Re-entry Task Force
Colorado Commission on Criminal and Juvenile Justice

Minutes

April 8, 2015, 1:30PM-4:30PM
690 Kipling, 3rd Floor Conference room

ATTENDEES:

<u>CHAIR</u>
Stan Hilkey, Dept. of Public Safety

<u>TASK FORCE MEMBERS</u>
Alison Morgan for Rick Raemisch, Dept. of Corrections
Mark Evans, Public Defender's Office
Joe Pelle, Boulder County Sheriff's Office
Evelyn Leslie, Colo. School for Family Therapy
Alfredo Pena, Parole Board
Christie Donner, Colo. Criminal Justice Reform Coalition
Hassan Latif, Second Chance Center
Monica Chambers, Department of Corrections
Tom Giacinti, Representing Community Corrections
Regi Huerter, Denver Crime Prevention and Control Commission

<u>PRESENTERS</u>
Russha Knauer, Division of Probation Services
Sherri Hufford, Division of Probation Services
Glenn Tapia/Division of Criminal Justice, Office of Community Corrections
Alison Morgan for Rick Raemisch, Dept. of Corrections

<u>STAFF</u>
Paul Herman/CCJJ consultant
Kim English/Division of Criminal Justice
Germaine Miera/Division of Criminal Justice

<u>ABSENT</u>
Dave Young, District Attorney 17th JD
Rick Raemisch, Dept. of Corrections
Beth McCann, State Representative
Pat Steadman, State Senator
Jennifer Bradford, Metro State University of Denver
Kelly Friesen, Grand County Juvenile Justice Department / SB94

Issue/Topic:	Discussion:
Welcome and Introductions	CCJJ and Re-entry Task Force Chair Stan Hilkey welcomed the group and thanked everyone for their willingness to embark on the upcoming work. He noted a handful of absentees including six commissioners who, unfortunately, were unable to attend this initial task force meeting.

| Issue/Topic:

Background

Action: | **Discussion:**

Stan took the group through a PowerPoint presentation describing the background for the Re-entry work and the creation of this task force.

DISCUSSION POINTS
• In March 2014 the CCJJ identified 'Re-entry' as a priority for future work.
• A short-term Exploratory Reentry Planning Group was formed to research possible areas of focus within the re-entry umbrella.
• The end-goal was for this exploratory group to outline a work plan that would then be forwarded to a full Re-entry Task Force (to would be seated in early 2015).
• This planning group met from November 2014 – January 2015 and identified 8 priority study areas for possible re-entry work.
• Those 8 areas included:
-Gaps in stable housing
-The need for offenders to have valid ID when leaving custody
-Collateral consequences of conviction
-Technical violations in community corrections, probation and parole
-Gaps in residential treatment beds for behavioral health problems
-Access to medical and mental health care including ACA issues
-The problem of young adult males (18-25) failing at a high rate
-Issues with post custodial recidivism in Youth Corrections
• The planning group established a set of criteria to narrow these 8 interest areas down to three top priority areas.
• The final top three problem areas recommended for consideration by a yet-to-be-seated full Re-entry Task Force included:
-Collateral consequences of conviction
-Technical violations
-Access to medical and mental health care
• The planning group recommended that the task force start with these areas and then take on other issues as they arise.
• The Exploratory Re-entry Planning Group also identified possible stakeholders to take part in a full Re-entry Task Force.
• Stan wrapped up the presentation by stating that for now, this task force will stick with working on these three priority areas. |

