

Development of a Community Corrections Board Decision Guideline Tool & Pretrial Decision Making

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DENVER CC BOARD RELEASE DECISION MAKING TOOL

Timeline

- Origins in Post Incarceration Task Force of CCJJ (2009)
- Spring 2010- Presentation to Colorado Association of Community Corrections Boards- Structured Decision Making
- Fall of 2011: Denver Board Retreat (Offender Reentry and Evidence Based Principles - Council of State Governments) Assessment Training (LSI and CARAS) , Board supports project
- Spring 2012-Consultant identified and selected
- Summer of 2012- Individual and Group perspectives about the process members follow in making decisions, and to help identify the “most important” factors they consider when making acceptance/rejection decisions.
- October 2012- Group meeting to review broad decision making goals and objectives, and to see if there was consensus about top considerations in making acceptance/rejection decisions.
- April 2013- Meeting to review DRAFT Tool and Definitions
- Summer 2013- Tested on prior cases (254 Transition & 21 Diversion)
- Fall 2013: Approval to “go live” begin with case review in September

Who is involved ?

- Denver Community Corrections Board
- Denver Department of Safety/Division Community Corrections
- Consultant: Richard Stroker
- Denver CC Programs
- DCJ
- DOC/Probation (Through Board Membership)

Community Corrections Boards

- Appointed by Elected Officials at the local level
- Formed by Judicial District
- Represented by criminal justice system professionals and citizens

- Authorized to make placement decisions for all community corrections referrals within the JD
- Transition referrals
- Diversion referrals
- Cond of Parole/Cond of Prob

Denver CC Board

- **21 Members appointed by Mayor, Confirmed by City Council**
- 10 positions represent criminal justice/human services
 - DA, PD, DPD, Denver Director of Corrections (Sheriff), Chief PO-Denver Adult, Chief PO- Denver Juvenile, CDOC- Adult Parole, Colorado Department of Human Services-DYC, Denver Human Services, Denver Department of Safety
- (1) Locally Elected Official
- (1) Representative of Victim Services
- (1) Denver Public Schools,
- (2) persons with experience/knowledge, expertise CJ
- (6) Citizens of City and County of Denver

Some of the broad things that the Denver Board identifies as “important” in making decisions include:

- Regard for public safety
- Equitable – similar outcomes for similar cases
- Consistency – both individually and for the group
- Perception by others that decisions are “Fair”
- Minimizing “misleading” factors
- Support effective transition and reentry

As part of the project the Denver CC Board:

- Reviewed current referral decision making process
- Expressed a desire to improve the decision making process
- Identified the goal of community corrections in Denver
- Reviewed national data and best practices
- Reviewed local data
- Committed to on-going analysis

Denver Board Criteria- Current Process

- Proposed diversion placements adjudicated in a Court other than the Second Judicial District Court. Persons referred by the Colorado Department of Corrections/Parole Board that are not serving active sentences in the CDOC from either the 1st, 2nd, 17th, 18th, or 20th Judicial District.
- Persons referred directly to a non-residential community correctional program without first being placed in a residential system.
- Persons currently or previously convicted of any felony offense involving the use, possession, or threatened use of a deadly weapon within five years of the most recent conviction.
- Persons currently or previously convicted of any criminal offense, the underlying factual basis of which involved a sex-related criminal offense.
- Persons currently or previously convicted of felony involving child abuse.
- Person currently or previously convicted of arson or felony involving burning.

- Persons currently convicted of sale, dispensing or possession for sale, manufacturing of narcotics/dangerous drugs.
- Persons currently or previously convicted of any acts instrumental in causing serious bodily injury or death. (OR ANY PRESENT FELONY) offense involving domestic violence or intimidation of a witness.
- Persons assigned to Community Corrections by the Court, after having previously absconded/escaped from a community correction facility or program within the preceding year.
- Persons previously convicted of felony escape from a correctional institution or correctional program within five years.
- Persons who have parole revoked within the preceding five years for the commission of a new crime, excluding all misdemeanors and city ordinance violations involving property crimes. There shall be no time limitation for parolees revoked for the commission of a new crime involving violent behavior or the use of a weapon.
- Persons convicted of a felony while on escape status, while on parole, or under correctional supervision (excluding probation supervision) within the preceding five years.
- Persons whose criminal history, correctional performance or treatment diagnosis demonstrate a history of violent behavior.

