

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

July 8, 2015, 1:30PM-4:30PM  
710 Kipling, 3<sup>rd</sup> Floor Conference room

**ATTENDEES:**

**CHAIR**

Stan Hilkey, Dept. of Public Safety

**TASK FORCE MEMBERS**

Mark Evans, Public Defender's Office

Jennifer Bradford, Metro State University of Denver

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

Alfredo Pena, Parole Board

Charles Parkins, Division of Youth Corrections

Robert Werthwein,

Pat Steadman, State Senator

Alison for Rick Raemisch, Dept. of Corrections

Dave Young, District Attorney 17<sup>th</sup> JD (phone)

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

Joe Pelle, Boulder County Sheriff's Office

**STAFF**

Paul Herman/CCJJ consultant

Kim English/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

**ABSENT**

Beth McCann, State Representative

<p><b>Issue/Topic:</b> Welcome and Introductions</p>	<p><b>Discussion:</b></p> <p>Stan Hilkey welcomed the group and thanked everyone for attending. He noted that Dave Young and Kelly Friesen would be attending via conference call. Stan also introduced a guest to the group, Rick Hosley. Rick addressed the task force and explained that he is currently an attorney in private practice but that he spent most of his career working in the public sector and misses policy work and is interested in the Commission’s activities.</p>
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<p><b>Issue/Topic:</b> Technical Violation and Revocation process</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Paul Herman introduced this segment of the agenda by noting that similar work and discussions are also taking place in the Mandatory Parole Subcommittee. He added that recommendations will likely come out of that committee this fall calling for a shortened period of mandatory parole. He said he believes work in the parole subcommittee should wrap up in the next few months.</p> <p>Susan White from the Department of Corrections presented a PowerPoint to the task force members on the Division of Adult Parole’s ‘Colorado Violation Decision Making Process’ or CDVMP</p> <p><i>PRESENTATION POINTS</i></p> <ul style="list-style-type: none"> <li>• The CVDMP was implemented four years ago in April 2011.</li> <li>• This was one of the first projects DOC ventured into regarding evidence-based decision making processes and procedures.</li> <li>• DOC worked with the Center for Effective Public Policy and modeled their process after the California Parole Decision-Making Instrument.</li> <li>• The CVCMP incorporates Best Practices in Managing Violations.</li> <li>• The long term goal was to promote successful reentry by improving the assessment process, addressing offender’s criminogenic needs, employing effective supervision and a structured response to violations.</li> <li>• The tool improves consistency between officers and offices within the state on how violations are handled.</li> <li>• Susan walked the task force through the actual CVDMP User’s Guide which determines presumptive response levels based on the intersection of risk level and violation severity.</li> <li>• The form automatically populates with the offender’s name, DOC number, current date and the most recent LSI score.</li> <li>• In the case of two or more violations the most severe violation will determine the severity level.</li> <li>• Type IV violations are the least severe and Type I violations are the most severe.</li> <li>• Violations are grouped by type (e.g., absconding, substance abuse, etc.)</li> <li>• Officers are required by statute to make an arrest and seek revocation for certain violations that include all felonies, misdemeanor crimes of violence and possession of a deadly weapon.</li> <li>• After the violation is entered, the presumptive range is automatically calculated.</li> </ul>
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- An officer can choose from a lower level response but they can't go into a higher level response.
- An officer needs supervisor approval to over-ride into a higher level response.
- No supervisor review is required on presumptive responses.
- A supervisor can override and under-ride.
- Most violations are low level and nearly 80% of violation behavior is managed in the community with intermediate sanctions, however, when it is determined that a revocation should be pursued, a parole complaint is filed with the parole board and a hearing is conducted.
- Susan noted the primary causes for technical revocations are around substance abuse or repeated missed appointments.
- She noted the state is really in dire need of inpatient long-term treatment.
- There is a threshold NOT to exceed more than 20% overrides. Current fidelity rates show that 81% of decisions are in the presumptive response range with 16% overrides.
- Technical violations and new crimes are down slightly. New crimes were at 14% when Rick Raemisch arrived and now they're at 13%. TV's were at 48% and now they're at 46%.
- When a new case comes in with a new mittimus, they offender's info is changed from a 'TV' to a 'new court commitment'.
- Susan noted that it is important to note that when comparing technical parole violation rates in Colorado with other states, that DOC defines technical violations differently.
- She clarified that "New Crimes" are defined as new felonies committed while on parole which result in a new CDOC prison sentence within three months of the revocation.
- "Technical Parole Violations" are defined as all other violations including
  - New felony convictions for which the sentence is imposed AFTER three months of the revocation (there's some question as to whether the three months is accurate – to be followed up)
  - New felonies for which the sentence is something other than prison such as probation or a direct sentence to community corrections
  - Misdemeanor convictions for crimes of violence
- Rick added that there are issues with TV's when a majority of people are being sent back to prison for being alcoholics or drug addicts. It raises the question of whether people should be prevented from having a glass of wine or smoking a joint at the end of the day, especially when both activities are legal.
- There's a problem when 70% of the prison population is addicted to something and parolees are revoked for being drunk and not committing any crimes.
- Regi inquired on how to partner around these issues (response issues) rather than just filling up jails around high addiction issues.
- The goal is to use swift and sure jail space for overrides on low level responses (there's some question as to whether this is low, medium or high – to be followed up)
- Mark Evans asked for clarification that if the response for an individual

