

<p style="text-align: center;">Probation Task Force Date: July 3rd , 2008, 2:30-5:00pm</p>

Attendees:

Gil Martinez, Chair
Charlie Garcia, Community Corrections
Mike Riede, Task Force Leader
Shelby McKinzey, CU Student
Paul Herman, CCJJ Consultant
Tom Moore, Community Corrections
Christine Adams, Facilitator
Kevin Ford, DCJ/Research
Sherri Hufford, Judicial/Probation
Germaine Miera, DCJ/Research
Mary Clare Mulligan, Defense Attorney
Bill Kilpatrick, Golden Police Department
Larry Abrahamson, District Attorney
Ken Plotz, Senior Judge
Steve Siegle, Victim's Right

Absent:

Ken Gordon, Senator
Kevin McGreevy, Defense Attorney
Diane Pasini-Hill, DCJ/Research
Mike Biggio, The Free Coalition
Ann Terry, CDPS
Michael Kirkland, Douglas County Sheriff

Issue/Topic:

Introductions and Review
of previous meeting

Action:**Discussion:**

Reviewed probation presentation by Sherri Hufford

- Set a foundation on where probation is moving the next five years, strength based, evidence based.

Christine Adams Identifies top issues for the Task Force

Issue/Topic:

Good Time/Earned Time

Action:**Discussion:**

Handout from Judge Ken Plotz regarding Good Time/Earned Time (see below)

'Pros' of good time/earned time

Good Time and Earned Time programs are available to offenders in other criminal justice arenas (e.g., prison and jail inmates) but not for offenders on probation.

The availability of earned time and good time for probationers could make their experience more positive and provide milestones that could be reached to reduce an offender's sentence.

Under the current system a probation sentence only gets cut if the DA approves a change. The good time/earned time proposal would implement a benchmark system of sorts.

The idea is not to make model citizens out of all probationers, but rather to reduce the inflow to prisons without jeopardizing public safety.

The goal is to get people off probation early AND to get them to succeed on probation. They are more likely to succeed on probation if they have positive incentives.

The longer someone stays on probation the more likely a technical violation is possible.

Offenders could get credit for certain things done successfully (e.g., obtaining their GED, etc.). The idea is to give someone on probation the opportunity to not only to get off early but incentives to obtain a job, have clean UA's, etc.

The idea is to get the probationer to WANT to get a job. How do you incentivize the probationer?

If an offender has 'ownership' of their sentence they'll be more likely to have incentive to get done quickly. Mandatory good time gives the offender more potential to either do well or do poor.

A person with a regular job is a whole lot less likely to re-offend. Thus, if you give an offender incentive to have a job can move even further.

We have as many TV revocations as new cases.

DA's may be favorably inclined to work out a deal on early

Issue/Topic:

Good Time/Earned Time
(cont.)

Action:

Judge Martinez will get
input/feedback from line
probation staff.

Mike Reide plans to get this
issue/proposal on the
monthly PO meeting
agenda.

Discussion:

'Cons' of good time/earned time

A concern on the flip side of this issue is that "Mandatory 'anything' takes away the discretion of the court". There is concern that if good time and earned time is mandated some DA's will negotiate a higher sentence just because they'll know it is going to be reduced.

Probation Officers might not feel comfortable with the person getting off probation early but they will be mandated to let the offender go.

Currently Judges are reluctant to knock people off probation early if the DA isn't in favor. New judges are especially reluctant. However, because judges and DA's aren't going to agree, it needs to be mandated.

Earned time is not going to be okay with DA's. They're more likely to be in favor of early termination.

"We've got to quit being wimps. If someone has earned early termination let's give it to them. We all need to be less reluctant to grant early termination."

Possible solutions

Pilot program - try a good time/earned time program in a limited number of districts as a test run, as a pilot program. Try it in a jurisdiction where the concept is favorable to the DA and Public Defender's office.

Per Paul -

One option people have selected for those states reluctant to put everything in statute is to focus on the fact that the goal is for probationer to do x, y, z.

