



**Commission on Criminal and Juvenile Justice**

**Minutes**

September 11, 2008  
Boettcher Mansion  
900 Colorow Rd., Lookout Mountain

**Commission Members Attending:**

Peter Weir, Chairman	Ari Zavaras	Dean Conder
David Kaplan, Vice-Chairman	Jeanne Smith	J. Grayson Robinson
Peter Hautzinger	Ellen Roberts	Regina Huerter
Bill Kilpatrick	Don Quick	Debra Zwirn
Inta Morris	Steven Siegel	Ken Gordon
John Suthers	Karen Beye	David Michaud
Rhonda Fields	Gilbert Martinez	Tom Quinn
Regis Groff		Doug Wilson

**Absent:** Reo Leslie, Jr., Melissa Esquibel, Terrance Carroll, Ted Harvey

**Call to Order and Opening Remarks:**

The Chairman, Peter Weir, called the meeting to order at 12:13 p.m. Peter thanked the Oversight Subcommittee members and the members of the Task Forces for their efforts to produce these recommendations in a short period of time. He also thanked the staff of the Division of Criminal Justice for their time and effort

Mr. Weir has heard from the JEHT Foundation who has approved our requests. The Foundation will provide funding for an executive director for two years, the continuation of Paul Hermann’s assistance and additional funds for the Commission to hear from experts in their field outside the state of Colorado. The hiring process for an Executive Director will begin shortly.

Mr. Weir asked Commission members to step back and look at our general principals and remember the issues the Governor and the State Legislature wanted the Commission to examine. The Commission is to focus on evidence-based programs. Staff will be recording how each Commissioner has voted on the recommendations.

David Kaplan also thanked the task force members for the work they have done to this point. For those on the Oversight Subcommittee we all know what a collaborative effort went into making the recommendations that are being presented today.

**History of the Oversight Subcommittee presented by Paul Herman:**

Mr. Herman presented a “roadmap” on how the Commission evolved. He went over the ground rules that were discussed in February. He outlined the electronic voting process that will give immediate feedback. He stated the Commission will decide on thresholds so we know what will recommendations be tabled at this time. The goal is to go through all the recommendations today to determine what can be moved forward on, what needs to be tabled and which recommendations need additional discussion. Friday will be the time to review the recommendations that needed further explanation / information / discussion. Friday the group will also discuss overarching issues and the topics for the October meeting.

The Oversight Subcommittee on Re-Entry was established to review the re-entry issue and was broken into four task forces. Each recommendation is designated by the specific task force.

The Oversight subcommittee reviewed the recommendations and looked at them under two lenses - the level of support for the recommendation and the impact the recommendation will have. The subcommittee voted by using the following criteria: a (3) vote meant “I support this as written”; a (2) vote meant, “I support the concept but it needs work”; and a (1) vote meant, “I don’t support the concept.” When voting on impact, the criteria used were: the number of individuals that this will affect, the cost effectiveness/reduction/reallocation, and the extent to which this recommendation furthers the mission of the Commission.

Mr. Herman outlined the voting scheme for Thursday. The voting system is electronic. If you vote (A) it means, “I support the recommendation.” If you vote (B) it means, “I can live with it. I support the final decision of the Commission. I will not work against the recommendation.” If you vote (C) it means, “I do not support the recommendation.” If you vote (D) it means, “I need further information to understand the recommendation or I need further discussion before I can vote.”

The voting system for Friday will be the same, except option (D) will be removed:

A threshold was established to determine which recommendations would move forward, which ones would be tabled, and which ones needed further clarification. Mr. Weir suggested that if 70% of the votes are an (A) vote, the vote would be classified as a recommendation by the Commission. He also suggested that if a recommendation’s vote was 50% (Cs), then the recommendation would be taken off the table. It was asked what happens to the topics that are taken off the table. Will they be lost forever? Can they be resurrected after November? Yes, but they won’t be included in the recommendations that will be going to the Governor and the Legislature this November. The Commission agreed to the threshold numbers.

It was asked if victims had a chance to look at the recommendations. The Division of Criminal Justice brought the recommendations to three victim groups, with approximately 30- 35 total participants.

