



Commission on Criminal and Juvenile Justice

Minutes

May 14, 2009
State Patrol Academy
Building 100, 15055 S. Golden Rd.

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	Brian Connors for Doug Wilson
John Suthers	Karen Beye	David Michaud
Rhonda Fields	Gilbert Martinez	Tom Quinn
Regis Groff	Claire Levy	Stephanie Villafuerte
Reo Leslie, Jr.	John Morse	

Absent: Steve Siegel, Mark Scheffel

Call to Order and Opening Remarks:

The Chairman, Peter Weir, called the meeting to order at 9:20 a.m.

Mr. Weir began the meeting by explaining the importance of taking an introspective look at the Commission – where it has been and where it is going. There were six bills which passed the General Assembly this year. Those bills were a result of the collaboration, cooperation and hard work of Commission members.

The Department of Corrections provided each member its detailed review and analysis of each of the CCJJ recommendations. Some recommendations may not be able to be implemented immediately due to fiscal limitations.

A collaboration status survey was sent to each member. The purpose was to take the temperature of the quality of the functions of the Commission and the working relationships of Commission members. The survey asked each member to assess his/her own participation in the process. Is the Commission following its guiding principles?

The Commission is at a crossroads, concluding the re-entry work in three task forces and looking to initiate work in new areas. Its first task was to tackle re-entry and there is still work to be

done in that area. It was thought that the next area of focus would be the juvenile system; however, that has changed.

Since the last Commission meeting, two focus groups were assembled to discuss the juvenile justice arena and sentencing reform. Each focus group was composed of subject matter experts. The purpose of each focus group was to define juvenile justice or sentencing reform and identify the pressing issues in each arena. The results of both those focus groups will be presented during the next two days.

Senate Bill 09-286 directs the Commission to begin looking at sentencing reform. A letter offering guidance has been received from Governor Ritter and Attorney General Suthers. This letter was distributed to the Commission members at this time.

Review and Discussion of CCJJ Guiding Principles and Collaboration by Paul Herman:

The collaboration survey illustrates how Commission members believe there have been some strong, positive outcomes as a result of their work. However, there are issues that still need to be worked through by the Commission.

Mr. Herman reviewed the guiding principles that were established during the first meetings of the Commission. He then discussed the results of the Collaboration Survey. The survey covers five areas: 1) Context or reason why this group came together; 2) Structure – the survey results suggest we have put together a pretty good structure; 3) Members; 4) Process; and 5) Results. The areas that need work can be found in questions 11, 15, 16, 17, 23, 26, 30 and 32. Peter Weir or a member of the DCJ staff can clarify any questions a member may have about his/her role within the Commission.

David Kaplan said that it is important for members to get outside their comfort zone. The Commission needs to be bolder and this will be tested when the issue of sentencing reform is discussed. It will take some leaps of faith from members around the table to be able to bring something to the General Assembly at the next legislative session.

Grayson Robinson brought up the issue of the sustainability of the Commission. There have been no provisions for staffing. The survey did not adequately cover this concern.

Ari Zavaras stated that the last 18 months work has almost brought DOC to their knees in addressing all the recommendations of the Commission. A good funding source needs to be developed. There have been breakdowns in communications as a result of overworked staff.

Tom Quinn stated that having a dedicated staff available to the Commission is important. Right now we have staff that has dual masters, their employer and the Commission.

Mr. Quinn also asked if there is anything that Mr. Herman sees as needing to happen to work through some of the cloudy issues illustrated by the Commission.

The Commission will have to once again split up into task forces as it addresses sentencing. A lesson was learned with the past task forces - it is important to narrow their focus.

Can DCJ apply for JAG grants for staffing? When the legislation was passed, there was money for three staff. Right now, DCJ is using five FTE. The JAG grant application asked for more money for training and speakers, not staff. The existing JAG money and the JEHT Foundation meeting is what is supporting Paul Herman's time, supplies and meetings. We do not have enough money to "grow" the Commission staff. We need to be more focused in the task forces and work with the available staff.

Don Quick has been asked how the Commission could get broader D.A. support for its proposals. There are perceptions about the criminal justice system which are inaccurate. It is hard to inform constituencies about the suggested improvements to the system if their perception is incorrect. There is a need for more or better education

Legislative Accomplishments by Ann Terry:

The Commission was 100% successful its legislation this Session because its bills were a collaborative effort. When a CCJJ bill came up in the various committees, there was no dissent. This was a result of the advance work done by the Commission and its Task Forces. All the problems and issues were talked out prior to the issue going to Legislative drafting.

1. HB1266 was to permit the issuance of a summons instead of an arrest warrant in certain circumstance.
2. HB1321 was a result of the Direct File Sub-committee. This bill laid out a framework for defense and prosecutors to look at before placing a juvenile in an adult facility.
3. HB 1263 talked about calculating earned time for jail inmates.
4. SB286 set up direction from the Legislature as to the next area of focus for the Commission. The Legislature direct the Commission to look at sentencing reform including sentences related to driving under restraint, drug related crimes, mandatory minimums, alternative to incarceration for non-violent, first-time offenders and the impact of incarceration on crime rates.

