



Colorado Commission on Criminal and Juvenile Justice

Minutes

April 11, 2014
 Lakewood Cultural Center
 480 South Allison Parkway
 Lakewood, CO 80226

Commission Member Attendance

Kathy Sasak, Interim Chair	Steve King - ABSENT	Rick Raemisch
Doug Wilson, Vice-Chair	Julie Krow	Brandon Shaffer
Jennifer Bradford	Evelyn Leslie	Pat Steadman - ABSENT
Theresa Cisneros	Beth McCann	Alaurice Tafoya-Modi
Sallie Clark	Jeff McDonald	Mark Waller - ABSENT
Matthew Durkin	Norm Mueller	Pete Weir - ABSENT
Kelly Friesen	Kevin Paletta	Meg Williams - ABSENT
Charles Garcia	Joe Pelle	Dave Young
Kate Horn-Murphy - ABSENT	Eric Philp - ABSENT	Jeanne Smith, <i>Ex Officio</i>

CALL TO ORDER AND OPENING REMARKS

Interim Chair, Kathy Sasak, called the meeting to order at 12:40 p.m. and reviewed the day’s agenda. Kevin Paletta moved and Joe Pelle seconded a motion to approve the minutes from the March 13-14, 2014 CCJJ retreat. The motion passed and the minutes were approved by unanimous vote.

LEGISLATIVE UPDATE

Jana Locke and Jeanne Smith updated the group on legislation that started in or is relevant to the CCJJ.

HB 14-1266 (Concerning the Penalties for Certain Value-Based Offenses). Passed the House 64-0 (with 1 excused) and is scheduled for the Senate Judiciary committee on 4/14. The sponsors are Representatives McCann and Gardner and Senators Newell and King.

[Related to CCJJ Recommendation FY14-CS#1; for information, see 11/8/2013 Minutes.]

SB 14-129 (Concerning Changes to Criminal Provisions Related to Marijuana). This is a “clean-up” bill of previously enacted provisions in HB12-1310. Passed the Senate 32-2 (with 1 excused as well as the House Judiciary 11-0 and is now scheduled for House Finance on 4/16. The sponsors are Senator Steadman and Representative May.

[Related to CCJJ Recommendations FY14-DP#1-4; for information, see 11/8/2013 Minutes.]

SB 14-163 (Concerning Clarifying Changes to Provisions Related to the Sentencing of Persons Convicted of Drug Crimes - a “clean-up” bill of previously enacted SB 13-250, Concerning Changes to Sentencing of Persons Convicted of Drug Crimes). Passed the Senate 33-0 (2 excused) and House Judiciary 10-0, as well as a second reading yesterday (April 10). It is scheduled for third reading today (April 11). The sponsors are Senators Steadman and King, and Representative Lee.

[Related to CCJJ Recommendation FY13-DP#1-7; for information, see 11/9/2012 Minutes.]

There was a bill regarding cyber bullying presented to the Legislature this year that has been postponed indefinitely. It is expected that a letter may be forthcoming from the legislative leadership asking the CCJJ to examine this topic. It was suggested, once the letter arrives, that it should be forwarded to the CCJJ Legislative Committee for review with subject matter experts.

It was noted that, as part of the inaugural meeting of the CCJJ on January 11, 2008, Commission members were presented with an historical perspective on the previous criminal justice commission. The opinion was expressed by members of this earlier commission that it evolved into a “super judiciary committee” and that this was one of the reasons it ultimately failed and was disbanded. A discussion with the Governor’s Office will take place reviewing the mission and goals of the CCJJ and how to handle requests like this from the legislature.

Brandon Shaffer moved to send the anticipated letter on cyber bullying to the CCJJ Legislative Committee. Kelly Friesen seconded the motion. The motion passed by unanimous vote.

RETREAT WRAP-UP

Paul Herman led a discussion of the outcomes of last month’s retreat. At that meeting, members focused on the direction the Commission will take over the next several months. The background and informational presentations were helpful to summarize the current trends in criminal justice around the country and in Colorado. Mr. Herman reviewed the conclusions from the meeting that were summarized on the handout, “CCJJ Retreat Outcomes.”