If an offender does x,y,z then there is there a process in place to move them off of correctional control.

Guidelines and parameters would add structure to this process. If the PO believes an offender accomplished what they should have, they can **request** early discharge.

There could be a policy that a report will be submitted by the PO **requesting** the releasing authority or court to consider good time/earned time. This method takes fear away from PO as it is not their personal decision.

This process provides structure for everyone if you **mandate the**

Dear Gil and Mike,

I am writing to both of you because I know that you have far more experience in working with probation issues than I do. At our last meeting we briefly discussed creating an earned time program for those on probation similar to the one for those in prison or on parole. The charter of this task force calls for the enhancement of offender motivation and the increase of positive reinforcement (see Evidence-Based Correctional Practices, Part 2 and 5). Earned time provisions would do that.

I would propose that we consider a statutory addition following the terms and conditions of probation statute to add a provision that provides for the granting of earned time in accordance with the priorities of probation. For example earned time could be granted to shorten probationary terms in the following order of priorities:

1. No new offenses
2. Payment of Restitution.
3. Gainful employment
4. Entry into a treatment program
5. Successful completion of a treatment program
6. Entry into an educational or training program
7. Successful completion of an educational or training program
8. Remaining drug and/or alcohol free for a defined period of time

Studies imply that incentives such as these result in higher success rates. As Cox, Bailey and Roscoe have pointed out in their evaluation of Court Support Services Division's Probation Transition Program and Technical Violations Unit for the state of Connecticut, "The field of criminal justice tends to be dominated by negative outcomes, such as violations or revocations of probation, and may thus inadvertently set up a mind-set of failure on the part of line officers. The ratification of positive outcomes such as successful program completion, demonstrated attitude change, can help to ameliorate this negative orientation, and provide both concrete and positive markers to direct probation activities (Boone & Fulton). This re-focusing on positive indicators could be integrated with a supervision strategy, where instead of punishing probationer failure with a probation revocation, probationer success could be rewarded with certificates of completion or of exemplary conduct, coupled with early termination of reporting requirements (Maruna, 2000; Petersilia, 2003)."

In an article written in the November, 2007 issue of *Criminology and Public Policy*, entitled *Employ Behavioral Contracting for "Earned Discharge" Parole*, Joan Petersilia points out, "To combine both of these elements—behavioral contracting and accelerated parole discharge—produces tangible benefits for public safety, recidivism reduction and resource allocation." Petersilia makes some very specific proposals as to how to compute time reductions. She is referring to parolees and not probationers but I think a parallel can be fairly drawn.

Perhaps an earned time program could be implemented in a limited number of districts so that results could be compared with districts that do not have such a program so that we could create our own database.

These are just some very rough ideas and they are not my own. Rather, they are taken from others that I have talked to, as well as my notes on what others have said at our last meeting. They are intended to open a committee discussion about something that we can accomplish by August 20, 2008.

I would welcome your input and ask that this be placed on the agenda at our next meeting or if there is insufficient time, then the next meeting. Sincerely, Kenneth M. Plotz

Issue/Topic:

Identify priorities for Phase 1 S.W.O.T. (strength, weakness, opportunity, and threat) analysis

Action:**Discussion:**

Paul Herman went over the purpose and procedure of the S.W.O.T. (strengths, weaknesses, opportunities and threats) tool.

Based on emails sent to Christine Adams, the task force decided that the following issues are of priority for Phase 1:

- Earned time/Early termination
- Conditions of Probation
- Sanction Guidelines (positive & negative)
 - T.V. responses
- Statutory Reviews
 - Identify Barriers
 - Discretion of Court
- Evidence Based Practice
 - (ex. Individualized TX plans, CM training)
- Programmatic Issues
 - MH units
 - Drug Courts
 - Day Reporting
 - Employment (long-term, career)
 - Education

The group started the S.W.O.T. process on the following topics:

1. Conditions of Probation (see matrix below)
2. Sanction Guidelines (see matrix below)
3. Statutory barriers to obtain and maintain an offender on probation (see matrix below)

Issue/Topic:

Begin S.W.O.T. (strength, weakness, opportunity, and threat) analysis

Action:**Discussion:**

The group started the S.W.O.T. process on the following topics:

4. Conditions of Probation (see matrix below)
5. Sanction Guidelines (see matrix below)
6. Statutory barriers to obtain and maintain an offender on probation (see matrix below)

S.W.O.T.

