

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

October 7, 2015, 1:30PM-4:30PM  
700 Kipling, 4<sup>th</sup> Floor Conference room

**ATTENDEES:**

**CHAIR**

Stan Hilkey, Dept. of Public Safety

**TASK FORCE MEMBERS**

Jennifer Bradford, Metro State University of Denver

Monica Chambers, Department of Corrections

Tom Giacinti, Representing Community Corrections

Regi Huerter, Denver Crime Prevention and Control Commission (phone)

Sherri Hufford, Division of Probation Services

Anne Carter for Alfredo Pena, Parole Board

Joe Pelle, Boulder County Sheriff's Office

Melissa Roberts for Rick Raemisch, Dept. of Corrections

Robert Werthwein, Division of Youth Corrections (phone)

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

Hassan Latif, Second Chance Center

Christie Donner, Colo. Criminal Justice Reform Coalition

**STAFF**

Paul Herman/CCJJ consultant

Kim English/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

**ADDITIONAL**

Jessica Mardock, Parole Board

Jamie Mendelson, U.S. Attorney General's Office

Lisa Tibbetts, U.S. Attorney General's Office

**ABSENT**

Pat Steadman, State Senator

Evelyn Leslie, Colo. School for Family Therapy

Beth McCann, State Representative

Mark Evans, Public Defender's Office

Kelly Friesen, Grand County Juvenile Justice Department / SB94

Charles Parkins, Division of Youth Corrections

<p><b>Issue/Topic:</b> Welcome and Introductions</p>	<p><b>Discussion:</b></p> <p>Stan Hilkey welcomed the group, thanked everyone for attending and then asked Task force members and guests to introduce themselves for the sake of the new people in the room.</p> <p>Jamie Mendelson introduced herself to task force members and explained that she is an Assistant U.S. Attorney and has worked in the District of Colorado office for seven years. She added that she recently filled a new position called the Smart on Crime position. She explained that this is a Department of Justice initiative focusing on prevention and re-entry efforts. She went on to introduce her colleague, Lisa Tibbetts, from her office and explained that Lisa is a Reentry and Prevention Specialist. Jamie added that she and Lisa wanted to attend this meeting to see if there was any role they could play in assisting with statewide re-entry efforts.</p>
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<p><b>Issue/Topic:</b> Report Outs</p> <p><b>Action:</b></p>	<p><b>Discussion:</b></p> <p>Stan began the report outs by reminding task force members that the three working groups have been meeting and that they all have information to report to the full task force. The three groups are the Race/Ethnicity/Gender Working Group, the Conditions Working Group and the Definitions Working Group.</p> <p><b>Race/Ethnicity/Gender Working Group</b> <i>PRESENTATION DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• Stan introduced the Department of Public Safety's legislative liaison Jana Locke and explained that she would be providing an update on the legislature's PICLE committee (Profiling Initiated Contacts by Law Enforcement).</li> <li>• Jana explained that this is an Interim committee that has been meeting since August. The committee was created after some pretty robust conversations during the last session about police and community relations around racial profiling.</li> <li>• The PICLE committee consists of six legislators and during their meetings they've heard from a variety of law enforcement professionals, community members and academics.</li> <li>• One of the big issues to surface was lack of data around profiling.</li> <li>• A bill intended to establish a statewide data collection system didn't pass for a variety of reasons.</li> <li>• The committee is scheduled to vote on three prospective bills by end of October.</li> <li>• The first bill would create a pilot program to explore the use of electronic ticketing. The goal would be to report the race and ethnicity of people arrested to state police and that data would be delivered in the aggregate. This idea stems from what Maryland is doing around e-ticketing. Some Colorado jurisdictions are using e-ticketing and this would expand that process.</li> </ul>
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- The second option would be to establish something in the Department of Motor Vehicles that would help create a self-reported data collection process of race and ethnicity.
- The third bill would create a common point of contact with the goal of monitoring complaints. This would include a new function to track the number of complaints and status of complaints about specific officers.
- All three of these possible options will be voted on at the end of October.
- The legislature is looking for a way to collect data specifically on traffic stops where there's currently no way of collecting.
- Question – Isn't it true that all this will tell us is the race and ethnicity breakdown and raw numbers but nothing more? There are major limitations with this.
- Maryland reports the information annually and does nothing more with it.
- It would also take a huge number of resources to break down the information.
- Sherri added that the way ethnicity data is collected at judicial is by tracking what's marked on the summons. It would be a huge undertaking to even start to have conversations about how big this issue is.
- Self-report for the DMV system could be problematic with 'other' categories, white, non-white, etc.
- Christie asked if there were conversations about standardization around how the data would be collected and if the committee defined categories. Jana replied that they talked about it but didn't nail down categories.
- Christie also asked about the inability to disaggregate data by jurisdiction. She noted that when an e-ticket is issued there's a record of the agency issuing the ticket. She asked why, if we're capturing info about which jurisdiction issues a ticket, that information can't be reported?
- Joe Pelle clarified that the pilot project would be in 5 or 6 jurisdictions.
- He added that the reduction in contact time would be a huge advantage. It could go from 20 minutes down to 5 minutes.
- Stan noted that a pilot program would help sort out all of these issues. Disaggregating by jurisdiction only tells you so much, there are many other issues and different ways to help explain the data.
- Christie asked about the role of the office of civil rights and filing complaints.
- The Office of Civil Rights has no statutory authority. The original idea was to have the office investigate these complaints but that isn't possible due to staffing time.
- Christie reiterated that she still feels the dots aren't connected with any of the PICLE proposals.
- Stan added that this is also a problem with others on the committee and the feedback is that these questions are still hanging.
- CDPS, the ACLU, sheriffs and police have all testified about these issues. This is part of the frustration of the committee; they're trying to figure out what to do with money challenges, disparate data and data issues.
- These were the only three issue areas with enough consensus to get into