Were there any recommendations that were heavily favored by a task force that did not get as much support from the Oversight Committee? Will the Commission be aware of any changes to

a recommendation made by the Oversight Committee? It was explained that the Oversight committee may have reworked a recommendation to make sure that it was clearly stated, but the meaning was not changed.

## **CCJJ RE-ENTRY RECOMMENDATIONS For PHASE 1**

[Note: In an earlier meeting of the CCJJ Re-entry Oversight Committee, members provided ratings of support and perceived impact for each recommendation. The support and impact ratings inserted below were the average ratings on a 1 to 3 scale, with higher scores indicating greater support and perceived impact. The total is the product of the two ratings, for example 3x3=9.]

### **LEGISLATIVE**

#### **I-23 (Support 3.00) (Impact 3.00) (Total 9.00)**

**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.**

In bond-to-the-court states, who if anyone, is responsible for pursuing bond jumpers?  
Unknown. Does the Court have any operation or set up for it? What percentage was the task force looking at? Approximately 5-7%. Is the type of bond up to the judge? Yes.  
Recommendation passed as written.

#### **PIS-92 (Support 3.00) (Impact 3.00) (Total 9.00)**

**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**

No discussion.  
Recommendation passed as written.

#### **I-57 (Support 2.81) (Impact 3.00) (Total 8.43)**

**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.**

How did the Sheriffs look at this? Sheriff Robinson stated he took this to the Sheriffs' Association and they support it. There are two types of good time in a jail: (1) statutory good time which is 2 days per month, and (2) trustee good time which is 5 days per month.

The task force wanted a sheriff to be able to provide for additional good time, above and beyond the two types.

Recommendation passed as written.

**P-17 (Support 2.58) (Impact 3.00) (Total 7.75)**

**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. This recommendation does not apply to child support enforcement.**

The non-driving offenses that required the loss of the driver's license were listed. It was asked why the recommendation excludes child-support enforcement. The revocation of a driver's license is a good tool to make people pay child support.

Why is Aggravated Motor Vehicle Theft excluded from the list? It is classified as a traffic offense.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**PIS-89 (Support 3.00) (Impact 2.56) (Total 7.67)**

**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.**

The Commission was directed to also review the victim input on this recommendation. No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-24 (Support 2.50) (Impact 3.00) (Total 7.50)**

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

If the court retains a percentage of the bond, where does the money go? It would go to supporting the administration of the program, then to the victim.

Recommendation passed as written.

**I-48 (Support 3.00) (Impact 2.43) (Total 7.29)****Inmates should be eligible for the College Opportunity Fund while they are still inmates.**

Ms. Morris stated that inmates are already eligible for COP funds if they are enrolled in an institution. During their meetings, the task force was told inmates were not allowed access to COP funds. That is why the recommendation was made. Ms. Morris replied if the states worked with DOC to offer more courses to inmates, then they would qualify for COP funds.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-58 (Support 2.90) (Impact 2.50) (Total 7.25)****Remove the word “calendar” from CRS 17-26-115 to apply the Trustee statute to a 30-day period rather than a calendar month.**

No discussion.

Recommendation passed as written.

**T-66 (Support 2.73) (Impact 2.57) (Total 7.01)****Ensure all parolees receive “gate money” upon release, including inmates who have been previously revoked.**

The \$100 “gate money” amount has not been raised since 1972 or 1973. There would be a fiscal impact if the amount of gate money is increased. It was asked if someone is revoked on a sentence, goes back in, and then is released, do they get the money again? Yes. The usual time they spend in DOC after a parole revocation is 180 days.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-60 (Support 2.27) (Impact 3.00) (Total 6.82)**

*NOTE: This does not require legislation. It requires an administrative rule change.*

**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.**

What is the advantage of this? The reality is that 35(b) motions cannot be done in that short time frame. The majority of the offenders sit in county jail or DRDC during the time frame for the 35(b) motion and therefore there is no record of behavior that would allow for reconsideration of the sentence. A 35(b) hearing is required to reduce the sentence and victims are notified.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-56 (Support 2.36) (Impact 2.88) (Total 6.80)**

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

This does have a victim impact. There would be a range of good time credits that could be given so that the sheriff in Grand County would be able to give good time based on the standards of his community as well as the sheriff in Arapahoe County using the standards of his community. The only good time a sheriff can give is for the statutory good time (2 days) and trustee time (5 days). Are there any types of crimes that were excluded? No.

