recidivism reduction

- The first set of recommendations are presented to Re-Entry Committee on August 20, 2008
 - Recommendations will include those that can take effect immediately (within one month), in the short term (within six months), and in the long term (may require statutory changes and implementation phases)
- Reinvestment of cost savings

UNDESIRED OUTCOME: A successful project will not result in...

- Missed deadlines
- Any recommendation that fails to significantly decrease--or have no effect on--the overall recidivism rate
- Any recommendation that fails to recognize the cost savings of community supervision and community corrections over prison
- Any recommendation that would clearly compromise public safety

SUGGESTED DOCUMENTS TO REVIEW

- State legislation that directs community supervision from prison and jail
- State administrative rules and regulations that direct community reintegration from prison and jail
- DOC and jail policies regarding transition
- Conditions of community supervision
- Regional DOC policies regarding transition, transition planning, and programming
- Community Corrections: board, facility acceptance, rejection, and termination criteria
- Community Corrections Risk Factor Analysis Report (2007)
- *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-FY04* by Burrell and English (2006)
- *What Works* report by Roger Przybylski
- *Evidence Based Practices*, found under Tab 9 of CCJJ binder
- National Research Council recommendations for community integration
- "Employ Behavioral Contracting for 'Earned Discharge' Parole" by Joan Petersilia (*Criminology and Public Policy*, Nov. 2007)
- Material at reentrypolicy.org
- Other materials as they are identified

ESTIMATED DATE FOR COMPLETION:

- August 20, 2008 → Task Force must report recommendations to the Committee.
- September 2008 → Committee must make formal recommendation to the Commission.
- October 2008 → Commission must approve recommendations at October meeting, providing two weeks for ORS staff to write up the final report for these initial decisions.

MEETING FREQUENCY & DURATION:

Date: Friday, May 16

Time: 3:30pm – 5:30pm
Location: 150 E. 10th, Conference Room

Date: Friday, May 30
Time: 3:30pm – 5:30pm
Location: TBD

Date: Friday, June 13
Time: 8:30am – 10:30am
Location: TBD

Date: Friday, June 27
Time: 3:30pm – 5:30pm
Location: 710 Kipling, 3rd Floor

Date: Friday, July 11
Time: 8:30am – 10:30am
Location: 700 Kipling, 1st Floor

Date: Friday, July 25
Time: 3:30pm – 5:30pm
Location: 700 Kipling, 1st Floor

Date: Friday, August 15
Time: 3:30pm – 5:30pm
Location: 710 Kipling, 3rd Floor

MEMBERS:

Doug Wilson
Peter Hautzinger
Jeaneene Miller
Carl Blesch
Tim Hand
Greg Mauro

TASK FORCE CHAIRPERSON: David Kaplan

TASK FORCE LEADER: Christie Donner

FACILITATOR: Germaine Miera/Christine Adams

RECORD KEEPER: The responsibility of taking minutes will rotate among Task Force members.

LEGAL COUNSEL: To be determined if and when needed

Appendix A
Summary of Recidivism Findings

Study Population	Follow-up period	Measure of Recidivism	Recidivism Rate (%)	Notes
Juvenile Probation¹⁶				
Regular Probation	During Supervision	Technical Violation	25.7	
		New adjudication	6.2	1
	1 Year post-termination	New adjudication	16.6	
Intensive Supervision Probation	During Supervision	Technical Violation	39.1	
		New adjudication	12.2	1
	1 Year post-termination	New adjudication	10	1
Adult Probation¹⁷				
Regular Probation	During Supervision	Technical Violation	32.6	
		New misd/felony conviction	6.1	2
	1 Year post-termination	New misd/felony filing	8	2
Intensive Supervision Probation	During Supervision	Technical Violation	34.4	
		New misd/felony conviction	13.6	2
	1 Year post-termination	New misd/felony filing	1.4	2,4
Female Offender Program	During Supervision	Technical Violation	31.6	
		New misd/felony conviction	10.5	2
	1 Year post-termination	New misd/felony filing	0	2,5
Women on Probation ¹⁸	1 year post-sentencing	New felony filing	10.9	6
	2 years post-sentencing	New felony filing	16.1	6
	3 years post-sentencing	New felony filing	19.3	6
Drug Offenders on Probation ¹⁹	1 year post-sentencing	New felony filing	12	6

¹⁶ Schlessinger, K. (January 15, 2007). Pre-release termination and post-release recidivism rates of Colorado's Probationers: FY2005 Releasees. Colorado Division of Probation Services, Research and Evaluation Unit, Denver, Colorado.

¹⁷ Ibid.

¹⁸ Division of Criminal Justice, Office of Research and Statistics. Special analysis conducted for this publication on specific populations sentenced to probation between January 1, 2000 and June 30, 2005.

¹⁹ Ibid.

	2 years post-sentencing	New felony filing	17.9	6
	3 years post-sentencing	New felony filing	21.2	6

Division of Youth Corrections²⁰

Commitments	During commitment	New misd/felony filing	39.1	2,3
	1 Year post-termination	New misd/felony filing	37.9	

Department of Corrections²¹

All Releases	1 year post-discharge	Return to prison	40.8	7
	3 years post-release	Return to Prison	49.7	7
Mandatory Parole	3 years post-release	Technical Violation	49.6	
		New felony conviction	15.4	8
Discretionary Parole	3 years post-release	Technical Violation	39.6	
		New felony conviction	13	8
Sentence Discharges	3 years post-release	New felony conviction	24.3	8

Community Corrections²²

Diversion	During program	Technical Violation	25.3	
		New misd/felony filing	1.6	2
	2 years post-discharge	New misd/felony filing	23.8	2
Transition	During program	Technical Violation	23.4	
		New misd/felony filing	1.3	2
	2 years post-discharge	New misd/felony filing	25.5	2

From: *Crime and Justice, 2006*, prepared by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety. Table 5.16 on page 129.

²⁰ Division of Youth Corrections (2007). Recidivism Evaluation of Committed Youth Discharged in Fiscal Year 2004-05. Colorado Department of Human Services, Office of Children, Youth and Family Services. Denver, Colorado.

²¹ Rosten, K., Barr, B., and Mersman, K. (2006). Recidivism and cumulative return rates, Calendar Years 1997-2004. Office of Planning and Analysis, Colorado Department of Corrections. Colorado Springs, CO. The report is available at <http://www.doc.state.co.us/Statistics/pdfs/Recidivism/2006RecidBulletin.pdf>.

²² Hetz-Burrell, N. and English, K. (2006). Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-04. Office of Research and Statistics, Division of Criminal Justice, Department of Public Safety. Denver, Colorado.