

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

April 6, 2016, 1:30PM-4:30PM  
700 Kipling, 4<sup>th</sup> Floor Conference room

**ATTENDEES:**

**CHAIR**

Stan Hilkey, Dept. of Public Safety

**TASK FORCE MEMBERS**

Tom Giacinti, Representing Community Corrections

Alfredo Pena, Parole Board

Rick Raemisch, Dept. of Corrections

Melissa Roberts, Division of Parole

Mark Evans, Public Defender's Office

Monica Chambers, Department of Corrections (phone)

Evelyn Leslie, Colo. School for Family Therapy

Sherri Hufford, Division of Probation Services

**STAFF**

Paul Herman/CCJJ consultant

Kim English/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

**ADDITIONAL**

Anne Carter, Parole Board

Lisa Tibbetts, US Dept. of Justice

Amanda?

**ABSENT**

Pat Steadman, State Senator

Hassan Latif, Second Chance Center

Beth McCann, State Representative

Regi Huerter, Denver Crime Prevention and Control Commission

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

Christie Donner, Colo. Criminal Justice Reform Coalition

Jennifer Bradford, Metro State University of Denver

<p><b>Issue/Topic:</b> Welcome and Introductions</p>	<p style="text-align: center;"><b>Discussion:</b></p> <p>Stan Hilkey welcomed the task force members and reviewed the agenda. He asked Lisa Tibbetts from the United States Attorney’s Office to comment on a handout she brought for the group.</p> <p>Lisa shared the US Attorney’s Office; District of Colorado will be holding an ‘Employer Reentry Forum’ in support of National Reentry Week, April 24<sup>th</sup> through the 29<sup>th</sup>. The forum will be held April 29, 2 – 3:30 pm at 1225 17<sup>th</sup> Street in Denver. She added that the agenda would include information about work opportunity tax credits, the federal bonding program and an on-the-job training program. She distributed a handout with detailed information to task force members.</p>
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<p><b>Issue/Topic:</b> Report Outs</p> <p><b>Action:</b></p>	<p style="text-align: center;"><b>Discussion:</b></p> <p>Before moving in to the ‘report outs’ segment of the meeting, Stan asked if there were any additions to the agenda. Rick Raemisch responded that he would like to take a minute to talk about something.</p> <p>Rick stated that an article came out in the post last week entitled “Colorado has reduced its prison population but at what cost to public safety”. He added that this task force requested DOC look at technical violations as part of changing the culture and changing the direction of Colorado’s recidivism rate, which is the highest in the United States. But he said that even though this is the direction the group wanted DOC to take, nobody defended DOC after the article was published.</p> <p>Rick went on to say that if Colorado isn’t ready for the direction DOC is headed, then the state will have to go back to having the highest recidivism rate in the US. He went on to say that there was one letter to the editor from Representative Pete Lee. Rick also noted that he heard from PEW, Right on Crime and the Council of State Governments and all were concerned that the article would result in Colorado taking a step back. He shared that Hassan Latif and Pete Lee were the only ones who did anything about the article, but that no one else from this task force or CCJJ defended DOC. He said he’s disappointed after all the work and all the discussions the article said the only reason Colorado is trying to reduce recidivism is to save money, and no one from this group spoke up.</p> <p>Rick said that the data shows everything is working so he is going to stay the course. He said it’s unfortunate that the public thinks Colorado is jeopardizing safety in order to save money. His concern is the lack of support since this article came out and that things will be pushed back into the stone age if everyone doesn’t start supporting each other on efforts and changes.</p> <p>The media listens to the minority that is vocal but is unwilling to look at the real</p>
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	<p>work. Nationally, the work being done by DOC is seen as progressive and going in the right direction, but Colorado doesn't get it. He shared that any comment or support would be appreciated when these types of articles came out. He said support means letters to the editor and other public forums. Rick said he believes Sunday there will be a follow-up article.</p> <p>Melissa noted that Hassan did reach out to the people at the Post, but that the reporter announced no plans to write a counter-point article.</p> <p>Paul shared that he too dealt with this in Missouri and that it's not a new phenomenon. He said Governors often instigate sweeping overhauls after bad media and that this type of thing will keep happening. He said the focus should be on fewer new arrests, fewer new convictions, fewer new revocations.