Issue: Conditions of Probation (improve effectiveness)		
	Strengths	Weaknesses
Internal	<ul style="list-style-type: none"> - Statewide consistency of standards (all the same; all changeable simultaneously) - Revocation data is accessible 	
External	Opportunities	Threats
	<ul style="list-style-type: none"> - Enhance public safety 	

Impact	Time Line: Standard Conditions			
	Immediate	Short Term	Long Term	Stop
High		4	1	
Medium	2		1	
Low				
Impact	Time Line: Statutory Conditions			
	Immediate	Short Term	Long Term	Stop
High		1	2	
Medium		2	1	
Low			1	

S.W.O.T.

Issue: Sanction Guidelines (Technical Violations)		
	Strengths	Weaknesses
Internal	<ul style="list-style-type: none"> - Lots of experience with available probation officers and judges - Mechanism exists - Most agree that this is a real problem - existing sanctions - Drug court experience. 	<ul style="list-style-type: none"> - Cultural move (long-term) - high case loads - Judicial discretion - Communication - Sustainability - Inter-agency data access
	Opportunities	Threats
External	<ul style="list-style-type: none"> - Training - Nationwide knowledge - Educate the public - Ability to assess impact - Reduce docket clutter - Political Will 	<ul style="list-style-type: none"> - Cost - Political Will

Impact	Time Line			
	Immediate	Short Term	Long Term	Stop
High		6	5	
Medium				
Low				

S.W.O.T.

Issue: Statutory barriers to Probation - INCOMPLETE

(continue on July 17th)

		Strengths		Weaknesses	
Internal		- Legislative term limits and expertise.		- Lack of cohesiveness of opinions - Legislative term limits and expertise.	
External		Opportunities		Threats	
		- Public want - Save money (when in probation rather than in prison) - Can find common ground on mandates - More successful probationers		- Political viability with public	
Impact	Time Line				
	Immediate	Short Term	Long Term	Stop	
High					
Medium					
Low					

Issue/Topic:

Use of Pilot Programs for recommendations

Action:**Discussion:**

Instead of trying to push through state-wide initiatives why not work on pilot program projects.

Which of the above SWOTed issues could be done in certain jurisdictions as a quick start way to get some data and get the ball rolling unofficially?

Pilot programs can start with grant money and other resources. If there are jurisdictions that are favorable it can be fairly easy.

- Grant money is a good idea, but not a "quick fix". Accessing this money takes time.

1st, 4th, 17th and 18th are conducting a Motivational Interviewing pilot program (through NIJ). This started with a federal grant. This pilot will take 6-9 months. With 40 PO's throughout state. The pilots are taking place in big jurisdictions because there are more bodies. Trying to follow evidence based program guidelines.

Issue/Topic:

Overarching Issues

Action:**Discussion:**

Regi brought up the idea of revamping the legislative process so reduce knee jerk decisions. Recommendations and proposals should come with a full analysis of how those changes would affect other organizations involved.

Issue/Topic:

Plan next meeting

Action:

Assignments

Discussion:

Proposal for the next meeting-

1. Sherri Hufford will bring in the list of standard conditions.
2. Everyone is to bring a list of specific things/recommendations that do not require statutory change for each division. Think of things within your control to change, that could possibly be changed tomorrow. (Suggested by Bill Kilpatrick)
3. Send the top 5 issues to Christine Adams (Christine.adams@cdps.state.co.us) if you haven't already.
4. Get your mind around remaining items as far as SWOT is concerned.
5. Christine will send list of reminders.
6. Meetings from now on 2:30pm-5pm.