Issue/Topic:	Discussion:
National Perspective: Technical Violations	CCJJ Consultant Paul Herman provided a look at technical violations from a national perspective including history and context.
Action:	*DISCUSSION POINTS* • Paul stressed that one of the biggest challenges for this group in the next couple meetings is to dig in and get clear about what the issues really are when it comes to technical violations. • He informed the group that while the charge from the Commission is to study three areas (Technical Violations, Collateral Consequences and Access to Medical and Mental Health Care), it was decided that the best course of action would be to start with the work on technical violations and then address the other two issues. • Paul discussed the history of technical violations issues: -In the late 80s, the National Institute of Corrections (NIC) noticed a big increase in revocations sent back to prison on probation and parole violations. • At that time NIC started working in several states to try to figure out what were the major issues around the increase in TV's. • Subsequently, NIC and the Center for Effective Public Policy (The Center) began work together in this area. • The Center has been working on this for 25 years with lots of information to glean from early work and current work. • In the 90's it was all about compliance with conditions. • The evolution around this work over time has been to go from compliance to the issue of prevention, and to look at this issue more proactivity rather than reactively. • The prevention model can be conflicting for people who had been hired under a compliance model. • It became clear that if the focus is always on failures, it takes a lot of work to shift the lens to a positive view of success and prevention. • Probation currently has a 63-68% success rate nationally. • 20 years ago the success rate was 76%. • The national Parole success rate over the last four years has been between 52-58%. • Previously (for about 15 years) it was at 45%. • Obviously, something has happened in the last 4, 5 years. • It's hard to know what percentage of violators make up the incoming population to prison – hard to track that data primarily because of the difficulty in identifying probation violators. • We think about 2/3 of all admissions to prison are violators. • The Bureau of Justice Statistics (BJS) has been tracking this info for 20+ years. • BJS studies recidivism patterns and all of this info is available on the BJS website. • When the work around Re-entry Issues started becoming more popular,

	PEW, VERA, Urban, BJA and many additional groups started looking at the area of reentry and honing in again on violations.
	• As re-entry dollars began to flow (in the mid-to-late 2000's up to now) there was a much higher awareness in regards to violations.
	• Traditionally there are three methods for dealing with violations 1-Unstructured: There was little policy or general guidance on how to deal with violations. 2-Prescriptive: This is where policy makers started trying to deal with technical violations on the ground with the implementation of statutory mandates in terms of who should be revoked and for what reasons. 3-Strategic Approach: This focuses on collaboration between probation, parole, judges, jails, departments of corrections, etc.
	• Areas that are important when it comes to offender success include: -Good risk assessments -Structured decision making -Graduated responses (not just various responses but pushing the envelope on those responses). -Swift and certain (there's been a lot of work in this area in the last 6-7 years) -Positive reinforcement
	• There can be major difficulties in states when all the other processes are in place (matrix for this and that, emphasis on success instead of failure), but then things get stuck in an organizational culture that has not transitioned to a proactive and preventative model of supervision.
	• Implementation and sustainability have been problems for states and local jurisdictions.
	• The problem is when push comes to shove and someone is working at a line level, working with an offender with nine dirty urines – what do they do next?
	• Paul reminds the group that the CCJJ started work around Re-entry initially back in 2008 and there was a call at that time for focusing on violations. CCJJ accomplished some good work at that time, but there's a lot more to do.
	• At that time, Probation and Parole took different approaches on how to address technical violations.

Issue/Topic:	Discussion:
Statewide Perspective: Technical Violations Data Presentation / Community Corrections **Action:**	Glenn Tapia, the Program Director for the Office of Community Corrections presented a PowerPoint on technical violations in community corrections. He challenged the task force members to think about the bigger picture of technical violations and not to get mired in the statistics. He added that he would provide trend data including ethnicity, and would provide his perception of the problem. He noted that his take on technical violations may sound unconventional,

because he added that from his perspective technical violations are not necessarily the problem, but rather the symptom of a bigger problem.