CONCLUSION #1. At the retreat, it was determined that the Comprehensive Sentencing Task Force has one issue on which it will continue to work. The Sex Offense Working Group within the Task Force will continue to examine the option for Determinate F4 sex offenses and issues surrounding supervision options within the Lifetime Supervision Act. If recommendations are developed, the Working Group is expected to present these to the Task Force in August 2014. Co-Chair of the Task Force, Jeanne Smith reported that members of the Task Force wanted to clearly state that no one was of the opinion that the work around sentencing is complete. However, given there are other priorities for the Commission to address, the Task Force can be suspended to free resources to allow a focus on these other priorities. It is also possible that a focus on re-entry processes may, in fact, have an impact on sentencing issues without the necessity for specific sentencing legislation.

[At this point, a discussion of one of the lower prioritized issues - jails and inmates with mental illness - was initiated. The RETREAT WRAP-UP resumed later in the meeting.]

Discussion of Jails and Persons with Mental Illness

Sheriff Joe Pelle (Boulder) expressed his concern about an issue the Commission considered, but failed to place among the high priorities for the coming year. Specifically, he re-raised the issue of persons with mental illness in jails as the single biggest concern that sheriffs face. The challenges are derived from the lack of up-front diversion options, the lack of treatment options while individuals are in jail, and the lack of wrap-around services once individuals are released from jail. He indicated that the proportion of inmates with serious mental illness (SMI) in the Boulder jail had surpassed the 40% mark. There is not enough capacity for local treatment, the waiting lists for the state hospital in Pueblo are long, and medications are expensive. Inmates with SMI spend 3 to 4 times that of inmates without mental illness. The Sheriff stated that, collectively, county jails are running the largest in-patient, mental health treatment facilities in the country.

Additional capacity and options for treatment and wrap-around services are sorely needed and should be a priority. The costs to serve inmates with mental health needs are a significant and a rising proportion of jail expenditures. Last week, two of Sheriff Pelle's deputies were seriously injured in assaults by an inmate having a psychotic episode. In multiple ways, this issue is placing a huge societal burden on jails. The Sheriff asked if this is really an issue the Commission does not feel is a high enough priority to address.

Rick Raemisch, Executive Director of the Department of Corrections, stated that he has two facilities that are dedicated to serve inmates with mentally illness. He further stated that he is willing to run, what are in effect, state mental health hospitals, but he needs the specialized staff equivalent to that of an actual state hospital. The issue is huge, both locally and nationally, and is a major correctional focus across the country. Jails and prisons are simply not equipped to meet the extensive needs of inmates with mental illness and, with the reduction in the use of the "inhumane practice" of administrative segregation (for those with mental illness), the issue is in serious need of attention.

Acknowledging that the Commission previously declined, Mr. Raemisch asked whether the Justice Reinvestment process should come to Colorado to examine how the state handles its mentally ill? Yes. Mr. Raemisch stated that he will contact them on the Commission's behalf. *[The Justice Reinvestment process is a joint program between the Council of State Governments Justice Center, the Public Safety Performance Project of the Pew Charitable Trusts' Center on the States, and the Bureau of Justice Assistance.]*

Sallie Clark described the funding challenges associated with serving offenders who enter a county jail. Federal medical benefits and/or veteran's benefits stop when individuals enter county jail and local governments are forced to pay for any assistance and treatment services inmates with mental health issues receive. These individuals would not be trapped in the revolving door of recidivism if they would receive appropriate treatment in the community.

Doug Wilson described that Colorado, and the country as a whole, has yet to resolve the consequences from the move to de-institutionalize persons with mental illness. The Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal Justice System (MICJS) is a group tasked by the legislature to address these issues. He suggested that a team from the CCJJ be created to meet with members of MICJS to discuss the revolving door within the criminal justice system that is caused by mental illness. Given the broad challenges the problem represents, there needs to be representatives from criminal justice and the behavioral health field at the table.