- **3 options for case review: (1955 referrals in CY2012)**
- - Admin Accepts (Approx 15% of referrals)
- -Screening Committee (Approx 25% of referrals)
- **-Full Board (Approx 60% of referrals –More Serious Offenses)**

Review of current process concluded :

- **There are a large number of Board members**
 - Each member may weigh factors differently or perceive information differently
- **There are many potentially important issues**
 - There are differences amongst Board members regarding the importance or value of some of these factors
- **A pilot study also helped to indicate:**
 - That the few low/moderate risk cases that came before the Board were often not approved for placement
 - That a relatively high percentage of very high risk cases that involved inmates who had committed violent offenses and were not well prepared for transition were accepted for placement

THE FIRST STEPS.....

Education and Training- Building the Foundation

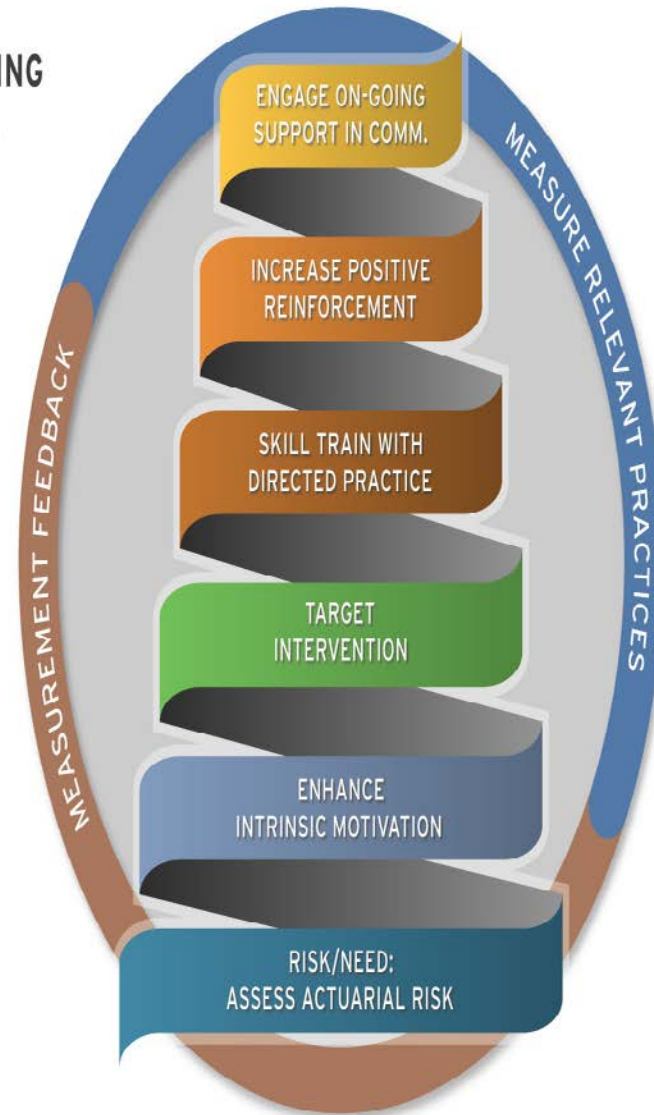
Education and Conversation with board members about evidence based principles

- Risk Assessment
- Risk Principle

and evidence based approaches to decision making:

- Structured decision making
- Release guidelines

EIGHT GUIDING PRINCIPLES FOR RISK/ RECIDIVISM REDUCTION



Risk Assessment (Highlights)

- **There are different ways that people can attempt to assess a potential risk. We can rely on our experience and judgment to evaluate a person’s situation – in the professional world this is usually referred to “clinical judgment.”**
- **We can also use statistically-based tools that inform us about the likelihood of some future risk by evaluating a variety of factors that are statistically related to previous occurrences**
- **Public safety is best insured by employing evidence based approaches to reduce risk**
 - We can impact risk by employing evidence based principles and practices
 - These principles involve notions of risk, need, dosage, and responsivity

Parole Resource Center Practice Target #1: Use good, empirically-based, actuarial tools to assess risks and criminogenic needs of offenders.