	<p>bill draft.</p> <ul style="list-style-type: none"> <li>• Question – is there any idea how much it would cost with investigative dollars? This is unknown.</li> <li>• Jen asked about DOJ and if there are criteria or a threshold where there would be an investigatory approach. Ultimately there must be someone involved with investigative power or criminal justice power to be an investigator.</li> <li>• The state's only regulatory power is POST, and POST has never had enforcement authority.</li> <li>• That would require POST to become quasi-judicial, they will never go there.</li> </ul> <p><b>Conditions Working Group</b>  <i>PRESENTATION DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• Jen Bradford reported that the Conditions Working Group met for a second time last week</li> <li>• She explained that the group is exploring different pathways but that they need feedback from this task force.</li> <li>• At the last Conditions meeting the agency reps shared their individual lists of supervisory conditions.</li> <li>• In reviewing the list they thought about categorizing conditions, what's essential what's not essential, what's supervisory, etc.</li> <li>• The group discussed whether they should be focusing on control and security, or more about containment.</li> <li>• Group members are all on the same page but with slight differences on how to move forward.</li> <li>• The group has shifted a little into looking at guiding principles criminogenic needs, cases management and they've thought about identifying conditions based on EBPs.</li> <li>• It's a complicated conversation but one idea was to create an over-arching template of ideal agency conditions and then individual jurisdictions could derive their own conditions based on the template.</li> <li>• That would give an umbrella EBP based template based on best practices with conditions.</li> <li>• Another route the group could take would be to make recommendations regarding revisions of statutory obstacles.</li> <li>• Parole and the parole board struggle with this the most, they face statutory requirements of conditions that maybe shouldn't be there and are adding to the TV problem.</li> <li>• The group would have to come up with a pretty strong case to propose statutory changes but that would be a possible direction.</li> <li>• The working group is seeking feedback from this task force and the main question is whether any of this achieve our main goal. Do conditions have a big impact on TV's?</li> <li>• Stan replied that he would be very interested in seeing a list of statutory barriers.</li> <li>• Melissa added that for the next Conditions meeting she's bringing parole's list of statutory obligations and the parole board will do the same.</li> </ul>
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	<ul style="list-style-type: none"> <li>• There's a one size fits all structure that the parole board is required to put on folks, and this will be explored.</li> <li>• Joe asked about swift and sure outcomes on technical violators and whether DOC is tracking this. Yes, AR's were signed as of Sept. 1<sup>st</sup>. They are tracking how many are participating via the jails, how many offenders are receiving that as a sanction, etc.</li> <li>• It was decided that at the next meeting the group would see what a template would look like and look at statutory barriers.</li> </ul> <p><b>Definitions Working Group</b>  <i>PRESENTATION DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• Stan noted that the task force discussed the definitions issues at the last meeting and difficulties of creating one definition of recidivism for the three main agencies.</li> <li>• He reminded everyone that they landed on an idea to simply publish the definitions of the three different agencies in one place so they're clear to everyone.</li> <li>• He informed everyone that the information is available on the different definitions and on recidivism rates on the ORS website.</li> </ul>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>Assessment Discussion</p> <p><b>Action:</b></p>	<p>Paul reminded the group that there's been an ongoing discussion around the LSI and the newer versions of the tool including the LSI-R and the LS/CMI. There has also been discussion about the version that Colorado uses and why.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• At the last meeting there was a conversation about the LSI, LSI-R and the LS/CMI in regard to racial bias and the level of gender responsiveness.</li> <li>• Sherri provided information to the group regarding those issues.</li> <li>• Paul noted that he and Germaine had a conversation with a representative from MHS about the different versions of the assessment tool.</li> <li>• Just like the last conversation, one of the problems when talking about assessments used in Colorado is what are we trying to assess and for what purpose?</li> <li>• If Colorado was starting from scratch and having this conversation it would make sense to select the LS/CMI because it has the latest, greatest samples and is a fourth generation tool. It is your more advanced tool.</li> <li>• But depending where you are in looking at the theory of predicting criminal behavior, with gender, that's a different discussion. And it's a different discussion when talking about racial bias too.</li> <li>• In looking at justice-involved women -gender informed factors are more important in risk prediction and risk reduction for women.</li> <li>• There's a firm belief among many people that there are criminogenic</li> </ul>