Rep. Roberts asked if a Legislator carries a bill that does not come from the Commission, it should be recognized as a non-Commission bill. She also stated that her caucus is not necessarily on board with the work of the Commission. The General Assembly is heavily comprised of one party. If the other party were to be included in the work of the Commission, the outcome might survive any shifts in political climate.

Re-Entry Presentation by Carl Wotowis, Department of Corrections:

The Pre-Release Program concept was developed between September 2007 and June 2008. Key components of the program are: 1) consistency between all 19 facilities that participate; 2) the use of evidence-based, research-driven practices; 3) services provided while in DOC are continued in the community, and 4) the involvement of outside agencies. Included in the

program are offenders, and statewide stakeholders, such as, community and faith-based organizations, community parole officers, case managers, community corrections, and state and local agencies. Consistency, communication, and collaboration are key principals.

The Pre-Release Program establishes a network system within the Department of Corrections which inmates can use in preparing for their release. The Community Re-Entry Program then provides the structure and areas of assistance the inmates used in prison but in the community upon release.

The Pre-Release Specialist works with an inmate to prepare their community transition plan. The transition plan includes finding housing options and developing back up plans, solving identification issues and locating resources in the community.

The inmate works through each of the pre-release modules using strength based assessments, goal setting and timelines to identify and eliminate barriers to re-entry. The inmates are active participants in this process, thus creating buy-in and accountability for their own transition plans. The plan includes specific and relevant community resources, supports and contact information. It serves as a communication bridge Pre-Release and Community Re-Entry. Having continuity relieves the anxiety experienced in the transition to the community.

To what extent are the private prisons getting involved in this program? DOC is introducing the private prisons to the program and beginning to get them involved. The private prisons have exhibited a strong desire to work with DOC to integrate into this program.

Should there be a higher probability of success for those inmates coming out of a private prison? DOC selects the inmates who go into private prison. If an inmate is known to be a problem, they won't be placed in a private prison. This is why the private prisons have a higher success rate.

Career and Resource Centers provide offenders with computer access that contains career assessment and exploration tools. They have Key Train which is used by all the workforce centers, typing tutorial, resume writing tools, and educational application and financial assistance information. While the Department of Corrections does not have internet access for inmate, the Centers do have internet simulators that allow for inmates to learn how to navigate internet sites through a secure system.

Does DOC do something different with the San Carlos Facility? Yes. The San Carlos Facility houses the inmates with developmental disabilities so more time is spent reviewing medical and mental health benefits and services that are available in the community.

There are three overarching ingredients to this program: (1) Consistency between facilities; (2) communication between facility staff and community staff; (3) and collaboration with partners in the community.

Research has shown that if you over-program low risk offenders, you can do more damage and potentially increase recidivism. This program is designed to work with higher-risk, higher-need offenders.

Community Re-Entry Program:

1. Works on obtaining identification and legal documents for offenders.
2. Transportation. They provide bus tokens and/or bus passes in all parole offices. The Pueblo Parole office has established a bike program.
3. Employment / Career Services: provide work clothes and tools for offenders. Have kiosks where an inmate can apply for a job. Educate them on federal bonding programs and tax incentives.
4. Medication fund is provided for inmate status only. These individuals are not eligible for the CICP fund. Parole population does a lot of referrals to the CICP fund, but it could take two weeks to six months to get the parolee in the program.
5. Hygiene backpacks are provided which contain items such as, soap, shampoo, toothpaste, socks, etc. Also have a coat program in which offenders can exchange the tan DOC jacket for a regular coat. The DOC coats are recycled, saving approximately \$20 a coat. Have food boxes that are provided by faith based and community-based agencies.
6. Special needs, dual diagnosed or sex offender populations have special programs directed toward their needs.
7. Intensive critical services such as medical needs. Even if applying prior to release, it may take months for an offender to receive SSI/SSDI benefits.
8. Specialized grants. Community Re-Entry Specialists are able to screen offenders for various grants and provide referrals to those grants based on established eligibility. Most grants come from federal agencies, such as Dept. of Labor, Dept. of Justice, and the National Institute of Corrections.
9. Community orientations let parolees know what is available to them through community Re-Entry and what is available to them out in the community.
10. Housing services gives referrals to parolees with the locations of shelters, hotels / motels, transitional housing and apartments that are available for parolees. DOC is aware of the various ordinances when looking at referrals for placement.

The John C. Inmann Work and Family Center is the one-stop center in Denver. The environment is geared toward job preparedness. They have job readiness classes. For example, they teach how to talk to a prospective employee about a parolee's criminal history. They have access to O*Net assessments. This system matches an individual to the occupation that best suits him/her. They also have the Key Train program which helps an individual build their skills for a specific occupation. For example, if O*Net finds that an individual has the aptitude for welding, Key Train can help the individual obtain the certification need for welding. This center also has a computer lab and resource center. The tools and software is the same as found inside DOC facilities. .

The program was designed using evidence based research, but the Department understands that on-going evaluation is necessary to fine tune programming. The evaluation will be conducted by third party, non-biased researchers through Colorado State University and the University of Colorado at Denver.

Benefits of partnerships: Communication on operations, visions and goals. Everyone can learn from shared experiences, challenges and outcomes. With partnerships, there is a better use of

resources and helps eliminate duplication of services. Special relationships are developed between the Community Re-Entry Specialist and the local agencies, especially in the smaller or rural areas.

