

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

May 13, 2015, 1:30PM-4:30PM
690 Kipling, 3rd Floor Conference room

ATTENDEES:

CHAIR

Stan Hilkey, Dept. of Public Safety

TASK FORCE MEMBERS

Rick Raemisch, Dept. of Corrections

Mark Evans, Public Defender's Office

Evelyn Leslie, Colo. School for Family Therapy

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 (phone)

Jennifer Bradford, Metro State University of Denver

Kelly Friesen, Grand County Juvenile Justice Department / SB94 (phone)

Alfredo Pena, Parole Board

Beth McCann, State Representative

Charles Parkins, Division of Youth Corrections

Dave Young, District Attorney 17th JD

ADDITIONAL

Anne Carter, Parole Board

Jennifer Wagoner, Parole Board

STAFF

Paul Herman/CCJJ consultant

Kim English/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

ABSENT

Pat Steadman, State Senator

Joe Pelle, Boulder County Sheriff's Office

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion: CCJ and Re-entry Task Force Chair Stan Hilkey welcomed the group, thanked everyone for coming and previewed the agenda. He noted that the afternoon will begin with an overview of the April meeting, followed by a discussion of significant issues. He said that after the task force sees what materializes the group will then make a plan for next steps.</p>
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<p>Issue/Topic: First Meeting Outcomes</p> <p>Action:</p>	<p>Discussion: CCJ consultant Paul Herman took the group through a handout outlining the outcomes from the task force’s first meeting in April. Presentations at that time included a brief history on technical violation trends nationally. During that first meeting probation, community corrections and parole also presented data, findings and issues in their respective agencies regarding technical violations. Paul summarized those presentations as follows.</p> <p><i>DISCUSSION POINTS</i></p> <p>NATIONAL TRENDS / TECHNICAL VIOLATIONS (From April meeting)</p> <ul style="list-style-type: none"> • Every state in the country is dealing with technical violations issues. • Technical violation work began in earnest in the late 80’s when NIC started studying why technical violations were so prevalent around the country. • At that time there was a significant uptick in parole violators being admitted to prison. • NIC teamed up with CEPP and started working on this issue in several states with statewide probation and parole systems. • Paul noted that a lot of the data comes from parole because parole is easier to track than probation. • Probation organizations use a similar process, but it’s difficult to get solid numbers because probation is such a different entity • The initial focus in parole was on compliance with conditions. • In the late 80’s and 90’ the focus was on compliance. • When the focus was on compliance, some states would have 30+ conditions and the likelihood of violating was (obviously) very high. • Also, since the supervision model was based on compliance, many parole officers were former law enforcement officers with a background based in monitoring and ‘catching’ people. • In the early 2000’s many organizations started taking a serious look at violations and re-entry. • There were also monetary incentives from the feds in the 2000’s in the form of re-entry money, so at that time violations became an issue. • NIC, CEPP and other agencies started gathering research on what works and what doesn’t work with technical violations and that’s when the
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	<p>focus shifted to success.</p> <ul style="list-style-type: none"> • Research on compliance models showed they were not only NOT helpful but actually hurtful. • The shift from compliance to prevention and success is still ongoing today. • Paul directed task force members to a handout in their packets entitled, “Percentage of prison admissions that were parole violators or other conditional release violators” from the Bureau of Justice Statistics. • He explained that the graph on the handout has to do with percentage of parole violator admissions to prison and shows that the number is steadily increasing in Colorado, in all other states and at the federal level as well. • He noted that from 1988 to 1998 Colorado actually fell significantly below the other states and the feds. • However in the mid-2000’s Colorado’s number began to increase year after year well above the national average. • In 2013 Colorado showed a 47% return to prison rate for parole violators. All other states combined showed an average of 27%, with the feds at 26%. These numbers do not include probation violators • Probation has always had a better success rate than parole. • Also, while Colorado’s numbers are steadily getting worse, the average parole <u>success</u> rate for all other states has increased significantly in the last five years. • Currently there’s a push to utilize a strategic Structured Decision Making approach (including prevention) to focus on a set of circumstances to be put in place to help offenders succeed instead of fail. • One of the other big problems agencies are facing nationally is that of fidelity to implementation. <p>STATEWIDE DATA WRAP (From April meeting)</p> <ul style="list-style-type: none"> • Paul reviewed a one page synopsis of the April presentations from Probation, Community Corrections and Parole. He explained that the one-pager outlines the similarities and differences in technical violations between those stakeholder agencies. • He noted that Probation showed the highest success rates and Community Corrections has the lowest success rate currently. • He added that Parole is a close second when it comes to failures due to technical violations. • The numbers show Colorado has seen a lot of failure in all aspects of the system. • Regi asked if we know how success is being defined and how it’s being measured. Probation and community corrections use the same definition for failure, parole uses a different definition. • In terms of defining <u>success</u> there’s no common definition. • For example, success in the court room is successfully completing probation. • For some agencies success is simply the absence of failure. • There are lots of definitions about failure but not as much about success. • During Glenn Tapia’s presentation on Community Corrections he