	<p>factors for women that are different than men.</p> <ul style="list-style-type: none"> <li>• ‘Trailers’ that are gender specific were created in the mid-90s. Later, stand-alone assessments, i.e. the WRNA (Women’s Risk Needs Assessment) were developed.</li> <li>• The important thing in any assessment is to look at race and gender in different specific jurisdictions to determine cut-off points.</li> <li>• You want to minimize over-classification and under-classification.</li> <li>• Jurisdictions need to take a look at the validity of the assessment tool for their population and then look at what the data shows to determine cut-off points.</li> <li>• The LSI AND LSI-R haven’t been validated on Colorado populations in a long time.</li> <li>• It has been validated a couple of times but not since the 90’s.</li> <li>• However SOAR did a validation on the ASUS. That work has been done in the last 3 to 5 years.</li> <li>• Paul reiterated that, again, if Colorado was starting from scratch it would be clear to go with the LS/CMI for a wide variety of reasons, but we’re not starting from scratch.</li> <li>• Early studies on the LSI were from Canada AND early work and validation was done on a Canadian population.</li> <li>• Validation for the LS/CMI has been done on us populations of 140,000 people.</li> <li>• The LS/CMI has also been validated on a larger percentage of women, and on larger and more diverse race and ethnicity groups.</li> <li>• When looking at assessment tools also keep in mind that cut-off points for probation and parole are different.</li> <li>• What are we trying to predict, what are our cutoffs and what are strategies for intervention.</li> <li>• Saying whether something is biased or not doesn’t get you very far.</li> <li>• Christie noted that if the assessment score and instruments have been normed on white men, and we’re building the house on top of that, those risk levels matter. They matter a lot in supervision.</li> <li>• If there are questions about the validity or reliability around the LSI/R, that has significant consequences. All those other components come into play.</li> <li>• These are important issues in terms of local jurisdictions and cut-off points.</li> <li>• People have looked at recidivism, technical violations and conduct violations. Information suggests that when it comes to conduct violations, African Americans are disproportionately affected by having higher rates of violations.</li> <li>• Kim clarified that these are research tasks that everyone is discussing. She noted many venues are talking a lot about bias that may be in certain risk assessments instruments and that the score is a proxy for something else. The problem is nobody has a solution. You can do the analysis and, for example in the CARAS, a higher population of African Americans are falling into the high/very high category. There’s bias all over the place.</li> <li>• What is consistent is that having an assessment and structured decision</li> </ul>
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	<p>making tool is better than someone's 'gut' interpretation.</p> <ul style="list-style-type: none"> <li>• If you take the information and individualize the response, you should be able in theory to counteract the bias.</li> <li>• This is a dilemma being discussed everywhere in the field.</li> <li>• One thing valuable about the LSI is that it shows a case manager what they should be making a case plan about.</li> <li>• CARAS on the other hand just counts things that happened to you in prison.</li> <li>• CARAS is excellent at predicting risk, but the LSI has value in the items that identify needs that lead to the risk.</li> <li>• Kim pointed out that in creating the CARAS, researchers thought they were going to need a male/female version of the instrument – but it was determined that one instrument would work for both.</li> <li>• The trauma informed issues and the issues that women present that lead to criminal behavior are different.</li> <li>• Sherri shared that in Probation they start with the LSI, then they look at responsivity factors for women in regards to treatment strategy and then they match them up.</li> <li>• Some departments have gone to all female units and take their approach from a responsivity perspective with treatment and case management strategies, rather than focusing on the assessment tool.</li> <li>• Colorado's DOC was one of the early test sites for the trailer.</li> <li>• Then add in the logistics of switching</li> <li>• Paul noted that he and Germaine talked to an assessment specialist earlier this week from MHS and that it may be worth it to have a conversation with MHS and a handful of agency representatives to talk about the pros and cons of a possible move to the LS/CMI. It could be worth it simply to get more clarity for the whole group.</li> <li>• Sherri agreed and said that yes, it's fair to explore all our options. Why would we not check it out to see what it could offer Colorado as a system?</li> <li>• Melissa added that it's also important to consider fiscal impact.</li> <li>• She added that it's also important to look at this from a division standpoint as far as change fatigue. There have been a lot of new programs with MI, EPICS the CTAP, etc.</li> <li>• Germaine to set up a call with Melissa, Sherri, Regi, Dominic, Tom G., Glenn, Heather and Paul.</li> <li>• This small group should be able to get to a decision about whether this is something to explore further and whether what we're doing is significantly compromised. Then balance that against the ability to do it.</li> </ul>
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Issue/Topic:	Discussion:
<p>Alternatives to Incarceration for Technical Violators</p> <p><b>Action:</b></p>	<p>Paul said he would like to leave today with a much better idea of how the group wants to proceed on all of this. With that in mind he would like to start this conversation from the perspective of 'What if incarceration was not an option as a response to technical violations'. He added that for the sake of the</p>

