



**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

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September 5, 2008

Dear Commission Members,

Considerable time, energy, thought and discussion have been dedicated to the creation of the attached document. These recommendations reflect the extremely hard work of commission members on the Re-Entry Subcommittees, interested subject matter experts from the community, and DCJ staff. **PLEASE REVIEW THESE RECOMMENDATIONS PRIOR TO THE IMPORTANT MEETING SCHEDULED FOR NEXT THURSDAY AND FRIDAY.**

Please find with this letter a document with 72 Re-Entry recommendations to the Commission from the four Task Forces:

- Probation
- Incarceration (jail and prison)
- Transition (6 months inside/6 months outside)
- Post Incarceration Supervision

Currently the recommendations are numbered P-1 through PIS-97, and O-98 and O99 (for the Oversight Committee). Note that there are no longer 97 recommendations because some have been combined.

[The recommendations are ranked.](#) The remainder of this letter should help you understand the how the recommendations received their current rankings.

The recommendations were prioritized at several steps in the process so far, using the following criteria:

- **Task force** priorities were based on the following criteria:
 - Recidivism reduction (victimization reduction),
 - Cost reduction, and
 - Promotes successful offender outcome.
- **Oversight Committee** priorities were based on two dimensions
 - **(1) Support:**
 - I can support this as written (scored 3)
 - I can support the concept but not as written (2)
 - I can't support this concept (1)

Bill Ritter, Jr.
GOVERNOR

Peter A. Weir
EXECUTIVE DIRECTOR

Colorado State
Patrol

Colorado Bureau
of Investigation

Division of
Criminal Justice

Office of Preparedness,
Security, and Fire Safety

- (2) Impact, scored in total high (3), medium(2), and low (1) with these in mind:
 - # people this will affect,
 - Cost effectiveness/reduction/reallocation, and
 - The extent to which this recommendation furthers the mission of the Commission.

Each recommendation has the following information attached:

- Business practice/policy change yes/no
- Legislation required yes/no
- Cost increase yes/no
- Costs averted yes/no

Following each recommendation #, you will find in parentheses the average **Support** score (range is 1-3) and the average **Impact** score (range is 1-3) generated by the Oversight Committee.

These scores will be multiplied to achieve a range indicating support/impact of each recommendation for our meeting next week. However, 10 recommendations scored “9,” the highest support and impact, and these are presented first as **Group 1** Recommendations.

At the Commission meeting on Sept 11 and 12, the recommendations will be further grouped. Anticipated categories may include recommendations:

- Needing additional study and discussion;
- Requiring legislative or statutory changes; or
- Requiring revising business practices

Highlighted in yellow are comments received from one of three focus groups with representatives from the victim community (two additional focus groups will be held and the information incorporated by the Sept 11 meeting)

This is a working document. We are unable to provide the entire context and complete research citations prior to next Thursday. However, staff and task force members will be present to respond to questions.

Thank you very much for your commitment to this very important project.

Sincerely,



Peter A. Weir
Chairman
Colorado Commission on Criminal & Juvenile Justice

RE-ENTRY RECOMMENDATIONS For PHASE 1

Yellow highlights = Input from Sept 2nd focus group with victim representatives; two additional focus groups are scheduled prior to the Sept 11-12 Commission meeting

Group 1: Score of 9

I-23 (Support 3.0) (Impact 3.0)

Legislation should be drafted to permit judicial districts to develop a percentage bond-to-the-court (see HB 08-1382), as is provided by the federal court system. Such percentage bond does not eliminate other types of bonds.¹

- Policy change Yes
- Legislation Yes
- Cost increase No
- Costs averted Yes

I-44 (Support 3.0) (Impact 3.0)

The state should invest in community-based, evidence-based mental health and substance abuse treatment for all citizens to prevent the need for incarceration, and to provide such treatment as an alternative to incarceration.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted Yes

DISCUSSION

In 2001, Colorado ranked 31 among the 50 states in per capita state expenditures for mental health services, spending \$64.00.²

¹ This bail bond alternative, which would require legislation by amendments to CRS 16-4-104 and 105, is already in potential draft form in House Bill 08-1382 from the last legislative session.

² See www.statemaster.com, accessed 9/3/08.

T-62 (Support 3.0) (Impact 3.0)

Using the Level of Supervision Inventory-Revised (LSI-R) and other tools as appropriate, DOC shall conduct a comprehensive risk/needs assessment of each offender prior to release for the development of a case plan. This plan will form the basis of providing vouchers (or other approved mechanisms) that assist the offender in accessing immediate services, including housing, medication (i.e., insulin), mental health services, addiction treatment, and related programs.³

- Policy change Yes
- Legislation No
- Cost increase Reallocation?
- Costs averted Eventually

DISCUSSION

This recommendation builds on similar recommendations that call for the system-wide implementation of a comprehensive needs/risk assessment that is updated regularly, in this case prior to release from incarceration (see I-41 and I-32). Presently, the LSI is conducted prior to release only at DOC's Cheyenne Mountain Correctional.

T-67 (Support 3.0) (Impact 3.0)

Ensure current (within the last six months) release assessment information is provided to the parole board and community corrections boards.

- Policy change Yes
- Legislation No
- Cost increase Reallocation?
- Costs averted ?

T-70 (Support 3.0) (Impact 3.0)

Any limitation or restriction of an offender's driver's license while on parole and community corrections must be based on specific, written, and standardized criteria.

³ "Released prisoners face enormous challenges, from finding jobs and housing to staying sober to avoiding high-risk persons and places. One key to successful reentry is identifying the challenges prior to release and developing tailored reentry plans that identify appropriate services. Research emphasizes the importance of conducting detailed needs assessments shortly before release and periodically after release to develop appropriate individualized services. The key is that a person should not leave prison without an immediately available person and plan for post-release life." National Research Council. (2008). *Parole, Desistance from Crime, and Community Integration*. Committee on Community Supervision and Desistance from Crime. Committee on Law and Justice, division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

DISCUSSION

The DOC does not currently have a written policy that addresses this recommendation.

T-76 (Support 3.0) (Impact 3.0)

Form a collaborative of public and private agencies to identify and develop additional housing resources for special populations who have a criminal record (for example, the aging, those with mental illness, people with developmental disabilities, sex offenders, and those medical problems).

- Policy change No
- Legislation No
- Cost increase Yes
- Costs averted Eventually

PIS-87 (Support 3.0) (Impact 3.0)

The Commission request that an independent agency with expertise in paroling authorities (e.g., the Center for Effective Public Policy⁴) provide technical assistance to the parole board to increase efficiency and effectiveness. This assistance would involve bringing to Colorado experts in parole and release to engage in the following tasks:⁵

(1) Review parole guidelines, policies, procedures, sanction grids, and training standards;⁶

⁴ The Center for Effective Public Policy recently published the following documents: *Increasing Public Safety Through Successful Offender Reentry: Evidence-Based and Emerging Practices in Corrections* (2007); *Responding to Probation and Parole Violations: A Handbook to Guide Local Policy Development* (2001); and *Parole Violations Revisited* (2004).

⁵ Between May and July 2008, PIS Task Force Leader Christie Donner conducted interviews with more than 50 professionals and lay people involved in the Colorado criminal justice system about envisioning an ideal parole system. Specific concerns raised included the following:

- Lack of guidelines in decision making by parole board members and administrative hearing officers;
- Lack of sanction guidelines to guide parole revocation decisions;
- Not using the correct assessment tool(s) in decision making either for release or for setting appropriate conditions of release (i.e. "cookie-cutter" conditions);
- Lack of evaluation of parole board members;
- Lack of performance measures.

⁶ It is possible to predict the risk of recidivism of groups of offenders by using well-researched assessment tools that are capable of identifying a wide range of criminogenic needs. The use of a comprehensive, reliable and valid instrument such as the LSI (Level of Service Inventory offers significant improvements and advantages over guessing about future risk. The LSI predicts recidivism but, perhaps more importantly it also

- (2) Review the use of assessments, the decision making process, and how parole decisions are communicated to interested parties;
- (3) Review the parole board's internal capacity for data collection and reporting;
- (4) Review forms used by the parole board;
- (5) Conduct a work-load survey to identify inefficiencies and possible remedies; and
- (6) Review the opportunities for inmate supporters and victims to participate in the parole hearing.

The Commission requests that the Department of Public Safety, on behalf of the Colorado Criminal and Juvenile Justice Commission, apply for funding from the JEHT Foundation to provide the aforementioned assistance.

- Policy change No
- Legislation No
- Cost increase No
- Costs averted Yes

PIS-92 (Support 3.0) (Impact 3.0)

Encourage the General Assembly to provide funding that promotes partnerships between local and state public or private entities for the construction on publically owned lands of multi-purpose correctional supervision and re-entry facilities.⁷

- Policy change Yes
- Legislation Yes
- Cost increase Yes
- Costs averted Yes

O-98 (Overarching)

Ensure every offender leaving jail and prison has obtained a driver's license or state ID before release to the community.

provides information pertaining to offender needs. Pryzybylski, R. (2008). *What Works, Effective Recidivism Reduction and Risk-Focused Prevention Programs*. Division of Criminal Justice: Lakewood, CO.

⁷ PIS Task Force leader Christie Donner conducted interviews with more than 50 professionals and lay people involved in the Colorado criminal justice system to capture people's vision for an ideal parole structure. During the interviews one issue raised was the need to expand the inventory of transition beds, and to include a work-release option.

DISCUSSION

The Re-Entry Oversight Committee recommends immediately appointing a working group to resolve all barriers related to the implementation of this recommendation.

O-99 (Overarching)

New budget requests should include an analysis and discussion of the full fiscal and non-fiscal impact of new initiatives on other agencies (for example, the impact of a state-level initiative might have on a county jail).

DISCUSSION

The Re-Entry Task Force discussions have raised the issue of agencies seeking resources for new initiatives in a way that documents the full fiscal and non-fiscal impact of new initiatives on other entities. Carefully analyzing and quantifying the full range of expected consequences reflects the systematic and unified approach that is at the core of the Commission's recidivism reduction efforts. This documentation can be revisited in the future for review and discussion should unintended consequences surface.

