

Transition Task Force

Date: August 6, 2008, 3:00 – 6:00pm

Attendees:

Regi Huerter, Manager of Denver Public Safety/Substitute Chair
Louise Boris, Task Force Leader/Homeless Coalition
Paul Herman, Consultant
Germaine Miera , Facilitator/DCJ

Dean Conder, Juvenile Parole Board
Kevin Ford, Research/DCJ/Staff
Gregg Kildow, Community Corrections
Bridget Klauber, Defense Attorney
Greg Mauro, Community Corrections
Carol Peebles, Colorado Criminal Justice Reform Coalition
Janelle Acevedo

Absent:

Lou Archuleta, DOC
Mike Biggio, The F.R.E.E. Coalition
Brian Gomez, DOC
Regis Groff, Chair/State Senator (ret.)
Reo Leslie, Mental Health Treatment Provider
Mike Maddox, The F.R.E.E. Coalition
Sean McDermott, Defense Attorney
Shelby McKinzey, CU student
Keith Penry, Douglas County Sheriff
Don Quick, District Attorney
Charlie Smith, Division of Mental Health

Issue/Topic:

Updates and Introduction

Issue/Topic:

Recommendations: Restitution, Fees, & Costs

Actions:

Discussion: Updates and Introduction

A. Carol Peeples encouraged members to peruse the Washington State Senate Bill 6157 with details relevant to the task force. This bill is presented as an example of how to pack a lot of statutory update and reform into a single bill. (Link sent to task force members:

<http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Senate%20Passed%20Legislature/6157-S.PL.pdf>)

Bill summary: <http://www.leg.wa.gov/pub/BillInfo/2007-08/Pdf/Bill%20Reports/Senate/6157.SBR.pdf>

B. Regi Huerter and Germaine Miera provided an introduction, recap of the progress of the task force, and the plan for the meeting.

- The meeting was to focus on “word-smithing” and fleshing out the preliminary recommendations provided by task force members as presented on the handout compiled by Germaine Miera (see attached).
- For each recommendation, issue or problem statements were to be generated to accompany the recommendations. These statements would clarify what problem the recommendation aims to solve or address.
- The specific wording of issues statements and recommendations were being transcribed by Germaine Miera on a laptop and are not part of these minutes.
- The topics of focus are:
 - Restitution, Fees, and Costs
 - Release Money
 - Transportation
 - IDs (“promoted” to the Oversight Committee as an over-arching issue)
 - Housing
 - Employment

Discussion: Restitution, Fees, & Costs

Paul Herman introduces the three main points for recommendation in this area: a repayment grace period (does not apply to restitution or child support), the 12% interest issue, and an “in-kind” repayment option (does not apply to restitution or child support).

12% Interest

- There was a long discussion regarding the benefits vs. costs of going forward with a recommendation on this issue.
- The 12% is viewed as overly high and that there should be a recommendation to reduce the rate to 8%, making is consistent with other statutes.
- However, because the 12% interest is not currently applied to offenders’ owed balance, drawing attention to this matter may result in the re-institution of the finance charge.
- If enforced (due to the attention of the task force), any rate would be more than is currently assessed.

Issue/Topic:

**Recommendations:
Restitution, Fees, & Costs
(cont'd)**

Issue/Topic:

**Recommendations:
Release Money**

Discussion: Restitution, Fees, & Costs

12% Interest (cont'd)

- There was a discussion of the feasibility of the assessment of interest charges to individual fee balances (not applying to fees, surcharges and costs while applying the assessment to restitution and child support). This would introduce too much accounting complexity.
- The interest assessment is seen to benefit primarily collection agencies

The task force tabled the discussion, returning to the topic at the end of the meeting to see where members stood on the issue.

- Ultimately, the task force members reluctantly decide not to pursue the interest rate reduction due to apprehensions surrounding the drawing of attention to the issue.
- POTENTIAL RECOMMENDATION: The task force is interested in more study on the issue of selectively implementing a grace period on fees, fines, costs, and surcharges (not applied to restitution or child support)
- Is there a relationship between fee repayment and parole success?

Discussion: Release Money

The discussion of release money shifts away from the concept of "gate money." Gate money was seen as an antiquated practice with no attention to actual needs. Release money may be funds offered as cash or in the form of vouchers. If the task force's recommendation regarding a comprehensive re-entry voucher system (mentioned across several recommendations) comes to fruition, release money concerns and practices would be folded into this larger system.

