

Discussion Points from Victims Groups

Denver: September 2, 2008

Glenwood Springs: September 5, 2008

Pueblo: September 8, 2008

The Division of Criminal Justice held three victim focus groups to discuss recommendations made by the Re-Entry Task Forces and the Oversight Committee. Working with DCJ's Office of Victims of Crime, 18 recommendations for discussion were selected that would most likely be of interest to the victim's community and which also received a high level of support from the Oversight Committee. Each focus group was asked to discuss different recommendations so that all 18 items were covered.

Focus group participants voted on each recommendation as to whether they could live with it or not or if they were abstaining from voting at this time. These scores, along with comments regarding each recommendation, are included below in the same order provided in the "Phase 1 Re-Entry Recommendations" document that was sent to Commission members on Sept 5th.

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 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:

- (1) Review parole guidelines, policies, procedures, sanction grids, and training standards;**
- (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.

- Perform this recommendation hand-in-hand with updating technology. Make sure to do this in conjunction with PIS-85.

- Revise this recommendation to include what action will be taken as a result of this process.

Vote

| | |
|---------|---|
| Yes | 7 |
| No | 0 |
| Abstain | 0 |

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.

- Victim's community likes this as far as consistency. However, they don't want consistency to go to the lowest common denominator.
- There needs to be clear guidelines for what offender's are accountable for and the victim needs to know what will happen if certain acts are committed.
- "All technical violations are not equal"; for instance, violation of a restraining order should not be responded to the same as not showing for a probation appointment.
- If we continually slap them on the wrist, they don't get the message that we're serious. Sometimes it takes a jail sanction to alter their behavior.

Vote

| | |
|---------|---|
| Yes | 9 |
| No | 0 |
| Abstain | 3 |

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.

The group would like to see a requirement for victim input in this process.

Vote

| | |
|---------|----|
| Yes | 11 |
| No | 0 |
| Abstain | 0 |

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. This does not apply to specialty courts.

- In general this is a good idea.
- Because compliance is increased when "someone is looking over your shoulder", rather than doing away with these review hearings, courts could be encouraged to utilize "phone-in" appointments.
- The group also suggests more night court or Saturday court because the level of court inflexibility contributes to offenders' inability to appear during the work week.
- Consistent benchmarks should be set toward the accomplishment of probation conditions, such as progress on paying restitution.

Vote

| | |
|---------|---|
| Yes | 7 |
| No | 1 |
| Abstain | 4 |

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.

- There is no apparent consideration for the community at large in this recommendation, no protection of the victim.
- The group liked the wording on the power point slide (with the bullets) rather than the way it reads above. This way reads to them as it was prior to VRA.

Vote (with bullets, original)

| | |
|---------|---|
| Yes | 8 |
| No | 0 |
| Abstain | 0 |

Vote (without bullets, revised)

| | |
|---------|---|
| Yes | 0 |
| No | 8 |
| Abstain | 0 |

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.

- Can this include work release component?
- Will the offender still be monitored for UA's and BA's?
- Is there enough staff to monitor these people while they're at home? Is the technology solid?
- Larimer (where they have a criminal justice board) currently has such a program and could be used as a model.
- Replace the word 'expand' with the word 'consider' in recommendation.
- Include levels of supervision requirements for those using home detention.
- Have to have some system/staffing in place for quick response when needed.
- Would have to include other conditions that would support the use of in-home detention, such as electronic monitoring. Include the use of "creative" sentencing options with this.
- Sheriff representative raised the case that over the years, the responsibility to monitor offenders on home detention has shifted from the Sheriff to the courts, which in turn has often been turned over to private vendors to execute. This can lead to transportation issues for offenders. Need to have checks and balances with this option.
- Certain crimes should be excluded from eligibility, such as child victim sex assault.

Vote (Denver)

| | |
|---------|----|
| Yes | 11 |
| No | 0 |
| Abstain | 0 |

Vote (Pueblo)

| | |
|---------|--|
| Yes | 0 |
| No | 1 |
| Abstain | 7 (if wording was change to 'consider' and recommendation included 'level of supervision' consideration, the group would unanimously say yes to this). |

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.