Recommendation passed as written.

**I-25 (Support 2.17) (Impact 3.0) (Total 6.50)**

**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).**

Has a victim impact. Does this recommendation take into consideration that it mainly the family members putting up the money, not the defendants? This does not deal with any bonds other than those posted by the defendant. This was trying to cut down the number of failure to comply/pay fines and costs.

Recommendation passed as written.

**I-22 (Support 2.17) (Impact 2.71) (Total 5.88)**

**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.**

Is this for Class 4, 5 and 6 felonies? Yes. This could also apply to law enforcement.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**GENERAL PRINCIPLES (ID Agency and timeline)****I-44 (Support 3.0) (Impact 3.0) (Total 9.00)**

**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.**

Would like to add two words at the end, "where appropriate."

**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 where appropriate.**

Recommendation passed as modified.

**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).**

No discussion.

Recommendation passed as written.

**PIS-84 (Support 3.0) (Impact 2.89) (Total 8.67)**

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

Has a victim impact. No discussion.

Recommendation passed as written.

**PIS-95 (Support 3.00) (Impact 2.88) (Total 8.63)**

**The Commission supports the work of the Governor's Community Corrections Advisory Council (See the five specific initiatives in the "Re-Entry Recommendations" document).**

What does this mean? There were a variety of recommendations the task force was going to do. These are being discussed by the Community Corrections Advisory Council. When they went to discuss these areas in the task force, rather than make it an independent recommendation and ignoring the issues, they said this would help support the work of the CCAC.

Recommendation passed as written.

**I-41 (Support 3.00) (Impact 2.86) (Total 8.57)**

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

No discussion.

Recommendation passed as written.

**PIS-96 (Support 2.64) (Impact 2.78) (Total 7.32)**

**The Commission supports 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 four 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.**

Has a victim impact. This seems to be an unfunded mandate to the counties. Who would pay for the two weeks? The task force was recommending a pilot program to take a look at some of the issues. That if you give someone a grace period, they may have a better rate of success.

Recommendation passed as written.

**I-21 (Support 3.00) (Impact 2.43) (Total 7.29)**

**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.**

No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-54 (Support 3.00) (Impact 2.38) (Total 7.13)**

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

No discussion.

Recommendation passed as written.

**T-75 (Support 3.00) (Impact 2.22) (Total 6.67)**

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

No discussion.

Recommendation passed as written.

**I-29 (Support 2.92) (Impact 2.29) (Total 6.67)**

**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).**

No discussion.

Recommendation passed as written.



**I-47 (Support 2.73) (Impact 2.43) (Total 6.62)**

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

No discussion.

Recommendation passed as written.

**PIS-97 (Support 2.82) (Impact 2.33) (Total 6.58)**

**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, and (2) a study group sentenced to nonresidential status with enhanced services. After appropriate data is collected, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.**

No discussion.

Recommendation passed as written.

**T-64 and 65 (Support 2.18) (Impact 3.00) (Total 6.55)**

**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. Inventory reports should be provided to the Division of Criminal Justice, which will forward the information to the Commission.**

Are there funding concepts?

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-43 (Support 2.25) (Impact 2.86) (Total 6.43)**

**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.**

No discussion.

Recommendation passed as written.

**P-4 (Support 2.50) (Impact 2.56) (Total 6.39)**

**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.**

Would the intermediate sanctions be given in court? Or out of court? Both. The emphasis would be to move the sanction out of the court and toward the probation officer.

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

Recommendation passed as modified.

**I-40 (Support 2.55) (Impact 2.43) (Total 6.18)**

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

No discussion.

Recommendation passed as written.

**P-18 (Support 2.75) (Impact 1.88) (Total 5.16)**

**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.**

No discussion.

Recommendation passed as written.

**I-45 (Support 2.00) (Impact 2.43) (Total 4.86)**

**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.**

No discussion.