What impact has the economic times and the budget had on the program? At this point, the funding has remained the same. The Governor has been steadfast in keeping things funded.

How have state and local governments shown a willingness to hire ex-offenders? Can one of our task forces study barriers to employment? There is only so much that we can do to affect private employers. However, we can look at the rules and regulations that state and local governments may have that would prohibit them from hiring ex-offenders. Mr. Wotowis stated that his programs are not seeing the hiring of ex-offenders by governments. However, they are seeing some success when a government hires a contractor who employs ex-offenders.

Survey for District Court Judges:

Tom Quinn will be meeting with the Chief Judge and the State Court Administrator tomorrow. He will mention sentencing reform as the next issue the Commission will discuss. Can we get the input of judges?

John Suthers made a motion that a survey be taken of the district court judges on their thoughts and suggestions on sentencing reform. This survey will be sent to the Chief Justice for approval, and disseminated as quickly as possible. Don Quick seconded the motion. Any issues Commission members would like to be included in the survey should be emailed to Adrienne Loye or Germaine Miera by Friday, May 22nd. The motion passed by unanimous vote.

Task Force Updates, Recommendations and Voting:

The voting system was explained by Paul Herman. It has three categories. "A" means the Commission members supports the recommendation; "B" means the Commission member can live with the recommendation; and "C" means the Commission member does not support the recommendation.

A vote will be taken on recommendations and the changes made by the Task Forces. Another type of vote will be taken on strategic direction. Some of the recommendations were sent back for the development of a strategy. This type of vote says, "Here is the direction the Commission wants to go."

The following 22 recommendations were returned to the four CCJJ Task Forces for further examination and/or implementation plan development. Note that the Phase I text is the original recommendation

Probation Task Force:

Eight Phase I recommendations were sent back to the Probation Re-Entry Task Force by the CCJJ for Phase II.

GP-14 STANDARD CONDITIONS OF PROBATION

The 19 standard conditions of probation should be reviewed 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.

BP-32 SPECIAL CONDITIONS OF PROBATION CRITERIA

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

Phase 2 Recommendations

A work group was formed with members from the Probation Advisory Committee (PAC) and the CCJJ Probation Task Force (PTF) to examine this issue further. The PAC/PTF work group recommends combining these two recommendations in an effort to simplify and modify the current conditions. The PAC/PTF work group and the full Task Force further recommend that PAC consider a variety of changes to the Standard Conditions of Probation (GP-14) as well as the Special Conditions of Probation (BP-32). These suggestions for change are based on the answers to three questions:

- 1) How realistic is the condition?
- 2) How relevant is the condition?
- 3) Is the condition research based?

A copy of the adult standard and special conditions of probation can be found in Appendix A of this document. A list of the original conditions of probation and the suggested changes can be found in Appendix B. In addition, a separate comparison of standard recommendations and their related statutes can be found in Appendix C.

Discussion: Using this form, are we setting people up for failure? Are there conditions that are setting up persons for failure? Are these conditions researched based?

1. Condition #9: **“You may be required to notify third parties of your criminal record, as directed by the probation officer.”** Discussion: Notifying a third party of your criminal record should be done on a case by case basis. Probation officers are requiring this all the time. Probation officers will be trained on when notification should occur. Will there be a risk-assessment tool being used by the probation officer to determine who the offender needs to notify? Yes, there will be an assessment.
2. Condition #11: **“You shall support your dependents and meet your other family responsibilities including any obligations for child support or spousal maintenance.”** Discussion: Take out “meet other family responsibilities”. Leave is specific to maintain child and spousal maintenance.
3. Condition #12: **“You shall not possess any firearm, explosive or other destructive device, or any other dangerous weapon, unless you obtain written permission from the Court.”** Discussion: This should be taken back for further consideration.

4. Condition #13: **“You shall not use alcohol (to excess)* or use unlawfully any controlled substance or other dangerous or abusable drug or substance.”**

Discussion: The requirement for not using alcohol is too broad. The initial crime could be identity theft, and the use of alcohol should not be restricted. Also the term “to excess” is not clearly defined.

5. Condition #16: **“You shall not act as a confidential informant. This can only be waived by the Court. Pursuant to State Court Administrator Memorandum OPS-00-04 dated August 10, 1999.”** You should not be a confidential informant under any circumstances. If you become a confidential informant, the offender would have to get back into the drug scene or theft rings, car chop shops. Discussion:

- a. Should this be only done by the Court?
- b. If someone has a felony conviction for theft and has knowledge about a homicide, why should the person not be allowed to be a confidential informant?
- c. Move #16 to the side to be discussed by tomorrow. Vote:

A vote on GP-14 and BP-32 (excluding condition #16) was taken on the above changes:

Vote: 19 (A) 3 (B) 0 (C)

John Suthers made a motion to leave condition #16 as is. Ari Zavaras seconded the motion.

Discussion: Can there be wording that would require the judge to be familiar with the case? Can there be a friendly amendment to add that the sentencing judge be the one to make the determination?

John Suthers made a motion to approve condition #16 with the friendly amendment. Ari Zavaras seconded the motion. Condition #16 should state, “You shall not act as a confidential informant. This could only be waived by the court (the sentencing judge, if practical) pursuant to the applicable Court Administrator Memorandum.