DISCUSSION POINTS

- Glenn shared that as far as trends, the success rate is trending down in comm. corr., TV's are trending up, and escape rates are between 10-15%.
- The TV violation rate stands at about 25%, and that the diversion population is failing at a higher rate than the transition population. He added that this has been the case for many years as far as failure rates.
- He noted that escapes also count as a technical failure.
- New crime failure rates are less than 2%.
- Globally speaking - 50% fail, 50% succeed.
- As for timeframes – if people are going to escape it typically happens in the first 90 days of supervision. Escapes happen around the 4 month mark. Successes usually happen around the 6-7 month mark.
- 38% of TV's are for drugs, 62% for 'other'. Glenn clarified that this measurement only reflects the most recent violation.
- Glenn stated that another thing that matters is employment. He noted that the TV rate for full-time employees is 17%, for part-time employees it's 36% and for unemployed residents it's 45%. TV's are clearly lower for people with full-time jobs.
- Another thing that matters with TV's is the type of crime their in on – violent offenders have the highest TV rate, followed by those with property, drug and other crimes. However, the recidivism rate is not indicative of the type of crime.
- Glenn added that to some degree criminal history might matter.
- Mental health absolutely matters when it comes to TV's. Those with mental illness have a higher TV rate. But again, mental illness doesn't matter as far as recidivism.
- Glenn stated that those who have received substance abuse treatment or cognitive restructuring have a lower TV rate.
- Sex offenders violate at a much higher rate, but he added that it's unclear exactly why. Sex offenders could get more TV's because there's a lower tolerance for them (indicative of the response to their behavior), or it could actually be indicative of their behavior.
- Risk and needs matter. Low risk folks are more likely not to violate, high risk people are more likely to fail.
- The data shows that regarding race and ethnicity, African Americans fail at a higher rate.
- Predictors of success include age, ethnicity, LSI score, index crime and gender.
- Problems leading to TV's in community corrections:
  -Offender population
  -History/Status quo
  -Program structure
  -Our beliefs, norms, culture
  -"People" and decision making
  -Risk reduction strategies

	-Clinical/Therapeutic strategies -State and local role -Implementation strategies • Summary of why community corrections population is failing -They're higher risk -Higher need -More dense criminal history -More experienced with failure (thus more prone to it?) More experienced with punishment (thus less responsive to it?) Average criminal history scores are increasing. • History / Status quo -Over-reliance on rules -Over-reliance on punishment -Under reliance on incentives • Glenn states we have flawed conditions of sanctions/incentives - we perform sanctions more than incentives. • Response are NOT swift, certain, transparent or fair. • Conditions in community corrections are flawed. • Incentives are flawed – seldom used, not contingent, not targeted, and not swift. • Glenn said he believes we're not addressing the problem but the symptom. He believes we need to focus on things like cognition and anti-social peers, etc. before working on getting offenders a job. • He said offenders in comm. corr. have contact with the rule enforcement workers 90% of the time and case management only 10%, which is not a good balance. • He said there needs to be a cultural shift and a mental shift, also a philosophical shift. • The relationship between staff and offenders is the driver for the outcome. • He states we need to change the 'more rules the better' theory. • The "little stuff" rule breaking – failure to conduct a call, failure to do chores, unauthorized absence shouldn't carry so much weight. • There's a paradigm clash regarding behavior – is behavior a matter of rational choice or is behavior a biological/psychological/social function? • People make decisions about **the magnitude of the punishment** in the limbic area of their brains– which makes it an emotional decision. However, making the decision about whether or not someone **should be punished** is made in the frontal lobe: the area used for cognitive decision making. • There are also community corrections staff problems. • Community corrections pays staff less (than probation and parole) and employs younger staff – therefore paying them less to deal with a more severe population. • There are also imperfect risk reduction strategies regarding risk/needs/responsivity. • There's a split understanding about risk/needs vs. responsivity. Criminal justice workers deal with the first two and treatment providers work on the third part.

| | • Glenn believes the group needs to look at community corrections standards which are not evidence based.
• He also believes the group needs to look at implementation strategies, therapeutic strategies, risk reduction strategies, look at whether the right staff is in place, need to look at program structure, needs to look at history and status quo.
• Glenn believes the current beliefs and culture in community corrections needs to be challenged.
• Glenn shared that there are strategies in place now (with the BSMART Sanctions and Incentives program) and in the future with the PACE (Program Assessment of Correctional Excellence programs.
• He reiterated that in his opinion, technical violations are not the problem but a symptom of many things that could be done better and that there is a need to change our philosophical underpinnings.
• Christie Donner added that the impact of not doing the right thing is doing harm.
• Failure of an offender can result from failure of a program, failure of implementation or failure of the offender. The question is "Are we giving the offender a full opportunity?"
• Glenn said he believes there is room to address all of these issues strategically.
• It's impossible to focus on someone's criminogenic needs when someone walks in on day one and already owes rent. The program's first thought is "Pay me", not "Let me heal you or treat you" first.
• The structure of community corrections to be rethought.
• Glenn added there's a significant need to look at coming together and revamping the system. |

