

COMMUNITY CORRECTIONS TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
November 14, 2014

**FY15-CC#1 Community Corrections Board Member Training
(Statutory)**

Recommendation FY15-CC#1

The Department of Public Safety shall work with local community corrections boards and key stakeholders to develop and implement a mandatory introductory orientation and an annual continuing education curriculum to ensure appropriate and consistent community placement decisions by board members.

Discussion

To promote the use of evidence-based correctional practices along with an understanding of the larger criminal justice system and local community concerns, new community corrections board members must complete an introductory orientation within the first six months of membership on the board. After the first year, all members must participate in continuing education annually which may be tailored to the local community's needs.

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**FY15-CC#2 Reliable and Consistent Information from DOC
(Statutory)**

Recommendation FY15-CC#2

The Department of Corrections (DOC) shall include the following information in the community corrections referral packet: current objective offender risk information, projected release dates, official accounts of the current crime(s) of conviction, criminal history, institutional conduct, programming completed, re-entry plan, victim impact statement (if Victim Rights Amendment case), offender statement, and a recommendation concerning the appropriateness of placement in community corrections.

Discussion

Currently, information on DOC transition referrals received by community corrections boards is often incomplete and dated. Local community corrections boards must have the information in order to make the best placement decision. Approximately one-third of DOC inmates are released through the state's community corrections system. DOC should immediately develop a process that ensures complete, relevant, and timely information is available to local boards.

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**FY15-CC#3 Community Corrections Board Membership and Composition
(Statutory)**

Recommendation FY15-CC#3

Colorado community corrections boards from every judicial district must have a mandatory minimum membership that includes representatives from the offices of the district attorney, public defender, law enforcement, probation, the Department of Corrections, ***a victim or survivor representative***, and a citizen member. Board membership should strive to reflect the composition and values of the local community.

Discussion

To ensure consistency across jurisdictions, and to ensure that the voices of key stakeholders are heard, local community corrections boards must include, at a minimum, the perspectives of the multidisciplinary group described above. Further, board membership should represent the configuration and the values of the local community.

[***Bold italic*** text reflects a change by the Community Corrections Task Force following the preliminary Commission presentation in October 2014]

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**FY15-CC#4 Community Corrections Board Member Reappointment Procedures
(Statutory)**

Recommendation FY15-CC#4

Each judicial district and appointing authority¹ shall review how often each community corrections board member should apply for reappointment to the board.

Discussion

Jurisdictions vary considerably in the length of the members' appointments to the local community corrections board. Because it is important to retain local control, this variation is appropriate as long as membership is reviewed periodically to allow for the rotation of individuals on and off the board.

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¹ C.R.S. § 17-27-103

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**FY15-CC#5 Funding for Very High Risk Offenders
(Budgetary)**

Recommendation FY15-CC#5

The General Assembly should provide funding for a specialized program in the community corrections budget for very high risk offenders. This program requires a differential per diem, appropriate standards of practice, and services to address what criminologists term the “top four criminogenic needs.”²

Discussion

The target population for this specialized program is very high risk offenders as identified by the Level of Service Inventory (LSI-R). According to research,³ the program should provide:

- 60 days of intensive behavioral change/Cognitive Behavioral Therapy (CBT) interventions prior to community access;
- 150 hours minimum of direct therapeutic contact (within 60 days) with a CBT intervention; and
- Minimum of 50% of overall time structured in clinical, psycho-educational, and re-entry services.

Programming should prioritize antisocial attitudes, peer relations, and impulse control over all other criminogenic or non-criminogenic needs.

The risk profile, based on the LSI, of the FY2011 residential community corrections population is as follows:⁴

- Very high: 14%
- High: 37%
- Medium: 41%
- Low: 8%

² These include antisocial thinking, antisocial companions, antisocial personality/temperament, and family and/or marital problems. For more information see National Institute of Corrections. (2004). *Implementing evidence-based practice in community corrections: The Principles of effective intervention*. Washington, DC: Department of Justice.

³ See for example Sperber, K.G., Latessa, E.J., & Makarios, M.D. (2013). Establishing a risk-dosage research agenda: Implications for policy and practice. *Justice Research and Policy*, 15, 123-141.

⁴ Division of Criminal Justice, Office of Research and Statistics (2014).

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**FY15-CC#6 Professional Judgment and Research-Based Decision Making
(Statutory, with fiscal note)**

Recommendation FY15-CC#6

Community corrections boards shall develop and implement a structured, research-based decision making process that combines professional judgment and actuarial risk assessment tools. This structured decision making process should sort offenders by risk, need and appropriateness for community placement. The Division of Criminal Justice shall receive resources to assist local boards in developing these processes.

