

CCJJ RE-ENTRY RECOMMENDATIONS

Full Commission Approval – Recommendation Only

September 11 & 12, 2008

LEGISLATIVE

L-1 DRIVER'S LICENSE RETENTION (formerly P-17)

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.

L-2 POSITIVE REINFORCEMENT AND INCENTIVES (formerly P-2)

Research shows that positive reinforcement is an important component of behavior modification. The use of incentives to facilitate successful completion of probation should be encouraged. 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.

L-3 REVISE TRUSTEE CALENDAR STATUTE (formerly I-58)

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

L-4 GOOD TIME CREDITS FOR JAIL INMATES (formerly I-56)

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

L-5 EARNED TIME CREDITS FOR JAIL INMATES (formerly I-57)

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.

L-6 REMOVE BARRIERS TO EDUCATION FUNDING (formerly I-48)

Any statutory impediment to inmates' access to or funding of post-secondary education should be eliminated.

L-7 SUMMONS IN LIEU OF ARREST WARRANT (formerly I-21)

The commission encourages law enforcement agencies to enact policies that are consistent with CRS 16-5-206 and 16-5-207, relative to issuing summonses rather than arrest warrants

on appropriate Class 4,5, and 6s. 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. A summons should be issued for class 4, 5, and 6 felonies unless there is imminent risk of flight or when victim or public safety may be compromised.

L-8 BOND-TO-THE-COURT SYSTEM (formerly I-23)

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.

L-9 COURT RETENTION OF BOND IN BOND-TO-THE-COURT SYSTEM (formerly I-24)

When courts use the percentage bond-to-the-court, per Recommendation L-7, and the court plays the role of the surety, it shall retain a percentage of the bond.

L-10 BOND APPLIED TO PRIORITY OF PAYMENTS (formerly I-25)

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).

L-11 INCREASE “GATE MONEY” (formerly T-66)

Increase “gate money” for first-time parolees upon release.

L-12 PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITIES (formerly PIS-92)

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.

L-13 EARLY TERMINATIONS OF PAROLE (formerly PIS-89)

The Commission requests 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.

GENERAL PRINCIPLES

GP-14 PROBATION’S RESPONSE TO TECHNICAL VIOLATIONS (Support Recommendation)
(formerly P-4)

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.

GP-15 STANDARD CONDITIONS OF PROBATION (formerly P- 18)

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/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.

GP-16 CASE PLAN IMPLEMENTATION (formerly I-41)

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

GP-17 INVEST IN EVIDENCE-BASED PROGRAMS (formerly I-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.

GP-18 TRANSFERABILITY OF PROGRAM AND TREATMENT PARTICIPATION (formerly I-46)

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

GP-19 MATCH INSTITUTIONAL PROGRAMS WITH OFFENDER NEEDS (formerly I-45)

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.

GP-20 EVALUATION OF TREATMENT PROVIDERS (formerly I-40)

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

GP-21 INCREASE IN MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT (formerly I-44)

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.

GP-22 INCREASE FUNDING FOR SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT
(formerly PIS-84)

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

GP-23 IDENTIFY AND ADDRESS RE-ENTRY SERVICE GAPS (formerly T-64 and 65)

Each judicial district should be required to conduct an inventory of the services and resources, including available housing 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.

GP-24 EXPAND EXISTING APPRENTICESHIP PROGRAMS (Support Recommendation) (formerly I-54)

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

GP-25 EDUCATIONAL OPPORTUNITIES FOR OFFENDERS AND STAFF (formerly I-47)

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

GP-26 EDUCATE HOUSING AUTHORITIES (formerly T-75)

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

GP-27 COMMUNITY CORRECTIONS INSTEAD OF PAROLING HOMELESS (formerly T-72)

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.

GP-28 SUPPORT FOR THE GOVERNOR'S COMMUNITY CORRECTIONS ADVISORY COUNCIL

(Support Recommendation) (formerly PIS-95)

The Commission supports 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 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.

GP-29 COMMUNITY CORRECTIONS GRACE PERIOD STUDY (Support Recommendation)
(formerly PIS-96)

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.

GP-30 STUDY STANDARD DIVERSION COMMUNITY CORRECTIONS VS. NON-RESIDENTIAL
(Support Recommendation) (formerly PIS-97)

The Commission supports 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.

GP-31 NEW INITIATIVES FISCAL IMPACT (formerly O-99)

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).

GP-32 SOA-R STUDY (Support Recommendation) (formerly I-29)

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).

BUSINESS PRACTICES

BP-33 SPECIAL CONDITIONS OF PROBATION CRITERIA (formerly P-8)

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

BP-34 MANDATORY EARNED TIME ON PROBATION (formerly P-16)

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.