Probation Task Force

Response to Probation Violations and Appropriate Sanction Guidelines

The Task Force finds the following:

- Responses to probation technical and criminal violations are inconsistent statewide.
- Technical violation programs used in others states provide a helpful example of how Colorado might reduce violations that result in incarceration without reducing public safety.
- The positive reinforcement to punishment ratio should be 4:1, as supported by the evidence.^{8,9}

⁸ Positive incentives for compliance have been found to be important complements to sanctions for violations. Researchers discuss rewards in the corrections process as a means of encouraging compliance with program requirements. (See Andrews, D., & Bonta, J. (2003). *Psychology of Criminal Conduct* (3rd Ed.). Cincinnati, OH: Anderson.)

⁹ One way of giving positive reinforcement in behavior modification is in providing compliments, approval, encouragement, and affirmation. Positive reinforcers should outnumber punishers in a ratio of not less than 4:1. This is generally seen as being effective in altering

The Task Force recommends the following:

P-1 (Support 2.75) (Impact 3.0)

To increase consistency across the state in the response to probation technical and criminal violations, the Division of Probation Services shall work with district probation departments to develop a range of probation sanction guidelines that hold offenders accountable while working toward successful completion of probation. These guidelines will be adopted and consistently implemented with the assistance of the court in each jurisdiction.

- Policy change Yes
- Legislation Possibly
- Cost increase No
- Costs averted Yes: Assuming 10% reduction in technical violations to prison
 - Year 1 savings 136 Beds \$ 2.7 M
 - Year 2 savings 376 Beds \$ 7.6 M
 - Year 3 savings 611 Beds \$12.3M
 - Year 4 savings 829 Beds \$ 17.7 M
 - Year 5 savings 1064 Beds \$ 21.5 M¹⁰

DISCUSSION

The National Institute of Corrections promotes a “new generation” of policy to guide officer decision making regarding technical violations. Administrative violations are inevitable, particularly when the issues and forces that led them into the justice system will most likely continue until they learn new skill. The violation severity and offender’s risk to the community should direct the development of the guidelines. The development of guidelines should include the identification of a range of local sanctions that prioritize offender accountability.¹¹ Note that violation of a no-contact condition is a special condition of probation and should be considered a serious behavior.¹²

behavior in a desired manner. (Gendreau, P. (1996). The principles of effective intervention with offenders. In A. T. Harland (Ed.) *Choosing correctional options that work: Defining the demand and evaluating the supply*. Thousand Oaks, CA: Sage Publications.)

¹⁰ Analysis, conducted by the Division of Criminal Justice, Office of Research and Statistics, assumes that the revocation-to-prison rate decreases every year by 10% from the previous year.

¹¹ Carter, Madeline (editor). (April 2001). *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*. Center for Effective Public Policy, Silver Spring, Maryland.

¹² Yellow highlights reflect the sentiment from the September 2 CCJJ focus group with representatives of victims of crime.

P-2 (Support 2.91) (Impact 3.0)

Research shows that positive reinforcement is an important component of behavior modification.¹³ The use of incentives to facilitate successful completion of probation should be placed in statute. Such incentives should be interpreted as evidence-based efforts to encourage the offender's positive performance for the purpose of enhancing public safety and preventing victimization.

- Policy change Yes
- Legislation Yes
- Cost increase Possibly → depends on type of incentive
- Costs averted Eventually

P-3 (Support 2.92) (Impact 2.88)

To reduce the number of offenders with probation violations resulting in a prison sentence,¹⁴ the Division of Probation Services should implement a technical violations program¹⁵ that focuses on these offenders and encourages them to become compliant with probation supervision.¹⁶

- Policy change Yes
- Legislation No
- Cost increase Redirecting existing resources
- Costs averted Yes

¹³ Gendreau, P. (1996). The principles of effective intervention with offenders. In A. T. Harland (Ed.) *Choosing correctional options that work: Defining the demand and evaluating the supply*. Thousand Oaks, CA: Sage Publications.

¹⁴ In FY06, over 1,578 adult offenders were revoked from probation for technical violation and sentenced to the Department of Corrections; another 4,217 were sentenced to county jails. That same year, 760 probationers were sentenced to DOC for a new crime, and another 574 were sentenced to county jails. Division of Probation Services. (2007). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases. Colorado Judicial Branch. Denver, CO. Table 17.

¹⁵ For example, the Technical Violation Unit in Connecticut targets people who are failing under standard probation supervision. These individuals are referred by their probation officer and unit chief for intensive, 30 to 60 days of supervision. Caseloads in the TVU are capped at 25, and TVU participants receive specific services under tightened supervision requirements. Once the person's progress is stabilized, he or she is transferred back to a standard probation caseload. The project was evaluated by a research team at Central Connecticut State University (Cox and Bantley, 2006). In the 12 months following program participation, technical violations were 14 percent compared to 26 percent for the comparison group. Justice Strategies (2006). *Justice Reinvestment: Three States' Strategies for Building Healthier, Stronger, and Safer Neighborhoods*. Justice Strategies, 199 Washington Avenue, Brooklyn, NY; Cox, S.M. and Bantley, K. (June 2006). *Addendum to the Final Report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit*. As cited in Justice Strategies, 2006.

¹⁶ The Division of Probation Services convened a working group to examine probation technical violations resulting in a prison sentence. The group recommended that consequences should be delivered closer in time to the violation, and increasing the use of intermediate sanctions and incentives. These would be accomplished by improving communication between the probation officer and the court, training officers on the appropriate use of intermediate sanctions and incentives, and increase the use of sanctions that do not require a court order. The group also recommended an increase in intensive supervision capacity.

P-4 (Support 2.5) (Impact 2.56) SUPPORT RECOMMENDATION

The Task Force supports the efforts of the Division of Probation Services and district probation offices to enhance the consistent use of appropriate incentives and intermediate sanctions, particularly in response to technical violations.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

DISCUSSION

Research shows that the systematic use of evidence-based practices can reduce recidivism and improve public safety. Significant efforts are underway to improve district court probation services in Colorado by applying the principles of evidence-based practices in case management and the response to technical violations. The Task Force supports these efforts.

System, Agency, and Organizational Changes To Ensure Successful Probation

The Task Force finds the following:

- In a survey conducted by a Task Force member, judges identified barriers that prevent successful completion of probation which result in more frequent and longer periods of incarceration. The judges also voiced concern about victim and community reparation.¹⁷
- Imposing jail as a condition of probation may inhibit long term success, especially when an individual loses his or her job as a result of incarceration. Lack of employment is linked to recidivism in many studies.¹⁸
- Judicial review hearings are sometimes used by the judge as a “check-in” with the probationer. These hearings can significantly burden an offender who must find transportation to court and be released from employment, creating barriers to successful completion of supervision.

¹⁷ This information was gathered from a survey distributed to district court judges via Judge Gil Martinez, CCJJ commission member.

¹⁸ The criminology literature links unemployment and recidivism (Sampson and Laub, 2003), and research by the Division of Criminal Justice consistently finds unemployment related to failure under supervision. See Nicole Hetz Burrell and Kim English (May 2006) Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-04; and Constatino, Marshall, Harrison, Linda, and English, Kim (in process). *2008 Colorado Actuarial Risk Assessment Scale*. Colorado Division of Criminal Justice, Denver, CO. See also Taxman, F. (1998). *Reducing recidivism through a seamless system of care: Components of effective treatment, supervision, and transition services in the community*. College Park, MD.

- The following recommendations are relatively simple to implement, and require no legislative changes.

The Task Force recommends the following:

P-5 (Support 2.0) (Impact 2.56)

Implement existing statutes (CRS 16-5-206 and 16-5-207) encouraging the use of a summons rather than arrest for probation revocations.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

DISCUSSION

Frequently judges briefly incarcerate offenders facing a probation revocation. However, even short-term incarceration is expensive for the community and does little to enhance public safety for it may lead to the offender’s job loss, cause family hardships, and result in other destabilization events that ultimately increase the offender’s risk for recidivism. Research shows that employment and stable family relationships are factors associated with reductions in recidivism.¹⁹ In addition, in FY07, 4 out of 5 of offenders facing revocation remained in the community,²⁰ meaning that every effort should be made by the court to support the offender’s employment by avoiding arrest and incarceration when possible.

Further, significant variation exists across the state in the use of jails for offenders facing probation revocation. Each local judicial district should develop and implement guidelines for the use of summons, arrest, and incarceration. The average daily cost of jail incarceration in the seven Metro Area jails is \$59.27.²¹ Efforts to reduce the use of jail for offenders pending probation revocation hearings will result in local cost savings and in many cases will allow offenders to continue to work and pay taxes, restitution, and court-related fees.

¹⁹ “Family and work seem to be especially important in the [reduction of criminal behavior].” National Research Council (2008). Parole, Desistance from Crime, and community Integration. National Academies Press, Washington, D.C. Page 21.

²⁰ Division of Probation Services (Augusts 2008). *Technical Violations Work Group Report*. Colorado Judicial Department, Denver, CO. Table 1.

²¹ Metro Area County Commissioners Mentally Ill Inmates Task Force 6/30/08 report, presented at the July 1, 2008 meeting in Northglenn.

P-6 (Support 2.25) (Impact 2.25)

Encourage the use of summons and “cash only” bonds rather than arrest and incarceration for offenders on revocation status when the total amount of fees and costs owed is minimal.²² The judge can convert the cash bond into costs owed.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

DISCUSSION

P-7 (Support 1.55) (Impact 2.38)

When appropriate, judges should waive costs and surcharges at sentencing when the offender is clearly unable to pay to ensure that this does not later become the basis for a revocation.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

DISCUSSION

It is important to remember that these funds, when paid, are directed into offender services. However, because it is likely that this will be applied infrequently, it will have minimal impact on these funds.

P-8 (Support 2.25) (Impact 1.83)

The imposition of special conditions of probation should be based only on specific, individual needs/risk assessment information.