conversation today the group shouldn't consider discussing new crimes, felonies or misdemeanors.

He asked task force members to think most about people who end up with technical violations due to addiction problems. Relapse is part of recovery so what if we couldn't incarcerate people because of addiction?

#### *DISCUSSION POINTS*

- We would have to focus more on incentives. There's currently a punitive based system for violating, but what has proven to work in drug treatment courts is an incentive based system. Things to help those being successful to continue being successful.
- There are typical barriers people have with financial issues and housing issues.
- We would have to build local capacity for treatment, we see time and time again guys who can't get into treatment.
- There are all sorts of layers to treatment capacity - diverting funds, transfer of funds from one division to another.
- Hassan shared that he has worked with 200 parole clients at the second chance center, and only 5 have been returned.
- If the initial transition process was started really soon and we could increase the capacity for people to get a good start early on, that would help immensely.
- Real relationships in the community matter
- What about not testing for something that is a legal status in Colorado.
- We must re-examine our tolerance level and re-examine things that challenge our traditional thinking about what to do and not to do.
- What about different dosages of supervision in the first three months vs. the whole parole period.
- Let's look at substance abuse issues as a public health issue, not a criminal justice issue.
- There are communities in places like Washington State where they're creating places for just those people to go to.
- Absent additional criminal behavior, that's where they should go.
- If someone doesn't want to get better, what's the sense of sending them back to prison, knowing they'll get out again?
- Previously, the purpose of a PO was to catch people misbehaving. That whole culture needs to change.
- What other holes need to be plugged?
- The availability of treatment and QUALITY of treatment - not all treatment providers are created equal. It's a big hole in the system.
- Some POs are giving intermediate sanctions, referring people to treatment, getting people into treatment. With other POs an offender gets a hot UA and they're kicked out of a program.
- Also, need to make sure there's a collective effort around treatment providers who work with the criminal justice system.
- Could do a better job connecting with treatment community.
- The impact of a criminal record on the ability of people to get jobs and housing is no joke. It's the consequences of being poor. The affordable