Issue/Topic:	Discussion:
Statewide Perspective: Technical Violations Data Presentation / Probation **Action:** Distribute BJS report regarding impact of race and ethnicity on probation violations Provide list of recidivism definitions from the General Assembly	Russha Knauer from the Division of Probation Services presented a PowerPoint on Technical Violations in Probation. *DISCUSSION POINTS* • Russha explained that reduced violations, compliance with terms and conditions, increased public safety and behavior change are all elements of an offender's Risk and Needs. • Russha reported that as for adult termination trends, 2006 showed an all-time high for technical violations. • She said at that point Probation decided they needed to do something about the problem and shifted the focus away from straight compliance and started looking at how to use research to work smarter. • The focus at that point turned to risk-needs-responsivity and eight effective interventions. • In 2008 Probation started working on the technical violations issue with support from the CCJJ and then in 2009 Probation also started working

	with the Center for Effective Public Policy.
	• After realizing a major upswing in tech violations there was a shift in practice which started to reduce technical violations.
	• Currently, post-release recidivism is the lowest it's been in 10 years at 5.2% post-release recidivism with one year out data.
	• JV data looks similar – it's not the same pronounced bottle neck but there are notable increases in successes and decreases in violations.
	• The JV population is decreasing overall which is likely due to more of a focus on prevention and more programs.
	• JV has the same trend data as adults with post-release recidivism at a 10 year low.
	• Regarding race and ethnicity tracking in Probation, all information is pulled from the police report filing and the summons.
	• Russha noted that minorities are revoked at a higher rate, and that there's a disproportionate minority representation on revocation rates.
	• She added there's also the ongoing issue of Hispanics being under-reported (and classified as 'White').
	• She added there are disproportionate numbers for both adults and juveniles.
	• Even though Probation has reduced TV's while increasing successes, there's still much more work to do.
	• Probation began work with CEPP to start making changes in 2009 on TV's.
	• In 2010 Probation launched a Technical Violations Behavior Change Pilot which went out to the field and feedback was promising. It helped guide officer responses to client behavior.
	• The program started as a 'paper and pencil' pilot, then automated into the 2014 Structured Decision Making (SBC) program.
	• The structured decision making process allows for officers to make decisions by considering client risk and the significance of the behavior and then providing consistent and tailored officer responses.
	• Russha offered one example about a client who was participating in problem solving court. - The client moved and got a new job but failed to let the team know what her new address was. - The team said "great job" on new job and then added "you're in big trouble for not providing a new address". - What they failed to do was recognize the major pro-social behavior on getting the new job and moving to a better place.
	• The SBC Grid takes the supervision level of an offender and transects that with the severity of the behavior level on violation behavior.
	• The same is done on the flip side as far as positive behavior and high response.
	• The Structured Decision Making process has been rolled out to five districts so far.
	• They're working on two more districts coming up, the 5th Judicial District and Denver JV.
	• Probation is capturing real time data and since the roll out, officers recognized over 22 thousand positive behaviors, while responding to just