Vote: 15 (A) 5 (B) 0 (C)

BP-33 MANDATORY EARNED TIME ON PROBATION

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.

Phase 2 Recommendation

To determine the degree of support that may or may not exist around the state for mandatory earned time (BP-33) a survey was conducted of Chief Probation Officers. Five judicial districts are struggling to use the existing practice of early termination (these districts reported inconsistent application of early termination procedures and reported problems with obtaining cooperation from the district attorney or bench). The Task Force recommends that resources and

plans be developed to assist these judicial districts with using early termination. The remaining judicial districts already have a consistent practice in place, by which early termination is used with cases where risk is diminished, the terms and conditions of probation have been met and the victim has been notified as statutorily required. The Probation Task Force recommends the following:

- The Division of Probation Services, using information obtained in the survey of chief probation officers, should identify and provide the necessary support for judicial districts to implement early termination of probation.
- The Division of Probation Services should review the existing Early Termination Policy to identify areas for improvement (e.g., specific links to evidence-based practices or programs).
- The Community Corrections sub-committee should determine whether or not Diversion clients can be considered for early termination, and if so, what this procedure entails. The Division of Probation Services is willing to partner with Community Corrections to share information regarding early termination practices that are happening within probation.

It is important to note that the Victim community may be reluctant to endorse a statewide policy for earned time on probation.

The Task Force supports the above recommendation and further suggests that this issue be revisited and discussed during the Sentencing Reform portion of the Commission's work.

Discussion: 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.

This recommendation should be taken up when the Commission discusses sentencing reform.

Vote: 14 (A) 5 (B) 2 (C)

The second vote revolves around the strategic direction for Probation in working on those five districts that are struggling in the use of the existing practice of early termination.

Vote: 19 (A) 2 (B) 0 (C)

BP-36 PROBATION TECHNICAL VIOLATIONS SANCTIONS GUIDELINES

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.

CS-63 TECHNICAL VIOLATIONS PROGRAM WITHIN PROBATION

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.

Phase 2 Recommendation

The PAC/PTF work group recommends combining these two recommendations. A JAG grant application was submitted regarding assistance for a Technical Violations Unit. This Unit should consider the following recommendations/priorities as were suggested by the PAC /PTF work group and were endorsed by the Task Force:

- Develop a statewide policy regarding response to violations.
- Provide statewide, district, and individualized data on a regular basis to probation departments and probation officers.
- Support the creation of a contingency management work group to enhance the use of sanctions and incentives for behavior change. The Contingency Management Work Group would be made up of officers, supervisors, chiefs and staff from the Department of Probation Services to develop statewide best practices and policies with the end goal of impacting positive behavior change and a reduction in technical violations.
- Develop and deliver probation training that is specific to identifying and applying appropriate intermediate sanctions and the use of incentives. Training should be focused on supervisors as well as other key players (e.g., judges, deputy district attorneys, deputy public defenders, private defense counsel).
- Preventative efforts should be taken to prevent probationers from absconding while under probation supervision. These efforts may include the following:
 - Ensure the development of a positive working relationship between the probation officer and the probationer.
 - A Probation/Client Survey will be administered statewide by December 2009. This survey is being administered to probation clients to ask them questions about how they view their working relationship with their probation officer. The survey data will provide districts with a baseline assessment to identify areas for improvement (e.g., training needs, department practices) and acknowledge department strengths.
 - Provide officer training on how to create a strength-based collaborative approach with the client. This stems from an inherent conflict that exists for officers- explaining all of the rules of probation and the consequences (straight from court reviewing the terms and conditions, making referrals) while trying to establish a working relationship and case plan that is meaningful and productive. Those first few appointments are critical to success for many reasons and business practices need to evolve to be congruent with shifts in philosophy.
 - Add front-end training on supervision regarding policy or best practices to encourage officers and departments to improve their practices. Basic needs assistance and case planning prior to release from jail/work release should be included in this training.
 - Post-Absconder efforts should include a prioritization of high-risk absconders, the development of a partnership with local law enforcement, and an examination of the checklist policy (revise as needed).

Should the aforementioned JAG grant not be funded, Probation is carrying forth the items listed above and other monetary avenues will be pursued including the Governor's Recidivism Reduction Initiative.

Discussion: The vote is to apply for JAG grants to help with BP36 and CS-63 as outline in the bullets above. This is a request to apply for a JAG grant to ramp up resources for the Division of Probation Services. Do we want the Probation area to go in this area? This is the strategy that will be used.

Vote: 21 (A) 0 (B) 0 (C)

BP-41 SUMMONS IN LIEU OF ARREST FOR PROBATION REVOCATIONS

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

Phase 2 Recommendation

Data was collected from the Division of Probation Services to determine the use of summons versus arrests to help the Task Force decide if any further steps should be taken to increase the use of summons' in appropriate situations. The following information shows that within a random sample of 154 probationers, summonses are used more often than arrests when a technical violation occurs (presented by Sherri Hufford, Division of Probation Services, at the March 13, 2009 Probation Task Force meeting). Note that this data was not presented by jurisdiction. If certain jurisdictions do not use summonses as policy, it is recommended that this practice be encouraged and considered.