Sheriff Pelle re-iterated his challenges, including that his jail recently cut award-winning programs and eliminated a therapeutic community in order to dedicate resources and space to offenders with mental illness. He summarized the following as the specific needs in this area:

1. up-front diversion and crisis stabilization,
2. the restoration of beds for treatment in the mental health system, and
3. funding for wrap-around programs to provide access to treatment and medications in the community.

It was mentioned that last year the state funded a mental health initiative to create a system of crisis centers, but that a lawsuit regarding the grant process has delayed implementation.

Mr. Raemisch added that there are individuals who have committed no crime, but are considered too dangerous to be held in a state mental health facility. These individuals are placed in the custody of the Department of Corrections and, until recently, would probably have been housed in administrative segregation.

Doug Wilson will lead the following members of the Commission to meet with members of MICJS: Joe Pelle, Rick Raemisch, Brandon Shaffer, Jeanne Smith, and Dave Young. Reporting his recent appointment to the MICJS, Mr. Young offered to serve as a liaison between the two groups. He indicated that discussions on these topics have occurred at MICJS and the Commission should not engage in redundant work on the issue.

Does this mean that the Commission is creating a new priority area or will the work be confined only to the discussion with representatives of the MICJS? At the moment, the Commission would not create a new task force, but rather explore the issue with MICJS representatives and determine what steps that group may take to address the issues. It can be decided at a later point whether the Commission should combine efforts with the MICJS group to bring greater attention and weight to these issues.

Jeanne Smith reminded members that the Commission must be very thoughtful and intentional if it decides to re-prioritize this issue. The member and staff resources can only support a few prioritized areas of work. Another complicating factor is that there are no staff members dedicated to the MICJS Task Force to support its work. Referencing the retreat outcomes handout, Ms. Clark asked whether aspects of the issues mentioned would fall within the purview of the Re-Entry Task Force proposed for the Fall of 2014. Probably only one of Sheriff Pelle's three described needs, wrap-around services, would fit the goals of the Re-Entry Task Force.

[The discussion on jails and those with mental illness was suspended until the RETREAT WRAP-UP was completed.]

CONCLUSION #2. The next area examined during the retreat concerned the work of the Community Corrections Task Force. It was decided that there are three areas this Task Force should continue to examine: 1) community corrections and community corrections boards, 2) populations being served by Community Corrections, and 3) the overall referral process.

CONCLUSION #3. It was determined that the Juvenile Justice Task Force should continue examining four areas that are in process: 1) pre-filing options, 2) the petty ticket option, 3) standards of professionalism; and 4) age of delinquency/detention. This task force will present their recommendations for these topics by the end of summer 2014. Once the short-term work is completed, the Commission will decide if the task force will address other potential topics, including revising the Children's Code.

CONCLUSION #4. The Minority Over-Representation Subcommittee has two items that should be accomplished by this summer: a recommendation for the collection of race and ethnicity data will be developed and the development of a cultural responsivity tool kit which is being led by the Denver Crime Prevention and Control Commission (DCPCC). In May, the DCPCC will present its work on the tool kit to CCJJ. The Minority Over-Representation Subcommittee will go on hiatus this summer. However, the issue of minority overrepresentation will continue to be considered by each CCJJ task force and committee at all times.

During the retreat, three new areas of study were identified for attention once the work of the existing task forces is complete at the end of Summer 2014.

CONCLUSION #5. A new task force on Re-Entry will be created to identify the scope of work in this area. It is assumed there will be discussions with both the Department of Corrections and jails to identify areas of focus which may include such topics as wrap-around services, mental health, health services, housing and employment.

CONCLUSION #6. The EBDM (Evidence-Based Decision Making) Subcommittee will focus on supporting municipalities as participants in the EBDM initiative (*described more fully later in the meeting*).

CONCLUSION #7. Finally, the Commission previously identified (in 2010) the issue of data access and data sharing as critical to systemic improvements to the criminal justice system. The issue was raised at the retreat and was identified as a high-priority issue. Not only is data sharing and access an issue critical to the effective administration of the justice system, but, in the new era of evidence-based decision making, it's also a necessary component in determining the efficacy and efficiency of programs and system functions. A possible task force may be created, depending on an exploration and analysis of the potential scope of work.