	fewer than 5 thousand violation behaviors.
	• Russha added that the majority of violation behaviors are minor.
	• The positive to negative sanctions level is now at 4.6:1 rather than 4:1.
	• She also added that minor level violations are to be expected.
	• Offenders are being recognized for the three following behaviors: -Display of pro-social attitudes and behaviors -Behaviors related to education/employment/treatment -Behaviors related to alcohol, drugs, medications (staying substance free, etc.)
	• Responses to Positive Behaviors include: -Verbal recognition by probation officer / supervisor -Payment for treatment, UAs or evaluation -Bus tokens / passes -Getting to pick a 'prize' out of a fish bowl -Modified reporting (e.g. skip appointment)
	• The nature of violation behaviors include -Conditions related to alcohol, drugs, medication -Conditions related to education, employment treatment -Conditions related to PO/Law enforcement contact
	• Responses to violation behavior includes: -Warning/reprimand -Increase reporting / field visits -Start / increase substance testing -Homework / writing assignment (e.g. thinking reports) -Daily check-ins -Skill practice / role play -Review hearing /complaint filed with the court
	• An evaluation of the SBC program is underway that will look at Implementation science, a process evaluation and an outcome evaluation. Outcomes from the evaluation will inform future endeavors.
	• Russha added that the advisory committee for the program consisted of probation staff plus other stakeholders including DA's, offenders, Parole, CEPP.
	• She added that this approach applies to all probationers including those with domestic violence charges, violent offenders and those with substance abuse issues.
	• Russha said that when they analyze outcomes they will be looking at many different pieces of information including when officers override, and whether behaviors are scaled.
	• A question was asked regarding whether the assessment is done from a subjective grid of assessing particular violations. Another question was asked about whether there's collaboration between probation and parole, because someone who came through probation may find themselves in parole thinking the same criteria would be used .
	• Sherri Hufford answered that yes, probation and parole started this work at the same time, but then there was a divergence and parole and probation started going in separate ways.
	• She also explained that PO's present a very clear explanation to offenders about how the sanctions and incentives will work. There's lots

	of transparency during the orientation phase.
	• A question was asked about issues around race and the risk of harsher consequences that could end in revocations.
	• Russha answered that if officers are responding to people differently due to race/ethnicity, the SBC tool will find that and supervisors will be able to address the issue with an officer.
	• Russha mentioned they're proud of the behavior change they've seen with staff. She said what's going to be impact changing is culture change.
	• With culture change, shift comes when people try new practices and are reinforced for doing so. Leadership in the district need to reinforce behavior change with officers, as well as officers reinforcing with offenders.
	• Paul mentioned a BJS report in the last year that looked at the impact of race and ethnicity on probation violations in four jurisdictions. It's the first formal review out of the feds on impact of race and ethnicity regarding violations. Germaine to send.
	• A question was asked on revocation stats and how Probation is coding for "revoke and re-grant"? Russha answered that they stay in the population until they complete their time.
	• Sherri said she will send out list of recidivism definitions from the General Assembly (?).

Issue/Topic:	Discussion:
Statewide Perspective: Technical Violations Data Presentation / Parole	Alison Morgan from the Department of Corrections presented a PowerPoint on technical violations with the parole population.
Action:	*DISCUSSION POINTS*
	• Alison explained to the task force members that she's sitting in for DOC's Executive Director Rick Raemisch.
	• She noted that when it comes to technical violations "DOC is the big offender on the block".
	• Alison explained that the 17 Parole Offices are about to become 19 Parole Offices.
	• Altogether DOC has 8700 parolees and 2700 community corrections clients (as of Feb 2015).
	• She explained that DOC is "light years behind" Probation when it comes to dealing with the issue of technical violations.
	• Alison reported that the good news is they are 40 officers away from having all staff trained in Motivational Interviewing.
	• DOC is also rolling out 'EPICS' (Effective Practices in Community Supervision) with coaching through the University of Cincinnati.
	• Alison shared that parole staff is suspicious and resistant to working on this and administrators have asked them to approach training with an open mind.