Research: Empirically-based assessment tools provide a more accurate statistical probability of reoffense than professional judgment alone.

- See: Andrews & Bonta, 1998; Andrews et al., 1990; Gendreau et al., 1996; Grove et al., 2000; Grove & Meehl, 1996

Practice:

- ✓ Use empirically based assessment tools to assess offender risk and criminogenic needs

Parole Resource Center Practice Target #2: Develop and use clear, evidence-based, policy-driven decision making practices and tools that reflect the full range of a paroling authority's concerns (e.g., punishment, safety, etc.)

Research: Assure the fair and consistent application of concerns in release and revocation decision making and condition setting in every case.

- 80% of paroling authorities say they used structured decision tools (APAI, 2008)

Practice:

- Use structured decision making tools that articulate the board's concerns and includes an actuarial risk and needs assessment
- Measure the effectiveness of tools periodically over time to assure they continue to achieve goals; adjust as needed
- Examples:
 - TN Parole Release Decision making Guidelines

Why structure decision making/guideline tool?

- A guideline tool organizes some of the information that you think might be important in making an acceptance/rejection decision.
- It uses an objective scoring system to reflect a person's performance or situation regarding areas that you think are significant.
- The outcome of the tool is not “the answer.” It can provide a common starting point regarding issues that you think are relevant, and can help you in making your decision. It's an aid.

Belief that a guideline might help

- **Board members indicated that they thought that a guideline which could be used when reviewing cases might help to:**
 - Achieve more consistency in decision outcomes
 - Effectively organize and use existing information to aid in decision-making
 - Promote the use of “best practices”
 - Provide an objective basis for explaining decisions



Conclusions:

- Appreciating the risks posed by a potential offender is one of the most important components of release decision making.
- Using an objective risk assessment tool, as part of a guideline, represents a best practice in the parole field.
- Understanding and applying offender risk principles can help a Board to employ effective risk management and risk reduction methods.
- A guideline should reflect certain philosophies and policies of a Board. It should help a Board member to apply these philosophies or policies in individual cases.
- The Board's guideline does not require any particular outcome – but its purpose is to guide Board members in the execution of their duties.
- Guidelines can help Boards to balance a variety of interests – such as public safety or the use of correctional resources – in an objective way

Developing a guideline

- **To develop a guideline, a Community Corrections Board must be able to:**
 - Identify and agree upon the most “important” considerations in making a decision
 - Determine how considerations should be highlighted, weighted or aligned to aid the decision making process
 - Agree on a wide variety of definitions regarding terms related to these important factors
 - Define exceptions or special considerations
 - Agree to use the guideline as a decision making aid

Organizing the elements of a guideline tool

- **For Denver Board members, the “most important” factors agreed upon when reviewing a case and making a decision were:**
 - Risk of new offense; likelihood of failure
 - Prior violence; likelihood of future violence
 - Steps the offender has taken to prepare for release - to include treatment, reentry planning, etc.
 - Length of time remaining on the sentence; whether sentence would soon be completed (DOC).

Transition Cases

Community Corrections Decision Tool Transition Cases

Offender Name: _____ Offender #: _____

Board Review Month: _____ Board Decision: _____

CARAS Risk Assessment Score: _____

Low Risk 0-31

LSI Score: _____ Moderate Risk 32-36

Other Score: _____ High Risk 37-43

Very High Risk 44-78

Current violence: Yes Conviction: _____

No

Previously convicted of violent offense within lifetime Yes

No

Transition Needs: Addressed - (More Addressed)

Unaddressed* - (More Unaddressed)

*if the outcome is a tie, the default outcome will be 'unaddressed'

Components for Transition Cases:	Addressed	Unaddressed	Unknown
Escapes:			
Institutional Conduct:			
Prior Probation/Community Corrections / Parole History:			
Program Participation:			
Reentry Plan - Stability:			
Reentry Plan - Employment:			
Significant pattern of similar criminal conduct:			
Victim Opposition:			
Total:			
Outcome of Transition Needs:			

Use of this tool is prohibited unless approved by the Denver Community Corrections Board

