

# Transition Task Force

Date: July 9, 2008, 3:00 – 6:00pm

**Attendees:**

Regis Groff, Chair/State Senator (ret.)  
Louise Boris, Task Force Leader/Homeless Coalition  
Germaine Miera , Facilitator/DCJ  
Paul Herman, Consultant

Lou Archuleta, DOC  
Mike Biggio, The F.R.E.E. Coalition  
Dean Conder, Juvenile Parole Board  
Kevin Ford, Research/DCJ/Staff  
Brian Gomez, DOC  
Regi Huerter, Manager of Denver Public Safety  
Bridget Klauber, Defense Attorney  
Reo Leslie, Mental Health Treatment Provider  
Mike Maddox, The F.R.E.E. Coalition  
Greg Mauro, Community Corrections  
Sean McDermott, Defense Attorney  
Carol Peeples, Colorado Criminal Justice Reform Coalition  
Don Quick, District Attorney  
Tracy Lacock, CU student

**Absent:**

Gregg Kildow, Community Corrections  
Shelby McKinzey, CU student  
Keith Penry, Douglas County Sheriff  
Charlie Smith, Division of Mental Health

**Issue/Topic:**

Updates/Assignments from last meeting:

A. Fines/Fees (Sean McDermott)

B. Fees/Driver's license (Bridget Klauber)

C. Restitution/Child Support (Lou Archuleta)

**Actions:**

Follow-up (B): Potential for discrepancy in assessment of probation supervision fees upon revocation (Bridget Klauber)

Follow-up (C): Call Greg Mecham at DOC Central Collections to determine if 12% interest is applied during incarceration (Carol Peeples)

**Discussion:**

A. Fines/Fees (Sean McDermott)

Sean offered 4 Handouts of the fines, fees and restitution and the relevant statutes. Salient points were highlighted as follows:

- The defendant owes interest from the date of the entry of the order at the rate of twelve percent per annum; and
- The defendant owes all reasonable and necessary attorney fees and costs incurred in collecting such order due to the defendant's nonpayment
- The entry of an order for restitution under this section creates a lien by operation of law against personal property and any interest that the defendant may have in any personal property.
- Any order of restitution imposed shall be considered a debt for "willful and malicious" injury for purposes of exceptions to discharge in bankruptcy as provided in 11 U.S.C. sec. 523

B. Fees/Driver's license (Bridget Klauber)

Fees

- Handout of District Court criminal fees (see attachment below)
- Discussed fees put on the mitt.
- Discussion of whether there is a correction applied to supervision fees when a revocation occurs (the initial fee assessment is based on the entire probation period).
- Should supervision fees follow an offender to DOC?

Driver's license

- Handout of offenses that can result in license suspension or revocation (See attachment below).
- Re-acquisition of license is very difficult
- Child support catch-22

C. Restitution/Child Support (Lou Archuleta)

- Handout of restitution and child support collections (See summary of attachment below, full document handed out at meeting and available upon request) for FY2008 which includes data from private prisons.
- Discussion regarding the initiation of interest charges.
- Can the application of interest be delayed from entry to release?
- Can the interest rate be lowered from 12%?
- Is the 12% being collected while an offender is incarcerated?

**Issue/Topic:**

Updates/Assignments from last meeting (con't):

D. Release Addresses (Germaine Miera/Lou Archuleta)

E. Release Allowance (Brian Gomez)

F. DELAYED: IDs (Carol Peeples)

G. DELAYED: Collection procedures (Gregg Kildow)

**Actions:**

Follow-up (D): More complete information regarding release addresses (Lou Archuleta)

**Discussion:**

- Are there more fees collected if the fees and interest seem reasonable rather than when hopelessly in arrears?

General discussion of surcharges.

- How are funds paid, where do they go, where does the money sit, and who controls it?

- Surcharges support programs and services.

- The court can waive surcharges if at an offender's hearing it is determined the offender is indigent. This waiver is applied inconsistently.

- Defense attorneys don't typically ask for a waiver.

- Is the goal of surcharges to collect funds, to support programs, and/or to teach a lesson?

- What is the expectation of ability to pay and the tolerance for payment difficulty?

- If we maximize the money collected, we can better support the programs that will keep people out of prison.

D. Release Addresses (Germaine Miera/Lou Archuleta)

- Germaine provides limited access (during meeting only) to a sample of release addresses of parolees provided by Lou.

- Lou looking into more complete data

- Louise indicates that there are many agencies that have identified "felony friendly" where released offenders are directed or placed.