Recommendation passed as written.

**T-72 (Support 2.00) (Impact 2.33) (Total 4.67)**

**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.**

Does have a victim impact.

Recommendation passed as written.

**T-74 (Support 1.70) (Impact 2.56) (Total 4.34)**

**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.**

Is this so everyone down the list will have a place to go? It will focus on the homeless. Community Corrections has been reluctant to agree to have homeless. Would this mean that some people would not get paroled because they would be homeless? Yes.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-46 (Support 1.64) (Impact 1.71) (Total 2.81)**

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

Biggest example is the domestic violence programs given in prison that are not acceptable to treatment centers outside.

Recommendation passed as written.

**BUSINESS PRACTICES (ID Agency and timeline)**

**Mr. Weir asked if the Commission would like to consider a caveat to recommendations effecting another department. The caveat would be that a report would come back to the Commission within 6 months to see if the recommendation was implemented.**

**Peter asked for a motion from the Commission that this would be a preamble Don Quick made the motion, Grayson Robinson seconded the motion. The motion passed unanimously.**

**O-98 (Overarching)**

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

There is a need to determine the offenders real identity using verifiable information. The state of Colorado should not be making IDs without verifying their correct identity. It is the intent of the task force that this would only be for individuals that they could verify their identification that this would be a standard practice.

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

Recommendation passed as modified.

**T-62 (Support 3.0) (Impact 3.0) (Total 9.00)**

**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 (e.g., insulin), mental health services, addiction treatment, and related programs.**

No discussion.

Recommendation passed as written.

**T-67 (Support 3.0) (Impact 3.0) (Total 9.00)**

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

No discussion.

Recommendation passed as written.

**T-70 (Support 3.0) (Impact 3.0) (Total 9.00)**

**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.**

What is it based on now? Parole officers have different approaches to driver's licenses. One parole office will allow you to drive, another won't. Changing parole officers can have an impact. This is trying to standardize business practices.

Recommendation passed as written.

**T-76 (Support 3.0) (Impact 3.0) (Total 9.00)**

**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).**

Is this in addition to public/private housing that is available now? This recommendation is designed to help the special populations who are having trouble finding housing. There was an awareness of current efforts in this area, but this rec. was to expand availability, especially for special populations.

Recommendation passed as written.

**PIS-87 (Support 3.0) (Impact 3.0) (Total 9.00)**

**The Commission requests that an independent agency with expertise in paroling authorities (e.g., the Center for Effective Public Policy) 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 (See the six specific tasks in the “Re-Entry Recommendations” document).**

Has a victim impact. No discussion.  
Recommendation passed as written.

**PIS-88 (Support 3.0) (Impact 2.89) (Total 8.67)**

**As part of the contract award process, the Department of Corrections will give preference to private service vendors (for example, for 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 for whom this requirement would prevent the delivery of services.**

Is it okay for DOC to take cost into consideration? Yes.  
Recommendation passed as written.

**I-50 (Support 3.00) (Impact 2.86) (Total 8.57)**

**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, private businesses, 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 individuals coming from the Department of Corrections should be a priority for the collaborating entities.**

No discussion.  
Recommendation passed as written.

**P-2 (Support 2.82) (Impact 3.00) (Total 8.45)**

**Research shows that positive reinforcement is an important component of behavior modification. 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.**

Wouldn’t this involve legislative changes? It could be done right now. You don’t need a statute, but a statute would be helpful. This recommendation will be moved to legislative category.  
Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-3 (Support 2.92) (Impact 2.88) (Total 8.39)**

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

No discussion.

Recommendation passed as written.

**PIS-85 (Support 3.0) (Impact 2.78) (Total 8.33)**

**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.**

This has a victim impact. Does this recommendation suggest doing parole hearings by video? Yes. Would victims be given a heads up on modifications? No. Victims of juvenile cases also need to be notified. Wouldn't this video conferencing benefit victims since they wouldn't have to drive down to Canyon City for parole hearings? Yes.

Recommendation passed as written.