Summons vs. Arrest (n = 154)

As expected, higher risk probationers were more likely to be arrested or have a warrant issued for technical violations of probation.

Overall, the data indicates that State Probation is doing a good job in their use of summonses versus arrests for probation revocations. However, further judicial awareness of this option may be beneficial.

Discussion: This is to use summons on probation revocations. This is a training piece that they are using for the judges. This is being done already. Should we continue to have more awareness of this issue?

Vote: 19 (A) 1 (B) 0 (C)

BP-42 ARREST ALTERNATIVES FOR OFFENDERS ON REVOCATION STATUS

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

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.

Phase 2 Recommendation

Information regarding “cash only” bonds (BP-42) and home detention in lieu of jail (BP-43) was pursued. However, no data was available at this time.

The Probation Task Force recommends that judges be reminded of these options and probation officers take every opportunity to inform attorneys and the judge that these options exist. However, regardless of the positive fiscal impact this type of program may have, barriers to the use of in-home detention exist.

- In-home detention programs may not be available in every jurisdiction. Also, some judges may not be willing to use this alternative to incarceration.

In addition, some jurisdictions require a non-digital land-line for this type of program, which may not be realistic in this cell phone era. However, the company BI has cell phones available that can only be used at specific locations and may thus solve this dilemma.

Discussion: This is for individuals who have failed to pay. We are already doing this. Should we further the education? Don Quick has some concerns about expanding of home detention in DUI cases.

Vote: 14 (A) 5 (B) 0 (C)

Incarceration Task Force:

Five Phase I recommendations were sent back to the Incarceration Re-Entry Task Force by the CCJJ for Phase II.

GP-17 TRANSFERABILITY OF PROGRAM AND TREATMENT PARTICIPATION

When possible, participation in programs and treatment phases by offenders in jail or prison should be transferable and accepted across agencies. *[Note: Would require agreements across criminal justice, community entities, and vendors.]*

Phase 2 Recommendation:

After review of the Task Force’s Phase 2 recommendation by the Oversight Committee on Re-Entry, the group decided that further information is needed. Regina Huerter and Grayson Robinson will pull together a working group of invested parties (e.g. DVOMB, SOMB, Child Welfare, Behavioral Health, jails, prisons and parole board) to explore this topic in greater detail and report back to Oversight.

Discussion: This recommendation is more for information and is still a work in process. The suggestion is that a working group be formed to further work on this recommendation. The vote taken is on the recommendation to put forth a working group.

Vote: 17 (A) 3 (B) 0 (C)

GP-24 EDUCATIONAL OPPORTUNITIES FOR OFFENDERS AND STAFF

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

Phase 2 Recommendations:***Educational opportunities for inmates:***

In order for educational opportunities to be expanded for inmates a short term, multi-disciplinary working group should be created to explore funding sources for continuing education for those that are not or are no longer eligible through existing opportunities. This working group should be diverse, to include representatives from the DOC, Department of Higher Education, Pendulum Foundation, and the Incarceration Task Force. This group should report back to the Re-Entry Oversight Committee on developments.

The Commission acknowledges the importance of education in reducing recidivism and increasing successful re-entry into the community. The Commission recognizes the need for alternate sources of funding to pursue this matter.

Educational opportunities for staff:

In order to expand educational opportunities for staff it is recommended that the Commission support the continuation of funding for such staff opportunities. In 2008 an articulation agreement between the Colorado Community College System and the Department of Corrections was signed that provided DOC staff with college credit for basic training. It is further recommended that the DOC and the community college system explore expanding that agreement to include credit for service training.

Vote: 16 (A) 3 (B) 0 (C)

BP-39 DEVELOPMENT OF STATEWIDE BOND SCHEDULE

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.

The wording in BP 39 has changed. Instead of a statewide bond schedule, the recommendation is for developing statewide advisory bonding guidelines.

BP-39 DEVELOPMENT OF STATEWIDE ADVISORY BONDING GUIDELINES

The Commission recognizes that some existing bonding schedules are fairly antiquated and that in the interest of justice they should be reexamined or created. The Supreme Court and/or the Chief Judges Council are encouraged to create statewide advisory bonding guidelines or give direction to jurisdictions to create such guidelines. The Commission will partner with Judicial to examine best practices around this issue and provide the necessary information to do so.

Vote: 19 (A) 2 (B) 0 (C)

BP-40 ESTABLISH BOND COMMISSIONERS

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.

Phase 2 Recommendation:

In order to determine the benefit of each judicial district creating a bond commissioner position that would assess the accused and determine bond and/or request a summons as appropriate, the Division of Criminal Justice (DCJ) of the Colorado Department of Public Safety should analyze the performance of the bond commission project currently operating in Larimer County, Colorado. Once the analysis is complete a report should be provided to the Colorado Commission for Criminal and Juvenile Justice Commission. If warranted by the report, the CCJJ should recommend that all judicial districts and county commissioners adopt this project.

Discussion: What is the difference between BP40 and BP41? The bonding commission has staff in the Larimer County Jail. This process has a huge impact on bed availability in the jail.