	<p>P.O. is in the presumptive range, and that presumptive range calls for revocation – Does nobody review that decision. Susan clarified that there IS indeed an automatic supervisor review before a revocation case goes before the parole board.</p> <ul style="list-style-type: none"> <li>• 70% of revocations are for substance abuse, but hardly anyone goes back on a first hot UA, there are usually multiple positive UA’s before revocation.</li> <li>• Regi reminded the group that there should be options for day reporting as a response to TV’s.</li> <li>• Kim commented that there could be a case for the CARAS to be used in the instrument rather than the LSI. The CARAS has more levels of specificity whereas the LSI doesn’t accommodate many low level folks. There might be some advantages to having more precision of levels in the risk category.</li> <li>• A question was posed that of the 70% of revocations for substance abuse, how many of those are from legal substances? The answer is unknown.</li> </ul> <p>Valarie Schamper from the Office of Community Corrections presented a PowerPoint to the task force members regarding the technical violation process in community corrections.</p> <p><i>PRESENTATION POINTS</i></p> <ul style="list-style-type: none"> <li>• Valarie informed the group that she is presenting in place of Glenn Tapia.</li> <li>• She started with a data slide showing that TV’s are going up in community corrections.</li> <li>• Community corrections are in a place of transition right now between the current status quo and the implementation of the new BSMART (Behavioral Shaping Model &amp; Reinforcement Tool).</li> </ul> <p><b>CURRENT TECHNICAL VIOLATION PROCESSES</b></p> <ul style="list-style-type: none"> <li>• Currently there are 32 programs statewide and each program has its own set of rules. So ultimately the process leading up to termination decision varies from program to program and even staff to staff.</li> <li>• Typically TV’s are the result of a series of lesser violations and behaviors.</li> <li>• Ultimately, there is not a set rule or guide about how the technical violation should happen.</li> <li>• Some programs have an underlying understanding that relapse is a part of recovery and are more tolerant - other programs are less tolerant.</li> <li>• Termination decisions are often made by a team reviewing a series of write ups. The client has the opportunity to plead guilty or not. Then another team comes together to determine if it’s time to regress the client.</li> <li>• Types of things discussed in team meetings can be subjective and there is no clear guideline or requirement for termination.</li> <li>• ‘Transition’ clients are technically on DOC Inmate Status and ‘Diversion’ clients are direct sentence from the courts.</li> <li>• In order for a transition client to be regressed they must go through</li> </ul>
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	<p>DOC's 'Code of Penal Discipline' (COPD) hearing.</p> <ul style="list-style-type: none"> <li>• COPD's are formal hearings that follow the rules of due process.</li> <li>• Diversion clients do not have due process inside the facility; instead they go through an informal process and ultimately during regression must go through the court for resentencing. There is a small appeals process in statute.</li> <li>• Question – are processes evaluated program to program? Yes, and they vary widely.</li> <li>• Different staff members may write up different activities, lots of bias in the current system.</li> <li>• The revocation process takes place in the facility; community corrections board members are not involved in the revocation process decision.</li> <li>• Personal staff bias can enter into the process in a variety of areas simply because write-up decisions are made by individual staff.</li> <li>• Another problem with the COPD is that COPD rules pertain to institutional rules and processes, and those don't really apply in community settings.</li> </ul> <p>BSMART</p> <ul style="list-style-type: none"> <li>• The ultimate goal of BSMART is to limit bias.</li> <li>• BSMART principles include the following elements: certain, swift, consistent, fair and transparent.</li> <li>• There are 4 levels of violation behavior also known as Anchors for Prohibited Acts             <ul style="list-style-type: none"> <li>-100 Level: Criminal Behavior</li> <li>-200 Level: Antisocial Behavior</li> <li>-300 Level: Risky Behavior</li> <li>-400 Level: Neglect/Potential Defiance Behavior</li> </ul> </li> <li>• 400's are behaviors like bed making, etc.</li> <li>• Valarie described the violation response grid emphasizing that the grid is meant to be progressive.</li> <li>• The grid also works to incentivize clients for long term positive behavior.</li> <li>• Currently facilities are overusing facility holds and the grid works to Try to reduce the use of facility holds.</li> <li>• The grid includes Class 1, 2 and 3 level responses. Valarie noted that hot UA's are covered in Class 2 responses.</li> <li>• The goal of BSMART is consistency and for all violations and responses to be consistent.</li> <li>• The grid takes into account the risk of the client and the severity of the prohibited act.</li> <li>• There's an Administrative Review for terminations and a discretion grid which describes factors to keep in mind when reviewing for termination including protective factors, risk reduction factors and previous behavior and responses.</li> <li>• The idea for BSMART started in 2012 with two grants awarded to try assist with project implementation.</li> <li>• A Second Chance Grant allowed for 1 FTE and Research and a JAG grant also provided 1 FTE.</li> <li>• There are currently 7 programs in the Pilot phase.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The hope is to have ½ to 2/3 of programs implemented before the end of the grant.</li> <li>• The Second Chance Grant is for 3 years and the JAG grant is for 2 years.</li> <li>• Sustainability and fidelity will be the key for BSMART.</li> <li>• Outcome goals include fidelity to the model and a process evaluation.</li> <li>• Work is underway on data collection to understand how the violations look. This can be challenging because each facility has its own case management data system.</li> <li>• Work is underway for ‘carrots’ and ‘sticks’ for facilities in regards to implementation.</li> <li>• As for data - some facilities have money to have implemented and try to get on board with the same data system.</li> <li>• The Office of Community Corrections is also moving toward evidence based standards and revising them with EBP in mind.</li> <li>• What about staff turnover in comm. corr.? One of the benefits of a structured system is that it provides something easier for new staff to understand.</li> <li>• The hope is that in the long term this is an easier system for staff to understand.</li> <li>• The goal is more of an automated system like parole’s system. Work is underway with developers to modify the data systems so the vast majority of facilities can be automated.</li> <li>• Technically right now facilities have to follow the COPD process – however talks are underway with DOC about in-house hearings and upping the ante on how well that’s done in house. The goal is to get to a place to use the process internally.</li> <li>• BSMART has a sanctions and incentives piece. Structured sanctions are important but in reality it’s incentives that are needed to affect long term behavior change. BSMART has a robust incentives piece.</li> <li>• Also, Performance-based contracting is critical to ensure good programs. It can be difficult for CDPS to manage the accountability piece and to get statewide consistency with individually operated organic programs.</li> <li>• No offenders should be going into community corrections <u>without</u> the understanding that it’s presumptive parole.</li> </ul> <p>In lieu of a presenter, the Division of Probation Services provided two handouts to the task force including a Probation Violation Infographic and a memorandum from Probation Services to Chief Probation Officers, District Administrators and Chief Judges regarding ‘Promoting Pro-Social Behaviors and Responding to Violations’.</p>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
Update on Technical Violation Legislation	Paul reviewed two pieces of legislation from FY2014 and FY2015 that address the issue of Technical Violations. The legislation includes House Bill 14-1355