- If released offenders ask their case manager, they can get bus tokens.

- It is difficult to get people where they want to go due to limited bus service in rural and other areas.

E. Release Allowance (Brian Gomez)

- Brian verbally provides release allowance information

- \$826,000 appropriated for release money

- 4665 releases

- \$466,500 Release allowance

- \$355,858 Transportation clothing

F. IDs (Carol Peeples)

- Carol continuing research on ID's and will present later meeting.

G. Collection procedures (Gregg Kildow)

- Gregg was unavailable; he provided a hand-out in his

**Issue/Topic:**

SWOT: Employment

**Actions:**

Should we define employment? Job vs. career? (Offenders need immediate job AND a career)

Need unemployment figures for:  
Colorado  
CO Regions  
County(?)  
Parolees  
Probationers  
Comm. Corrections

Get county data on the qualifications for WIA funds and how they are spent (Dean Conder)

Parole revocation survey (Carol Peeples)

**Discussion:**

**SWOT: Employment – See SWOT matrix below**

**SWOT: Employment – Notes**

The employment goal should be to at least equal the Colorado unemployment rate.

“What Works” reports that vocational training is more effective than prison industry employment.

Work Force Investment Act. Need stable housing to qualify for services? There may be special rules being applied by counties that are not part of the intent of the Act.

Carole Peeples is working on a survey of Parole revocations

**Issue/Topic:**

SWOT: Health

**Issue/Topic:**

Introduction to Support Needs

**Actions:**

**Discussion:**

**SWOT: Health – See SWOT matrix below**

**Discussion:**

**Support Needs**

Paul and Germaine offer color-coded handout and flip sheet summary. Introduction to ideas surrounding: 1. Ongoing support in natural communities, 2. Social support, and 3. Recreation and leisure

1. Ongoing support in natural communities

Family members

Extended family/ "Family of choice"

Church family

Club houses (connected to mental health centers)

Volunteer corps of mentors

12-Step programs

Faith-based programs (secular)\*

Good re-entry role models (parolees; though a risky for parolees to connect)

\*Al Estrada – NYC faith-based program

Discussion of the concept of "the unreachable." Is the characteristic inherent in the person who is resistant to intervention or is it a characteristic of the services offered? Have we simply not figured out how to create/offer the programming to which the "unreachable" will respond? Maybe it's "us" and not "them."

**HOMEWORK**

Carol – 12% interest rates and IDS

Dean – WIA and Wagner Peyser

Unemployment rate information

Probation – Tom Quinn?

Parole – Brian Gomez

Community Corrections – Greg Mauro (Carl Blesch)

Paul – approach to surcharges

Paul asked that members continue the last activity on their own by generating successes regarding:

- Social support needs (especially Mentoring and Faith-

Issue: Employment		
	Strengths	Weaknesses
<b>Internal</b>	<ul style="list-style-type: none"> <li>- Referral sources for employment</li> <li>- Conditions of parole</li> <li>- Common will / Shared beliefs</li> <li>- Mike and Mike of F.R.E.E.</li> <li>- Vocational training / work force development in DOC... →#</li> <li>- Agencies: Turn About, Denim, Denver Works, Voc. Rehab., Mental Health Ctrs.</li> </ul>	<ul style="list-style-type: none"> <li>- Not enough funding for Community Corrections job placement services</li> <li>- Treatment hours that conflict with Parole?</li> <li>- →# CO Correctional Industries problems (right kind of skills? Poor integration, sporadic)</li> <li>- Random UAs disrupt work</li> <li>- Voc. Rehab resistant to felons and mentally ill</li> <li>- Redundant treatment requirements</li> <li>- Lack of pre-release job availability determination</li> </ul>
	Opportunities	Threats
<b>External</b>	<ul style="list-style-type: none"> <li>- Collaborate with other organizations/agencies/employers</li> <li>- Work Opportunity Tax Credit (WOTC) for hiring parolees (within 1 yr of release)</li> <li>- Federal Bonding Program (bonds4jobs.com)</li> <li>- Workforce Investment Act of '98 (Wagner-Peyser Act of '33)...→</li> <li>- Identify marketable skills among inmates while at DOC</li> <li>- Employee readiness/motivation</li> <li>- Seek out needs of the market for skills</li> <li>- Less disruptive parole meetings</li> <li>- Video parole conferencing</li> <li>- Reward positive outcomes; offer incentives</li> <li>- Placement in traditional illegal immigrant workplaces</li> <li>- Involve business community/employers on task force</li> <li>- DOC/business community/Union partnerships</li> </ul>	<ul style="list-style-type: none"> <li>- Employers resistant to felons</li> <li>- Immigration status</li> <li>- Lack of DOC/Community Corrections coordination</li> <li>- Unemployment rate</li> <li>- Red tape to get job placement in good job</li> <li>- ... →WIA restrictions</li> <li>- IDs</li> <li>- Extra difficulty placing mentally ill (when employable)</li> <li>- Barriers to hiring felons: Statutory, Business policies, and Licensing entities</li> <li>- Damaging CBI background reports</li> </ul>