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	<p>highlighted predictors of success for offenders which are noted on the handout.</p> <ul style="list-style-type: none"> • The handout shows a clear difference in success between Probation vs. Community Corrections and Parole, with those two agencies showing the highest failure rate. • “What’s working” in all three areas is that all three stakeholders have taken a step back to analyze the issues around technical violations. • Probation stated that they started working on this around 2009 by launching a pilot program in five districts. • Beth McCann asked a clarifying question regarding what exactly is Structured Decision Making. • Paul explained that it’s a process whereby an agency looks at the severity of the violation and the risk of the offender. Those measures are then plotted on a grid. Different areas on the grid correlate to different recommended PO responses. • Both Probation and Parole have gone through this process and this is the structure that they use in terms of CDVMP. • Community Corrections has requested the same folks who worked with Probation and Parole to work with them around structured decision making. Community Correction’s tool is called a progression matrix. • All three areas are immersed in work around this process currently and they have some positive outcomes to report and some not so positive to report.
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<p>Issue/Topic:</p> <p>Issues and Information</p> <p>Action:</p>	<p>Discussion:</p> <p>Paul asked in anyone in the group sees any additions that need to be made to the chart.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> • Rick Raemisch said the group needs to look at re-entry before getting into technical violations. He believes there’s no chance for an offender to succeed with \$100 upon release, no place to stay and no job. • Rick said he wants to turn the former Supermax prison into a receiving and discharge center to control how offenders come in and where they go out. • Rick said he believes this needs to be brought together in a much more singular piece. He added that in Sweden they never talk about failure, only success. • He noted that ‘our’ system is built around ‘failure’ discussions. • Stan asked Rick about the blue chart which shows Colorado with a low (32%) failure rate in 2002. He inquired about where money was being allocated at that time. Rick said a lot of it went into community corrections programs. • Rick said the current system needs work. He said an inmate can apply for parole and be denied, then they can apply for community corrections and get in, then go back and apply for parole and get denied, then
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	<p>they're back on ISP.</p> <ul style="list-style-type: none"> • Rick added that the money for programs should be going to the highest risk offenders, yet the highest risk offenders are sitting in institutions with no programs. • Rick said one of the first things that needs to be done is to figure out community corrections. He wants to know what services are being given to everyone. He'll hear that at one program there's a six month waiting program for a bed, then he said he hears there are more than 100 beds vacant. • Paul reminded the group that an Exploratory Planning Group engaged in three months of work at the end of last year focused on determining the most pressing Re-entry issues. The three top areas voted on as needing immediate attention were TV's, collateral consequences and access to medical and mental health. • He explained that this is how we ended up where we are today talking about violations and how the group arrived at this issue as the first order of business. He also added that these are the three areas the CCJJ has directed the task force to work on. • Christie Donner asked Hassan, as a former inmate, what he sees as problem areas. • Hassan said transition planning needs to start very early on. Ideally people need to think about what to do to STAY out the minute the door slams shut behind them when they enter. • He added the highest risk people are those with no access to proper preparations. • Hassan mentioned that he spoke to 148 men at the Fremont facility yesterday. He noted that people are asking about and needing resources in places he isn't familiar with, like on western slope, etc. • DOC has a grant they're working on now focused on getting referrals from the Division of Adult Parole. • There should be a more singularly focused effort on the part of community organizations. • Hassan added that it would be good for his organization, the Second Chance Center to talk and present to the DOC employees on the inside preparing inmates for release. • Hassan noted his organization has been tracking data and that the offenders who work with the Second Chance Center show less than a 15% recidivism rate over the last two years. Those who come into the agency understand what the challenges are and that they're committed to helping. • He added that offenders don't often feel that the staff in community corrections or PO's is supportive resources. • He said a PO can be supportive or punitive. He used an example of one of his PO's (Kathy Wilson) who approved a request by Hassan to leave Colorado to receive cognitive behavioral health training. He said she signed off on him becoming an addiction counselor which is an example of a PO not just monitoring an offender but actually offering assistance and helping someone to gain tools to improve themselves. • Hassan concluded with the fact that this group talks a lot about policy,
