



**Commission on Criminal and Juvenile Justice**

**Minutes**

March 14, 2008  
National Enforcement Training Institute  
12345 W. Alameda Parkway

**Commission Members Attending:**

Peter Weir, Chairman	Ari Zavaras	Dean Conder
David Kaplan, Vice-Chairman	Jeanne Smith	J. Grayson Robinson (via phone)
Peter Hautzinger	Regina Huerter	Debra Zwirn
Bill Kilpatrick	Don Quick	Doug Wilson
Inta Morris	Ken Gordon	David Michaud
John Suthers	Gil Martinez	Tom Quinn
Rhonda Fields	Terrance Carroll	Ellen Robert
Regis Groff	Reo Leslie, Jr.	Steven Siegel

**Absent:** Karen Beye, Melissa Esquibel, Ted Harvey

**Call to Order and Opening Remarks**

The Chairman, Peter Weir, called the meeting to order at 1:09 p.m. Today's focus will be about how the rise in incarceration impacts the state's budget. Also discussed will be some evidence-based practices that have worked both in Colorado and out-of-state.

**State Budget Constraints presented by Representative Andrew Romanoff, Speaker of the House**

Mr. Weir introduced Speaker Romanoff. Representative Romanoff spoke about how the citizens have been lulled into a false sense of complacency because of Referendum C. Referendum C allows the state to spend over TABOR limits for a period of five years, which ends in 2011. Those funds currently are going toward K-12 education, higher education and health care. The difference of what we take in and what we can spend is going into transportation and capital construction.

Groups that have studied the needs of higher education and public transportation have found that Colorado is ranked low for public support in these areas. If Colorado wants to move up to the middle range in higher education, \$800 million more is needed. Also, the state is short \$500 million to \$1 billion for its transportation needs.

The first order of business the state should undertake is to cut costs. A candid conversation with the citizens should occur to ascertain what services they want and how much do they want to spend for these services.

The state Constitution gives conflicting direction when talking about the budget. TABOR says to shrink the budget. Amendment 23 wants the K-12 budget to grow. There is also a constitutional provision to have a balanced budget. Federally mandated programs also put a squeeze on the state's budget. What should we do to stabilize the budget?

Speaker Romanoff offered three suggestions. The first is to "De-Bruce". This would give the state permission to use the revenue it receives above TABOR limits. Any tax increases still have to be approved by the voters. The second is to set aside a 10% reserve in a constitutionally protected savings account. The third is to remove the automatic increases found in Amendment 23.

## **Question & Answer**

John Suthers stated limiting the growth of government is pretty reasonable to most of the people in the state. What is most pernicious is the ratchet-down effect contained in TABOR. Rep. Romanoff replied the voters would still approve tax increases. Also the voters implied that the state couldn't spend everything it takes in and use it to grow without restrictions. TABOR uses the consumer price index in Denver as the metric to measure inflation. The Bell and Bighorn Institutes would like to use another formula that would do away with the ratchet-down effect.

Pete Hautzinger asked if the possibility of reworking the Constitution would be on the voter's plate in the next two or three years. If so, who would sit at the Constitutional convention? To call a Constitutional Convention would require three separate elections: one to call the Convention, another to choose the delegates to the Convention, and a third to ratify the results of the Convention. The earliest would be 2012.

Mr. Weir stated Department of Corrections (DOC) cannot control who comes in and who goes out of prison. There are projections that if the state doesn't do anything differently, DOC would have to build 5 new prisons by 2012. He asked Speaker Romanoff what his thoughts are about these projections in light of the state budget. Speaker Romanoff stated if we don't do anything differently, we will fulfill Einstein's definition of insanity - to do the same thing over and over again and expect a different result. We will have to ship people to out of state prisons. There is a contest between many deserving programs for budget funds.

## **Prison Population Projections presented by Kim English**

Kim English passed out the Annual Prison Populations Report which contains projections the Division of Criminal Justice provides to the legislature every year. Department of Corrections uses this document when assessing its needs for funding. Projections of prison growth between 2007 and 2014 show a 24% increase in the male population and a 78% increase in the female population. The parole population will increase by 51% during this same time period. The fact is that in the future, more people will come out of prison because more people are going into prison.

Kansas also had similar prison projections. However Kansas has been able to implement an evidence-based plan that has had a significant impact. Their numbers now indicate the projected increase in prison population will only be 5% by 2016.