**I-30 (Support 3.00) (Impact 2.67) (Total 8.00)**

**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, and specialized assessments), should follow all individuals convicted of a felony throughout the system, from pre-sentence to release. 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. A systematic quality assurance procedure must be implemented with this initiative. Protocols to share this information while protecting the privacy of the individual must be developed and implemented within and across agencies.**

Has a victim impact. No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**T-68 (Support 2.73) (Impact 2.71) (Total 7.40)**

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

What aspects are in need of greater efficiency? Regis said that most people are dropped at Smith Road and someone may or may not come to pick them up. There could be several areas to be dropped off. Ari said dropping inmates off in neighborhoods can cause problems. Ari said it could be addressed by purchasing more buses. There would be a cost to this.

Recommendation passed as written.

**I-26 (Support 3.00) (Impact 2.43) (Total 7.29)**

**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.**

No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**PIS-94 (Support 2.60) (Impact 2.78) (Total 7.22)**

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

No discussion.

Recommendation passed as written.

**PIS-83 (Support 3.00) (Impact 2.33) (Total 7.00)**

**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.**

Has a victim impact. If you have a date-certain release date, can that be extended by another hearing? Yes. It does not take away from the Parole Board's ability to take into consideration the inmate's behavior. Will this cause Parole to have another hearing? It is a workload situation. If you have a date certain, you have to have a hearing scheduled.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-15 (Support 2.42) (Impact 2.88) (Total 6.95)**

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

No discussion.

Recommendation passed as written.

**P-12 (Support 2.67) (Impact 2.50) (Total 6.67)**

**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.**

Has a victim impact. No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**PIS-91 (Support 2.44) (Impact 2.67) (Total 6.51)**

**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.**

No discussion.

Recommendation passed as written.

**I-27 (Support 3.00) (Impact 2.14) (Total 6.43)**

**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.**

Has a victim impact.

Recommendation passed as written.

**P-16 (Support 2.08) (Impact 2.75) (Total 5.73)**

**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.**

Has a victim impact. No discussion.

Recommendation passed as written.



**T-63 (Support 2.27) (Impact 2.44) (Total 5.56)**

**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.**

No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-61 (Support 2.82) (Impact 1.88) (Total 5.28)**

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

Has a victim impact. No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-6 (Support 2.25) (Impact 2.25) (Total 5.06)**

**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. The judge can convert the cash bond into costs owed.**

If someone was arrested for failure to pay fines and costs, the bond could be set as cash only in the amount of the fines and costs that are owed. The individual bonds out and the bond can be converted to pay off the fines and costs. Is there any data on how many people go to jail on these types of arrests?

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-8 (Support 2.25) (Impact 2.25) (Total 5.06)**

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

Has a victim impact.

Recommendation passed as written.

**I-53 (Support 2.36) (Impact 2.13) (Total 5.02)**

**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.**

If they are not writing job recommendations, is that for liability reasons? They can write a job recommendation. Some of those have been used in a court hearing and DOC doesn't want to influence a court hearing.

Recommendation passed as written.

**P-11 (Support 2.09) (Impact 2.38) (Total 4.97)**

**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.**

Is adding additional factors? Yes. This also helps new judges.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-9 (Support 2.08) (Impact 2.38) (Total 4.95)**

**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. This does not apply to specialty courts.**

Has a victim impact. No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**I-49 (Support 2.45) (Impact 2.0) (Total 4.91)**

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

No discussion.

Recommendation passed as written.

**P-5 (Support 2.0) (Impact 2.38) (Total 4.75)**

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

What do the statutes say? Statutes allow for this.

Recommendation passed as written.

**I-38 (Support 2.0) (Impact 1.71) (Total 3.43)**

**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.**

When you use the phrase "each offender," do you mean everyone? Just convicted felons.

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

Recommendation passed as modified.

**I-28 (Support 1.67) (Impact 1.86) (Total 3.10)**

**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.**

No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-13 (Support 1.58) (Impact 1.63) (Total 2.57)**

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

No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-14 (Support 1.58) (Impact 1.50) (Total 2.38)**

**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.**

No discussion.

Recommendation not final. Held over for discussion during Sept. 12 meeting.

**P-7 (Support 1.55) (Impact 1.38) (Total 2.13)**

**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.**

In order to pay restitution, doesn't the judge have to find that the defendant has the ability to pay and doesn't pay? You can't send someone to jail for a debit.