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	<p>but that culture change is a bigger issue.</p> <ul style="list-style-type: none"> • Rick returned to the issue of needing to find a better way to coordinate community corrections. • Paul said the money that went out (federal grant money) in 2002 was about education (what works, etc.). He said there was then a big focus on money in regard to preparation for the institutions. The priorities for BJA at the time were around educational and institutional perspectives. • In many states supervision is separate from institutions. • Back in those days it was about the handoff – institutions handed off to parole. • The primary focus of preliminary money from the feds was on institutions. • Stan asked why (according to the graph on the blue sheet) this worked in other states but not Colorado. • Rick replied that Colorado was a punishment based system and has been up until recently. He said that until recently it's been a "get tough on parolees" system with inmates treated as inmates. There was no talk of "We're here to help you and get you what you need". Up until now it has been a punishment based system. • Rick added that when you look at the sentences people receive in Colorado it's still a rough system. • As an example he shared that In Colorado just this week, a county inmate who spit on an officer got 9 years in DOC. An inmate who comes out of prison after nine years with an extreme sentence for spitting on someone is going to be steaming mad and likely not succeed or comply. • He said this is a problem with District Attorney's in the state. • Dave Young countered by saying that in the 90's there was a ton of violent crimes and long sentences and people are simply not ready to come out in community. • Christie replied that people coming out of prison have problems universally. There's something about decision making by the parole board members and parole officers in Colorado that is simply different. • Stan concurred that all the problems we know that exist in Colorado occur in other states as well, yet other states don't have the problem Colorado has. • The rate for 'New Crimes committed' has dropped 13%, but then the TV rate is sky high. • There are two critical decision points on whether someone goes back or doesn't get out – and those decision points are at the Parole Board and by the Parole Officer. This is less about offender services and more about the two decision point drivers. • Rick said that when he worked in Wisconsin he brought in a program called 'bridge to success that showed members of his department how to strengthen reentry efforts. He said those principles are still in effect in Wisconsin today. • Anne added that trends in technical violations increased in '93 and '03 after significant legislative changes. She believes these two things are drivers of revocation. • Stan shared that when he was Sheriff of Mesa County; they analyzed
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	<p>their pretrial incarceration system and took a step back to study how those decisions were made at that point in the system. They discovered decision making had nothing to do with science but was made on a gut level (which resulted in bad decisions). It became Mesa's target to find research regarding evidence-based protocols with decision making.</p> <ul style="list-style-type: none"> • Sometimes the decision points that cause the diversion in data may not be about the offenders but more about the decision points, for example with the parole officers and the Parole Board. • It's clear that something happens where Colorado departs significantly from the averages of other states – we just haven't figured out what yet. • The climate of 'acceptance of change' is different here than other states. The general pulse here is that if we start with some of the bigger original problems, then some of the other things will start to fall into place. • For example, research shows that if you get a college degree in prison your recidivism rate plummets. But Colorado has a law that you can't get a degree. • In Colorado, inmate salary for jobs done in prison is a lot less than what offenders get paid per day in other states. • With a decent job and decent paycheck recidivism rates plummet. • Paul shared that there are processes that are solid in terms of their approach. If this group wanted to look 'soup to nuts' there are processes out there. • Colorado also has an issue with the fact that parole officers here are POST certified. This same issue exists in New Jersey and Oklahoma. States with POST certified PO's have a significantly hard time shifting the culture from a punitive mindset. • Should this group produce a recommendation for the General Assembly requesting the removal of POST certification for PO's? • Probation doesn't have post certification at all. • Rick stated that when he took the police shirts away from parole officers here many said they were going to die without the uniforms. • He added that his PO's are professional and good, but that they've just been trained wrong up until now. • Rick has also started an internship program where PO interns are trained by DOC. Once they're trained by DOC the way that DOC wants to train them, then they can get their POST certification. • 70% of PO's are retired police officers. It's hard to expect a shift from 'Law Enforcement' to hand-holding. • Every other state with law enforcement PO's has this same problem. • Beth asked Rick about the 'Swift but Sure' program at DOC and whether that program is far enough along to have produced data? Rick shared that the data is very raw at this point but that early indicators show the program has been successful. • A question was asked about whether restorative justice programs are effective. Restorative justice has shown positive outcomes with juveniles but the verdict is still out regarding whether it's helpful or harmful with adults. • Obamacare has been very helpful for incarcerated populations. • No one in community corrections is eligible for Medicaid because of the