Community Corrections Decision Tool: Outcome for Transition Case

Offender Name: _____ Offender #: _____

Board Month/Year: _____

Board Member Name: _____ Vote: Accept Reject Abstain

Outcome Color: Green Yellow Red

Risk Assessment: Low Moderate High Very High

Current Violence: Yes No

Transition Needs: Addressed Unaddressed

Outcomes Tool:		Violence			
		No		Yes	
Transition Needs	Addressed	L	M	L	M
		H	VH	H	VH
	Unaddressed	L	M	L	M
		H	VH	H	VH

Green:	Recommend acceptance
Yellow:	Recommend acceptance unless offender risk and/or transition needs cannot be adequately addressed in a Community Corrections program.
Red:	Recommend do not accept unless within 12 months of release / sentencing stipulation OR has been accepted in appropriate program
L =	Low Risk
M =	Moderate Risk
H =	High Risk
VH =	Very High Risk

Special Considerations:

Case has been pre-approved at the following Community Corrections Programs:

Proximity to release date: Is sentence completion within 12 months? Yes No

Parole Board recommends community corrections placement? Yes Unknown

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Community Corrections Decision Tool

Transition Cases

Offender Name: _____ Offender #: _____

Board Review Month: _____ Board Decision: _____

CARAS Risk Assessment Score: _____

LSI Score: _____

Other Score: _____

Low Risk 0-31

Moderate Risk 32-36

High Risk 37-43

Very High Risk 44-78

Current violence: Yes Conviction: _____

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Previously convicted of violent offense within lifetime Yes

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Transition Needs: Addressed - (More Addressed)

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Program Participation:			
Reentry Plan - Stability:			
Reentry Plan - Employment:			
Significant pattern of similar criminal conduct:			
Victim Opposition:			
Total:			
Outcome of Transition Needs:			

Risk Assessment: CARAS

Violence

Transition Needs

Sub-Categories Of needs

Score ranges

Community Corrections Decision Tool: Outcome for Transition Case

Offender Name: _____ Offender #: _____
 Board Month/Year: _____
 Board Member Name: _____ Vote: Accept Reject Abstain

Demographic Information

Outcome Color: Green Yellow Red
 Risk Assessment: Low Moderate High Very High
 Current Violence: Yes No
 Transition Needs: Addressed Unaddressed

Outcomes snapshot from scoring sheet

Violence: Yes or No

Transition Needs: Addressed or Unaddressed

Outcomes Tool:		Violence			
		No		Yes	
Transition Needs	Addressed	L	M	L	M
		H	VH	H	VH
	Unaddressed	L	M	L	M
		H	VH	H	VH

RISK:
 L = Low
 M = Moderate
 H = High
 VH = Very High

Explanation of terms and abbreviations

Green:	Recommend acceptance
Yellow	Recommend acceptance unless offender risk and/or transition needs cannot be adequately addressed in a Community Corrections program.
Red:	Recommend do not accept unless within 12 months of release / sentencing stipulation OR has been accepted in appropriate program
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Special Considerations for the case

Special Considerations:

Case has been pre-approved at the following Community Corrections Programs:

Proximity to release date: Is sentence completion within 12 months? Yes No
 Parole Board recommends community corrections placement? Yes Unknown

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ONGOING EVALUATION

Progress since implementation

- **Applied decision tool on 399 referrals (Sept 13-Jan 14)**
- 41% fell into Category Green (Recommend acceptance)
- 44% fell into Category Yellow (Recommend acceptance unless offender risk and needs cannot be address in CC)
- 15% fell into Category Red (Recommend do not accept unless special consideration is present)
- **Board Decisions**
- 79% accepted Category Green (Recommend acceptance)
- 50% accepted Category Yellow (Recommend acceptance unless offender risk and needs cannot be address in CC)
- 16% accepted Category Red (Recommend do not accept unless special consideration is present)

Future Evaluation

- **Measure % of time DCCB agrees with tool**
- **Measure % of time individual members agree with tool**
- **Track and Code how offenders sort into the matrix**
- **Track performance in CC programs**
- **Ensure that decision making tool does not have a race/gender bias in decision making**