- Policy change Yes
- Legislation No
- Cost increase Possibly
- Costs averted Possibly

DISCUSSION

Judges sometimes impose special conditions of community service and treatment mandates as a matter of course rather than considering the risk/need level of the offender. Research shows that

²² For example, if an offender owes \$400 in restitution and fees, a judge would set bond at \$400 cash bond and continue the case for hearing.

low risk offenders do not benefit from interventions,²³ and victims often prefer that community service be related to the nature of the crime (to encourage reparation). Recommendations provided in the presentence investigation report can promote the use of such conditions. Judicial and probation officer education about evidence-based correctional practices are important components in the implementation of this recommendation.

P-9 (Support 2.08) (Impact 2.25)

To reduce docket overload and interruptions to the offender’s employment, minimize court review hearings and appearances. Educate judges and probation officers on prioritizing support for the offender’s employment since research shows that stable employment is linked to recidivism reduction.²⁴ This does not apply to specialty courts.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

DISCUSSION

Some judges favor the use of court hearings during the course of probation so that offenders can “check in” with the judge. This practice varies considerably across jurisdictions and judges. These meetings can increase docket schedules and may, for some offenders, create transportation and employment hardships that may lead to unsuccessful probation outcomes.

P-11 (Support 2.18) (Impact 2.38)

It is recommended that judges at the initial sentencing hearing consider the negative impact a jail sentence imposed as a condition of probation may have on the offender’s ability to maintain employment, housing, and maintain SSI and SSDI benefits, and therefore successfully complete probation.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

²³ Latessa and Lowenkamp conducted two large-scale studies of 26,000 offenders in over 100 correctional programs, including both residential and nonresidential programs. All of the offenders in the study had risk scores: low, low moderate, moderate, and high. Placing low risk offenders in high risk interventions actually increased recidivism by 29%. In fact, the study found that low risk offenders placed in residential facilities had a 4% higher recidivism rate than their low-risk counterparts in the comparison group who were not placed in residential placements. Latessa, E.J and Lowenkamp, C. What Works in Reducing Recidivism? (2007). *University of St. Thomas Law Journal* 3(3), pp. 521-535.

²⁴ National Research Council (2008). *Parole, Desistance from Crime, and Community Integration*. National Academies Press, Washington, D.C.

P-12 (Support 2.67) (Impact 2.5)

When appropriate, and considering the safety of the victim, expand the use of home detention in lieu of jail, as a condition of probation or for a probation revocation.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

P-13 (Support 1.58) (Impact 1.63)

Resolve new county court cases as soon as possible because unresolved cases may interfere with the success of district court probation.

- Policy change Yes
- Legislation No
- Cost increase ?
- Costs averted ?

P-14 (Support 1.58) (Impact 1.5)

When explaining the rationale for a probation sentence, judges should verbalize the defendant's positive behaviors (such as participation in treatment, employment, family responsibilities) that support a community-based sentence. This approach is supported by research findings that link positive reinforcement to behavior change.²⁵

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted No

P-15 (Support 2.42) (Impact 2.88)

Judicial and probation officer training should be expanded to develop curricula that promote a culture of successful supervision of probationers.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

²⁵ Andrews, D., & Bonta, J. (2003). *Psychology of Criminal Conduct* (3rd Ed.). Cincinnati, OH: Anderson.

Mandatory Earned Time on Probation

The Task Force finds that:

- The decision to consider and grant early termination of probation is inconsistent across judicial districts.²⁶
- Mandatory earned time—in the sense that time off the sentence is mandatory and not discretionary when the offender meets specific behavioral expectations—can be an important tool to encourage the successful completion of supervision.²⁷

The Task Force recommends the following:

P-16 (Support 2.08) (Impact 2.75)

As a way to provide incentives without sacrificing public safety, a working group shall be formed of representatives from the Division of Probation Services, district court probation departments, prosecutors, defense attorneys, victim representatives, and judges to develop an *earned time schedule* that links specific behaviors, such as completing drug treatment and maintaining “clean” urinalysis tests, to specific reductions in the term of the probation sentence.

- Policy change No
- Legislation No
- Cost increase No
- Costs averted No

²⁶Research has found that incentives result in higher success rates than do punishments. As Cox, Bailey and Roscoe (2004) found in their evaluation of Court Support Services Division’s Probation Transition Program and Technical Violations Unit for the state of Connecticut, criminal justice tends to be dominated by negative outcomes, such as violations or revocations of probation, and may thus inadvertently set up a mind-set of failure on the part of line officers. Focusing on positive outcomes, such as successful program completion and demonstrated attitude change, can help to ameliorate this negative orientation, and provide both concrete and positive markers to direct probation activities.

In an article written in the November, 2007 issue of *Criminology and Public Policy*, entitled “Employ Behavioral Contracting for ‘Earned Discharge’ Parole,” Joan Petersilia points out, “To combine both of these elements - behavioral contracting and accelerated parole discharge - produces tangible benefits for public safety, recidivism reduction and resource allocation.” Petersilia makes specific proposals regarding the computation of time reductions.

²⁷ In 2000, a meta-analysis of 26 studies was conducted to evaluate the overall effectiveness of vocational and work programs in increasing employment and reducing recidivism. It was found that vocational training increased an offender’s likelihood of finding post-release employment as well as decreased the offender’s likelihood of recidivating. Correctional industries and other work programs did not have the same positive effect. A more recent study in 2006 had similar findings. (MacKenzie, D.L. (2000). *What works in corrections: Reducing the criminal activities of offenders and delinquents*. New York: Cambridge University Press; Wilson, D.B., Gallagher, C.S., & MacKenzie, D.L. (2006). A meta-analysis of corrections-based education, vocation, and work programs for adult offenders. *Journal of Research in Crime and Delinquency*, 37, 347-368.)

DISCUSSION

This recommendation builds on the research that positive reinforcement is a powerful tool in supporting behavior change.²⁸ This concept that is widely supported by probation officers. For example, offenders who have an assessed need for substance abuse treatment and who complete drug treatment might earn 180 days off their probation sentence. The working group must ensure that the protocol for implementation of an earned time schedule comports with the Victim Rights Act.

Statutory Barriers to Successful Probation

The Task Force finds the following:

- Mandatory driver's license revocation creates an obstacle to the successful completion of probation (e.g., inhibits one's ability to work, receive/attend treatment, provide useful public service, meet with probation officers, and make appointments in a timely manner).
- Inadequate public transportation can create barriers to the successful completion of probation for individuals who are prohibited from driving.
- The idea that the removal of driver's license for non-driving offenses is a deterrent to specific criminal behaviors (such as nonpayment of child support) is not supported by research.

The Task Force recommends the following:

P-17 (Support 2.58) (Impact 3.0)

Because the loss of a driver's license is a significant barrier to employment, and because employment is linked to crime reduction, abolish those portions of a statute that require the mandatory revocation or suspension of the defendant's driver license for a conviction/adjudication of non-driving offenses.²⁹ This recommendation does not apply to child support enforcement.

- Policy change Yes
- Legislation Yes
- Cost increase No

²⁸ According to behavioral psychology (including the work of B.F. Skinner), positive reinforcements is the most effective way to increase the likelihood of a desired behavior. Thus, the likelihood of beneficial, functional, and adaptive behavior would increase with the opportunity for an offender to earn time off of their sentence. See Chance, Paul. (2003) *Learning and Behavior*. 5th edition Toronto: Thomson-Wadsworth.

²⁹ The relevant statutes are as follows: CRS 18-4-409 Aggravated motor vehicle theft; 18-4-501 Criminal Mischief; 18-4-509 Defacing Property (definitions); 18-5-118 Offenses involving forgery of a penalty assessment notice issued to a minor under the age of eighteen years – suspension of driving privilege; 18-18-404 unlawful use of controlled substance; 18-18-405 Unlawful distribution, manufacturing, dispensing, sale, or possession (this includes buying alcohol for a minor); 18-18-406 Offenses relating to marihuana and marihuana concentrate.

- Costs averted Yes → driving can help individuals keep their jobs which, in turn, can help individuals pay their fees and stay in compliance with conditions of probation

Standard Conditions of Probation

The Task Force **finds** the following:

- The nineteen standard conditions of probation may not be appropriate for all individuals on probation, and may be counterproductive to the offender’s successful completion of probation.

P- 18 (Support 2.75) (Impact 1.88)

The 19 standard conditions of probation should be reviewed by the Probation Advisory Committee. The PAC should consider requiring only those conditions that are tailored to each individual, and based on criminogenic risks and needs, and victim and community safety, by the Probation Advisory Committee. The PAC should invite members of the CCJJ Re-Entry Probation Task Force to participate in this review. The condition to remain crime-free is reasonable for all offenders.

- Policy change Yes
- Legislation Yes
- Cost increase No
- Costs averted Yes

DISCUSSION

Empirically-based risk/needs assessment instruments should direct the development of individual conditions of supervision. Research shows that supervision resource should be targeted to high-risk probationers who require a structured environment, intensive supervision, and firm accountability for program participation. Minimal resources should be devoted to the lowest risk offenders.³⁰ The development of meaningful and individualized conditions of probation will make efficient use of resources, provide offender accountability, and enhance public safety.

³⁰ Gendreau, Paul, and Little, Tracy (1993). *A Meta-Analysis of the Effectiveness of Sanctions on Offender Recidivism*. Unpublished manuscript, University of New Brunswick, Saint John.

Incarceration Task Force

Bond Issues

The Task Force finds the following:

- The number of pretrial detainees should be reduced without compromising public safety.
- Poor offenders are disproportionately unlikely to bond out of jail. In this case, bonding becomes punitive and often results in loss of job, income, housing, and child custody.
- Responding to the problems associated with bond requires addressing four distinct areas of concern:
 - The use of summonses,
 - Establishing a bond-to-the-court,
 - Creating bond commissioners, and
 - Developing bond schedules.

The Task Force recommends the following:

I-21 (Support 3.0) (Impact 2.43)

Per CRS 16-5-206 and 16-5-207, a summons should be issued for class 4, 5, and 6 felonies unless there is imminent risk of flight or when victim safety may be compromised.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

DISCUSSION

This recommendation requires local law enforcement agencies to review current policies and practices in light of reserving the use of jail cells for the most serious incarceration population. Issuing summons in lieu of arrest has been a recommended practice for decades. Incarceration is costly and may interfere with the individual's employment and family commitments.