Discussion

Evidence-based correctional practices include the use of structured and data-informed decision making processes that include considerations of risk of recidivism combined with needs assessments and service availability. Community corrections boards should develop and build an empirically-supported decision making process for the purpose of identifying and accepting higher risk offenders when services are available to meet their needs. Recidivism rates are reduced an average of 30% when medium and high risk offenders receive appropriate behavior changing programming.⁵ Conversely, offenders assessed as low risk to reoffend do not benefit from behavior changing programming⁶ and are slightly more likely to recidivate when they are overly supervised or programmed.⁷

⁵ See for example Andrews, D. A. (2007). Principles of effective correctional programs. In L. L. Motiuk and R. C. Serin (Eds.), *Compendium 2000 on effective correctional programming*. Ottawa, ON: Correctional Services Canada. Andrews, D. A., & Bonta, J. (2007). *Risk-need-responsivity model for offender assessment and rehabilitation* (2007-06). Ottawa: Public Safety Canada; Lipsey, M. W., & Cullen, F. T. (2007). The effectiveness of correctional rehabilitation: A review of systematic reviews. *Annual Review of Law and Social Science*, 3, 297–320. Smith, P., Gendreau, P., & Swartz, K. (2009). Validating the principles of effective intervention: A systematic review of the contributions of meta-analysis in the field of corrections. *Victims and Offenders*, 4, 148–169.

⁶ Ibid.

⁷ See for example Andrews, D. A., & Bonta, J. (2007). *Risk-need-responsivity model for offender assessment and rehabilitation* (2007-06). Ottawa: Public Safety Canada; Bonta, J., Wallace-Capretta, S., & Rooney, R. (2000). A quasi-experimental evaluation of an intensive rehabilitation supervision program. *Criminal Justice and Behavior*, 27(3), 312–329; Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. In J. Horney (Ed.), *Criminal justice 2000: Policies, processes, and decisions of the criminal justice system*. Washington, DC: U.S. Department of Justice, National Institute of Justice; Lowenkamp C. T., Latessa E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime and Delinquency*, 52, 77–93.

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**FY15-CC#7 Flexibility Within Programs
(Policy)**

Recommendation FY15-CC#7

The Colorado Community Corrections Standards developed by the Division of Criminal Justice (DCJ) shall be changed to allow flexibility within a program to provide appropriate and effective supervision and treatment of sex offenders in accordance with the Sex Offender Management Board (SOMB) Standards and Guidelines, and to provide effective and appropriate supervision and treatment of low, medium, high and very high risk offenders.

Discussion

Currently, DCJ's Colorado Community Corrections Standards are inflexible and do not allow for differential supervision of low, medium and high risk clients. Community Corrections programs would benefit from more flexibility in the Standards with respect to supervision and monitoring of low risk versus high risk clients. The current one-size-fits-all Standards could have a negative impact on a program's ability to effectively manage clients. Examples of standards that can be modified include:

- 4-110 Interim UA Testing
- 4-130 BA and UA for Alcohol
- 4-220 On Grounds Surveillance (Pat Searches and Room Searches)
- 6-070 Weekly Meetings with Case Managers
- 4-160 Off Site Monitoring (Frequency and Method)
- 4-170 Passes
- 4-260 Escape (keep timeframes at 2 hours but encourage programs to consider offender risk level as part of decision to keep or terminate an offender who returns from escape status)
- 4-161 Job Search Accountability

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**FY15-CC#8 Develop Program Evaluation Tool
(Statutory, Policy, Budgetary)**

Recommendation FY15-CC#8

The Division of Criminal Justice (DCJ) shall develop a program evaluation tool that will assess each programs' adherence to evidence-based principles and practices and identify each program's capacity for providing appropriate programming to very high risk offenders. The DCJ should receive funding from the General Assembly to obtain expert consultation on the development of the instrument and to complete a statewide assessment of community corrections programs using the new tool. The current Risk Factor Analysis requirement of DCJ shall be removed from statute.⁸

Discussion

The current DCJ Risk Factor Analysis for community corrections programs does not measure the quality of programming nor does it measure adherence to the Principles of Effective Correctional Intervention.⁹ The new instrument should be rooted in best practice principles. With project-specific funding, DCJ's Office of Community Corrections should hire a consultant to review the new instrument and hire temporary staff to immediately assess all community corrections programs.

⁸ C.R.S. § 17-27-108

⁹ For more information about the "risk principle" and evidence based correctional practices, see http://www.colorado.gov/ccjdir/Resources/Resources/Ref/CCJJ_EBP_rpt_v3.pdf.

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**FY15-CC#9 Three-Quarter House Living Arrangement
(Budgetary)**

Recommendation FY15-CC#9

The General Assembly should increase the community corrections appropriation to include a specialized Three-Quarter House or Shared Living Arrangement program for lower risk offenders that includes a specialized per diem, appropriate program standards, and access to services to address stabilization and the minimum supervision needs of lower risk offenders.

Discussion

This new program should focus on life skills rather than clinical behavior change; the per diem rate should be between that of residential and non-residential programs; and offenders should augment funding with a small subsistence fee.

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**FY15-CC#10 Risk Informed Referral Process
(Statutory)**

Recommendation FY15-CC#10

The Department of Corrections (DOC) shall adopt a risk-informed process for referring inmates to community corrections. This process should mirror the decision making flow charts that accompany this recommendation.