What is important to note is to have a true impact you cannot focus solely on DOC. You have to focus on what goes on in probation and diversion as well.

### **Commission Structure (Budget, Executive Director, By-Laws) presented by Jeanne Smith**

Jeanne Smith updated the Commission on the Subcommittee's work concerning the qualifications for an Executive Director. The group was unanimous in stating an Executive Director needs group dynamic expertise more than expertise in criminal justice issues. The Executive Director needs to be able to keep all the varying interest groups working together and on track. This individual also needs communication skills for drafting reports to the legislature. Once Sheriff Robinson approves the qualifications as set forth by the Subcommittee, they will be emailed to the Commission members for review. (Due to time constraints, the discussion about the Commission By-Laws was deferred until the next meeting.)

### **What Works to Reduce Recidivism and Prevent Crime presented by Roger Przybylski**

Mr. Weir introduced Roger Przybylski who is a national expert on evaluating evidence-based practices. Mr. Przybylski prepared a document entitled, What Works - Effective Recidivism Reduction and Risk-Focused Prevention Programs that is to serve as a resource for the Commission. This report touches on a lot of issues that relate to what works in reducing recidivism and reducing the number of juveniles that offend in the first place. Mr. Przybylski gave an overview of his report, by section:

#### **Section 1**

- Summarizes prison population growth and its associated costs in Colorado. It discusses the importance of recidivism reduction and crime prevention.
- People who have been previously incarcerated are 30 - 40 times more likely to be re-arrested than individuals who have never been in prison.
- Reducing recidivism helps to reduce victimization, enhance public safety and reduce costs. It is cheaper for communities to prevent crime in the first place than it is to deal with the crime after it occurs.

#### **Section 2**

- This section discusses the concept of evidence-based research. It defines "evidence-based", discusses its origin and importance.
- Many intervention and prevention efforts are not currently evidence-based. Programs and practices based on evidence are more effective than those that are not.
- Everything in the document is evidence-based using scientific data. Where possible he included the cost benefits of each program.

### Section 3

- This section describes the methods used by Mr. Przybylski when reviewing programs.
- Four hundred documents were reviewed with a focus on reducing recidivism and identifying programs that impact behavior.

### Section 4:

- This section summarizes the research on the impact of incarceration and crime and the transition from prison to the outside world. This research is not Colorado specific.
- One line of research is focused on the number of crimes someone would have committed if they were not in prison. Many crimes are not reported to the police and some of those that are reported do not result in a criminal charge being filed. The result of this research estimated that 15 property crimes were not committed because the inmate was in prison. Most of those crimes would not have been reported to the police.
- The conclusions reached found that a 10% increase in the incarceration rate only produced a 2 - 4 % drop in crime.
- The drop in crime in recent years is primarily due to factors other than incarceration, such as social policing.
- The cost effectiveness of incarceration is something that policy makers need to decide. Incarcerating high risk and violent offenders is cost effective. Incarcerating low risk offenders is not.
- When a large number of parent-age individuals are removed from low income communities, the number of crimes increase. Children of incarcerated parents suffer negative impacts - from child abuse to becoming incarcerated later in life.
- Work and marriage are important to keep someone from re-offending.

### Section 5

- This section summarizes research on the efficacy of rehabilitation.
- It describes principles of effective intervention, identifies programs that work and presents supporting empirical evidence.
- Effective programs that reduce recidivism:
  1. Programs for offenders with mental illnesses that provide treatment are highly effective.
  2. Cognitive-behavioral intervention.
  3. Quality after school programs.

### Section 6

- Discusses risk factors for delinquency and focuses on crime prevention.
- Prevention programs that are delivered early in life, before criminal conduct begins, are effective.
- Some risk factors that are identified early in life are birth problems and family issues. The Nurse Family Partnership involves visits to young mothers by registered nurses to provide information about early care, prenatal care, and child care. Data shows after 40 years, there is a lower offender risk by participants, including both the mother and the child. It is a highly effective program.

- Preschool intellectual enrichment program. Studies show that having a low IQ at age 4 - 6 increases the delinquency rate at a later date. High/Scope model and Chicago Child Parent Center - those children who have participated in these programs have a lower arrest rate. These programs break even after 4 years of delivery.