I-22 (Support 2.17) (Impact 2.71)

Modify CRS 16-5-206 to empower the court to issue a summons in lieu of an arrest warrant, requiring the input but not the consent of the prosecutor.

- Policy change Yes

- Legislation No
- Cost increase No
- Costs averted Yes

I-23 MOVED TO GROUP 1

I-24 (Support 2.5) (Impact 3.0)

When courts use the percentage bond-to-the-court, per Recommendation I-23 in Group 1, and the court plays the role of the surety, it shall retain a percentage of the bond.³¹

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

I-25 (Support 2.17) (Impact 3.0)

Before any refund to the defendant at the conclusion of the case, the bond held by the court shall be applied according to the priority of payments per CRS 18-1.3-204(2.5).³²

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes

DISCUSSION

The implementation of this recommendation will increase collections of fees. The expansion of the practice described in this recommendation, in combination with implementing a statute that permits cash bond-to-the-court (see Recommendation I-24) has the potential to reduce violations and recidivism related to failure to pay fines, fees, costs, and restitution.

I-26 (Support 3.0) (Impact 2.43)

Each judicial district should be encouraged to establish a bond commissioner and process that give authority to the specially trained commissioner or their designee to undertake an individual assessment of the accused and set bonds and/or summonses as appropriate.

- Policy change Yes
- Legislation No
- Cost increase Yes (training)
- Costs averted Yes

³¹ These funds could pay for the bonding program and other pretrial services.

³² This statute specifies the order of priority for offender fees.

DISCUSSION

This recommendation prioritizes the use of individual-level assessments that consider public risk, ties to the community, employment, and the offender's ability to pay rather than setting bond according to a schedule. Larimer County currently uses a process consistent with this recommendation.

I-27 (Support 3.0) (Impact 2.43)

A statewide committee should be formed to develop an advisory, statewide bond schedule that is generally consistent across jurisdictions. Each judicial district shall develop a committee of stakeholders to review the existing bond schedule.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted No

I-28 (Support 1.67) (Impact 2.14)

Advisory criteria should be established for departing from the actual bond schedule and setting a reduced bond based on a defendant's ties to the community. It is recommended that judges be advised to take the defendant's income into consideration when establishing a bond amount. However, the task force recognizes that certain public safety issues may require an enhanced bond.³³

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted No

DISCUSSION

A survey of bond schedules undertaken on behalf of the Task Force found extraordinary variation across judicial districts. One county does not have a bond schedule; one schedule was dated February 1963. The Task Force seeks clarity in the use of bonding decisions even as it prioritizes the use of summonses rather than arrest and bond.

³³ The Focus Group reported that a victim representative should be considered in the stakeholder group.

I-29 (Support 2.92) (Impact 2.29) SUPPORT RECOMMENDATION

The Commission supports the current work by the Interagency Committee on Adult and Juvenile Correctional Treatment and its study of the reliability and validity of the Standardized Offender Assessment-Revised (SOA-R).

- Policy change No
- Legislation No
- Cost increase Yes
- Costs averted No

DISCUSSION

The Division of Behavior Health, in the Department Human Services, is undertaking a study on behalf of the Interagency Committee on Adult and Juvenile Correctional Treatment to improve the Standardized Offender Assessment of those with substance abuse problems. The Division has received a Justice Assistance Grant (JAG) and has contracted with the National Drug Research Institute to work with stakeholders to develop a “next generation” standardized assessment protocol.

Assessment, Case Management and Individualized Case Plans, Programming, Treatment and Education

The Task Force finds that there are significant weaknesses in the following:

- Use and accuracy of currently implemented empirically based risk/needs assessment models.
- Exchange of empirically based assessment information within and across agencies.
- Exchange of all relevant case information, including objective, third-party information (e.g., Pre-Sentence Information Report, or the PSIR) within and across agencies.
- Quality assurance and training related to the proper implementation of empirically based risk/needs assessments and the development o case management plans.

The Task Force recommends the following:

I-30 (Support 3.0) (Impact 2.67)

Representatives from probation, community corrections, DOC, and local jails must work together to develop and implement a protocol whereby a standardized, comprehensive profile of an offender, the offense, and the victim impact--which may include the PSIR--

and individual empirically-based assessment information (such as the Level of Supervision Inventory,³⁴ and specialized assessments), should follow all individuals convicted of a felony throughout the system, from pre-sentence to release.³⁵ This assessment should be regularly updated, at a minimum prior to significant decision points in custody or during community supervision, to assure that program placement is linked to criminogenic needs and to document treatment progress and new skills obtained.³⁶ A systematic quality assurance procedure must be implemented with this initiative.³⁷ Protocols to share this information while protecting the privacy of the individual must be developed and implemented within and across agencies.³⁸

- Policy change yes
- Legislation Yes—to facilitate implementation; statute could require a report on progress
- Cost increase yes
- Costs averted Eventually

³⁴Based on surveys completed by 73 public agencies representing 44 states, 24 localities or regional/district entities, and a variety of community corrections functions it was found that approximately half of the agencies that recently changed their general population instrument had adopted the Level of Service Inventory–Revised (LSI-R) instrument whereas the other half implemented new, in-house instruments (U.S. Department of Justice, National Institute of Corrections (2003, Annual Report) *Topics in community corrections: Offender assessment*).

³⁵ It is important that comprehensive assessments be conducted for each individual whose previous screenings have identified psychological and mental health issues, physical health problems, and substance abuse and dependence. (Re-entry Policy Council. (2003). *Report of the re-entry policy council: Charting the safe and successful return of prisoners to the community*. New York: Re-entry Policy Council).

³⁶ According to the National Institute of Corrections, the guiding principles for assessment and case management are as follows: 1) Supervision staff should consider the offender’s current stage of change in assigning supervision and/or treatment services; 2) The key to identifying supervision and/or treatment services is to match the offender’s dynamic factors with appropriate services. For offenders with multiple criminogenic needs, programs that address four or more of the factors will yield better results; 3) The offender’s risk factors should determine the supervision services. The higher the risk, the more external controls such as curfews, drug testing, face-to-face contacts, etc.; 4) The supervision plan should be a behavioral contract. The offender should be part of the team to develop the plan to ensure ownership and acceptance of the quarterly progress measures. The offender should sign this contract; 5) The behavioral contract should prioritize the accomplishments that an offender should achieve on a quarterly basis. Progress should be tied to clear behavioral objectives (e.g., obtain weekly drug testing, obtain an assessment, etc.). Prioritization should first address areas of interest to the him/her as a tool to facilitate change; 6) The behavioral contract should encompass supervision requirements, court and/or parole mandated conditions, treatment services, and expected sanctions and incentives. Included should be the requirements and expected consequences for positive *and* negative progress; and 7) Supervision staff should use problem-solving techniques with the offender to assist the offender in learning alternative behaviors and reactions to triggers (e.g., people, places, and things) that contribute to criminal behavior and/or substance abuse. (Taxman, F.S., Shepardson, E.S., Delano, J., Mitchell, S., Byrne, J.M., Gelb, A., & Gornik, M. (Date Unknown). *Tools of the trade: A guide to incorporating science into practice*. U.S. Department of Justice: National Institute of Corrections.)

³⁷ A commitment to quality assurance can be highly beneficial to an organization, but the creation and implementation of a quality assurance plan requires effort and attention to detail. Because the process of quality assurance requires a great deal of collaborative effort to succeed, it is necessary that all stakeholders be committed to ongoing quality assurance, with the ultimate goal of creating a “culture of quality.” Furthermore, specific measurable outcomes and their precise indicators should be well defined. Proper data management systems should be in place, should allow for data sharing and should be used appropriately. (*Implementing evidence-based practice in community corrections: Quality assurance manual* [2005]).

³⁸ This recommendation was supported during the focus group, but should be clarified per the Victim’s Rights Act to determine if, with DA’s approval, the victim can view portions of this document.

DISCUSSION

Because conducting empirically-based assessments is the first step in the implementation of evidence-based correctional practice,³⁹ this recommendation is intended to hold all entities in the criminal justice system responsible for doing assessments, from pretrial services through parole.

I-38 (Support 2.0) (Impact 1.71)

Determine the cost and feasibility to develop for each offender a standardized comprehensive profile, to include Pre-Sentence Information Report (PSIR), entered into an automated system and made accessible to authorized personnel.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

I-40 (Support 2.55) (Impact 2.43)

Provide resources to evaluate the assessment practices and program delivery of community based and institutional treatment providers.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

DISCUSSION

The practices of treatment providers remain relatively unknown, with the exception of a handful of program evaluations.⁴⁰ This lack of knowledge about the range of treatment assessments and service delivery makes it difficult to assess the value of any single program. Also, understanding the specific information about services delivered provides the first step toward continuity of correctional treatment so that programming in the community can build on institutional programming.

I-41 (Support 3.0) (Impact 2.86)

Every case plan shall be fully implemented and updated regularly to reflect treatment progress and new skills learned.

³⁹ Petersilia, J. (2004). What works in prisoner re-entry? Reviewing and questioning the Evidence. *Federal Probation*. Vol. 68, No.2. Accessed June 20, 2007 at www.uscourts.gov/fedprob/September_2004/whatworks.html.

⁴⁰ For example, the Division of Criminal Justice, Office of Research and Statistics, evaluated the Department of Corrections' Youthful Offender System in 2002 and 2004, and its sex offender therapeutic community in 2003. The findings from these evaluations can be generalized only to the time period of study.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

DISCUSSION

The individualized case plan is a fundamental component of evidence-based practice. It must focus on the individual's deficits and strengths in education, employment, family ties and responsibilities, positive peer associates, financial situation, and needs for services and treatment. The case plan should describe the actions required to prepare the individual for release from incarceration. Research has found that targeting services and programming to a minimum of four criminogenic need domains is critical to reducing recidivism.⁴¹

Regarding programming, the Task Force finds that there are also significant weaknesses in the following:

- Conformity of supervision and treatment practices with established case plans.
- Conformity of treatment programs with evidence-based models and theories.
- Continuity of care in education and treatment as offenders move throughout incarcerated placement.
- Exchange of treatment and education records within and across agencies.
- Availability of treatment and education programs in facilities.