- Members felt that the amount of release money, within reason, should be based on an assessment of needs of the individual.
- The focus should not be on a dollar amount, but on the delivery of services.
- Release money distribution based on need is, of course, wholly dependent on a good re-entry needs assessment. There was a discussion of the critical nature of a pre-release plan.
- There is a desire for a pre-release assessment tool that would be part of the parole application process.
- It will be necessary to conduct a county-by-county inventory of the availability and capacity of services for those re-entering.
- The voucher system should also be allowed to seek and spend funds from ".outside" sources (e.g., grants).

Issue/Topic:

**Recommendations:
Transportation**

Issue/Topic:

**Recommendations:
Housing**

Issue/Topic:

**Recommendations:
Employment**

Discussion: Transportation

- There was an initial discussion of what is known of the current “drop-off system.” There were no DOC representatives at the meeting, but members recall that Smith Road is the standard drop-off point for the Denver metro area. It is not clear where the typical drop-off points are in the rest of the state.
 - Paul Herman reminds members that other states designate a variety of drop-off locations. One of the more logical alternatives is at parole offices.
 - There was a discussion of driving privileges and parole.
 - **POTENTIAL RECOMMENDATION:** Limit license revocation offenses to those related to driving.
 - Members briefly discussed the design of transportation vouchers.
 - There was a brief mention of liability issues surrounding residents of community corrections.
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Discussion: Housing

- There was a discussion of the creation of tax credits and other incentives (similar to those available to employers) that would be made available to landlords and developers.
 - Carole Peeples drafted the starting language of the recommendation for the landlord/ developer incentive idea.
 - Dean Condor drafted the starting language of the recommendation dealing with the problem of paroling to homelessness.
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Discussion: Employment

- There was a discussion of the necessity to expand effective partnership between the Department of Labor and the Department of Corrections.
- The John Inmann Work and Family Center, TurnAbout, and the Stop the Revolving Door project were mentioned as good models. However, the programs can only handle a small proportion of those re-entering across the state.
- There was a discussion about whether Colorado can seek waivers of Federal restrictions to enhance employment options. (WIA, Wagner-Peyser waivers).

Issue/Topic:

**Recommendations:
IDs**

Issue/Topic:

**Other Recommendations:
Voting**

Issue/Topic:

**Other Concerns:
Neglected areas**

Issue/Topic:

What's Next?

Discussion: IDs

This topic was skipped because it will be addressed as an over-arching issue by the Oversight Committee.

There was a quick mention of signing deadlines regarding a new memo of understanding (MOU) from the Social Security Administration regarding IDs.

Discussion: Voting

Carol Peebles shared information and a pamphlet ("Can I Vote?") about an education effort by the Colorado Criminal Justice Reform Coalition to inform those with criminal records of their voting rights.

(See <http://www.ccjrc.org/voting.html>)

The task force will forward Carol's statutory proposal to clarify voting eligibility to the Oversight/Commission level of decision-making.

Discussion: Neglected items

With the luxury of additional time the task force would address other survival needs and social support issues.

- Some members would like to return to the issue of social support for re-entry addressing areas such as mentors ("re-integration trackers" or inmate advocates modeled loosely after the trackers in the juvenile system), family training, and the integration of faith-based resources.
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Discussion: Post Phase 1 Questions

Task Force members posed questions to Regi Huerter and Paul Herman regarding the next phase of the Transition Task Force.

- What's next? What is Phase 2 and how will it work?
 - There will be no face-to-face meetings of the Re-Entry Task Forces during September or October. However, there may be requests for feedback sent to task force members via e-mail during this period.
 - During Phase 2 more research will be done on recommendations to prepare for the level of implementation.
- What about picking up "lost strands" like child support issues and wage garnishment?
 - The process will be organic and evolving allowing for other topic to be raised.
 - The group is offered assurances that previous work will not be lost as new task forces on other issues (e.g., Community corrections, Juvenile Justice, Sentencing) are seated.

RESTITUTION, FEES, & COSTS

1. A repayment suspension (“grace period”) for fees and costs immediately after release (note: would not apply to restitution or child support).
2. Modify the law replacing the 12% interest charge to an interest rate that would be adjusted yearly based on the civil rate (in case this provision is followed in the future).
3. Explore an option to work off costs (“in kind” payment) (note: would not apply to restitution or child support).

COMMENT

- A grace period would allow parolees to land on their feet and not fall immediately behind on their re-payment schedule.
- Need a cost/benefit analysis of the “in kind” payment option.
- What percentage of the fees and costs could be “worked off”.