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	<p>inmate definition for offenders in community corrections from DOC. The problem is that Colorado would have to agree to fund Medicaid for those offenders. The solution to this is that either the state needs to pay for Medicaid or there needs to be a successful lawsuit against Colorado proving that if they're an 'inmate' then DOC needs to pay for it.</p> <ul style="list-style-type: none"> • Paul asked if there's anything else this group wants to know more about as far as data on the blue sheet. • Rick stated that he's talking with the Governor's office about joining the PEW/JRI initiative. • Colorado hasn't participated in this program up until now for a variety of reasons. • Christie shared that she's talked to people in many other states who say the experience was a huge problem. • CCJJ already works on the same issues that PEW has offered to fix (reform). • Alfredo Pena asked if on the blue sheet the numbers can be broken down into felony crimes, misdemeanor crimes and other parole conditions violated. • This group also needs to look at decision points by ethnicity. • Regi asked the task force members to keep age groups in mind and that there is some real opportunity in looking at success and failure across age grouping. If we don't get to younger offenders sooner they'll end up in the criminal justice system longer. • Stan reiterates that this group needs to focus on the three priority areas approved by the Commission, but if something strongly presents outside of that that the group can make an additional recommendation as well. • He added that the group needs to be careful not to get so far scattered that it ends up not being constructive. • Paul reminds everyone that all three organizations (Probation, Community Corrections and Parole) have tried to put some structure into their decision making. • Paul asked the group for any other issues regarding TV's. • Mark Evans asked if the groups is focused on talking about non-new crimes or everything. • Kim reported that in looking at parole technical violators, 24% had low level misdemeanor crimes. That 24% had been arrested for a low level crime but not necessarily charged. • Those are number for parole but not probation. • In all three categories (probation, community corrections, parole) the group needs clarity on technical violations vs. new crimes. – KIM • In Community Corrections, if someone is charged with a new crime their failure falls into a new crime category. • Rick reminded the group that they keep talking about what needs to change regarding failures. He asked why the group is still using 'failure' verbiage and not talking about success. • We know what success looks like on parole and community corrections, it's about employment and family. • Can we look at the success of handling technical violations? Is there a decision point there that is ripe for the implementation of a decision that
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	<p>is rooted in evidence?</p> <ul style="list-style-type: none"> • Hassan added that when he talks to offenders he uses the verbiage ‘So what, now what’. Each position should be a platform to move forward. • Kim pointed out that regardless of the comparison data; Colorado still has a 47% parole technical violation rate while the rest of the country has an average of 27%. Isn’t that something this group wants to change in and of itself? Is that what we want the graph to look like? • There was disagreement in the group regarding whether a technical violation is a barrier to reentry or a symptom of a failure of reentry. • Christie says it’s too easy to just revoke someone and put them back in. This group needs to look at system level decision making as well as the needs that come up.
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Issue/Topic:	Discussion:
<p>Adjourn and Next Steps</p> <p>Issue/Topic:</p>	<p>Paul said that the group needs to move this conversation from a discussion of various issue areas (technical violations vs. re-entry) to a more targeted look at technical violations (as was the charge of the Commission).</p> <p>The group needs to come up with a picture of the technical violation problems and detail what’s on the picture, what can be done and what’s connected.</p> <p>The group needs to drill down to specific elements, factors and issues - looking at what kind of work makes sense and would have an impact.</p> <p>Since the CCJJ has given this group the charge to start with technical violations we need to focus on the core issues that contribute to violations and success.</p> <p>Stan said he doesn’t feel confident that technical violation decisions that are being made are founded in research. Can the group dig into this issue?</p> <p>Christie reminded the group that the last Re-entry task force went down the rabbit hole of ‘what services do we need’, etc. She wants to ensure this group doesn’t focus on just offender behavior, but that there’s a long look at what is happening at decision points.</p> <p>Probation changed how they supervised and changed how they monitored, because the supervising agency decided to do something different. Part of offender success is agency success. If agencies are performing well and offering opportunities there is going to be offender success.</p> <p>The meeting adjourned at 4:45pm.</p>

Next Meeting

June 10th, (Wednesday)

1:30pm – 4:30pm

710 Kipling St., 3rd floor conference room