<p><b>Action:</b></p>	<p>‘Concerning Department of Corrections reentry initiatives for successful reintegration of adult offenders into the community’, and, Senate Bill 15-124 ‘Concerning the use of evidence-based practices in response to technical violations of parole’.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• Paul asked the task force members how these two pieces of legislation might impact the conversation.</li> <li>• CCJRC worked with DOC on the HB 14-1355.</li> <li>• Rick added that under SB 15-124 DOC is required to provide a status report on the effect on parole outcomes and the use of any moneys allocated.</li> <li>• He added that DOC welcomed both pieces of legislation and that they have been very beneficial.</li> <li>• The legislation provided funds to add a variety of staff including case managers, parole officers, community reentry specialists, and employment and training navigators among others. He added that there are also now more prerelease programs and money to put toward emergency assistance.</li> <li>• Many of the issues covered in the legislation are about re-entry, and some was provided to fix issues that surfaced after Tom Clements’ murder.</li> <li>• There is also now a call center and staff to monitor calls from parolees 24 hours a day.</li> <li>• Parole mental health clinicians are now on board along with clinicians who may or may not meet with offenders.</li> <li>• DOC is also working on the grant to fund community based organizations with partnerships, etc.</li> <li>• DOC is also working more on partnerships and relationships to help offenders once they’re off paper.</li> <li>• The parole board processed 872 fewer revocation hearings and revoked fewer offenders well.</li> <li>• DOC is also installing re-entry units to address medium and high risk offenders and the department is looking at the feasibility of utilizing the vacant Supermax facility and turning it into a receiving, discharge and reentry center.</li> </ul>
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<p><b>Issue/Topic:</b></p> <p>Planning Group Outcomes</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Paul reminded task force members that during the June meeting, a small planning group was formed to meet <i>outside</i> the regularly scheduled meeting to further discuss the technical violations issue and how the task force might establish a work plan going forward. He noted that everyone has a handout in</p>
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their packet with the outcomes from that planning group meeting.