Vote: 18 (A) 3 (B) 0 (C)

BP-54 EXPLORE LONG DISTANCE LEARNING OPPORTUNITIES

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

Phase 2 Recommendations:

As a step toward advancing the use of technologies meant to increase educational opportunities for inmates, representatives from the DOC and the Department of Higher Education should continue to explore web-based distance learning opportunities for inmates. Any and all advances made in this area should be reported back to the Re-Entry Oversight Committee as needed. The High Plains Correctional Center (through Morgan Community College) and Sterling Correctional Facility (through Northeast Junior College) pilot programs should be developed and assessed for impact and outcome. Specifically, comparisons should be made between this delivery system and traditional educational programs to determine differences in academic outcomes. Assuming the findings are positive, the expansion of web-based programming to other prisons should be considered.

The current fiscal limitations are acknowledged and thus, the implementation of distance learning is predicated on the assumption that additional funding for higher educational opportunities for offenders will be identified.

Vote: 21 (A) 0 (B) 0 (C)

Transition Task Force:

Three Phase I recommendations were sent back to the Transition Task Force by the CCJJ for Phase II

BP-44 OFFENDER RELEASE ASSESSMENT COUPLED WITH SERVICES

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.

Phase 2 Recommendations/Update

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. *The Department of Corrections has submitted a partial implementation plan that focuses specifically on the LSI-R. The Task Force requests that DOC investigate or develop other possible tools as well to assist the offender in accessing immediate services, including housing, medication, mental health services, addiction treatment and related programs. In addition, the DOC should investigate a plan for how assessed needs can be matched with services in the community.* This language was added to the recommendation.

Discussion: After the Re-entry presentation made today by DOC, is this even relevant? The information the Transition Task Force was provided did not include the DOC re-entry program. Inta Morris asked if the Commission could re-write the recommendation to say that it supports the work of the Department of Corrections and its Re-Entry Program?

A vote was taken on the recommendation (italicized above).

Vote: 19 (A) 2 (B) 0 (C)

BP-48 IMPROVE DOC'S INMATE TRANSPORTATION/DROP-OFF SYSTEM

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

Phase 2 Recommendation/Update

Develop an efficient system for transferring an offender from DOC institutional custody to the custody of community corrections and/or parole supervision. In order to develop that system the Department of Corrections has proposed the following implementation plan.

Action Plan/Timeline:

1. CDOC Central Transport will determine drop off types and numbers per location for their scheduled drops. – June 1, 2009.
2. CDOC will distribute an RFP for secured and insured transportation services from drop off locations in Denver to the John Inmann Work and Family Center during normal business hours. – August 1, 2009.
3. Develop an afterhours/emergency process to deliver Parolees to their community destination. – September 1, 2009.
4. Ensure Central Transport has community Re-Entry brochures, RTD bus routes and bus tokens for after hours/emergency drop offs. – September 1, 2009.
5. Collaborate with faith/community based organizations for discharged Offenders requiring transportation and community services. – December 1, 2009.

Performance Measures/Timeline:

1. CDOC Central Transport will provide drop off types (Inmates, Parolees, discharges) and numbers per location for their scheduled drops. – June 1, 2009.
2. CDOC will distribute an RFP for secured and insured transportation services from drop off locations in Denver to the John Inmann Work and Family Center during normal business hours. – August 1, 2009.
3. Develop an afterhours/emergency process to deliver Parolees to their community destination. – September 1, 2009.
4. Ensure Central Transport has Community Re-Entry brochures, RTD bus routes and bus tokens for after hours/emergency drop offs. – September 1, 2009.
5. A committee comprised of Denver Metro faith/community based services, that provide direct Offender services, will coordinate with CDOC Community Re-Entry to develop a plan of action for discharged Offenders. – December 1, 2009.

Cost Analysis

Contracted transportation services from CDOC drop off locations to the John Inmann Work and Family Center could exceed \$40,000.00 annually.

Two systems are required for this recommendation, supervised and discharged Offenders. Partnerships between the CDOC and Denver Metro faith/community based agencies can provide the services to smoothly transition to the community. Coordination would also be required between Case Management, Pre-Release and CDOC Central Transport.

Discussion: What do you mean drop off types? Some people can be dropped off for parole, community corrections or have been released.

Vote: 18 (A) 2 (B) 0 (C)

BP-52 OFFENDER EMPLOYMENT COLLABORATION

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.

Phase 2 Recommendations/Update

Recommendation #1

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.

Recommendation #2

In order to guide future recommendations, the CCJJ employment subcommittee makes the following recommendation to the Commission on Criminal and Juvenile Justice:

The Transition Task Force recommends a review of all state statutes that create a barrier to employment or professional licensing for people with a criminal conviction. The task force also recommends a review of written hiring policies and practices regarding people with a criminal conviction, for every state division and/or department. A report from CCJRC to the Commission will be provided by the early fall (September/October).

Discussion: Is it in statute that some professional licenses cannot be given if the individual has a felony conviction? Or is it a rule or policy put forward by the regulatory agency? For example, a residential child care provider cannot be licensed if a felon lives in the home. It is a mix between statutory requirements and regulations.

Rep. Levy asks that if the Commission goes forward on this recommendation, she asks that legislative research needs to be conducted.