The Task Force recommends the following:

I-43 (Support 2.25) (Impact 2.86)

Invest in evidence-based programs and emerging best practice, treatment and education so that there is sufficient programming available to meet the needs of the offender population.

- Policy change Yes
- Legislation No
- Cost increase Possibly, or reallocation of existing funds.
- Costs averted Possibly

DISCUSSION

The criminology research has clearly identified the types of programs and practices that reduce recidivism. These have been summarized in a reported entitled What Works: Effective

⁴¹ Latessa and Lowenkamp conducted two large-scale studies of 26,000 offenders in over 100 correctional programs, including both residential and nonresidential programs. Programs that did not target criminogenic needs actually increased recidivism by an average of 13 percent. Those that targeted 1 or 2 factors reduced recidivism by 2 percent; those that targeted 4 to 6 need areas decreased recidivism by about 5 percent; providing services directed to 7 or more criminogenic needs decreased recidivism 8 percent. Latessa, E.J and Lowenkamp, C. What Works in Reducing Recidivism? (2007). *University of St. Thomas Law Journal* 3(3), pp. 521-535.

Recidivism Reduction and Risk-Focused Prevention Programs, and is available on the following web site: http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf.

I-44 MOVED TO GROUP 1

I-45 (Support 2.0) (Impact 2.43)

To identify the gaps between available services and needs, survey the availability and capacity of all programs in the Department of Corrections, local jails, and community corrections, and compare these with the assessed needs of the corresponding populations.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

I-46 (Support 1.64) (Impact 1.71)

When possible, participation in programs and treatment phases by offenders in jail or prison should be transferable and accepted across agencies.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

DISCUSSION

This recommendation is intended to address the efficient use of resources. When treatment has been completed and the offender's behavior has been modified, mandating subsequent treatment is an inefficient use of resources. However, when an offender's performance indicates the need for additional treatment, it is sensible to continue or require additional treatment. This includes, but is not be limited to, treatment related to domestic violence, sex offenses, substance abuse, parenting and mental health.

I-47 (Support 2.73) (Impact 2.43)

Post-secondary educational opportunities should be expanded for both inmates and staff.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

DISCUSSION

The Departments of Corrections and Higher Education should collaboratively develop more educational opportunities for inmates and staff.

I-48 (Support 3.0) (Impact 2.43)

Inmates should be eligible for the College Opportunity Fund⁴² while they are still inmates.

- Policy change Yes
- Legislation ?
- Cost increase Yes
- Costs averted No

I-49 (Support 2.45) (Impact 2.0)

Technological advances should be explored to provide long distance learning opportunities so that to individuals registered in these classes will not lose time or momentum when transferred to a different facility.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted No

Employment/Vocational Training/Placement Opportunities

The Task Force finds the following:

- It is often difficult for parolees to take time from work to report to their parole officer or treatment providers; when an offender's employment is jeopardized; public safety is compromised since employment is linked to recidivism reduction.⁴³

⁴² In 2004, the Colorado Legislature established a new way for the state to provide general fund support for undergraduate education. The state no longer appropriates monies to institutions for undergraduate education, but instead provides direct funding to undergraduate students through the "College Opportunity Fund" (COF). This program is also known as "vouchers" or "stipends." COF is not a loan, nor is it financial aid. First used in 2005, COF vouchers are applied to a student's university bill provided that an undergraduate in-state student applied for and was authorized use of the voucher. In-state undergraduate students are eligible for vouchers. Degree-seeking, non-degree seeking, and teacher licensure students that are classified as undergraduates are eligible. An individual's age, income, and financial aid eligibility are irrelevant. Furthermore, starting in 2006, students taking undergraduate classes as part of specialized programs at the University of Colorado at Denver and Health Sciences Center (e.g., nursing and dental hygiene) are covered by vouchers as well. This was not the case prior to Fall 2006 when a portion of costs for those undergraduate programs were supported through the state fee for service contract rather than through the College Opportunity Fund.

⁴³ Research shows strong ties to work can lead to desistance from crime. One study using longitudinal data found that job stability was strongly related to desistance from crime. Sampson, R.J., and J.H. Laub. (2003). Desistance from crime over the life course. In J.T. Mortimer and M.J. Shanahan (Eds.), Handbook of the life course (pp.295-310). New York: Kluwer Academic/Plenum.

- Offenders released from the Department of Corrections may not have developed market-relevant job skills while incarcerated.⁴⁴
- Employers do not have enough incentives to hire people with criminal records.

The Task Force finds the following:

- There are significant weaknesses in job training and placement that impede meaningful and sustainable employment and career opportunities for released inmates.^{45,46}

The Task Force recommends the following:

I-50 (Support 3.0) (Impact 2.86)

Because the research is conclusive that stable and meaningful employment is critical to recidivism reduction, the Department of Corrections should work with the Department of Labor and the Division of Vocational Rehabilitation, and private business, trade unions, along with the state, city, county, and private employers, to expand the number and scope of vocational programs offered in prison, and to ensure that the job skills offered by these programs are relevant and transferable to the current job market. Job placement and job readiness programs should be added in the Department of Corrections, and should be a priority for offenders approaching their release date. A focus on creating jobs for

⁴⁴ “Best-practice correctional education programs are both carefully tailored to individual prisoners and related to vocational and job skills training. Education and job training for prisoners who were low earners are most successful when they provide workers with credentials that meet private-sector demands. Programs that provide training, a range of services and supports, incentives and access to better employers work well, especially when there are strong incentives for releasees to get jobs.” Holzer, H.J. and K. Martinson. (2005). *Will employers hire ex-offenders? Employer preferences, background checks, and their determinants*. (JCPR Working Paper #238). Chicago: Northwestern University/University of Chicago Joint Center for Poverty Research.

“For correctional education programming to be successful, it must be part of a systematic approach that includes programs for employability, social skills training and other specialized programming.” Taxman, F. (1998). *Reducing recidivism through a seamless system of care: Components of effective treatment, supervision and transition services in the community*. College Park, MD: U.S. Office of National Drug Control Policy.

⁴⁵ The Re-Entry Policy Council has made recommendations similar to those presented here. Specifically, it has been recommended that 1) programs be developed to enable inmates to be functionally literate and capable of receiving high school or postsecondary credits; 2) the job market be analyzed and examined in the areas to which offenders will be returning; 3) ensure that vocational and education classes target the needs of the job market; 4) offenders should be encouraged to participate in educational and job training programs; 5) community-based agencies should be encouraged to provide institutional job-skills programs; and 6) when appropriate, offenders should be given the opportunity to gain occupational competence through postsecondary education. (Re-entry Policy Council. (2003). *Report of the re-entry policy council: Charting the safe and successful return of prisoners to the community*. New York: Re-entry Policy Council).

⁴⁶ Research has found that corrections education programs are most successful when they are part of a systematic approach that includes employment programs as well as training in social skills and other specialized programs (see Taxman, F. (1998). *Reducing recidivism through a seamless system of care: Components of effective treatment, supervision, and transition services in the community*. University of Maryland, College Park, MD.

individuals coming from the Department of Corrections should be a priority for the collaborating entities. ^{47, 48, 49, 50}

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted Eventually

DISCUSSION

This vocational development effort should include matching skills and educational needs with the requirements of the licensure exams. For example, entrance into many trades requires math and reading skills. Offenders in vocational programs therefore must be assessed for the necessary educational requirements, and directed into programs accordingly.

I-53 (Support 2.36) (Impact 2.13)

Upon request and as appropriate, job supervisors at the Department of Corrections should be encouraged to write job recommendations for individuals being released from incarceration.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted No

⁴⁷ Studies have found that participation in various prison programs including education and job training and placement are associated with improved outcomes, including reduced recidivism. (see Gaes, G.G., et al. (1999). Adult correctional treatment. In M. Tonry and J. Petersilia (eds.), *Prisons*. Chicago, IL: University of Chicago Press.; Hull K. A. et al. (2000). Analysis of recidivism rates for participants of the academic/vocational/transition education programs offered by the Virginia Department of Corrections Education. *Journal of Correctional Education*, 51, 256-261.; Adams, K., et al. (2001). A large-scale multidimensional test of the effect of prison education on prisoners' behavior. *The Prison Journal*, 74, 433-449.)

⁴⁸ Research has found that participation in education and vocational programs led to significantly lower rates of recidivism. (Steurer, L.S., Smith, L., & Tracy, A. (2001). *Three-state recidivism study*. Lanham, MD: Correctional Educational Association.; Wilson, D., Gallagher, C., & MacKenzie, D. (2001).) More specifically, it has been found that those that participated in prison education, vocation, and work programs may have recidivism rates that are 20-60% lower than those that have not participated. (see Bushway, S. (May, 2003). *Reentry and prison work groups*. Paper presented at the Urban Institute's Reentry Roundtable.; Hull K. A. et al. (2000). Analysis of recidivism rates for participants of the academic/vocational/transition education programs offered by the Virginia Department of Corrections Education. *Journal of Correctional Education*, 51, 256-261.)

⁴⁹ This recommendation is supported by the Re-Entry Policy Council. It is also suggested that in addition to market-relevant training and apprenticeship programs, work programs be developed to involve nonprofit, volunteer and community service organizations so that offenders can gain important work experience without competing with other potential employees in the community. (Re-entry Policy Council. (2003). *Report of the re-entry policy council: Charting the safe and successful return of prisoners to the community*. New York: Re-entry Policy Council).

⁵⁰ This recommendation should incorporate community organizations, including faith based initiatives, whenever possible.