Recommendation was rejected and not discussed further.

**COST SAVINGS****PIS-86 (Support 3.00) (Impact 2.89) (Total 8.67)**

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

**Assumption: 50% of technical parole returns (no new crime) receive three weeks against their sentence for time spent in jail.**

- **Year 2 savings**            **442 Beds \$ 8.9 M**
- **Year 3 savings**            **533 Beds \$10.7 M**
- **Year 4 savings**            **475 Beds \$ 9.6 M**
- **Year 5 savings**            **399 Beds \$ 8.1 M**
- **Year 6 savings**            **322 Beds \$ 6.7 M**

How many technical parole violations are new crimes? How many crimes are dropped because the DA just decides to put them in jail on a technical parole violation? DCJ does not have those numbers. Mr. Kaplan said this is to give credit toward his total time served to the defendant for the time he is sitting in jail on the technical parole revocation. Mr. Weir stated a lot of the recommendations have a cost associated with them. The Cost Savings recommendations may free up funds that may help pay for some of the other programs.

Don Quick made a motion that any cost savings realized in the Commission's recommendations be earmarked for expenditure on some of the programs included in the recommendations. Ken Gordon seconded the motion. Motion passed by unanimous consent.

Recommendation passed as written.

**PIS-93 (Support 2.8) (Impact 3.0) (Total 8.40)**

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

**Assumption: Parole technical violations (no new crime) reduced by 15% each year over the previous year.**

- **Year 2 savings**            **228 Beds \$ 4.6 M**
- **Year 3 savings**            **431 Beds \$ 8.7 M**
- **Year 4 savings**            **517 Beds \$ 10.4 M**
- **Year 5 savings**            **602 Beds \$ 12.1 M**
- **Year 6 savings**            **687 Beds \$ 13.9 M**

Would this be in the Parole unit? Yes.

Recommendation passed as written.

**P-1 (Support 2.75) (Impact 3.0) (Total 8.25)**

**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.**

**Assumption: Reduces admissions of probation revocations by 10% *each* year over the previous year.**

- **Year 2 savings**            **136 Beds**    **\$ 2.7 M**
- **Year 3 savings**            **376 Beds**    **\$ 7.6 M**
- **Year 4 savings**            **611 Beds**    **\$12.3 M**
- **Year 5 savings**            **829 Beds**    **\$17.7 M**
- **Year 6 savings**            **1064 Beds**   **\$21.5 M**

Recommendation passed as written.

### **Funding proposal**

60 Days good time for non-violent new intakes and current population, excluding technical violations:

- **Year 2 savings**            **498 Beds**    **\$ 10.1 M**
- **Year 3 savings**            **602 Beds**    **\$ 12.2 M**
- **Year 4 savings**            **622 Beds**    **\$ 12.6 M**
- **Year 5 savings**            **655 Beds**    **\$ 13.2 M**
- **Year 6 savings**            **705 Beds**    **\$ 14.2 M**

30 Days good time for non-violent new intakes and current population, excluding technical violations:

- **Year 2 savings**            **250 Beds**    **\$ 5.1 M**
- **Year 3 savings**            **299 Beds**    **\$ 6.0 M**
- **Year 4 savings**            **305 Beds**    **\$ 6.2 M**
- **Year 5 savings**            **322 Beds**    **\$ 6.5 M**
- **Year 6 savings**            **349 Beds**    **\$ 7.0 M**

The average stay in DOC is 42 months. Would public safety be significantly impacted if they were given 60 days good time and released two months earlier? These would be for offenders who were convicted of non-violent crimes.

How you get the extra 60 days? This would have to be fleshed out. This is an attempt to illustrate how much money would be saved if sentences were reduced by 30 or 60 days. The Commission needs to have solid documentation before proceeding. This is a sentencing question, not a re-entry question.

The 60-day and 30-day recommendations were held over for discussion during Sept. 12 meeting.

The meeting adjourned at 5:00 p.m.

\*\*\* The votes were recorded electronically and are not contained within these minutes, but may be found at the CCJJ website .