*DISCUSSION POINTS*

- Paul started the discussion with the fact that the task force left this room a month ago after an in-depth discussion on success and failure, with a key point of the conversation focused on personal success and organizational success.
- In June a list was compiled highlighting organizations and people who do well with helping offenders reintegrate and become more successful. Unfortunately, there weren't a huge number of organizations that do that very well.
- In the end, much of the conversation was around how we provide the opportunity for people to look at success rather than just sanctions.
- The planning group got on the phone together and came up with core principals and a process to move forward.
- Those Core Principles are as follows:
  - Implement the 8 principles of effective supervision
  - Consider issues from the "personal success and organizational success" perspective
  - Establish core expectations for probation, community corrections, and parole
  - Focus on individual and organization change
- In looking at these purpose issues, it's essential to focus on the principals of effective supervision AND determine what principles are in place.
- The 'Process' piece moving forward is as follows:
  - Establish core expectations
  - Determine the extent to which the 8 Principles of Effective Supervision are utilized. Analyze the current system to determine what principles are in place
  - Identify gaps in the application of the 8 Principles of Effective Supervision
  - Focus on offender behavior change
  - Focus on organizational system change
  - Utilize common assessments and maximize the case plan as a vehicle to establish targets for change. Provide guidance on how to deal with the identified target of change and establish benchmarks to determine progress
  - Explore the most effective strategies to incorporate Stages of Change into case plans and the technical violation process
  - Determine the most effective method to evaluate professionals in quality/relevance of case plans and implementation of case plans
- Hassan commented that for him personally he doesn't like the 8 Principles of Successful Supervision.
- Paul responded that extensive research shows that the 8 principles are the most effective methods of supervision. In order to enhance someone's success you need to be applying these principles.
- Joe Pelle added that the underlying ability to deliver the principles of supervision is problematic because the services are provided by private companies (halfway houses) that hire kids out of college and pay them \$12/hour. The base problem is that the infrastructure isn't in place to do