- Add “victim representative” to the list of representatives (which was done prior to Oversight Committee meeting and is already included above).
- Does this recommendation add more confusion and less consistency? Wording may be a little too loose. Earned time should be an ‘above and beyond’ behavior.
- One suggestion is to develop a matrix so the amount they can earn correlates with the seriousness of the crime.
- Suggestion to remove the word “drug” from recommendation.
- “Successful treatment” can be debated, so providers need to have established protocols for ascertaining this. Victim concerns were that the offender be required to demonstrate change rather than simple attendance.
- One member of the group felt that an offender getting probation was automatically getting a break because they got probation. Why give them more time off?
- Length of time spent in treatment programs is critical to offender success, be careful cutting back on offender’s time spent in programs. Offenders might just participate in programs to get earned time, and not really do the work. They can manipulate the system and circumscribe the no-protection-order.
- Include the sheriff at the table on this.
- Suggestion to change “mandatory” to “presumptive” in title.

Vote (Denver)

| | |
|---------|---|
| Yes | 8 |
| No | 2 |
| Abstain | 4 |

Vote (Glenwood)

| | |
|---------|----|
| Yes | 11 |
| No | 0 |
| Abstain | 0 |

Vote (Pueblo)

| | |
|---------|---|
| Yes | 7 |
| No | 0 |
| Abstain | 1 |

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).

This recommendation was discussed conjointly with I-27, therefore, these comments refer to both items. Voting, however, was recorded separately.

- Concern that 'bond to court' money doesn't just go to hire a staff person. Money needs to go to fines, fees and costs.
- Would this affect how quickly an offender gets out of jail? Some need a cooling off time, some wouldn't want to expedite the current process.
- Would people sit in jail longer under this system?
- Does bond schedule take prior record into account?
- Payments need to be consistent to current statute order, as indicated in current recommendation.
- On I-27 add the words 'crime victim' to the stakeholders list (this has been done).
- Who would be responsible for tracking down the offenders that don't show? Are there court bounty hunters? Currently, Denver Sheriffs bring in more FTA's than bondsmen do.
- Would the 'bond to the court' person work all hours like a bondsman?

Vote I-25 (Denver)

| | |
|---------|---|
| Yes | 9 |
| No | 0 |
| Abstain | 4 |

Vote I-25 (Glenwood)

| | |
|---------|---|
| Yes | 8 |
| No | 0 |
| Abstain | 3 |

Vote I-25 (Pueblo)

| | |
|---------|---|
| Yes | 8 |
| No | 0 |
| Abstain | 0 |

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.

See discussion in I-25.

Vote I-27 (Denver, with changed wording)

| | |
|---------|----|
| Yes | 13 |
| No | 0 |
| Abstain | 0 |

Vote I-27 (Glenwood)

| | |
|---------|----|
| Yes | 10 |
| No | 0 |
| Abstain | 1 |

Vote I-27 (Pueblo)

| | |
|---------|---|
| Yes | 8 |
| No | 0 |
| Abstain | 0 |

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, 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.

- This recommendation should be clarified per the Victim's Rights Act to determine if, with DA's approval, the victim can view portions of this document.
- This needs more flushing out to get more specific.
- When considering the victim impact statement, realize that some victim's don't fill this out and that would result in an incomplete profile. A follow-up process needs to be standardized to obtain the information in alternative ways.
- Would there be funding provided to the local agencies that would be responsible for actually pulling this info together?
- There would need to be a timeline laid out for the completion of the profile. Currently, PSIR process very slow, which is a difficult waiting period on victims as well as offenders.
- Incorporate law enforcement contacts that don't result in arrest.