I-54 (Support 3.0) (Impact 2.38) SUPPORT RECOMMENDATION

The Commission support efforts by the Department of Corrections to expand existing apprenticeship programs.⁵¹

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted Eventually

“Good Time” Schedules for County Jails

The Task Force finds the following:

- Jail administrators have few opportunities to provide incentives for extraordinary, positive behavior by inmates in county jails.
- Awarding “good time” will have an immediate impact on the cost associated with burgeoning jail populations.⁵²

The Task Force recommends the following:

I-56 (Support 2.36) (Impact 2.88)

Clarify legislation to provide a standardized range of good time credits available to jail inmates.⁵³

- Policy change Yes
- Legislation Yes
- Cost increase No
- Costs averted Yes

DISCUSSION

In 2006, a lawsuit was filed against Denver County Jail that challenged for awarding good time in discretionary departures from the strict wording of the existing good time statute. The

⁵¹ Offenders who have participated in work programs have been found to be more likely to be employed following release and tend to earn more than nonparticipants. (Adams, K., et al. (2001). A large-scale multidimensional test of the effect of prison education on prisoners' behavior. *The Prison Journal*, 74, 433-449.; Steurer, L.S., Smith, L., & Tracy, A. (2001). *Three-state recidivism study*. Lanham, MD: Correctional Educational Association.)

⁵² Time off, or “good time” credits, are often related to participation in education and vocational programming in some jurisdictions. This incentive for participation promotes good behavior and encourages offenders to not simply wait out their sentences. (Re-entry Policy Council. (2003). *Report of the re-entry policy council: Charting the safe and successful return of prisoners to the community*. New York: Re-entry Policy Council).

⁵³ Good time is time off the sentence, awarded by the institutional administrator, for positive behavior. Earned time is time awarded based on program or work participation.

consequence of this lawsuit, which removed community variations, increased the Denver County and Arapaho County jail populations by ten percent. Other county jail populations increased may have increased as well. Consequently, case law interpretation is currently guiding good time practices in jails statewide.

I-57 (Support 2.82) (Impact 3.0)

Modify CRS 17-26-109 to include the ability for jail administrators to award discretionary earned time of 3 to 5 days per 30-day period for the completion of certain programs or education, or for an unusual or extraordinary accomplishment by a jail inmate. This requires that each county sheriff develop an earned time schedule for their jail in keeping with community expectations and standards.

- Policy change yes
- Legislation yes
- Cost increase no
- Costs averted yes

DISCUSSION

[Describe good/earned time in jail.]

I-58 (Support 2.9) (Impact 2.5)

Remove the word “calendar” from CRS 17-26-115 to apply the Trustee statute to a 30-day period rather than a calendar month.

- Policy change Yes
- Legislation Yes
- Cost increase No
- Costs averted Yes

DISCUSSION

This modification allows for the equitable application of time credits and will moderately reduce the average length of stay.

Change to Time Requirements for 35(b)

The Task Force finds the following:

- Many offenders sentenced to the Department of Corrections do not have an adequate opportunity to engage in programming necessary for meaningful reconsideration of sentence.

The Task Force recommends the following:

I-60 (Support 2.27) (Impact 3.0)

Rule 35(b), the time to file the motion for a reconsideration of sentence, should be increased from the current 120 days to 365 days to allow offenders sentenced to the Department of Corrections time to engage in programs and other positive activities that might demonstrate to the court some reasons to reconsider the sentence.

- Policy change Yes
- Legislation Administrative rule change
- Cost increase No
- Costs averted Yes, if more reconsiderations granted

DISCUSSION

Extending Rule 35(b) to 365 days allows the offender to show the court progress.

Family Bonding

The Task Force finds the following:

- Family relationships are essential to successful reintegration into the community.
- Incarceration of parents has a significant adverse affect on children.⁵⁴
- Family programs can reduce the cycle of criminal culture.⁵⁵

⁵⁴ Gabel, S. and Shindledecker, R. (July 1993). Characteristics of children whose parents have been incarcerated. *Hospital and Community Psychiatry*, 44, 656-660; Hoover Commission (December 2004). *Breaking the Barriers for Women on Parole*, Report #177, Sacramento, CA.; Parke, R. & Clarke-Stewart, K.A. (2002). Effects of Parental incarceration on young children. Paper produced for a conference funded by the U.S. Department of Health and Human Services on January 30-31, 2002.

⁵⁵ Latessa, E.J. (2004). From theory into practice: What works in reducing recidivism. *State of Crime and Justice in Ohio*. Office of Criminal Justice Services, Columbus; Latessa, E.J., & Lowenkamp, C.T. (2006). What works in reducing recidivism. *St. Thomas Law Journal*, 3(3), 521 - 535.

- Research shows these programs can reduce recidivism.⁵⁶

I-61 (Support 2.82) (Impact 1.88)

Funding should be provided for programs for women who give birth while incarcerated that permit the child to live with the mother.⁵⁷ The Commission supports the Department of Corrections' effort to expand parenting and bonding programs.⁵⁸

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted Eventually

Transition Task Force

Release Procedures/Money

The Task Force finds the following:

- Offenders often have limited funds when released from prison
- The amount of money (\$100) given to offenders at release (“gate money”) has not changed since 1973.
- Many inmates are excluded from receiving the \$100 release money.
- Comprehensive risk/needs assessments and case plans are not completed on offenders prior to release from incarceration.

⁵⁶ Latessa, E.J. (2004). From theory into practice: What works in reducing recidivism. *State of Crime and Justice in Ohio*. Office of Criminal Justice Services, Columbus; Latessa, E.J., & Lowenkamp, C.T. (2006). What works in reducing recidivism. *St. Thomas Law Journal*, 3(3), 521 - 535.

⁵⁷In a meta-analysis of 220 program evaluations, Dowden and Andrews (1999) found that human service programs and programs that focused on the family interactions decreased recidivism among women offenders. Dowden, Craig, and Andrew, D.A. (1999). What works for female offenders: A Meta-analytic review. *Crime and Delinquency*, Vol. 45, No.4, pp. 438-452.

⁵⁸ Many states offer mothers a chance to keep their babies with them in prison for a predetermined amount of time. Specifically, Illinois has one residential program in which 15 qualified inmates can keep their babies for up to 24 months. South Dakota allows incarcerated mothers to keep their baby for 30 days whereas Nebraska, Washington State, Massachusetts and New York allow infants to stay with their mothers for 12-18 months (raptivism.com/site/mothers.htm). In New York State, there are two prison nursery programs: at the Bedford Hills Correctional Facility (opened in 1901) (sowingseeds.tv/ep12_Roulet.jsp) and at the Taconic Correctional Facility (opened in 1990). Both address concrete needs and parenting skills.

- The extent to which appropriate services are available to offenders across the state remains unknown.

T-62 MOVED TO GROUP 1

T-63 (Support 2.27) (Impact 2.44)

For individuals entering community corrections facilities provide the opportunity to waive the first two to four weeks of subsistence payments for those who are indigent.⁵⁹

The Task Force recommends the following:

T-64 and 65 (Support 2.18) (Impact 3.0)

Each judicial district should be required to conduct an inventory of the services and resources, including housing, available and the capacity of those resources to address the needs of offenders in reentering the community. This information should be paired with an analysis of the risk/needs of offenders releasing from the Department of Corrections. Re-entry service gaps must be identified, along with the costs to fill those gaps. Using this information, a plan should be developed that identifies the appropriate parties to provide services and a funding scheme.⁶⁰ Inventory reports should be provided to the Division of Criminal Justice, which will forward the information to the Commission.

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted Eventually

T-66 (Support 2.73) (Impact 2.57)

Ensure all parolees receive “gate money” upon release, including inmates who have been previously revoked.⁶¹

- Policy change Yes
- Legislation ?
- Cost increase Yes
- Costs averted No

⁵⁹ [Define indigent.]

⁶⁰ See Washington State Statute.

⁶¹ Community corrections beds used for return-to-custody are excluded from this recommendation.

DISCUSSION

Approximately 29 percent of inmates are excluded from receiving the \$100 in release money as they leave the Department of Corrections because they previously failed parole.⁶² It is the opinion of the Task Force that inmates need a small amount of money for essentials (transportation, clothing, hygiene items, food, etc.) immediately upon release.

Transportation

The Task Force finds the following:

- When offenders are released from DOC and travel by bus to other locations, the lack of access to other transportation from those locations presents challenges to many individuals.
- Lack of transportation to and from work, treatment and other mandatory appointments presents barriers to many parolees.
- Restricting or limiting driving privileges often exacerbates transportation problems. Further, these restrictions are applied inconsistently.

The Task Force recommends the following:

T-67 MOVED TO GROUP 1

T-68 (Support 2.73) (Impact 2.71)

Develop an efficient system for transferring an offender from DOC institutional custody to the custody of community corrections and/or parole supervision.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted No

DISCUSSION

The Department of Corrections routinely drops off released inmates at a predetermined location on Smith Road. The drop-off times vary and offenders can be dropped off in a variety of weather conditions, including snowstorms. There are no services available at the Smith Road drop-off location and an offender is left on his or her own to make their way from their drop-off site to their next location, including a parole office, a homeless shelter, or wherever town he or she is paroling to. Members of the Task Force feel there should be a more methodical drop-off

⁶² Analysis by Division of Criminal Justice of FY07 DOC data provided by the Office of Planning and Analysis to forecast the prison population.

procedure that would maximize the offender's ability to immediately access available re-entry services.

T-70 MOVED TO GROUP 1

Housing

The Task Force finds the following:

- Access to affordable housing is a formidable barrier to many offenders released from incarceration.
- Housing issues are even more complex for special populations.
- It can be difficult for offenders to work with landlords and the housing authority.⁶³

The Task Force recommends the following:

T-72 (Support 2.0) (Impact 2.33)

Encourage the use of discretionary parole to community corrections in lieu of homeless parole plans to provide a stable living situation prior to the offender's mandatory parole date (MRD). Six to 8 months prior to the MRD, a case manager should submit an application to community corrections for individuals who are likely to parole homeless.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

DISCUSSION

The Oversight Committee recognizes the limitations and challenges of local community corrections boards, but individuals leaving DOC homeless is a significant problem. Currently in the metro area, some shelters have refused to accept individuals from prison. The intent with this recommendation is to proactively limit the number of individuals who leave prison without a place to live—this instability is a public safety concern.