Inta Morris is concerned that we are recommending at looking at all employers rules, regulations and policies. She would like to limit the review to state agencies

Claire Levy made a motion to change the recommendation to state as follows:

The Transition Task Force recommends a review of all state promulgated statutes, rules, regulations, and policies that create a barrier to employment or professional licenses for people with a criminal conviction. The task force also recommends a review of written hiring policies

and practices regarding people with a criminal conviction for every state division and/or department. CCJJ recommends interested members of the General Assembly request such a review and report from Legislative Council.

Ari Zavaras seconded the motion.

Vote: 17 (A) 2 (B) 0 (C)

Post Incarceration Supervision Task Force:

Six Phase I recommendations were sent back to the Post Incarceration Supervision Task Force by the CCJJ for Phase II.

L-11 PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITIES

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.

Phase 2 Recommendation

The Commission encourages 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.

The Post Incarceration Supervision Task Force strongly supports the concept of state and local partnerships as outlined in L-11. The ability to increase multi-purpose beds at the local level to meet local and state needs is sound public policy. In addition these local beds could reduce the need for additional and/or current state correctional beds.

The current fiscal problem facing state and local government inhibits the ability to move forward on the recommendation at this time. It is estimated that a 200 bed facility would cost (on average) \$8,000,000 with \$4,000,000 provided by the state and \$4,000,000 provided by local government. It is unlikely in this fiscal environment that either the state or local government have available funds to proceed with this recommendation.

It is the recommendation of this Task Force that L-11 remains a priority of the Commission and that implementation is pursued when economically feasible.

Discussion: Do we table it? Or do we endorse the fact that this should remain a priority when the funding is available?

David Kaplan moved that the recommendation of this Task Force is that L-11 remains a priority of the Commission and that implementation is pursued when economically feasible. Ari Zavaras seconded the motion.

Vote: 17 (A) 1 (B) 0 (C)

L-12 EARLY TERMINATIONS OF PAROLE

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 Commission further requires that such request comply with the Victim's Rights Act.

Phase 2 Recommendation

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 Commission further requires that such request comply with the Victim's Rights Act.

The Department of Corrections developed DOC Administrative Regulation 250-29 to address this issue. The policy was endorsed by the Task Force with the modification that violent offenders be included for early discharge consideration. The Department of Corrections supports the inclusion of violent offenders for early discharge consideration as long as there is an avenue for victim input and the full parole board reviews such cases. The administrative regulation is currently being revised and revisions are expected by July 2009 with full Administrative Regulation implementation by January 2010.

The benchmarks would be created by the Department of Corrections, one of which would be an appropriate diagnostic tool.

Discussion: What percentage of parolees are we talking about? This is not a change in the current eligibility for early termination. We are putting together a policy for the DOC so when an individual meets the requirements, the individual is presented to the parole board for early termination. This is developing a standard by which this would happen. Ari Zavaras will provide the percentage figures.

This is part of a plan that focuses on inmate behavior being success driven. The inmate has to earn the early termination.

Vote: 15 (A) 2 (B) 1 (C)

BP-57 OUTSIDE AGENCY ANALYSIS AND ASSISTANCE FOR THE PAROLE BOARD

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:

- Review parole guidelines, policies, procedures, sanction grids, and training standards;
- Review the use of assessments, the decision making process, and how parole decisions are communicated to interested parties;
- Review the parole board's internal capacity for data collection and reporting;
- Review forms used by the parole board;
- Conduct a work-load survey to identify inefficiencies and possible remedies; and
- 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.

Phase 2 Recommendation

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. The Commission requested 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. However, due to the closing of the JEHT Foundation after the approval of this recommendation, the Task Force developed a plan to accomplish the tasks set out in BP-57 through a variety of other sources. A technical assistance report was submitted by the Parole Board to the National Institute of Corrections (NIC) for outside assistance. NIC approved the request for technical assistance in April 2009. Initial discussions with the NIC, Center for Effective Public Policy and the parole board are scheduled to begin in June 2009. As a result of the 2008 Audit of the Parole Board, the Board, DCJ and DOC have a number of responsibilities and tasks to accomplish. Finally, the PIS Task Force is playing a major role during the 2009 calendar year in pulling all of these components together.

A brief explanation of the tasks and responsible parties is outlined below:

1. NIC Technical Assistance Providers would primarily focus on:
 - Working with the Board to identify sanctioning goals (Philosophical, Normative and System).
 - Assisting the Board in defining policy objectives for structured decision-making.
 - System mapping of key decision making points in the release and return process.
2. The Colorado Division of Criminal Justice would primarily focus on:
 - Analyzing Colorado Actuarial Risk Assessment Scale data and Parole Board Action Form data and report the information in a quarterly memorandum to Parole Board members.
 - Working with the Colorado Department of Corrections to obtain return-to-prison outcome data and thereby provide stakeholders with the most comprehensive recidivism information.

- Working with the Parole Board to discuss the results of the analysis of the Parole Board data and how that information can be used to improve decision-making.
 - Requesting additional resources from the General Assembly for the Fiscal Year 2011 budget cycle to ensure the ability to comply with audit recommendations.
3. The Colorado Department of Corrections would primarily focus on:
- Working with the Board to ensure that accurate and meaningful data are collected and reported on parole decisions by the Board and parole releases by the Department.
 - Working with the Board to ensure mutual understanding of their duties related to the reporting of parole decisions and formalize the process in a memorandum of agreement.
4. The Colorado Commission on Criminal and Juvenile Justice and its Reentry Oversight Committee and Post Incarceration Task Force would primarily focus on:
- Working with the parole board to clearly understand its current release decision making elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
 - Working with the parole board to understand the current parole revocation decision elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
 - Studying the current parole board structure and identify possible improvement recommendations.