	<p>housing crisis is exacerbated for folks from the criminal justice system. If you can't get housing that is safe, nothing else works, or it only works for a short period of time. There's no path forward.</p> <ul style="list-style-type: none"> <li>• When we start thinking about building opportunities, we need to go to basic needs.</li> <li>• We isolate issues like treatment rather than establish a base foundation.</li> <li>• It's not only about a good start but sustainability.</li> <li>• Everyone plays well under supervision, but once they lose their resources sustaining the original 3, 6, 9 month success period is difficult. Sustainability is an issue.</li> <li>• This is a flaw with putting resources in the system, rather than in the community.</li> <li>• There's something inherently flawed with keeping people 'in the system' because that's where they can get services.</li> <li>• Why is it that a PO can't assist someone who isn't under their supervision anymore? What's the bridge from the assistant person (PO) to real life</li> <li>• What's different about today's conversation than the conversation 10 years ago? Part of the difference is in regard to not having the ability to place someone in custody.</li> <li>• But, some people are maybe scary – what do we do with the parolee with a rape kit in his car but who hasn't violated any conditions?</li> <li>• If you put that guy back in prison, they're still coming out again. You can only contain someone so long, and then they're back out.</li> <li>• There's a significant group missing in this room for this discussion and that is the DA's. It would be good if they were here to help.</li> <li>• What can we do as a task force to make progress in this area?</li> <li>• The focus has been on violations, should the focus be on what's working?</li> <li>• There's NO handoff from DOC to Parole.</li> <li>• Joe Pelle shared that he knew someone who got out of DOC and was basically dumped on the street in Longmont. He had no idea where he was going to stay or what he was going to do.</li> <li>• This guy got dumped on the same street where he got picked up 11 years ago with zero resources.</li> <li>• Why doesn't release include referrals and information about where to go and how to get help?</li> <li>• Joe said he sat in a Denny's until 3 in the morning with this guy to try to figure out where he could go.</li> <li>• They're not getting community parole officer assignments until the last hour.</li> <li>• The first few days are absolutely perilous for offender release and success. There is absolutely no safety mechanism for first 36 hours.</li> <li>• Boulder has an exponential rate of female offenders and when they end up on the street they usually just have one alternative.</li> <li>• Why isn't there a plan when the bus door opens?</li> <li>• The thing that seems to be working are the non-profits and the programs in the communities. NOT state programs but places where people know this is where I need to head for help.</li> <li>• What if this group focused its efforts on a 3 day period of time?</li> <li>• This is the same story from 40 years ago.</li> </ul>
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	<ul style="list-style-type: none"> <li>• It's called a warm handoff, its familiarity and knowing where to get help.</li> <li>• Is there something this group could do to attack that issue?</li> <li>• Surely we could address this issue and go into Denver.</li> <li>• The criteria for parole release is often MRD date, and if they have to release to homeless they are mandatorily allowed to go. That's the criteria.</li> <li>• Anytime you don't know when release is and how that's going to go there's going to be trouble.</li> <li>• We need to create that level of system outside of government that Hassan and others talk about. We need to resource the community.</li> <li>• Could we set criteria that might work better about technical violations back to prison?</li> <li>• The decision to revoke and file a complaint happens at the lowest level, at the PO level.</li> <li>• Comm. corr. says they would benefit from a recommendation to CCJJ about how to respond to violations.</li> <li>• How do we get to the point of laser focusing on these kinds of issues?</li> <li>• We should create a stop list and a start list.</li> <li>• How can the system get out of the way or help the community based organizations.</li> <li>• Let's create a stop list, start list and a continue list.</li> <li>• Sheriffs were originally concerned about swift and sure, but it may offset the backlog on parole hearings.</li> <li>• Problem solving courts are beneficial too.</li> <li>• Paul said he will connect with Stan and staff and work on a way to move this conversation forward.</li> </ul>
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Issue/Topic:	Discussion:
<p>Next steps and Adjourn</p> <p><b>Action:</b></p>	<ul style="list-style-type: none"> <li>• The focus of the next meeting should be around this critical first three days of someone's release.</li> <li>• At the next meeting the group will also hear back from the Conditions Working Group, the group researching LSI and there will be an update on the PICLE committee.</li> </ul>

### Next Meeting

November 11th, (Wednesday)

1:30pm – 4:30pm

700 Kipling St., 4<sup>th</sup> floor training room