Following the retreat summary, the Commission returned to the topic raised regarding jails and persons with mental illness. It may be possible for a small group of Commission members to collaborate with the MICJS Task Force to address this issue. Jeanne Smith agreed to introduce

the Commission's interest in initiating a dialog in this area with the members of the MICJS Task Force. The Commission may also want to initiate contact with the Behavioral Health Transformation Council to ascertain the current initiatives under study by that group. Building connections with both these groups might be advantageous in catalyzing joint efforts on these issues. The Commission would like a report from the small CCJJ group regarding whether the MICJS and/or BHTC groups share our priorities and, if not, leave open the option to return to this discussion topic. Doug Wilson will lead the CCJJ group and report its findings to the Commission.

Returning to a comment made earlier in the meeting, Charlie Garcia raised a general point about the role of the Commission in vetting or creating potential criminal justice legislation. Mr. Garcia would like the Commission to stay involved in the legislative process and not shift its focus primarily to the policies and processes of state agencies.

Mr. Herman concluded his comments by asking Commissioners, given the conclusion and initiation of new task forces, to begin to consider on which of the new task forces members would like to participate.

JUVENILE JUSTICE TASK FORCE

Jeff McDonald presented information from the Juvenile Justice Task Force based on work done by the Petty Ticket Working Group. He stated that the issue of developing a petty ticket evolved from a desire by law enforcement to add another tool that can be used when dealing with juveniles before their behavior escalates. The petty ticket would be an option for law enforcement when dealing with petty offenses that is more than lecture and release, but less than initiating the process that leads to more formal proceedings, which are the current options for law enforcement. The underlying premise of the conversation was that there should be an option "to *assess* juveniles for services rather than to *arrest* juveniles for services."

The petty ticket would be an option for communities that is not required, but simply another law enforcement tool. Any prosecutor may engage in the formal procedure where deemed appropriate. But, this procedure does not include initial prosecutorial review because it intentionally reflects the current law enforcement practice "on the streets." That is, a law enforcement officer often detains a juvenile and releases the juvenile after a stern lecture or an informal discussion with a parent.

This proposed option is unique in that it crosses the boundary between the juvenile courts and the municipal courts. It can be implemented by either court, or it can be implemented by both the municipal and juvenile court with an inter-governmental agreement. It could be criticized as yet another "layer" in the juvenile justice system. However, the goal would be to integrate this option along with the other juvenile system options for addressing communities' needs and the needs of juveniles.

Examples of petty offenses that would be applicable to the petty ticket option could include possession of alcohol by a minor, possession of drug paraphernalia, possession of less than two ounces of marijuana, fare evasion, disturbing the peace, false information, public fighting, petty theft, third degree trespass, and unlawful acts in and around schools.

The tentative recommendation for consideration (FY15-JJ #1) is as follows. The vote and final review of wording on this recommendation will occur in the next Commission meeting.

FY15-JJ #1 Create a petty ticket option for law enforcement as an alternative to initiating formal proceedings for youth.

Recommendation FY15-JJ #1:

Amend 19-2-302 C.R.S. by adding a section that provides for a disposition of petty offenses committed by juveniles between the ages of ten and seventeen that gives law enforcement officers the option to do more than "lecture and release" but less than the initiation of formal proceedings. (Proposed statutory language will be included.)