Impact	Time Line			
	Immediate	Short Term	Long Term	Stop
High X*				
Medium				
Low				

\* Impact is high. Need to break out the specific aspects into Immediate, Short and Long

<b>Issue: Health (excluding mental health)</b>		
	<b>Strengths</b>	<b>Weaknesses</b>
<b>Internal</b>	<ul style="list-style-type: none"> <li>- DOC offers good services</li> <li>- DOC parolees come out relatively healthy</li> <li>- Stout Street Clinic</li> <li>- Parole has money to support some services</li> <li>- Preventative health training in DOC</li> <li>- DOC eyeglass service</li> </ul>	<ul style="list-style-type: none"> <li>- On parole, individuals lose the DOC medical care services when placed at Community Corrections</li> <li>- No general physical exam to establish health status</li> </ul>
	<b>Opportunities</b>	<b>Threats</b>
<b>External</b>	<ul style="list-style-type: none"> <li>- ERs</li> <li>- Community health centers</li> <li>- Voucher system (to be used in health centers)</li> <li>- Managed care voucher system</li> <li>- Identify existing evidence-based programs that are most effective</li> <li>- Medicaid coverage (SSI coverage)</li> <li>- Develop strategies for community buy-in (cost/benefit analyses)</li> </ul>	<ul style="list-style-type: none"> <li>- ERs expensive</li> <li>- Reluctant to offer health assessments and identify problems becoming legally liable</li> <li>- Costs</li> <li>- Rules that require that some meds must be disposed rather than donated</li> </ul>

<b>Impact</b>	<b>Time Line</b>			
	<b>Immediate</b>	<b>Short Term</b>	<b>Long Term</b>	<b>Stop</b>
<b>High</b>			1	
<b>Medium</b>			5	
<b>Low</b>			5	



## DISTRICT COURT – CRIMINAL FEES (7/1/07)

<u>CATEGORY</u>	<u>CODE</u>	<u>FEE</u>	<u>APPLICABLE</u>
<u>Court Costs</u>	CRTX	\$35	Every Criminal Case
<u>Court Security Fund</u>	CSCF	\$5	Sent as of 7/1/07 (Includes DJ&S, Mis
<u>Offender Identification</u>	OFID	\$128	Sent & Re-sent as of 7/1/07 (Felony)
<i>Only Applies to Sent on DJ&amp;S Involving Sex Behavior. Assess at Sent on ALL DJ&amp;S Rev</i>			
<i>Only Applies to Misd Cases Involving Sex Offenses</i>			
<i>Same Deft, Multiple Cases – 1 Fee per Case, Waive (WV) Fee in All But One Case</i>			
<u>Public Defender Fee</u>	PDAR	\$25	per Deft – Multiple Cases 1 Fee
<u>Time to Pay</u>	TIME	\$25	Cannot Pay All Money Today
<u>Supervision Fee</u>	SUPV	\$50/mo	Prob Supervised Sent (No Interventio
<u>Community Service</u>	UPS	\$85	Supervised Community Service Only
<u>Alcohol Evaluation</u>	ALCV	\$200	Offense 7/1/07 or After (Before - \$18
<u>Restitution</u>	REST	\$----	1 Deft Only
<u>Restitution Co-Deft's</u>	JSRT	\$----	Joint & Several More than 1 Deft (Modify REST Code on Previous Deft
<u>Extradition Costs</u>	WFSH	\$----	Ordered on Restitution Form.
<u>Victim's Address</u>	ADDR	\$28	Sent as of 7/1/07 (Includes DJ&S)
<u>Confidentially (Surcharge)</u>			(Stalking, Domestic Violence, Attem Conspiracy or Solicitation <u>Only</u> )
<u>Victim's Comp</u>	VCMP	\$125	Offense Prior 7/1/07 (Includes DJ&S)
(FELONY)	VCMP	\$163	Offense After 7/1/07
<u>Victim's Comp</u>	VCMP	\$60	Offense Prior 7/1/07
(MISDEMEANOR)	VCMP	\$78	Offense After 7/1/07
<u>Victim's Assist (Surcharge)</u>	VAST	\$125	Offense Prior 5/1/03 (Includes DJ&S)
(FELONY) Or if Fined \$500 or	VASG	\$162.50	Offense 5/1/03 – 6/30/07
More 37% of Fine w/Code VAST	VASR	\$163	Offense 7/1/07 or After
<u>Victim's Assist (Surcharge)</u>	VAST	\$60	Offense Prior 5/1/03
(MISD) Or if Fined \$250 or More	VASG	\$78	Offense 5/1/03 – 6/30/07
37 % of Fine w/ Code VAST	VASR	\$78	Offense 7/1/07 or After