## Section 7

- This section deals with implementation issues. Even the most effective program won't work unless they are delivered according to plan. In almost every situation when a program model is to be provided, the local people want to adapt the program. Any adaptation needs to be implemented strategically to make sure negative effects don't occur.
- Taking the time to cultivate buy-in by administrators and staff is critical.
- Underscores ongoing monitoring and evaluating the programs.

## Section 8

- This section is a summary. The basic concept is that there are effective prevention programs that exist for every stage of a child's development. Interventions and programs in prison are effective in reducing recidivism. Investing in these programs reduces victimization, enhances safety and shows a good return on taxpayer investment.

## Context of Evidence-Based Practice in our Justice System presented by Tom Quinn

Tom Quinn spoke about how diverse goals impede an effective overall policy. We have to improve the return on our investment. What we measure should link to our goals. The gaps between supervision and treatment must be filled.

- There can be several goals seen in the sentencing of individuals: Rehabilitation by reducing the abuse and increasing the pro-social attitudes. Incapacitation by incarceration either through length of sentence or technology.
- Retribution by incarceration as seen by the length of sentence.
- Restore victim and repair the harm to community.

Last year Probation collected \$24 million in restitution. If restitution is your goal you will get more money from someone who is on probation and working than you would if someone is in prison.

Gallup polls consistently find that the public has less confidence in the criminal justice system than in other institutions such as schools and medicine. The criminal justice system (corrections and the courts) fall behind the police.

The use of restorative justice gives victims more of a role in the system.

- Gives choices to the person harmed.
- Increases plea negotiation options.
- Improves payment of restitution.
- Can reduce case loads.

## Conclusions

- Have to have balanced goals and discuss them.
- Have to have evidence-based practices.
- What we measure should equate back to our goals.
- The gaps in our continuum of supervision and treatment must be filled.
- We can focus policy and improve our return of investment.

## **Colorado EBP (Evidence-Based Practice) Programs presented by Chief Probation Officers Eileen Kinney, Greg Brown, and Susan Gilbert**

Why do evidence-based programs matter? The Washington Institute for Public Policy found that, "If Washington state successfully implements a moderate to aggressive portfolio of evidence-based operations, a significant level of future prison construction can be avoided, taxpayers can save two billion dollars and crime rates can be reduced."

Evidence-based practices are defined through rigorous research components. They are not just about programs but can include practices probation officers use with their clients. Problems need to be addressed now and we cannot wait for the research to occur. We need to be innovative in a thoughtful way.

In dealing with Probation officers, performance reviews are being used to measure their adherence to evidence-based practices. They are trying to link what probation officers do to the processes used, their job performance and even pay.

Program evaluations: They are looking at current programs to see if they are based in current theory. Probation is working with DCJ to develop a juvenile sex offender tool.

In addition to evaluating programs and practices, there should be a technical violations committee. How should probation officers respond to technical violations by probationers? Are there better strategies than the ones currently being used? Victims are also an important part of probation. Victims should be surveyed annually to see how they are doing.

Risk assessments of probation clients are based on the principals of risk, need and how the individual will respond to treatment. Treatment should target needs such as pro-social values and attitudes. A goal should be to place the right individual with the right service provider based on the way the individual learns.

Examples of evidence-based programs are intensive supervision with therapeutic components, cognitive behavioral therapy, multi-systemic therapy and functional family therapy. For instance, one problem probation has with a juvenile client is getting the parents to participate. Multi-systemic therapy has the probation officer going out to the home for meetings, or during a crisis. Multi-systemic therapy takes down the barriers that parents can put up which can impede the success of the juvenile on probation.

### Common factors that help change behavior

- Client factors are what the clients bring to the probation officer. The client factors include internal factors like a client's past successes, or their optimism. The external factors are belonging to positive social groups, or a parent or family member that is supportive.
- The relationship factor. Does the client trust the probation officer? Does the probation officer have empathy with the client?
- The probation officer expresses hope and an expectancy on successful treatment. They focus on the future, not on the past mistakes.
- Research shows that techniques employed by a probation officer have less direct correlation to successful probation completion than do the other factors that are directly related to the probation client.

Restorative justice initiatives. Success has stemmed from partnering with communities through victim offender mediation. Victims talk about feeling heard and offenders talk about realizing the impact of the crime.

Mentoring programs: Some police departments have mentors that can work with probationers.

Personnel management: Probation now has higher staffing levels. More staff can mean more time with clients and they can begin to integrate evidence-based techniques.

Improved training. Probation now does 40 hours of initial training when someone is hired. Brown bag lunch-time trainings are used to reinforce skills and educate officers on the use evidence-based practices.