BP-35 EXPAND JUDICIAL AND PROBATION OFFICER TRAINING (formerly P-15)

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

BP-36 TECHNICAL VIOLATIONS PROGRAM WITHIN PROBATION (formerly P-3)

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.

BP-37 PRIORITIZE OFFENDER EMPLOYMENT OVER ROUTINE COURT REVIEW HEARINGS

(formerly P-9)

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 or dockets.

BP-38 RESOLVE NEW COUNTY COURT CASES QUICKLY (formerly P-13)

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

BP-39 DEVELOPMENT OF STATEWIDE BOND SCHEDULE (formerly I-27)

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.

BP-40 ESTABLISH BOND COMMISSIONERS (formerly I-26)

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.

BP-41 SUMMONS IN LIEU OF ARREST FOR PROBATION REVOCATIONS (formerly P-5)

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

BP-42 ARREST ALTERNATIVES FOR OFFENDERS ON REVOCATION STATUS (formerly P-6)

Encourage the use of “cash only” bonds rather than arrest and incarceration for offenders on revocation status for nonpayment when the total amount of fees and costs owed is minimal. The judge can convert the cash bond into costs owed should the offender fail to comply with conditions of supervision.

BP-43 EXPAND USE OF HOME DETENTION IN LIEU OF JAIL (formerly P-12)

When appropriate, and considering public safety and 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.

BP-44 OFFENDER RELEASE ASSESSMENT COUPLED WITH SERVICES (formerly T-62)

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 (for example, insulin), mental health services, addiction treatment, and related programs.

BP-45 RELEASE ASSESSMENT INFO PROVIDED TO PAROLE AND COMMUNITY CORRECTIONS BOARDS (formerly T-67)

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

BP-46 STANDARDIZED COMPREHENSIVE OFFENDER PROFILE (formerly I-38)

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

BP-47 OFFENDER PROFILE TO FOLLOW THROUGHOUT SYSTEM (formerly I-30)

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.

BP-48 IMPROVE DOC'S INMATE TRANSPORTATION/DROP-OFF SYSTEM (formerly T-68)

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

BP-49 DEVELOP ADDITIONAL HOUSING RESOURCES FOR OFFENDERS (formerly T-76)

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).

BP-50 VERIFIABLE IDENTIFICATION FOR ALL OFFENDERS LEAVING INCARCERATION (formerly O-98)

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

BP-51 STANDARDIZE DRIVER'S LICENSE RESTRICTIONS (formerly T-70)

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.

BP-52 OFFENDER EMPLOYMENT COLLABORATION (formerly I-50)

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 city, county, state 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.

BP-53 JOB RECOMMENDATIONS FOR DOC INMATES (formerly I-53)

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.

BP-54 EXPLORE LONG DISTANCE LEARNING OPPORTUNITIES (formerly I-49)

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.

BP-55 TREATMENT PROVIDERS TO EXPAND THEIR HOURS OF OPERATION (formerly PIS-88)

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.

BP-56 FUNDING FOR THE PAROLE BOARD (formerly PIS-85)

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.

BP-57 OUTSIDE AGENCY ANALYSIS AND ASSISTANCE FOR THE PAROLE BOARD (formerly PIS-87)

The Commission requests that an independent agency with expertise in paroling authorities (in particular, 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.

BP-58 PAROLE SUPERVISION POLICIES AND TRAININGS (formerly PIS-91)

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.

BP-59 FLEXIBLE REPORTING OPTIONS FOR PAROLEES (Support Recommendation) (formerly PIS-94)

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

BP-60 DATE-CERTAIN RELEASE FOR COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PAROLE (formerly PIS-83)

With limited exceptions, 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.

BP-61 DEFER SUBSISTENCE PAYMENTS FOR INDIGENT OFFENDERS IN COMMUNITY CORRECTIONS (formerly T-63)

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

BP-62 INMATE PARENTING AND BONDING PROGRAMS (formerly I-61)

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

COST SAVINGS

CS-63 PROBATION TECHNICAL VIOLATIONS SANCTION GUIDELINES (formerly P-1)

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.

Costs averted 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 M¹

CS-64 CREDIT FOR TIME SERVED (formerly PIS-86)

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

CS-65 DOC TECHNICAL VIOLATIONS UNIT (Support Recommendation) (formerly PIS-93)

The Commission supports the Department of Corrections' effort to establish a technical violations unit² with the goal of enhancing consistency, preserving public safety, and reducing parole revocations for technical violations.³

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 M⁴

¹ 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.

² 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.

³ 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.

⁴ Analysis by Division of Criminal Justice, Office of Research and Statistics. The scenario assumes that the revocation-to-prison rate decreases every year by 15% from the previous year.