⁶³ In some communities, community development corporations (CDCs) and nonprofit housing providers have stepped into the role of proactively creating housing for people leaving incarceration. One example out of Maryland is the Druid Heights CDC, which has partnered with the Maryland Department of Corrections and dozens of other community-based service providers to establish the Re-Entry Partnership (REP) initiative. Together, these organizations develop strategies to successfully reintegrate individuals being release from Baltimore's Metropolitan Transition Center. The Council of State Governments. (2003). *Report of the Re-Entry Policy Council*. U.S. Department of Justice: New York, NY.

T-74 (Support 1.7) (Impact 2.56)

The Task Force recommends that community corrections boards revise their policy regarding referrals to community corrections from DOC so that people who are going to be released homeless are prioritized over those with a parole sponsor. The application form to the community corrections boards would need to be revised to include this information.

T-75 (Support 2.22) (Impact 3.0)

Educate and encourage housing authorities to be no more restrictive than the HUD guidelines in refusing housing to people with criminal records.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

T-76 MOVED TO GROUP 1

Post-Incarceration Task Force

Date-Certain Release for Community Corrections and Intensive Supervision Parole

The Task Force **finds** the following:

- The lack of a “date-certain” parole date for inmates transitioning through community corrections impedes the ability of offenders, victims, and other stakeholders to prepare for release.
- Release planning would be improved by a step-down transition process where the offender’s structure is gradually reduced (i.e., from prison, to community corrections, to intensive supervision parole and, finally, parole) that is based on a transparent, pre-determined time frame. Such a process can provide incentives to offenders who successfully complete the residential phase of community corrections.

The Task Force **recommends** the following:

PIS-83 (Support 3.0) (Impact 2.33)

When someone has been transitioned out under inmate status, provide a date-certain release for offenders in community corrections while retaining the authority of the parole board to conduct a rescission hearing and extend or vacate the parole date in the event of noncompliance. Specifically, when an inmate is accepted in community corrections as a transition client, the parole board should set a parole date no later than 12 months from the date of placement in residential community corrections. Likewise, when an inmate has been placed in the Intensive Supervision Program-Inmate (ISP-I), the parole board should set a date for parole at 180 days from the placement on ISP-I

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Possible

Substance Abuse and Mental Health Treatment

The Task Force finds the following:

- There are significant deficits in the availability of substance abuse and mental health treatment options for people in Colorado including offenders in the criminal justice system.⁶⁴

⁶⁴In the 1960s and 1970s, hospitals for people with mental illness were closed, in large part because of the belief that taking medications and case management could occur in the community in a more “normalized” environment. However, the community-based mental health system was never fully funded. The lack of community facilities for mentally ill people has had the unintended consequence of making the criminal justice system the primary public response to problem behaviors associated with severe mental illness. National Research Council. (2008). *Parole, Desistance from Crime, and Community Integration*. Committee on Community Supervision and Desistance from Crime. Committee on Law and Justice, division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

In its 2003 report, the President’s New Freedom Commission on Mental Health decried the fragmentation of the nation’s mental health care system. The Commission recognized the particular challenges of accessing care for individuals re-entering their communities after periods of incarceration. The Council of State Governments. (2003). *Report of the Re-Entry Policy Council*. U.S. Department of Justice: New York, NY.

The Task Force recommends the following:

PIS-84 (Support 3.0) (Impact 2.89)

The General Assembly must substantially increase state funding for evidence-based and promising practices in substance abuse and mental health treatment.⁶⁵

- Policy change Yes
- Legislation Yes
- Cost increase Yes
- Costs averted Eventually

Funding for the Parole Board

The Task Force finds the following:

- The parole board does not have funding to purchase adequate technology to support its operations.

The Task Force recommends the following:

PIS-85 (Support 3.0) (Impact 2.78)

Provide funding to enhance the technology available to the parole board members, hearing officers, and administrative law judges so that they may obtain items such as laptop computers, other hardware, software, and video conferencing, to improve the efficiency and effectiveness of parole board hearings and operations. Allow electronic requests for modifications of conditions of parole.⁶⁶

DISCUSSION

⁶⁵ On June 30, 2005, 25% of Colorado inmates were found to have significant mental health needs. Schnell, M.J. and Leipold, M.O. (2006). *Offenders with Mental Illness in Colorado*. Colorado Department of Corrections, Colorado Springs, CO.

Since the mid-1980's, reviews of the effectiveness of drug treatment have consistently concluded that well-run drug treatment programs can reduce both drug use and offending by drug dependent offenders. Anglin, D. and Hser, Y. (1990). "Treatment of Drug Abuse." In *Drugs and Crime*, edited by Michael Tonry and James Q. Wilson. Chicago: University of Chicago Press.

⁶⁶ Between May and July, 2008, PIS Task Force Leader Christie Donner conducted interviews with more than 50 professionals and lay people involved in the Colorado criminal justice system. The intended scope of the project was to capture people's vision for an ideal parole structure. Many interviewees reported that the parole board has been overburdened and under resourced for many years. Specific concerns included the fact that the board is not adequately resourced and is technologically isolated and removed from the rest of the criminal justice system.

The parole board must improve the use of its time and resources in the effective screening of cases eligible for parole. This efficiency is critical given the limited personnel assigned to the parole board.

Credit for Time Served

The Task Force finds the following:

- Current statutes are unclear regarding the awarding of credit for jail time served for parolees detained pending a parole revocation hearing.
- A person who is confined in jail pending a hearing for a violation of parole should be given credit for that period of confinement.

The Task Force recommends the following:

PIS-86 (Support 3.0) (Impact 2.89)

Clarify the statute and mandate that parolees receive credit for the time spent in jail pending a technical parole revocation.

- Policy change No
- Legislation Yes
- Cost increase No
- Costs averted Yes

DISCUSSION

This recommendation targets technical violators who have not been convicted of a new crime. Currently, time is credited inconsistently and the statute authorizing time credit is unclear.

Outside Agency Analysis and Assistance for the Parole Board

The Task Force finds the following:

- Significant advancements in the field have been made in evidence-based practice and structured parole release decision-making.
- Parole board members can promote public safety and successful offender reintegration by using of evidence based practice in their decision-making.

The Task Force recommends the following:

PIS-87 MOVED TO GROUP 1

Expand hours of Operation for the Treatment Providers

The Task Force finds the following:

- A condition of parole supervision drug and alcohol testing. The testing locations and hours of operation are often during traditional work hours. This can create problems with employment.

The Task Force recommends the following:

PIS-88 (Support 3.0) (Impact 2.89)

As part of the contract award process, the Department of Corrections will give preference to private service vendors (treatment, drug tests, etc.) who provide extended hours of operation during the week and/or weekend hours. The Department of Corrections can waive this requirement for vendors in under-served areas of the state, or for those providers whom this requirement would prevent them from being able to deliver services.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

Early Termination Criteria

The Task Force finds the following:

- There is no meaningful connection between the length of time required on parole and successful completion of parole.
- A mechanism should be available for early termination of parole for those who have met the specific goals of supervision.

- Research shows that continuing supervision beyond the point where someone has met the goals of supervision can be counterproductive.⁶⁷

The Task Force recommends the following:

PIS-89 (Support 3.0) (Impact 2.56)

The Commission request that the Department of Corrections develop and implement a standardized policy regarding early terminations of parole and require parole officers to submit such requests to the parole board when a parolee has served at least half of the parole period, and has met other risk reduction benchmarks. In addition, the Department of Corrections should provide data on the numbers and decisions of early termination requests to the Division of Criminal Justice. The Task Force further requires that such request comply with the Victim’s Rights Act.⁶⁸ 69

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Yes
 - Year 1 savings 228 Beds \$ 4.6 M
 - Year 2 savings 431 Beds \$ 8.7 M
 - Year 3 savings 517 Beds \$ 10.4 M
 - Year 4 savings 602 Beds \$ 12.1 M
 - Year 5 savings 687 Beds \$ 13.9 M⁷⁰

Evidence Based Training for Criminal Justice Practitioners

The Task Force finds the following:

⁶⁷ Add cite

⁶⁸ Criminologist Joan Petersilia asserts that “we should reinstitute discretionary parole release in the states that have abolished it, and reverse the trend toward automatic mandatory release in the states that are moving in that direction. Prisoners released through discretionary parole have higher rates of success than those released automatically, when their sentences expire, even when controlling for the type of crime, criminal history, and personal characteristics.” Petersilia, J. (2003). *When Prisoners come Home: Parole and Prisoner Reentry*. Oxford/New York: Oxford University Press.

⁶⁹ The first focus group reported that they were only comfortable if this applies to nonviolent offenders, excluding offenders using the Victim Rights Amendment definition of violent crime. Also, wanted to ensure that the victim is informed of every request for early termination, and that these requests should be limited 1/year per offender.

⁷⁰ Analysis by Division of Criminal Justice, Office of Research and Statistics.

- The systematic use of evidence based practices increases the likelihood that offenders will successfully reintegrate into the community.⁷¹

The Task Force finds the following:

- Parolees are often assigned different parole officers during the course of supervision. Limiting the number of parole officers assigned to each offender may help promote both a better working relationship and continuity of supervision. Limiting changes in parole officers may help to reduce recidivism.

The Task Force recommends the following:

PIS-91 (Support 2.44) (Impact 2.67)

To promote continuity of supervision, the Department of Corrections should develop consistent policies and trainings that promote uniformity in establishing and implementing discretionary conditions and privileges of parole supervision.⁷²

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

DISCUSSION

During the course of supervision, many parolees are assigned a number of different parole officers. Different supervision styles and philosophies sometimes result in changes in the conditions of supervision, simply by virtue of the assignment to a new officer. To ensure consistency and promote successful reentry into the community, changes in supervision conditions (particularly in transportation, housing, and employment) should be reviewed and approved by a supervisor.

⁷¹ Evidence-based programs and practices rely on sound theory and are considered to be effective according to rigorous scientific evaluation. Substance Abuse and Mental Health Services Administration. (2007). *Understanding Evidence-Based Practices for Co-Occurring Disorders, Overview Paper 5*. U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. Washington, DC.