PRETRIAL DECISION MAKING

Pretrial Programs

- Provide information to the Court for purposes of setting type of bond and release conditions
- Supervised defendants released from custody

Change was driven by:

- Desire to improve current system
- Recommendations of the CCJJ Bail Subcommittee
- Bail Law Changes in 2013

Previous decisions :

- Focused heavily on “top charge” as indicator of risk
- Considered several other factors that were not statistically weighted and in some cases possessed little predictive value to pretrial success
- Often overused conditions of release including financial conditions which can result in unnecessary pretrial detention

The CPAT – New and Improved Way

- **First empirically-derived pretrial risk assessment tool in Colorado**
- **Developed using data from defendants in Denver and nine other CO counties**
- **12-item instrument**
- **The items are the most accurate predictors of pretrial misconduct in CO**
- **Items are scored based on information obtained from:**
 - Interview with the defendant
 - Databases (CO Judicial Branch; NCIC/CCIC)
- **Total score ranges from 0 (lower risk) to 82 (higher risk)**

CPAT Items and Scoring

<u>Item</u>	<u>Range</u>
1. Having a Home or Cell Phone	0 to 5 points
2. Owning or Renting One's Residence	0 to 4 points
3. Contributing to Residential Payments	0 to 9 points
4. Past or Current Problems with Alcohol	0 to 4 points
5. Past or Current Mental Health Treatment	0 to 4 points
6. Age at First Arrest	0 to 15 points
7. Past Jail Sentence	0 to 4 points
8. Past Prison Sentence	0 to 10 points
9. Having Active Warrants	0 to 5 points
10. Having Other Pending Cases	0 to 13 points
11. Currently on Supervision	0 to 5 points
12. History of Revoked Bond or Supervision	0 to 4 points
Total Range	0 to 82 points

CPAT Risk Scoring

Risk Category	Risk Score	Public Safety Rate	Court Appearance Rate	Percent of Defendants
1	0 to 17	91%	95%	20%
2	18 – 37	80%	85%	49%
3	38 – 50	69%	77%	23%
4	51 - 82	58%	51%	8%
(Average)	30	78%	82%	100%