Discussion

1. Is this consistent with the work of the Drug Task Force in relation to possession of alcohol by a minor and possession of marijuana? Yes, it is consistent with the work of the Drug Policy Task Force and the minor in possession statute (*mentioned earlier in the agenda under Senate Bill 2014-129*).
2. What happens after the petty ticket is issued? After the ticket is issued, law enforcement may decide to follow up and contact the county's screening and assessment center or staff. This staff would conduct their regular juvenile assessment process. Conclusions would be shared with the requesting law enforcement agency and, if necessary and under specific conditions, a contract (for intervention or treatment) would be developed with the juvenile and the legal guardian(s). This assessment and any requirements the juvenile must meet under the contract must occur within 90 days. At that point, law enforcement could decide that the completed contract is sufficient and the juvenile's obligation has been met or decide to contact the appropriate juvenile justice prosecution entity to proceed with additional action on the matter.
3. Would this process also be in place for county level law enforcement? Yes.
4. Would rural counties have the necessary assessment resources available? Yes.
5. How will this work with existing diversion programs? It differs from diversion programs offered through district attorneys' offices. Diversion agreements tend to have durations that are much longer, even up to two years, compared with the 90-day contract proposed for the petty ticket. It is hoped that this will free up diversion resources for more appropriate juveniles because there is a group of minor offenses committed by juveniles that would be effectively addressed via this petty ticket tool. The petty ticket is an option that allows juveniles to avoid penetrating the system and incurring the unintended consequences of system involvement.

6. If a juvenile successfully completes the contract, could the police officer still issue a ticket?
No.
7. Do we have an idea of how many youth would be diverted from the juvenile justice system?
Because this is a new idea, there is no data available on this concept.
8. This allows for a more immediate action and consequences for the juvenile's behavior. The existing options, like diversion, can require quite a bit of time before juveniles finally experience a consequence for their actions (in other words, participate in an intervention or treatment).
9. Who keeps track of how many times a juvenile goes through the assessment center? Each municipality will have its own way of tracking contacts. It would be necessary to design a data sharing process so each jurisdiction can track whether tickets have been issued in different jurisdictions.
10. Doesn't the juvenile diversion process already provide this same level of informal intervention? The whole point of this extra tool is to keep the appropriate juveniles out of the system rather than having them penetrate even as far into the system as a diversion program. Involvement in a diversion program is still a justice process. The juvenile may only need social service types of support.
11. In large communities, tracking of tickets would be more important than maybe in small communities where everyone knows each other. The recent over-reliance on summonses, given recent events in Colorado, may have more to do with a greater perceived need for caution. It is difficult to determine when a more permissive rather than strict reaction is appropriate, given some of the recent rare, but devastating, acts by juveniles. In our community (Lakewood), we have individual detectives who specialize in serving juveniles and they would use consistent criteria to decide which path would be in the best interests of juveniles, their families, and the community.
12. Is this another area where there is a potential for discrimination and minority over- or under-representation? Other states are using this concept and data is showing that racial and gender disparities are actually declining due to this practice.
13. Is it anticipated that there will be funding issues surrounding the necessary assessment resources? The recommendation does not address funding needs. It is expected that current assessment capabilities should accommodate the petty ticket assessment needs. Also, because implementation of the petty ticket option is not required, communities that lack resources would not have to implement it.
14. Would the S.B. 94 service system be asked to add this petty ticket assessment to their workloads? Has contact been made with the Senate Bill 94 Advisory Board? Yes. John Gomez, who is a member of the Juvenile Justice Task Force and is an *ex officio* member of the Advisory Board, has been consulted and is in support. The petty ticket recommendation is a topic at the upcoming Advisory Board meeting.
15. Can the petty ticket option be implemented as a best practice by the SB 94 Planning Committees in Colorado districts without having to create legislation? If it's optional anyway, why does it need to be in statute? It would be helpful, if the petty ticket option is employed, that it be implemented consistently and statute would help guide and encourage

this consistency. Also, the option may not be implemented as part of the SB 94 mission (statewide or locally), but placed within the responsibility of some other local entity.

Ms. Sasak asked Commission members to take this recommendation back to their respective constituencies for discussion prior to the final vote planned for the May CCJJ meeting.