⁷² Supervising officers can have a powerful influence on offenders' attitudes and behaviors throughout the course of supervision. For this reason, it is essential that officers positively encourage the successful completion of supervision. Understanding this influence and the importance of a positive relationship between the offender and the supervising officer is one of the key distinctions between surveillance-oriented and success-driven approaches to supervision. Center for Effective Public Policy. (2007). *Increasing Public Safety Through Successful Offender Reentry: Evidence-Based and Emerging Practices in Corrections*. Center for Effective Public Policy; Silver Spring, Maryland.

Incarceration and Supervision Alternatives

The Task Force finds that:

- Capital construction costs for prisons create a significant drain on state resources.
- A significant waiting list exists for Department of Corrections inmates who are eligible but have not been accepted by local community corrections boards, but for whom there is no transition bed space available. These community-eligible inmates remain in the custody of the Department of Corrections.
- Local communities frequently resist the expansion of community corrections facilities.
- Some local officials are willing to share construction costs and the management of facilities built on property adjacent to county jails. Under these circumstances, both zoning and the potential for greater public acceptance of the facility could permit construction.
- These facilities could also provide a local resource for intermediate sanctions including work release for technical parole violations allowing the parolee to maintain employment with greater structure and allowing a period of stabilization.
- Research in other states has shown that developing technical violations units within parole can dramatically reduce parole revocations.

The Task Force recommends the following:

PIS-92 MOVED TO GROUP 1

PIS-93 (Support 2.8) (Impact 3.0) SUPPORT RECOMMENDATION

The Commission support the Department of Corrections' effort to establish a technical violations unit⁷³ with the goal of enhancing consistency, preserving public safety, and reducing parole revocations for technical violations.⁷⁴

- Policy change Yes
- Legislation No
- Cost increase Redirected costs
- Costs averted: Yes, assume 15% reduction in technical violations each year⁷⁵

⁷³ For example, the Technical Violation Unit in Connecticut targets people who are failing under standard probation supervision. These individuals are referred by their probation officer and unit chief for intensive, 30 to 60 days of supervision. Caseloads in the TVU are capped at 25, and TVU participants receive specific services under tightened supervision requirements. Once the person's progress is stabilized, he or she is transferred back to a standard probation caseload. The project was evaluated by a research team at Central Connecticut State University (Cox and Bantley, 2006). In the 12 months following program participation, technical violations were 14 percent compared to 26 percent for the comparison group. Justice Strategies (2006). *Justice Reinvestment: Three States' Strategies for Building Healthier, Stronger, and Safer Neighborhoods*. Justice Strategies, 199 Washington Avenue, Brooklyn, NY; Cox, S.M. and Bantley, K. (June 2006). *Addendum to the Final Report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit*. As cited in Justice Strategies, 2006.

⁷⁴ In FY07, 28.6 percent of those entering prison in Colorado were parole violators, accounting for over 3,000 offenders; another 9.6% returned with a new criminal conviction. In Harrison, L. (2008). *The Status of the Parole Violator Population in Colorado*. Colorado Division of Criminal Justice, Office of Research and Statistics. Denver, Colorado.

- Year 1 savings 442 Beds \$8.9 M
- Year 2 savings 533 Beds \$10.7 M
- Year 3 savings 475 Beds \$ 9.6 M
- Year 4 savings 399 Beds \$ 8.1 M
- Year 5 savings 322 Beds \$ 6.7M
-

The Task Force finds the following:

- Parolees are required to meet regularly with their parole officer, yet reporting days are during the week, often during traditional work hours. This can cause employment problems for offenders who must leave their jobs to report

The Task Force recommends the following:

PIS-94 (Support 2.6) (Impact 2.78) SUPPORT RECOMMENDATION

The Commission support the Department of Corrections’ effort to develop more flexibility in reporting options for parolees.

- Policy change Yes
- Legislation No
- Cost increase No
- Costs averted Eventually

DISCUSSION

This recommendation refers to efforts by DOC to provide evening and weekend parole office hours, the removal of single reporting days, and its emphasis on placing more officers in the field to replace office visits. The Task Force also supports further exploration of the use of reporting kiosks for lower risk offenders. The Task Force requests that DOC report back to the Commission on its progress in this area.

⁷⁵ Analysis, conducted by the Division of Criminal Justice, Office of Research and Statistics, assumes a 15% reduction *each year*, so that Year 2 shows the impact of another 15% reduction on the reduced population of the prior year.

The Task Force finds the following:

- Mandated fees, costs, fines and surcharges can be overwhelming and lead to parole revocations for offenders being released from prison
- There are few alternative methods to satisfy offender debt.

Community Corrections Subsistence Payments Grace Period

The Task Force finds the following:

- In most community corrections programs, the time of greatest risk is often the first few weeks of residential treatment, during which many offenders abscond or commit technical violations.
- Despite this early risk, offenders are expected to find employment immediately upon arrival at the program in order to pay the required subsistence fee of \$17 per day.
- Subject matter experts report that offenders would experience fewer failures if they underwent a period of stabilization lasting between two to four weeks after arrival at a community corrections program.
- The period of stabilization would include careful assessment of criminogenic needs, life skills training, stabilization on medication and other individually appropriate treatment.
- In FY01, the Division of Criminal Justice, Office of Community Corrections, collaborated with Peer1 and The Haven, two community corrections programs that provide therapeutic community services to high level drug offenders, to use Drug Offender Surcharge Funds to provide an enhanced per diem rate for offenders during the first six months of residential placement. The enhanced per diem offset the costs that would otherwise be levied against offenders for subsistence fees. This allowed offenders to delay seeking employment and thus voided trips into the community to job-seek early in their placement, allowing them to focus on treatment instead. Escape rates declined from 25.4 percent in FY00 to 15.28 percent in FY01.⁷⁶

PIS-95 (Support 3.0) (Impact 2.88)

The Commission support the work of the Governor's Community Corrections Advisory Council in the following initiatives:

- The assessment techniques used to establish the treatment needs of community corrections offenders should be evidence-based and implemented as required. This requires training of

⁷⁶ University of Colorado Health Sciences Center, Addiction Research and Treatment Services, Peer1/The Haven Outpatient Treatment Community, "Executive Summary: Proposal for a Differential Rate for Therapeutic Community Treatment, available from Ken Gaipa at Peer 1.

community corrections staff. The accuracy and completeness of individual offender assessments should be a part of the community corrections performance auditing process.

- The development of individualized treatment plans should directly reflect the identified criminogenic needs of individual offenders. The individualized treatment plans should address offender risk/needs and should be assessed as part of the community corrections performance auditing process.
- The treatment provided to each community corrections offender should be consistent with the individualized treatment plan developed for that offender. The quality of such treatment and its fidelity to the treatment plan should be a part of the community corrections performance auditing process.
- Because criminogenic needs can change during the course of treatment, reassessment of community corrections offenders should be performed in a standardized fashion and at appropriate intervals. Such information should be used to adjust the treatment plans of community corrections offenders, as required. The quality of such reassessments and plan adjustments should be a part of the community corrections performance auditing process.
- The efficacy of community corrections treatment plans in the prevention of recidivism should undergo formal evaluation by the Office of Research and Statistics of the Division of Criminal Justice, with appropriate funding provided for the study.
 - Policy change Yes
 - Legislation No
 - Cost increase Yes
 - Costs averted Eventually

PIS-96 (Support 2.64) (Impact 2.78) SUPPORT RECOMMENDATION

The Commission support an initiative by the Governor's Community Corrections Advisory Council to pilot a carefully controlled study to address the value of providing a two to 4 week “grace period” in which fees and subsistence payments are delayed until the offender is stabilized in the community. After appropriate data is collected and analyzed, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.⁷⁷

⁷⁷ Research shows that the time period immediately following release from prison is the riskiest for the offender and the public. Statistics show the peak rates for reoffending occur in the first days and weeks out of prison. Arrest rates then decline over time, especially for property and drug crimes. The Transition Task Force believes this recommendation would give the offender a stabilization period before starting to pay subsistence. National Research Council. (2008). *Parole, Desistance from Crime, and Community Integration*. Committee on Community

- Policy change Yes
- Legislation No
- Cost increase Yes
- Costs averted Unknown until study is completed

Community Corrections Length of Stay Analysis

The Task Force finds that:

- Most community corrections offenders remain in residential treatment for six to eight months, without a clear connection between this length of stay and such performance measures as failure to successfully complete the program or recidivism.⁷⁸
- There is sufficient data to support the contention that a subset of offenders is both more likely to successfully complete a community corrections program and to avoid subsequent recidivism, especially when enhanced nonresidential services are provided.
- The characteristics of such offenders include: age 30 or more years, nonviolent criminal history, stable employment and stability in the community through marriage or a committed relationship.
- If that subset of offenders could safely be placed in nonresidential community corrections before the completion of six to eight months of residential treatment, substantial resources could be saved.

PIS-97 (Support 2.82) (Impact 2.33) SUPPORT RECOMMENDATION

The Commission support the initiative proposed by the Governor's Community Corrections Advisory Council to pilot and study the outcome of two groups of offenders: (1) a control group sentenced to standard diversion residential community corrections, (2) a study group sentenced to nonresidential status with enhanced services. After appropriate

Supervision and Desistance from Crime. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. The National Academies Press, Washington, D.C.

⁷⁸ Please note the following research refers to prison incarceration. Researchers found no relationship between the length of stay in a Nevada prison and an inmate's success in staying out of trouble after being paroled. Tracking 5,375 inmates released in 1999, the researchers found 13.9 percent were convicted of new crimes within three years. There was little difference in the recidivism rates of those who had served 18 to 24 months before being paroled (14.9 percent) and those who had served 36 to 60 months (14.1 percent). From a 2008 study by the Grant Sawyer Center for Justice Studies at the University of Nevada, Reno, NV.

data is collected, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.

- Policy change No
- Legislation No
- Cost increase Yes (study)
- Costs averted Unknown until study is completed