Probation officers are shifting their focus from just process to outcomes and how the outcome impacts their own performance evaluations.

### **Department of Corrections presented by Kristi Rosten**

The mission of Department of Corrections is to develop educational, vocational and cognitive behavioral programs. GED's are offered at every facility. There is also adult basic education offered at every facility. Youth Offender Systems has a program that provides a high school education.

The canine program has been expanded to nine facilities and handles 126 inmates. When offenders bond to something, they develop social skills. A canine is an excellent partner in this. The Canine Program is not supported by taxpayer dollars. This is cash funded by correctional industries.

The heavy equipment operator training and welder programs are very successful. Jobs are easy to get once out of prison and are well paying. The Wildland Firefighter program pre-selects the inmates that go into those programs and are very successful.

The Therapeutic Communities with aftercare have demonstrated remarkable benefits. The outcomes by Arrowhead TC with follow-up by the Peer I TC have shown to be very successful.

There are tremendous wait-lists on most programs. To be eligible for parole, an inmate may be required to have completed a program that has a lengthy wait list. This would delay the individual's parole date.

The Sex Offender Treatment program has been examined by the Division of Criminal Justice. If offenders had no treatment, there was a 47.7% recidivism rate. Phase I treatment had 30% rate of recidivism, and Phase II treatment had 15% rate of recidivism.

YOS has been repeatedly evaluated. It was established in 1993 and was intended for violent youth. It has been modified through legislation and now includes sex offenders. Data shows that those juveniles who do not obtain a GED or high school diploma, re-offend 3 times more frequently than juveniles who did get a GED. Recidivism rates 1 year average is 6%, 3 year average is 19% (compared to 50% for adults) and 5 year average is 30%.

DOC has a budget of \$600 million but how much of it goes toward programs? In tough budget years, the programs are the first thing cut in the budgets. The PEW Report says about 9% of Colorado's budget goes toward Corrections.

Corrections will try not to move someone if they are in a program. If the inmate needs to complete a program to be eligible for parole, DOC won't move them away from the facility that offers the program.

## Questions & Answer

How long are the waiting lists? Can additional funding from Legislature help? The Sex Offender Treatment program takes 8 years from the date the inmate becomes eligible for probation to complete the program and there is an 18 month waiting period. They are in the process of expanding the program. DOC has 17.4 teachers now and another 7 are in the long bill.

What about medication for inmates with mental illnesses? DOC uses generic medicines so that offenders can afford the drugs. DOC would get someone regulated on their medication but cannot give the inmate enough medicine to bridge the time between their leaving DOC and getting a job.

As DOC moves inmates, one impact to keep in mind is that on the family. Moving an inmate to a different facility can cut off their family support. The Commission should set benchmarks so that there is a base level of services provided across the board.

There are 1200 sex offenders that have indeterminate sentences. 7 of them have been released. How many of the 1200 are in sex offender treatment? Department of Corrections will have to research this question and return with the information. (Parking lot issue).

What percentage of inmates are involved in educational programs? DOC will also research these figures. Corrections wanted to inform members of the Commission that when an inmate comes into the system, his/her literacy level is determined. If it is below 8th grade, the inmate is offered educational programs so they can participate in other programs.

Can DOC obtain data containing the number of inmates in programs and the waiting list for those programs? Yes. Corrections will research those numbers. Mr. Zavaras suggested



including what happens when they hit parole. If we can have a continuum of programs will have better results.

How do you match the needs of the offender to the right program? Can Probation and Corrections provide this information? Corrections will share the diagnostic program that DRDC uses in evaluating new inmates.

Risk assessment - any continuity of a risk assessment tool between Probation, DOC, Parole and Community corrections? Yes. LSI scores are used by all units and drug and alcohol evaluations are the same. Who is responsible for doing the LSI? DRDC does the LSI. Are you all comfortable with the assessment tool? It was state of the art when it was created and has been reviewed a couple of times. Probation is trying to get a review of the LSI tool. DOC has to retrain and coach people on how to use the tool.

Mr. Michaud stated that next to drug and alcohol programs, anger management is the next most important program and that program is not funded anymore.

### **Wrap-up and Next Meeting**

Next meeting will be April 11, 2008. Topics to be discussed will be

- Re-entry
- Forming a new subcommittee
- Guiding principals

The meeting adjourned at 5 p.m.