	• DOC feels resistive staff may not be the right fit for parole, and they've let employees know resistance isn't a good fit for the work.
	• She added there's a significant percentage of staff that have "their arms crossed over their chest" and are waiting for the changes to 'pass'.
	• She noted that changing culture from a 'compliance' culture to a 'launching for success' culture has been a big undertaking for DOC.
	• As far as offender admissions to DOC, of the 9,620 admissions in FY2013, 3,588 were for technical violations returns.
	• She added that of the revoked offenders from July 1 to September 30, 2014, 78% had a LSI score of 'high risk'.
	• The theory is that when it comes to technical parole violations, when you watch an offender a lot you're going to catch them doing something a lot more. And 'catch you' is problematic verbiage.
	• Alison showed a violation data slide that indicates the majority of those revoked are revoked for conduct violations (this is a catch all), report violations, resistance violations, substance abuse violations.
	• As a disclaimer, 'conduct violation' can include a new crime.
	• The 2014 recidivism rate is 46%.
	• Working on ISP and incentives
	• DOC is working on launching a new CDVMP process.
	• They're trying to figure out how to break out CDVMP into a violations matrix that breaks out responses to address treatment vs. punishment.
	• Also, the Parole Board is in the last testing phase of an automated revocation process. They say they will now finally be able to produce some very good revocation data.
	• Projections show the parole population should be going down.
	• Some new changes at DOC include parole officers being placed now in facilities to talk to offenders 180 days from release to make sure everyone is getting prepared. They're addressing where the offender is going to live and how their prospects look for employment.
	• The officers have been in place in the facilities since October. It's a learning curve but they're getting there. Trainers are working on MI and EPICS.
	• DOC is also now centralizing calls so parole officers are receiving fewer calls in the middle of the night - which will hopefully result in less burnout of parole officers. Command post is taking care of middle of the night issues.
	• Employment navigators are talking to employers about hiring offenders.
	• Hassan added that he is the grant recipient of a community based organization grant. The Second Chance Center is working and reaching out to broaden community based relationships.
	• Alison added that behavioral health specialists are helping as well.
	• DOC has increased case managers in facilities. They lost a good number of case managers years ago and weren't able to do as much case planning. However currently, ratios have been lowered so CM's can work with offenders before paroling.
	• Alison said DOC is making headway.
	• DOC just finished a pilot program on 'Sure and Swift', working with three jails in Pueblo, El Paso and Fremont.

- They're now able to take parolees with violations and put them in the jail for three days.
- Alison shared a story about the first parolee who went through the Sure and Swift program – He got his first strike, the second strike was two days in jail and he was furious and made a scene at the parole office. However, when the parole officer retrieved the offender from the jail after two days, the offender asked to go back to the parole office to apologize to everyone for his outburst after his second strike.
- DOC is also expanding intermediate sanctions for parolees, including "in-office suspension". After an offender gets two warnings to look for employment, they have to start spending the day at the parole office sitting at a desk and doing homework. Usually it takes a day or two, and then they're willing to go look for a job.
- There's also now weekend house curfew as an alternative to arresting folks.
- DOC has also implemented a low risk/low custody caseload.
- In FY16 DOC will be working on a parole to work pilot program.
- Stabilized housing is an ongoing issue and DOC is working with the Governor's homeless initiative.
- Working with local affairs with small grants for housing vendors.
- Department priorities include:
  -Implementing Re-entry Living Units within each level II, II, IV State Correctional Facility within 180 days of release.
  -Reduce the number of technical parole violators regressing to prison by 10%.
  -Expand Community Treatment beds for parolees by 50 beds within one year and 75 beds within 2 years.
  -Reduce the percentage of parole and community status populations of abscond/escape status from 6.1% to 5.0%.
  -Reduce the number of Intensive Supervision failures by 2.5%.

Issue/Topic:	Discussion:
Adjourn and Next Steps	The meeting adjourned at 4:45pm.
Issue/Topic:	Paul stated that he tracked common themes throughout the presentations and that he and staff will pull notes together and a synopsis for the next meeting. He added we'll look at initiatives for this group to dig into and look at a broader perspective on how to approach this and get people beyond those in this room to move forward.

Next Meeting

May 6th, (Wednesday)   1:30pm – 4:30pm   690 Kipling St., 1st floor conference room
(SUBSEQUENTLY SWITCHED TO WEDNESDAY, MAY 13TH)