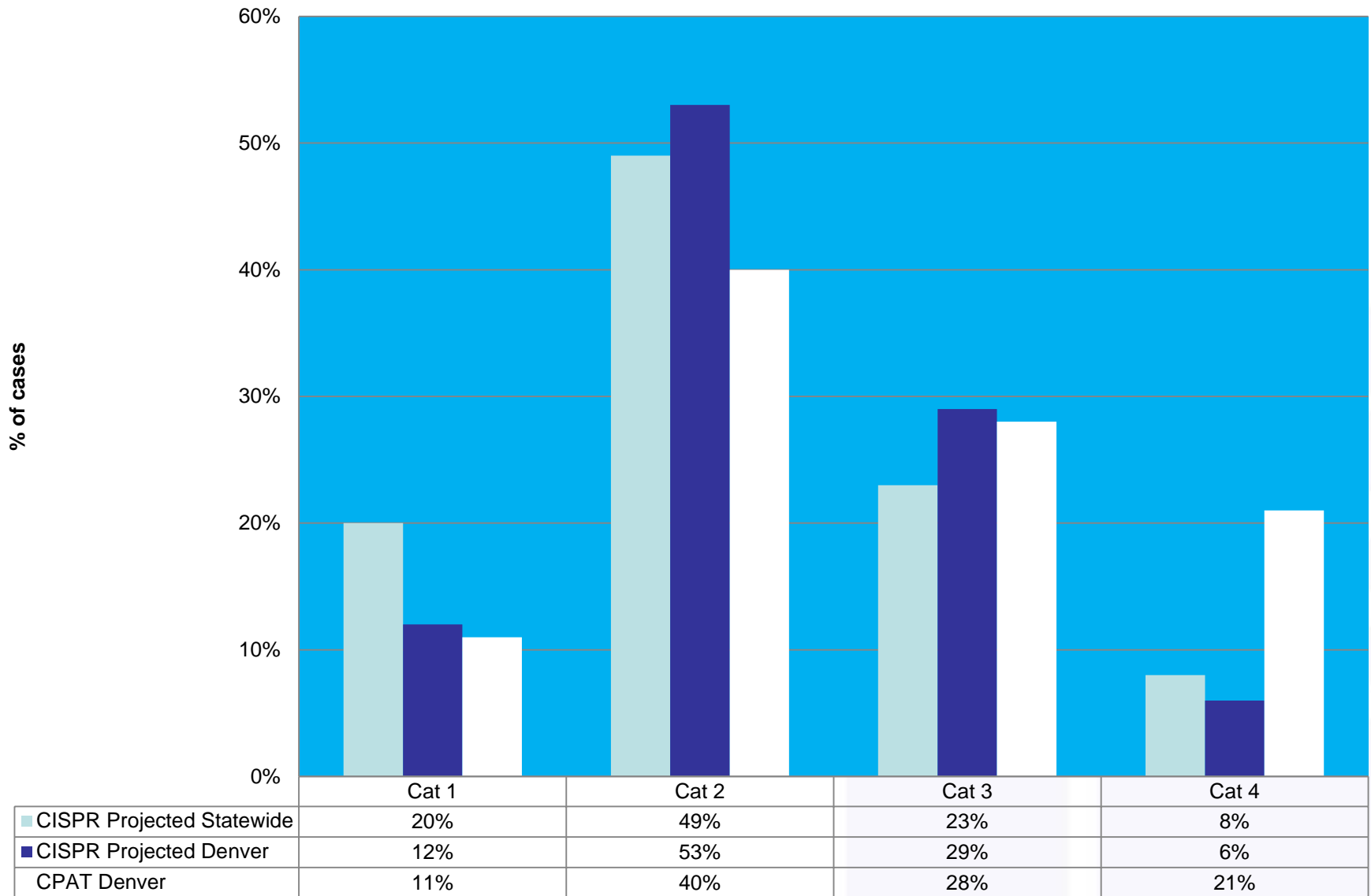
Primary Charge and CPAT Category	F1 Person	F2 Person	F2 Prop	F3 Person	F3 Prop	F4 Person	F4 Prop	F5-F6 M1 Person	F5-F6 M1 Prop	Domestic Violence (Odara < 3) 5%-27% Recidivism	Domestic Violence (Odara 4-6) 41%-59% Recidivism	Domestic Violence (Odara 7- 13) 70% Recidivism
Category 1 <i>Score: 0 to 17 (87% Success)</i> <i>91% Public Safety, 95% Court Appearance</i>	IntM	Int	Int	Enh	Bas	Enh	Adm	Adm	Adm	Bas	Int	IntM
Category 2 <i>Score: 18 to 37 (71% Success)</i> <i>80% Public Safety, 85% Court Appearance</i>	IntM	Int	Int	Int	Int	Enh	Bas	Adm	Adm	Bas	Int	IntM
Category 3 <i>Score: 38 to 50 (58% Success)</i> <i>69% Public Safety, 77% Court Appearance</i>	IntM	Int	Int	Int	Int	Int	Enh	Bas	Bas	Enh	Int	IntM
Category 4 <i>Score: 51 to 82 (33% Success)</i> <i>58% Public Safety, 51% Court Appearance</i>	IntM	IntM	Int	IntM	Int	IntM	Enh	Enh	Enh	Enh	IntM	IntM

Administrative (Adm)	Basic (Bas)	Enhanced (Enh)	Intensive (Int)	Intensive w/t Monitoring (IntM)
Court Reminder Calls	Court Reminder Calls	Court Reminder Calls	Court Reminder Calls	Court Reminder Calls
Notification of new arrest	Notification of new arrest	Notification of new arrest	Notification of new arrest	Notification of new arrest
Telephone check-in after court appearances	Check-in physically after court appearances	Check-in physically after court appearances	Check-in physically after court appearances	Check-in physically after court appearances
	Telephone check ins as needed	Telephone check ins Up to 2x per month	Telephone check ins Up to 4x per month	Coordinate Telephone check ins in conjunction with case mgmt meetings
	Case Management meetings as needed	Case Management meetings as needed	Case Management meetings Up to 2x per month	Case Management meetings Up to 4x per month
	Substance Testing if ordered	Substance Testing if ordered	Substance Testing if ordered	Substance Testing if ordered
				Electronic Monitoring/Surveillance