Issue Statement –

1. The mandated fees, costs, surcharges can be overwhelming and create financial challenges for offenders being released from prison.
2. There are few alternative methods to satisfy offender debt.
3. Fees, restitution, surcharges, etc. are not collected at an acceptable rate.

Recommendation-

According to CRS § 16-18.5-110 (1), payments for restitution in criminal actions are credited in the following order:

- (a) costs for Crime Victims Compensation Fund
 - (b) surcharges for Victims and Witnesses Assistance and Law Enforcement Fund
 - (c) restitution to victims
 - (c5) surcharges related to the address confidentiality program
 - (d) time payment fee
 - (e) late fees
 - (f) any other fines, fees, or surcharges
1. This is a multi-faceted vast issue. The Task Force recommends further study, investigation and analysis regarding the impact of fees, fines, costs and surcharges and restitution on the offender’s successful reintegration.

RELEASE MONEY

1. Create a voucher system based on need.
2. Parole inmates one month earlier and put that last 28 days of money that would've paid for their incarceration into re-entry vouchers.
3. Re-entry money should not exclude inmates who have been revoked.

COMMENTS

Pay for one more month at DOC at the rate of \$2500 in vouchers to the parole officers who will direct parolees to appropriate services paid for by the vouchers.

- The current per-month cost of a DOC inmate is “funny money,” and can’t be simply transferred, but the idea has potential, if recidivism reduction can be demonstrated.
- Those revoked to DOC from parole, for whatever reason, should also qualify for a subsequent release voucher.
- Create a designated recipient list of vendors and service providers where vouchers may be spent.
- Offer a tax incentive to vendors/service providers willing to participate.
- Allow the dollars to go to vendors/services in the community or in Community Corrections.

Issue Statement –

1. Offenders have limited funds as they are released from prison.
2. The amount of money given to offenders has not changed/increased in 20 years.
3. There are a variety of inmates excluded from the \$100 release money (Revocation offenders, etc.).
4. There are not adequate assessments or case plans completed prior to release.
5. There is a need to inventory resources and capacity for release across Colorado communities.

Recommendations-

1. Explore the re-entry needs of people releasing from the DOC. Before we make any release money recommendations, however, we need to know more about where people are being released on a county, or if necessary, neighborhood basis. We also need to know the needs of the people returning to these neighborhoods and counties.
2. Adopt language from the state of Washington legislation that states "Each county or group of counties shall conduct an inventory of the services and resources, resources available, and capacity of those resources in the county or group of counties to assist offenders in reentering the community." Once re-entry service gaps are identified, we need to identify the costs of these services, who provides these services, how to fund these services, and by what funding mechanism.
3. Current "gate money" should include all inmates, including those who have been revoked.
4. Prior to release, offenders should be assessed to determine need (the LSI-R and other identified release tools). A case plan is developed in relation to those needs. Appropriate release resources provided in the form of a voucher or other appropriate system.
5. Release assessment information should be submitted to community corrections and parole boards.
6. Waive the first 2-4 weeks subsistence payments for offenders entering community corrections.

TRANSPORTATION

1. Review the drop-off system offering possible drop-off.
2. Restrictions on driving licenses.
3. Transportation vouchers.
4. Graduated system to allow discretion for driving privileges, with less worry about liability.

COMMENTS

- No more Smith Rd. drop-offs. There was an extensive discussion of potential drop-off locations and drop-off time of day: parole office, community agencies, voucher-supported hotel, DRDC, urban vs. suburban vs. rural access to drop-off points.
- The voucher system and its flexibility could solve problems related to drop-offs, access to jobs, and parole meetings.
- Are inmates in Community Corrections driving? There may be some driving illegally.
- Create a system by which driving can be done legally.

Issue Statement –

- 1. Inmates face significant challenges surrounding drop-off sites upon release.**
- 2. Parolees often face challenges regarding transportation to and from their work, treatment and other appointments.**
- 3. There are issues surrounding the inconsistency of restricting or limiting driving privileges.**

Recommendations-

- 1.** Review current drop-off practices in order to develop a more effective system. (hand-off from DOC to parole)
- 2.** Have the CCJJ sentencing committee review laws that restrict offender driving privileges.
- 3.** Limiting or restricting a driver's license while on parole must be based on specific written, standardized criteria.
- 4.** DOC will work with DMV to develop a procedure to reinstate an offender's driver's license prior to release.
- 5.** Explore and review options regarding a transportation voucher system for offenders during their initial release period.