Offenses which result in suspension or revocation of license:

( Not an exhaustive list—there are probably offenses not included and the list does not include drinking and driving offenses)

-Any felony drug offense including possession and use. (Non felony drug offense results in suspension of driver's permit or minor's driver's license)

-Criminal Mischief if damage is to a motor vehicle (under state statute or municipal code)

-Motor Vehicle Theft (under state statute or municipal code)

-Criminal Trespass to a motor vehicle (under state statute or municipal code)

-Violation of Child Support Order

-Providing alcohol to an underage person (under state statute or municipal code)

-Defacing property (state statute or municipal code)

-Any felony in the commission of which a motor vehicle was used

-Convicted of perjury in first or second degree or the making of false affidavit or statement to Dept. of Rev relating to ownership or operation of a motor vehicle.

Restitution and child support collections for FY2008 (per DOC)

The total Restitution collected was \$6.1 million in FY2008 vs. \$5.6 million in FY2007, a 9% increase. Total child support collected was \$459,000 in FY2008 vs. \$404,000 in FY 2007 an increase of about 14%. You will see that parolees paid \$1.4 million through electronic payments "Swift Pay" and our mandatory withholding from incarcerated offenders was \$3.3 million. Payments for restitution are submitted to the county courts and they apply payments against fines, fees and submit amounts to victims if owed.

Collection Policy

Payment Plans

The Probation Collection Investigator(s) are responsible for the collection of Court ordered fees, costs, and restitution associated with cases in which the offender is granted supervised probation under the probation department, or private probation, or was previously under the supervision of the probation department/private probation in the case.

**EXCEPTION: DUI/DWAI cases.** Individual DUI/DWAI cases supervised by private probation will be collected by the Court Clerk collection staff, unless the offender is also being supervised by the probation department or private probation on a criminal case (concurrent with the supervision/monitoring of a DUI/DWAI case). It is the responsibility of the Probation Department/Private Probation to notify the clerk's collection office if a DUI/DWAI case will be collected by the probation department collection staff.

Payment plans will be established in each, individual case, and will be documented in accordance with State collection procedure in the Judicial computer system, within 90 days of an offender being granted probation.

1. Each offender will submit a completed financial affidavit, provided by the Probation Department to the Probation CI or the supervising probation officer. This form will include the balance of all outstanding bills, monthly financial responsibilities and all assets.
2. The Probation Collection Investigator or probation officer will review the financial affidavit with the offender, to insure it is complete and accurate.
3. The Probation CI/officer will consider financial obligations the defendant has related to their probation supervision and the orders of the Court, i.e. restitution, payment for classes, treatment, drug testing, location monitoring
4. The Probation CI/Officer will determine a reasonable payment plan for the offender, reflecting their realistic financial obligations, to include child support obligations, restitution orders, treatment services, and daily living expenses. Extraneous obligations such as recreational equipment payments, second vehicle payments or obligations disproportionate to the defendant's income may

not be considered, and the defendant may be advised to dispose of items/services which are not necessary and which further reduce their ability to pay court ordered restitution, fees or child support.

5. The Probation CI will work with the supervising probation officer and offender to make adjustments to the payment plan as needed.

6. No wage assignments, garnishments or liens will be filed by the Probation Collection staff without the knowledge and approval of the probation officer. In the event agreement cannot be reached between the CI and the probation officer, the probation supervisor(s) will review the case, and if agreement is not reached, the Chief Probation Officer will make the final decision.

a) Tax Offsets are automatic and will occur independently of the Probation CI or probation officer, in accordance with State collection policy.

7. Any defendant in default on a payment plan will be referred back to the probation CI within 90 days.

State Judicial collection policy will take precedence if there is no local policy governing a collection practice.