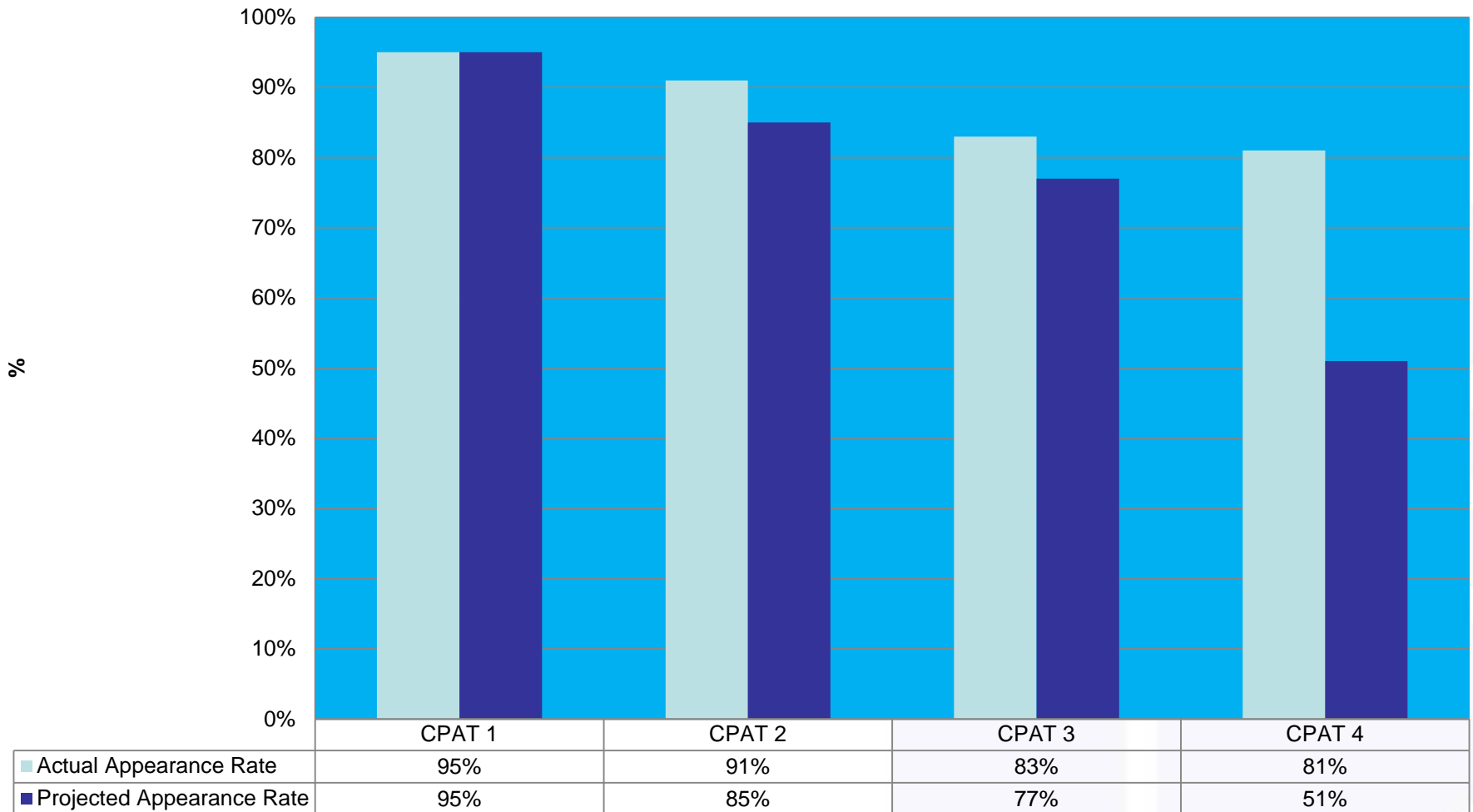
DUI Supervision Levels

DUI: First-time offender No supervision	DUI: one prior offense Level I (six to twelve UA/BA per month)	DUI: two prior offenses Level II (twelve UA/BA per month or Home alcohol testing)	DUI: Three or more prior offenses Level III (Transdermal Alcohol Device)