EVIDENCE-BASED DECISION MAKING (EBDM) INITIATIVE UPDATE

A meeting to discuss Phase IV of the EBDM Initiative will be held on May 12 from 9:00 am to 5:00 pm at the Ralph Carr Judicial Center, in Conference Room E. During the morning (9:00-11:30am), an informational session will explain the general concepts for those interested in learning more about the EBDM Initiative (seating is limited). The participants in the afternoon session (1:00-5:00pm) will be the small, preliminary team of Colorado representatives who will begin to discuss whether Colorado will pursue further the EBDM Initiative and, if so, how to develop a Phase IV proposal.*

[Phase IV is the process to explore the EBDM Initiative and, if desired, to develop a competitive proposal to expand the EBDM Initiative statewide from the initial “seed site” in Mesa County, CO (labeled, Phases I - III). If the Phase IV proposal is selected, the statewide implementation planning would occur in Phase V and the implementation would occur in Phase VI. See Appendix A below for more information.]*

LOCAL INITIATIVES

[This agenda item continues the informational presentations begun at the Commission retreat in March on evidence-based practices in Colorado stimulated by Commission recommendations.]

Sherri Hufford, from the Division of Probation Services within the Judicial Branch, presented updates on two initiatives completed or underway in the division.

Presentation #1: Terms and Conditions for Adult Probationers

The original recommendation was FY08-GP #14¹ and was designed to address findings:

- that some terms and conditions of Probation created barriers to offender success,
- that terms and conditions were not tailored for the individual, and
- that terms and conditions should be evidence-based.

Information on the basics of probation conditions may be found in a brief document entitled, “A Brief Memo on Probation Conditions” by Roger K. Warren at the Center for Sentencing Initiatives (of the National Center for State Courts). These “basics” of terms and conditions include:

¹FY08-GP14: Review the 19 standard conditions of probation and consider requiring only those conditions that can be tailored to each individual, are based on criminogenic risks/needs, and enhance victim and community safety.

1. Encourage pro-social behavior;
2. Limit opportunities for probationers to engage in further anti-social behavior;
3. Beyond the standard Monitoring conditions, the conditions related to Treatment and Control should be tailored to the needs of the offender; and
4. Eliminate unnecessary conditions that create barriers to an *individual's* success.

A subcommittee was created to work on the revision of the Probation terms and conditions. It included members of the Probation Advisory Committee (a twenty-seven member committee, including representatives of judges, probation staff, court administration, victims, and the community) and representatives of CCJJ. The subcommittee focused on the following points of guidance:

1. Editing terms and conditions to be realistic, relevant and research-based.
2. Sorting terms and conditions into two categories: statutory or discretionary.
3. Adjusting phrasing to reduce legalese for the typical reader.
4. Reducing the number of conditions.

The process of revising the terms and conditions was an iterative process of drafting by researchers and obtaining feedback from stakeholders (legal team, probation staff, the court, treatment providers, etc.) over a number of years. The goal was to:

1. Maintain a balance between the courts and probation.
 - a. The Advisory Committee wanted to provide enough information to the courts to foster an individualized set of terms and conditions to the offender without have to make excessive future modifications.
 - b. At the same time, it was important that the conditions set the stage to build a good working relationship between probation officers and probationers while adhering to the expectations set by the court.
2. Complete the work in a reasonable amount of time.
 - a. Seven official drafts were required to finally reach consensus and meet the needs of all those who administer, have an interest in, or abide by the terms and conditions.
 - b. It was finally necessary in April 2013 to have the Probation Advisory Committee declare an end to the revision process (that could have continued indefinitely) and the final approval process began.

The result of the work was the creation of new terms and conditions for Probation. At the moment, the terms and conditions are completed as a paper document, but there is a plan to convert to an electronic system. Ms. Hufford outlined some of the major changes, which include the following:

1. A section for additional conditions was included. This section allows the judge to outline the benefits of compliance. For example, if an offender does well, there may be a reduction in community service.
2. The organization of the document better reflects the expectations for probationer behavior.
3. The phrasing was changed to follow the idea of positive reinforcement. For example, negative phrasing, such as, "You may not..." was revised to more positive statements of commitment, such as, "I will..."
4. The terms and conditions are written in plain language, avoiding legalese as much as possible.

5. A major improvement is that there are now only three conditions for the Intensive Supervision Program.
6. Although only four conditions were eliminated, the overall function of the document is much more evidence-based.