HOUSING

1. Vouchers.
2. Incentives for landlords and developers.
3. Review / revise the “association rules” for parolees.
4. Address the issue of paroling to homelessness.
5. Address the “hard-to-place” parolee (e.g., sex offenders).
6. Require counties to conduct an inventory of available services.

COMMENTS

- Provide non-HUD dollars to support vouchers.
- Landlords feel at risk due to civil forfeiture laws.
- Provide a housing bond (similar to the fidelity bond for employment).
- Consistency and parole officer training are important.
- If one is homeless, the release should be to Community Corrections. This would be a change to Parole Board protocol.
- There should be a change in the acceptance criteria by Community Corrections boards to take homeless parolees.
- These changes will result in an increase of discretionary parole via Community Corrections. (#4)
- Extend housing options beyond transition housing.
- See the Washington Senate Bill 6157 for provisions.

Housing Issue Statement –

- 1. Access to affordable housing can be challenging for offenders**
- 2. Housing for special populations**
- 3. Working with landlords and housing authority**

Recommendations-

- 1. Refer to \$ / wordsmith later inventory and capacity as far as association**
- 2. Recommend the Task Force review and limit the liability (i.e., civil forfeiture) for people who rent to someone with a criminal conviction. The task force will explore the possibility of encouraging incentives for landlords and property developers who provide housing for offenders.**
- 3. Use language from driving on transparency**

4. Encourage the use of discretionary parole to community corrections in lieu of homeless parole plans.

5. Recommend community corrections boards favorably consider accepting homeless applicants

6. Educate and encourage the housing authority to be no more onerous than HUD guidelines in prohibiting offenders.

7. Utilize comprehensive approach to sex offender management.

EMPLOYMENT

1. Flexible parole meeting days and times (including UA/BA submission).
2. Education of employers of the incentives to hire parolees.
3. More market-relevant job skills development through the work programs available at DOC.

COMMENTS

- Too much time is wasted waiting for brief parole appointments and UA submission putting employment at risk.
- Suggestion that the Dept. of Labor and Vocational Rehabilitation be recruited in the effort to inform employers about parolee hiring advantages (fidelity bond and tax incentive).
- Math and resume construction skills should be included in the development of relevant job skills.

Employment Issue Statement –

1. 2 DOC Issues
 - a. Hours of parole offices and treatment providers
 - b. Developing market relevant job skills and training in DOC
2. Working with employers and Department of Labor on incentives to hire offenders

Recommendations-

- 1. Require Department of Labor, Voc. Rehab and DOC to work together in an effective partnership regarding developing offender employment opportunities.**
- 2. Encourage DOL to seek waiver from current workforce (WIA, Wagner-Peyser).**
- 3. Grab wording from PIS Task Force**
- 4. Require DOC and Work Force development collaborate to (is incarceration working on programming in DOC? Career rather than work? Check with Chrissy and reference here)**

IDs

MOU – Carol Peeples, Regi to put out to group.

1. Start the ID process at intake.
2. Stop destruction of any valid ID.
3. Coordinate with Dept. of Revenue and other agencies that are currently working on this issue.
4. Explore the possibility of granting offenders a 'red license' for work in lieu of taking a license away entirely.
5. Allow changes/corrections to reflect an offender's real name.

Social Support-

The Task Force recommends further study regarding (wordsmith with Regi later)

OTHER

Voting statute clarification recommendation:

We recommend that the legislature clarify voting eligibility in CRS § 1-2-103 (4). CRS § 1-2-103 (4) does not adequately clarify voting eligibility for Colorado citizens involved in the criminal justice system. The statute is clear in its description that any person “serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or while serving a sentence of parole” is not eligible to register to vote or to vote. Likewise, the statute is clear in its description that “a confined prisoner who is awaiting trial but has not been tried ... shall be permitted to register to vote by mail.” However, many other voting eligibility scenarios exist, and the Secretary of State’s office can not interpret what is not clarified by the legislature. For example, due to the wording of the statute, we believe that people on probation (for either a misdemeanor or felony) may vote. However, the Secretary of State’s office is not able to clarify whether people on home detention as a condition of probation may vote, or whether people in jail awaiting probation revocation for a felony may vote. Another vague eligibility status scenario involves diversion clients in community corrections on nonresidential status. Voting in an election when the elector is ineligible to vote is a class five felony.

This recommendation will require legislation but will not require funding.