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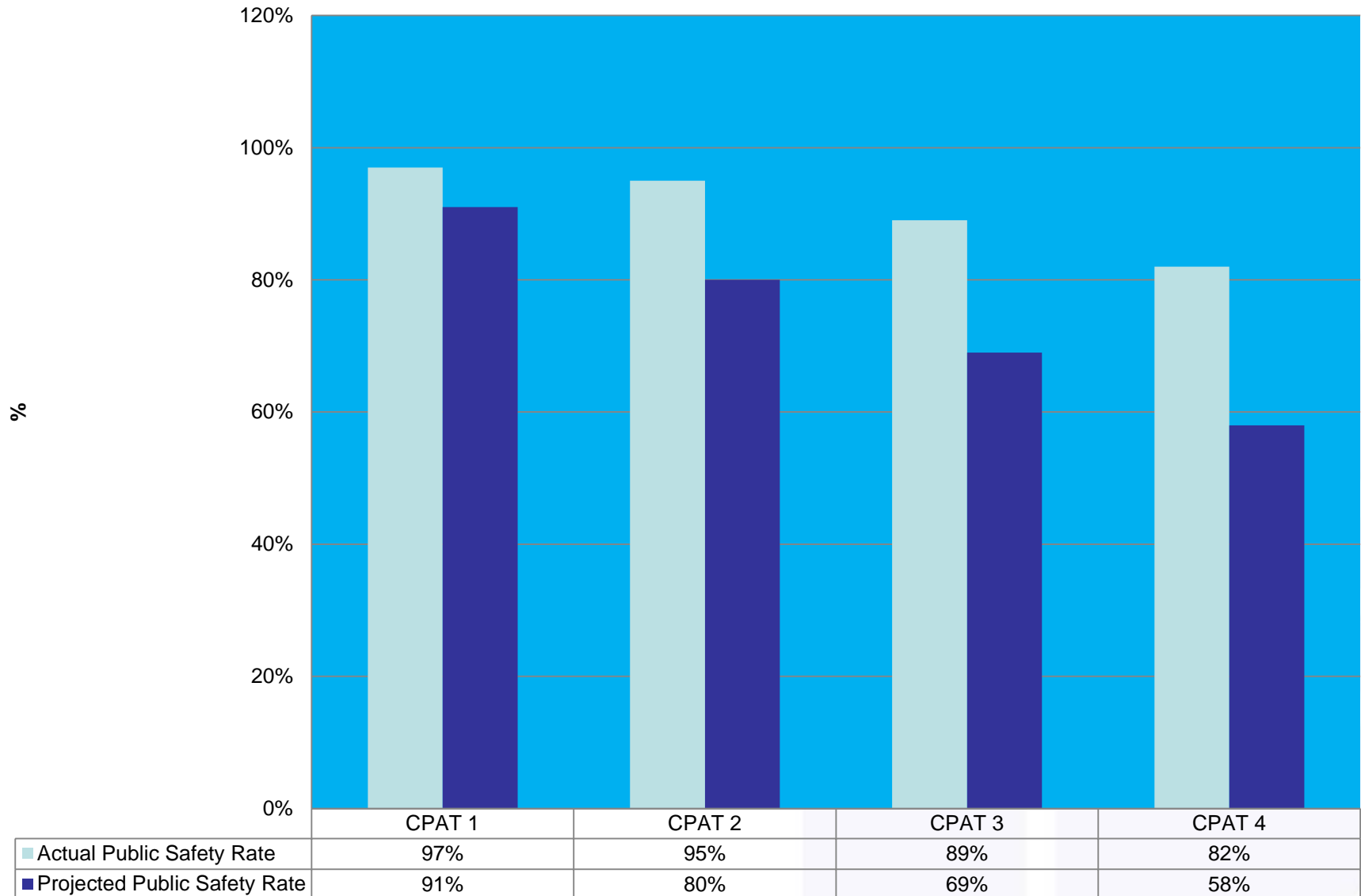
Denver CPAT Data 10/8/12-10/31/13 (7700 Assessments)



Appearance Rates by CPAT Category Cases Termed 10/8/12-10/31/13



Public Safety Rate CPAT Term Cases 10/8/12-10/31/13



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