</p> <p>Stan thanked Rick for the feedback. He then went on to note that there were a handful of 'report outs' as follows:</p> <p><b>Responsible Re-entry Bill</b>  <i>DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• Stan reported that Representative McCann is running this bill, but wasn't available to give an update.</li> <li>• He added that the bill title is 'Responsible Re-entry' which centers on banning the box on employment applications that ask if the person has a felony record.</li> <li>• Rick shared that the bill is getting quite a bit of pushback from the business community.</li> <li>• Stan added that Representative McCann is also running the 'Purposes of Parole' bill that came out of the Mandatory Parole Subcommittee.</li> <li>• So far Senator Cooke is the only legislator to vote 'no' on the definitions of parole bill.</li> </ul> <p><b>Restitution Interest Bill</b>  <i>DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• Stan provided information on behalf of Senator Steadman who wasn't at the meeting.</li> <li>• He reported that the bill recently passed the Appropriations Committee and will likely be heard next week.</li> <li>•</li> </ul> <p><b>Conditions Working Group</b>  <i>DISCUSSION</i></p> <ul style="list-style-type: none"> <li>• Mark Evans provided a report on the progress of the Conditions Working Group.</li> <li>• He shared that the group met immediately prior to this meeting.</li> <li>• One of the things this group was tasked with looking at was the purpose of conditions in supervision (in Parole, Probation and Community Corrections) and whether the current conditions meet those purposes.</li> <li>• As for community corrections, the Office of Community Corrections in the Division of Criminal Justice is currently working to develop model conditions for use by 32 programs around the state.</li> </ul>
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- The working group has reviewed a draft of the community corrections model conditions and believe they represent the purpose of conditions.
- Regarding Probation, they are working to address current responses to technical violations internally, rather than tinker with the conditions themselves. Therefore there are no recommendations from the working group concerning standard Probation conditions.
- Mark added that the working group is also, currently talking about fines, fees, costs and surcharges and whether this is an area ripe to be addressed.
- One issue could be the number of people getting revoked from probation because they can't pay things like the public defender surcharge.
- Mark went on to say that all of this brings us to a recommendation around parole conditions.
- He noted that the Purposes of Parole bill making its way through the legislature modifies the statutory purposes of parole to focus on individual conditions; however, it's impossible to do that if other statutes entail a long list of required conditions.
- He clarified that the recommendations presented today wouldn't prevent parole officers from including something they deem important; it just removes applying all conditions to all people.
- Mark explained to task force members that a copy of the recommendation was in their packets. He reviewed the recommendation and pointed out the current statutes along with the proposed statutory revisions.
- The first change is at the top of page 7 on the handout. The current verbiage indicates that the parole board 'shall fix the manner and time of payment of restitution as a condition of parole'. However, current practice is that court fixes the restitution payment. This change is simply a housekeeping issue to modify the statute so it is correct.
- Page 8, (f)(1) (B) requires that before a parolee can change residence, the parole officer has to sign off on the change ahead of time. Since this population already faces numerous housing issues the recommendation calls for a parolee to have the ability to change his or her residence without prior notification to the parole officer.
- Item (f)(1) (D) requires a parolee to submit to urinalysis and drug testing. Mark noted that the feeling from Parole is that this should be made a condition only when substances are clearly an issue.
- Item (f)(1)(F) requires parolees to not associate with anyone on parole, probation or with a criminal record. This statute is problematic on a number of points. First, there is no evidence that this is a problem or leads to recidivism. Second, there are so many people on supervision in this country that it is fairly problematic for a parolee NOT to be out of compliance with this. Also, for those parolees in community corrections this is impossible since everyone in community corrections is an offender. Again, a parole officer will always have the ability to impose that their client not associate with a gang banger or other such person. However, this recommendation removes this as being mandatory.
- Mark went on to explain that the verbiage on pages 10 and 11 outline