The Probation Advisory Committee agreed that the revised terms and conditions document addressed the original criticisms and supported the “basics” described in the Roger Warren memo. The revised terms and conditions received final approval in September 2013. The next targets for revision include the terms and conditions for juveniles and for those convicted of sex offenses.

Discussion;

1. Has the revision of terms and conditions led to a change in the perspective of and supervision by the probation officers? Yes. It was initially assumed the outcome of the revision would be measured most by the, hopefully improved, behavior of probationers. However, the revised terms and conditions are also having positive effects on the methods and practices of supervision by officers. In general, Probation is undergoing a major shift in how supervision is conducted and in the forms of interaction with offenders. The terms and conditions revision is a natural fit with this broader shift in practices (for example, an expansion in the use of motivational interviewing).
2. Do you see a reduction in technical violations with the use of the new conditions? It will be difficult to determine the specific effect of the new conditions alone, given the broad changes in practice that are occurring in Probation. Process and outcome evaluations will be conducted to assess the changes overall.
3. Are these aligned with the PSIRs? Yes. If a Pre-Sentence Investigation Report is ordered on the case, then the assessment will be tailored to the individual.

Ms. Sasak noted that it is exciting to see the amount of work and system change that has occurred since the original recommendations were produced by the Commission. In many cases, Probation has led the way in adopting evidence-based practices and making such significant cultural changes in their organization.

Presentation #2: Strategies for Behavior Change

Ms. Hufford continued with a second presentation of another effort that is related to three other recommendations from the CCJJ: encouraging incentives and intermediate sanctions in response to technical violations (FY08-GP #13),² increased use of positive reinforcement and incentives (FY08-BP #35),³ and encouraging the use of sanction guidelines for technical violations of probation (FY08-BP #36).⁴

² FY08-GP 13: Increase the consistent use of appropriate incentives and intermediate sanctions in response to technical violations.

³ FY08-BP 35: Increase the use of positive reinforcement and incentives in probation supervision as an evidence-based effort to encourage positive probationer performance to enhance public safety and prevent victimization.

⁴ FY08-BP 36: Introduce guidelines to increase consistency across the state in the response to probation technical and criminal violations and to increase opportunities for the successful completion of probation.

Probation had previously examined its technical violation practices, but more concerted efforts were undertaken following the support from the CCJJ. The Strategies for Behavior Change (SBC) program is:

- a statewide probation effort designed to impact probationer's behavior through the use of sanctions and reinforcements, which
- uses research and science to deliver a consistent and tailored response to each probationer's behavior with a goal of impacting short and long-term behavior change.

The goal is not simply to steer an offender successfully to probation completion, but to affect how probationers think about themselves and their life choices in an effort to reduce the likelihood of a return to the criminal justice system. A focus on short-term compliance using sanctions and threats does not foster long-term behavior change. Longer-term benefits are achieved by encouraging offenders to intrinsically alter their thinking about their behaviors.

In order to achieve these changes, Probation began its study of these evidence-based practices with the foundation of implementation science. There was an interest in truly adopting, with fidelity, these more sophisticated practices and methods. Probation wanted to avoid some past probation officer training that led only to superficial change in supervision practices that would often slowly revert to pre-training patterns.

The plan to implement the Strategies for Behavior Change program included the following steps:

1. The management team is introduced to the concept and asked to identify areas of concern.
2. Interest in the program is engendered within Probation and in the community of interested stakeholders. It is important to involve stakeholders in Probation practices. Basically, a simple marketing effort is undertaken.
3. Readiness surveys are conducted to determine how probation officers feel about quality assurance, continuous quality improvement, receiving feedback, being coached, and observation. The surveys provide a measure of engagement prior to any implementation effort.
4. Implementation teams of excited experts are created to provide support to probation officers and to ensure sustainability of the program following the initial training push.
5. Stakeholder training and education is conducted. Anyone who has had contact or is impacted by the practices of the Probation Department is invited.
6. Probation officer training is conducted.
7. Follow-up and a system of ongoing support are established.