	<p>this.</p> <ul style="list-style-type: none"> <li>• Christie shared that evidence-based initiatives are only a component of the process. She said that when Mesa undertook their system-wide evidence based practices initiative they weren't just looking at EBP. There was a real intention to do things differently like use jail space, etc. differently. The work needs to move even further beyond effective supervision.</li> <li>• Mark shared that he's still unsure about the group's direction – he believes that if the group is focusing on the problem of too many technical violations then the principles seem to be a much smaller component of that.</li> <li>• Working to get statewide consistency is the challenge.</li> <li>• The 8 Principles of Effective Supervision don't speak to the question of 'What do we do with someone who is out of compliance for the 7<sup>th</sup> time'.</li> <li>• The high rate of re-incarceration for technical violations is a barrier in and of itself for successful reintegration.</li> <li>• TV's DO significantly impact re-entry - When someone is re-incarcerated on a TV everything you've had in place is gone. It absolutely matters.</li> <li>• The TV's are having a counter-productive effect.</li> <li>• Paul reminded the group that at the last meeting the discussion was centered on identifying the core concepts that will contribute to success. The discussion was about how we can help people and systems be more successful.</li> <li>• The other discussion was about setting the core expectations. What are our expectations and what are we trying to get out of this.</li> <li>• One of the ways the 8 principles fold into this is that the use of some of the sanctions are not evidence-based.</li> <li>• We need to look at statewide consistency (probation, parole, comm. corr.) in responses to technical violations.</li> <li>• Question - Couldn't the technical violation definitions be made clearer?</li> <li>• There are problems with the definitions of both recidivism and technical violations. We've got three agencies with three different definitions.</li> <li>• We could and should come up with a more cohesive definition from agency to agency.</li> </ul>
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<p><b>Issue/Topic:</b></p> <p>Develop a Work Plan / Next Steps</p>	<p><b>Discussion:</b></p> <p>Stan offered a plan for next steps.</p>
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<p><b>Action:</b></p> <p>Rick said he will get six months' worth of data on TV's and report back on why people are being revoked.</p>	<p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> <li>• It's worthy to develop a framework of things that research says works and to look at the bigger picture of things to bring back to the Commission.</li> <li>• Question - Can the group agree on five things to address and take it back to the Commission?</li> <li>• Let's start with agreeing on the definition piece.</li> <li>• Let's lay the definitions next to each other. For example what does the technical violation definition look like agency to agency? Do the same with recidivism.</li> <li>• Let's also look where things are going well, the rest of the system</li> <li>• Question – Why isn't probation at the table here?</li> <li>• One of the big issues is around the jails that have to receive and house all the technical violators.</li> <li>• What about the young adult population who continues to have a higher failure rate?</li> <li>• Christie shared a list of 4 areas that would be worthy to explore as follows:             <ol style="list-style-type: none"> <li>1. Definitions (both of recidivism and technical violation) –standardized definitions across all criminal justice agencies is ideal. At a minimum, DOC needs to redefine both.</li> <li>2. Use of incarceration for TV's (alternatives to incarceration, if incarcerated- length of time, whether CRCF model needs modification, use of jails/sure &amp; swift-SB 124 only authorized DOC –not comm. corr./probation to utilize this option)</li> <li>3. Building on success – which is 'Best Practices' / How to scale out – how to identify performance measures/greater accountability (to Stan's "carrot &amp; stick" question)</li> <li>4. Parole Board related issues (conditions of parole, options for the parole board in lieu of TV revocations, any statutory barriers for them, identify performance measures/greater accountability. There is also something useful in what Rick was talking about in terms of "automatic parole" – ie: the folks that successfully transition through comm. corr. to non-residential status should be automatically put on parole (not a presumption. People being on inmate status for years while on non-residential is hugely problematic.</li> </ol> </li> <li>• We desperately need residential substance abuse and detox beds. Can we come up with savings in corrections to fund this?</li> <li>• Identify technical violations and describe why they exist.</li> <li>• If 70% of TV's are for substance abuse and hot UA's – how does that increase public safety?</li> <li>• Should people really be revoked to prison for substance abuse?</li> <li>• Shouldn't parole be guaranteed for someone who successfully completes comm. corr.?</li> <li>• Rick said he will get six months' worth of data on TV's and report back on why people are being revoked.</li> </ul>
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<p><b>Issue/Topic:</b></p> <p>Adjourn</p> <p><b>Issue/Topic:</b></p>	<p><b>Discussion:</b></p> <p>The meeting adjourned at 4:55pm.</p>
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**Next Meeting**

August 12<sup>th</sup>, (Wednesday)    1:30pm – 4:30pm    710 Kipling St., 3rd floor conference room