During the rest of calendar year 2009, the PIS Task Force will work with the various parties outlined above to address BP-57. The proposed work plan strategy is in two phases:

Phase I:

RELEASE DECISION MAKING ELEMENTS

- The use of risk assessment instruments
- The use of instruments that identify criminogenic needs
- Statutorily mandated elements
- Specific offender file material
- Written release guidelines
- Written Policy & Procedure (parole board manual)
- Hearings and hearing schedules, types, purpose, timing, etc.
- Types of hearing decisions
- Setting of conditions

REVOCATION DECISION MAKING ELEMENTS-

- The use of risk and need instruments in revocation decision making
- The use of parole revocation guidelines, based on the severity of the violation and the risk posed by the offender
- Hearing types, schedules and the parties involved
- Types of decisions

Phase II:

PAROLE STRUCTURE ELEMENTS

- Define the purpose of parole
- Define the preferred structure
 - Identify current structure
 - Identify the preferred structure
 - Identify gaps between the current and preferred structure
- Written policy and procedure
- Performance Measures
 - Monitoring the process
 - Evaluating the impact

In addition to the aforementioned issues the Task Force will look at Board membership, qualifications and the appointment process. Further, the PIS Task Force will engage in a discussion on initial and ongoing training for board members and for other key stakeholders in board policy and practice.

Finally, there are a number of key disciplines involved in the parole decision and revocation process, thus the PIS Task Force will need to look at their practice related to the abovementioned issues and to the best of their ability align policy and practice of all concerned.

Discussion: The Task Force wanted an outside agency to analyze and assist the Parole Board to increase efficiency. The Center for Effective Policy would perform the analysis and report their findings to the Commission.

What can we expect from NIC? Paul Herman had a meeting on April 27th at which NIC agreed to approve the request from the Center. Conversations with the Parole Board are scheduled to begin in June.

Ari Zavaras made a motion to have victim representatives be included on the task force. Regi Huerter seconded the motion.

Vote: 16 (A) 0 (B) 1 (C)

The following recommendations were brought up for discussion only. The Post Incarceration Task Force would like to continue meeting to discuss these issues.

CS-65 DOC (PAROLE) TECHNICAL VIOLATIONS UNIT

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.

Phase 2 Recommendation

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. The Department of Corrections submitted a Justice Assistance Grant proposal in February 2009 regarding a Technical Violations unit. The grant proposal was endorsed by the PIS Task Force with a caveat that Task Force input be considered when and if the grant is approved. The grant proposal includes the following goals and objectives:

- Goal 1: Create a technical violations unit
 - Hire four additional CPOs for the technical violations unit
 - The four unit CPOs complete basic training
 - The four unit CPO's complete "thinking for a change" curriculum
 - Hire an administrative assistant to assist with the technical violations unit and the grant in general
- Goal 2: To provide training to course instructors in "Thinking for a Change" curriculum
 - Identify the 12 additional CPOs and community based providers
 - Coordinate with NIC to schedule the training
 - Complete the training to certify CPOs and community based providers to present the curriculum to offenders
- Goal 3: To develop a method for "technical parole violation" data collection
 - Identify staff from the division, NIC, division of Probation Services, Colorado DOC Office of Planning and Analysis, Protocol Inc., and other community partners to participate on a research committee
 - Design the templates necessary to collect data on all supervision violations
 - Complete the template programming in CWISE to collect data on all supervision violations, to include identifiers for the three groups being tracked
- Goal 4: Provide Thinking for a Change to approximately 300 offenders in the Thinking for a Change class in the first year
 - Develop eligibility process and pool
 - Provide Thinking for a Change class to the first 160 offenders, utilizing experienced trainers from probation to "co-teach" with newly certified trainers
 - Provide thinking for a Change class to a minimum of 140 additional offenders, utilizing a combination of probation, community parole officers and community based partners
- Goal 5: Develop research designs and engage in program evaluation activities
 - Conduct literature reviews on alternatives to incarceration for parole violators and similar program models/findings.
 - Finalize process evaluation design and seek approval by institutional review board of process evaluation study.
 - Identify data elements required for outcome evaluation and develop a process for identifying comparison subjects.
 - Monitor quality of data and work with program staff as needed to resolve data issues.

Administer class evaluation surveys to offenders at pre-class, post class, and 6 month follow up interval

BP-60 DATE-CERTAIN RELEASE FOR COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PAROLE

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.

Phase 2 Recommendation

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. However, the issue is currently unresolved. Further discussion and analysis is necessary before moving ahead with this recommendation.

CS-64 CREDIT FOR TIME SERVED

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

Phase 2 Recommendation

The Commission requests Clarification of the statute and mandate that parolees receive credit for the time spent in jail pending a technical parole revocation. This recommendation was forwarded to the Commission's Legislative Subcommittee to be reworded and presented to the Legislature as a bill during the 2009 session. House Bill 09-1263 passed and was signed into law on April 13, 2009.

The meeting adjourned at 4:35 p.m.