	<p>testing for substance use, but that the current statute is unclear about whether drinking is allowed or not allowed. He noted the wording is to 'not abuse alcohol' or 'use illegal drugs'. Since parole currently tests everyone for alcohol there has been an ongoing assumption that nobody can use alcohol.</p> <ul style="list-style-type: none"> <li>• Removing the word 'testing' means there won't be automatic testing across the board, but instead would be on a case by case basis.</li> <li>• As for marijuana, DOC currently tests for marijuana but in Probation it is treated like alcohol and is addressed only if there is a concern.</li> <li>• Mark directed task force members to page 12 and stated that the statute currently treats refusal to submit to testing as a positive test. The working group felt that sometimes things happen (e.g. a bus breaks down or a parolee has to stay late at work) that should not be deemed a positive test. Therefore it is recommended that this section should be removed.</li> <li>• He emphasized again that all of these proposed statutory changes were vetted by parole, the parole board and the working group members and all have given these changes a thumbs up.</li> <li>• In the end the main point is to do a better job of tailoring conditions and making sure they're individualized.</li> <li>• Alfredo added that in the mind of the Parole Board, these are all pretty innocuous recommendations and that as long as the board can still add conditions as they deem necessary, the changes are fine.</li> <li>• The Division of Parole also has license to add in conditions outside of the parole board so the issue is doubly covered.</li> <li>• Mark continued that even if this were to go into law today, nothing would change until the parole board changes their forms.</li> <li>• DOC currently has a huge project underway with parole complaint automation and Melissa added that DOC would want to fast track these changes.</li> <li>• Stan asked if anyone on the task force has a problem with these recommendations. The response was 'no' but that the DA's will likely have a problem with it. Dave Young was not present at the meeting to add the DA's opinion.</li> <li>• Mark reiterated that, again, any of these conditions can be added back in.</li> <li>• For every (unnecessary) condition there's a cost in de-emphasizing other conditions.</li> <li>• It should absolutely be recognized that this doesn't take away any power as far as parole board or parole officer discretion.</li> <li>• The more opportunity to individualize conditions and treatment the better the outcomes.</li> <li>• Stan said it appeared the group was ready to take a vote.</li> <li>• There was a call for a vote and a second.</li> <li>• A hand vote was taken and the results were unanimously in favor (Stan, Rick, Mark, Sherri, Tom, Evelyn, Monica and Alfredo).</li> <li>• It was determined that Mark will present the recommendation to the Commission on behalf of the task force at the May CCJJ meeting.</li> </ul>
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	<p><b>Housing Working Group</b>  <i>DISCUSSION</i></p> <ul style="list-style-type: none"> <li>Paul noted that the work of the group will be discussed during the upcoming agenda item.</li> </ul>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
<p>CCJJ Retreat Outcomes / Re-entry Task Force plan</p> <p><b>Action:</b></p>	<p>Paul reminded task force members that the Commission held its annual retreat in February and discussed the current work of the task forces along with areas of interest moving forward. The Commission met the following month in March to solidify a work plan for 2016/2017. Details of these meetings and outcomes are outlined below.</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> <li>The Commission held its annual retreat in February.</li> <li>This task force met prior to that meeting to talk about what they wanted the CCJJ to consider for this group’s work going forward. The goal of that discussion was to take an honest look at what is achievable especially in light of the current Commission termination date of 2018.</li> <li>CCJJ identified and prioritized the work of the current task forces along with other proposed interest areas.</li> <li>Paul reminded the task force members that when this group was originally formed the three identified work areas were as follows:                     <ul style="list-style-type: none"> <li>-Technical violations</li> <li>-Collateral consequences of conviction</li> <li>-Access to medical and mental health</li> </ul> </li> <li>Another area identified after the group started meeting was that of issues that jails are facing in trying to manage mentally ill inmates.</li> <li>Paul noted that the work on technical violations has been addressed as much as possible through the current work on conditions of supervision.</li> <li>As for collateral consequences, this area has yet to be addressed but it is believed that the work could be accomplished on a shortened time frame through a small working group.</li> <li>Mark Evans has done a massive amount of work in this area already and is the expert on collateral consequences.</li> <li>Regarding access to medical and mental health care, it has been determined that this is beyond the scope of what this group can accomplish and where the work of this group should be focused.</li> <li>All of the aforementioned issues were discussed at the retreat and the March CCJJ meetings. Commission outcomes are as follows:                     <ul style="list-style-type: none"> <li>-Joe Pelle pushed the jails and mental health issue with the Commission. CCJJ saw this as a priority and responded by setting up a task force to look at this specifically. Joe won’t be participating on the Re-entry Task Force any longer as he is now the Chair of this newly established task force.</li> <li>- CCJJ also decided to alter the original charge of the Re-entry Task Force. Commissioners want this group to finalize the work on conditions of</li> </ul> </li> </ul>