Vote (Denver)

| | |
|---------|----|
| Yes | 13 |
| No | 0 |
| Abstain | 0 |

Vote (Glenwood)

| | |
|---------|----|
| Yes | 11 |
| No | 1 |
| Abstain | 0 |

Vote (Pueblo)

| | |
|---------|---|
| Yes | 8 |
| No | 0 |
| Abstain | 0 |

I-56 (Support 2.36) (Impact 2.88)

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

- Clarify difference between good and earned time so the victim can understand.
- A good time credit system could be corrupt if there are no consistency parameters and standards. In smaller jails there can sometimes be 'good old boy' issues where a sheriff could be lenient with an offender that he knows personally.
- If each county has discretion already this is probably already happening.
- Educate victims at sentencing so they know that when an offender is sentenced to a specified jail sentence, it rarely equates to the original sentence length.
- Certain crimes should not be eligible. Inmates who do the best in confinement are often anti-social and commit more serious crimes. They should not be granted more time off sentence. Can judge preclude certain offender eligibility at time of sentencing?
- Sheriff representative expressed the need for inmate workers, which would be significantly impacted if the Sheriff no longer had discretion. But consistent parameters need to be included.

Vote (Denver)

| | |
|---------|----|
| Yes | 12 |
| No | 1 |
| Abstain | 1 |

Vote (Glenwood)

| | |
|---------|---|
| Yes | 2 |
| No | 2 |
| Abstain | 8 |

Vote (Pueblo)

| | |
|-----|---|
| Yes | 8 |
| No | 0 |

Abstain 0

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. The Commission supports the Department of Corrections' effort to expand parenting and bonding programs.

- Would evaluation be done before placement to decide whether the infant would be better placed with the father or other relatives?
- What is the setting like? Would children be raised in prison-like setting?
- Would there be consideration for how long the mother's sentence is?
- Need to consider whole family system to make situation better for mother and child when exiting prison.

Vote

| | |
|---------|----|
| Yes | 11 |
| No | 0 |
| Abstain | 0 |

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.

Discussion included questions about current parole practices regarding release plans. No comments were provided on this topic.

Vote

| | |
|---------|----|
| Yes | 10 |
| No | 0 |
| Abstain | 3 |

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.

Needs much more flushing out before they can vote either way. Which crimes are eligible? Which offenses would be eligible? Would it apply to both violent and non-violent offenders?

Vote

| | |
|---------|---|
| Yes | 3 |
| No | 2 |
| Abstain | 8 |

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.

No discussion was needed. All were in favor.

Vote

| | |
|---------|----|
| Yes | 13 |
| No | 0 |
| Abstain | 0 |

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.

- The group likes the concept but wants more specifics.
- Would the video conferencing include the ability for victims and family members to attend meetings using the technology? This could encourage more participation.

Vote (Denver)

| | |
|---------|----|
| Yes | 11 |
| No | 0 |
| Abstain | 0 |

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

*Re-Entry Task Force Recommendations to the CCJJ: Crime Victim Focus Group Feedback
Prepared for the CCJJ Meeting September 11-12, 2008*

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.

- This would require victim to go to yet another hearing; victim shouldn't be subject to that.
- There would need to be a limit on how often the offender could go up for early termination. Victims would need to be notified each time.
- Clarify risk reduction benchmarks.
- Supported if targeting only non-violent offenders only. Concern that DOC and VRA define non-violent differently; would want to ensure that VRA definition used.
- Needs to include monitoring that is adequate (low enough caseloads) so that parole officers actually know the offender and accountability is better. A high level of monitoring compliance would be necessary.

Vote (Denver)

| | |
|---------|----|
| Yes | 10 |
| No | 1 |
| Abstain | 3 |

Vote (Glenwood)

| | |
|---------|---|
| Yes | 7 |
| No | 0 |
| Abstain | 5 |

Vote (Pueblo)

| | |
|---------|---|
| Yes | 6 |
| No | 0 |
| Abstain | 0 |

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.

- Community Corrections agencies shouldn't be saddled with having to eat the costs associated.

- Several participants were in favor of this recommendation because they realize that it is sometimes a lengthy process to find a job for these offenders and they are better off being in the community where they can pay their restitution and fines.

Vote

| | |
|---------|---|
| Yes | 6 |
| No | 0 |
| Abstain | 0 |