Highlights:

1. Probation contracted with the Center for Effective Public Policy (CEPP) that spent two years working with the Probation Department on a pilot project. CEPP conducted literature reviews, examined existing practices, compared district-to-district inconsistencies, and conducted a paper and pencil pilot of the proposed procedures.
2. The program was translated to electronic form to improve the ease of use and enhance the consistency of the ratings forms and documents. This also allows access to real-time data and performance feedback.
3. A process and outcome evaluation is planned on both the impact on probationers and on the effectiveness of the implementation.

4. Currently, the implementation pilot is nearing completion in the 14th and 21st Judicial Districts. The last groups of probationer officers are being trained. There is a thorough process evaluation being conducted in these two districts with an expected completion of May 2014.
5. Two teams will implement the program in the remainder of the districts statewide. The implementation period per district is roughly 4-6 months with statewide implementation expected to require 2-3 years.

Discussion:

1. What are you seeing as far as staff satisfaction and staff retention? An assessment will be done to determine how much of the training is being retained. The real-time data from the program will also provide data on the responses to violations which will indicate the degree of commitment to the SBC program. Probation officers were worried that this process would limit their supervision options.

After the training, probation officers report that the system provides a broader set of potential response options than an individual officer can retain in memory. This allows the officer to better tailor responses to specific offenders. An unexpected benefit of the program is that the supervisory relationship is enhanced by the increased communication between officers and probationers. Officers will often describe the most appropriate set of options and engage probationers in a conversation to collaborate on the options probationer feels would most enhance their chance for future success. Conducting supervisory meetings that are more meaningful to the probationer improves the quality of supervision and more effectively engages the probationer in their own choices and behaviors.

2. The emphasis in supervision has definitely changed from the days of simple monitoring and enforcement with the goal of just “getting the probationer through it [the probation sentence].”

NEXT MEETING:

1. In May, the Commission will vote on the Petty Ticket recommendation presented today by the Juvenile Justice Task Force.
2. Staff from the Denver Crime Prevention and Control Commission will present its revised training on cultural diversity and sensitivity.

Mr. Raemisch, referencing his comments earlier in the meeting, mentioned the past interest by the Pew organization to conduct its Justice Reinvestment process in Colorado. He asked if there was interest in having the Justice Reinvestment group give an informational talk to the Commission. Upon surveying the room, Ms. Sasak indicated that the Commission members appeared interested in having another look at the process.

The meeting adjourned at 3:10 p.m.

APPENDIX A

THE EBDM INITIATIVE: PHASE IV

For more information, see ebdmoneless.org/ and nicic.gov/ebdm

From the NIC News & Updates Blog (community.nicic.gov/blogs/)

Five States selected for Phase IV EBDM Initiative

In early April, the National Institute of Corrections selected five states to participate in the next phase of NIC's Evidence-Based Decision Making (EBDM) in Local and State Criminal Justice Systems Initiative (nicic.gov/ebdm). The goal of EBDM Phase IV is to equip and build capacity within each of the state's criminal justice system, by expanding the number of local EBDM teams, developing a state executive EBDM team and creating a Statewide Project Planning team. The project planning team will be represented by a wide range of disciplines that will prepare a competitive statewide plan to move to Phase V, planning, which begins in early 2015. The training and technical assistance during Phase IV, will be targeted to the teams within each state, to develop the prerequisite skills and knowledge needed to be successful in the next phase of the EBDM initiative.

The five states selected are:

- Colorado
- Indiana
- Oregon
- Virginia
- Wisconsin

The purpose of the EBDM Initiative is to equip criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct and post-conviction reoffending. The initiative to date has built the capacity within seven local criminal justice systems to (1) improve the quality of information used to make individual case decisions in local systems and (2) engage these systems as policymaking bodies to improve the effectiveness of their decisions collectively at identified decision points. Local officials involved in this initiative include judges, prosecutors, public defenders, police, sheriff, human service providers, county executives, probation, and pretrial services directors.

If you would like more information about the Evidence Based Decision Making in Local and State Criminal Justice Systems please contact Lori Eville either by email, leville@bop.gov or call 202-514-0118.