supervision, start the work on collateral consequences, and then to focus primarily on dealing with issues around housing.

- Paul summarized that those are the top three areas this group is expected to focus on going forward.
- The issue of Housing was the second highest interest area to come out of the full day retreat.
- In all, the CCJJ established two new task forces; a Juvenile Systems Task Force (focusing on continuity of case management) and a Jail/Mental Health Task Force.
- The Data Sharing Task Force is to continue its work, as is this task force.
- The Community Corrections Task Force has been charged to wrap up its work and come to a close.
- Mark has agreed to lead collateral consequences work after he wraps up the lead work on the conditions of supervision.
- Mark noted that it will be a tight turnaround to get any collateral consequences recommendations together by this November and that next year will be more likely.
- Paul added that it would be good to have legislative help on this working group.
- Paul noted that Sherri, Melissa, Hassan and Christie would be essential on this working group.
- They will define the scope of work, establish priorities and then execute.

#### HOUSING

- Paul went on to discuss the issue of Housing and how this group might address the myriad of issues involved.
- He directed task force members to a handout titled 'Housing' which outlined populations, types of housing and additional people identified to work on housing.
- He noted that there's not a lot of available data on the population.
- Rick mentioned in February that approximately 22% of DOC inmates are being paroled homeless, but that it's still hard to find out exactly how many.
- It's rare that people are released from community corrections homeless, but definitely so from the Department of Corrections.
- This group needs better information about the population, who they are, and what their needs might be when they're coming out, etc.
- Also, this task force decided early on to include sex offenders in this work around housing because it would be irresponsible to ignore that population.
- Sex offenders have even more stringent restrictions around housing in regards to zoning, etc.
- Paul described the different populations as follows:
  - Sex Offenders
  - People just released from prison
  - People completing community corrections
  - People on parole
  - People being released from jails
  - People on probation

- Paul described types of housing as follows:
  - Self
  - Family/friends
  - 90 day halfway house
  - Public housing
  - Scattered
  - Supportive
  - Buildings with multiple units for rent
- Paul described additional people identified to work on housing as follows:
  - Jenn Lopez, Governor's Office
  - Katie Bonamasso, DOLA
  - Joyce Ransford, Archway Housing
  - Someone from Ft. Lyon
  - David Nestor, Urban Lights
  - Debbie Winans, Inside Out
- Paul then asked the task force members how they want to go about addressing the housing issue.
- Sherri shared that Probation is spending money on emergency housing and she said she'll get more information to report back to the group by next month.
- Sherri asked if there are there federal dollars or grant dollars available for housing.
- Paul noted that Colorado recently received 23 million dollars for homeless folks going to community services and that 19 million of that goes to efforts in Denver.
- The Feds have said that they have money for housing for homeless and lots of different organizations are receiving that money.
- That 23 million is from HUD.
- However these kinds of pots of money are not sustainable, they're more of a band aid.
- A developer can get tax credits to build, and then agencies can use general purpose revenue to pay for rooms that will always be available for use.
- Probation utilizes its offender services budget (600-700 thousand dollars a year) on housing.
- There's also an issue with juveniles where kids end up staying in detention because there's nowhere else to go.
- Paul asked if anyone knows how many work release programs there are and work release facilities and beds.
- Stan said he would guess that less than a 1/3 of counties would have work release with housing.
- He added that Mesa just closed their work release because nobody was getting sentenced there.
- DOC noted there's also a problem tracking those people who kill their number while in prison.
- Paul asked the group if they want to start this process by limiting the population to just one group, rather than trying to solve the problem for everyone.



	<ul style="list-style-type: none"> <li>• Melissa shared she will have DOC population data by the next meeting.</li> <li>• Alfredo said there are some issues with discretionary releases.</li> <li>• The parole board can release based on where an offender says they're going to go. But then when the offender meets with the parole officer, the PO may not approve the parole plan. This is a problem with the cart before horse in at least one arena.</li> <li>• Ideally there should be a parole plan, an investigation, and then the plan should be verified before the board makes its decision.</li> <li>• People are being paroled with a homeless parole plan.</li> <li>• Monica said that investigations used to be done <u>before</u> the offender saw the parole board.</li> <li>• It was emphasized that until it is known what this population looks like, it's impossible to have the conversation about the nature and type of housing. So it would be premature to decide now.</li> <li>• What are our bites? What can we tackle first?</li> <li>• Sherri said she doesn't feel like she knows a lot about the subject. She asked if some experts can be brought in to provide more information.</li> <li>• Paul summarized three things that need to be done to move this forward             <ul style="list-style-type: none"> <li>- The group needs to roll an expert group/advisory panel into the work. Questions for them include 'what opportunities are we missing that exist that we don't know about as far as leveraging funds and resources?'</li> <li>-There needs to be an environmental scan about other efforts that are working both in this state and in other states. We need to find out how to replicate what's working. Reach out to Jenn Lopez to speak about this. Positive things are happening in DC and New York.</li> <li>-We need an environmental scan from criminal justice people to inform the group about what they know about housing and the criminal justice population in Colorado.</li> </ul> </li> <li>• Another frustrating population is those who choose to be homeless.</li> <li>• Also, by the time people get to DOC, they've failed in all the other arenas (Probation, jails).</li> <li>• We don't even know what we don't even know about housing.</li> <li>• Also, if the group decides to focus on one population like parole, and they can solve this housing problem. That would then be applicable to ALL populations. If this issue is solved for parole it would be solved for all.</li> </ul>
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<p style="text-align: center;"><b>Issue/Topic:</b></p> <p style="text-align: center;">Next Steps and Adjourn</p> <p style="text-align: center;"><b>Action:</b></p>	<p style="text-align: center;"><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>• Bring in experts at next meeting.</li> <li>• Sherri and Melissa to provide data</li> </ul>
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**Next Meeting**

May 11<sup>th</sup>, 2016

1:30pm – 4:30pm      700 Kipling, 4<sup>th</sup> floor training room