Discussion

As illustrated in the accompanying flow charts, the DOC referral process should allow for early and immediate referral of low risk offenders; automatic referral at 19 months for moderate-high risk offenders (or 9 months to PED for a crime of violence); and referral at the parole eligibility date (PED) for very high risk offenders. Research supports assessing offender risk/need levels by using an actuarial instrument to determine the appropriate level of intervention.¹⁰ An actuarial risk assessment, such as the Colorado Actuarial Risk Assessment Scale (CARAS),¹¹ can determine the probability of re-offense.

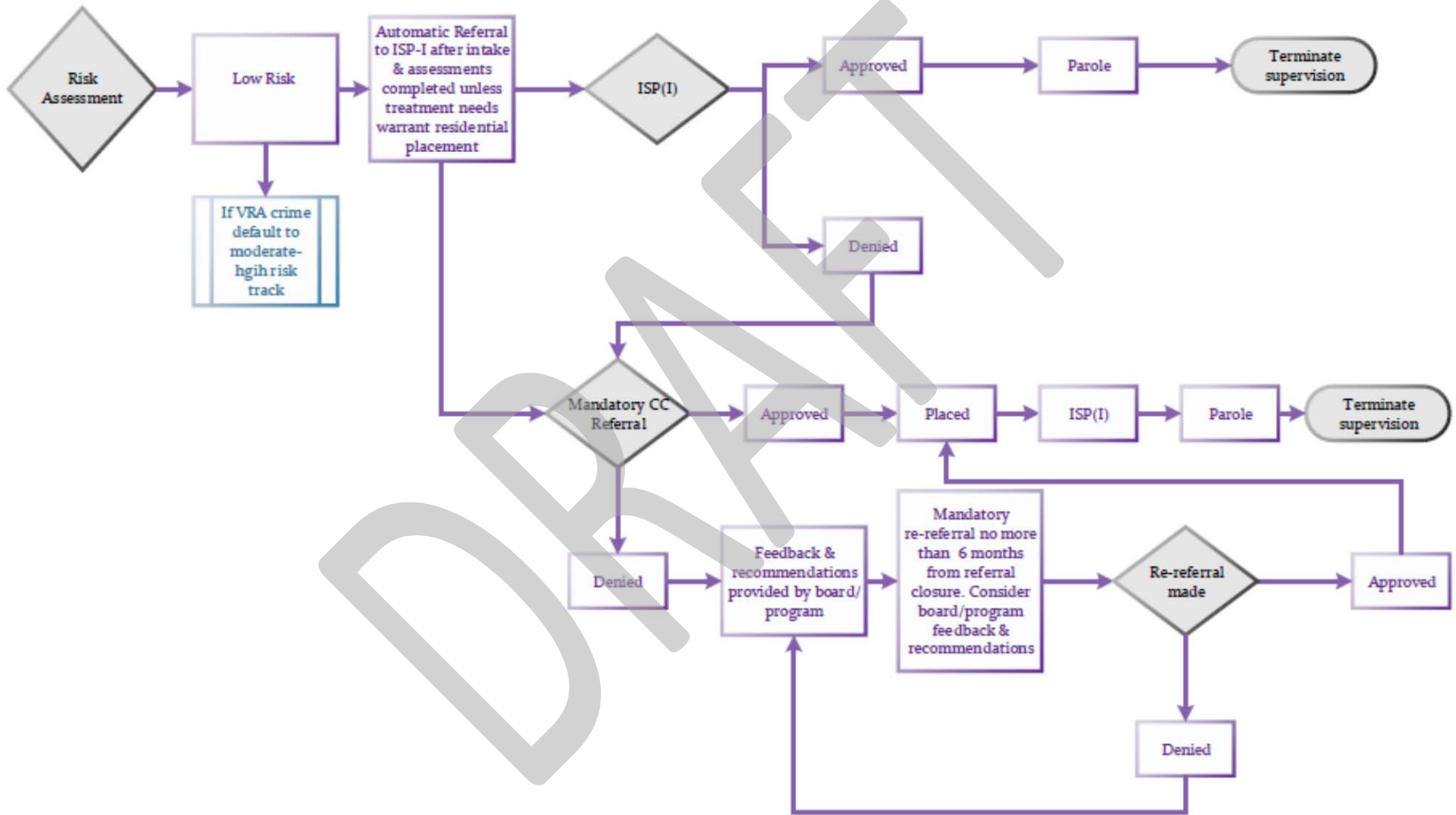
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¹⁰For more information about the “risk principle” and evidence based correctional practices, see http://www.colorado.gov/ccjdir/Resources/Resources/Ref/CCJJ_EBP_rpt_v3.pdf.

¹¹ For more information see http://www.colorado.gov/ccjdir/ORS2/pdf/docs/CARAS/2-14-11%20CARAS_V5-BriefDescription.pdf and for an example see http://www.colorado.gov/ccjdir/Resources/Resources/Handout/2009/021309_R_2%202008-ActuarialRiskAssessmentScale.pdf.

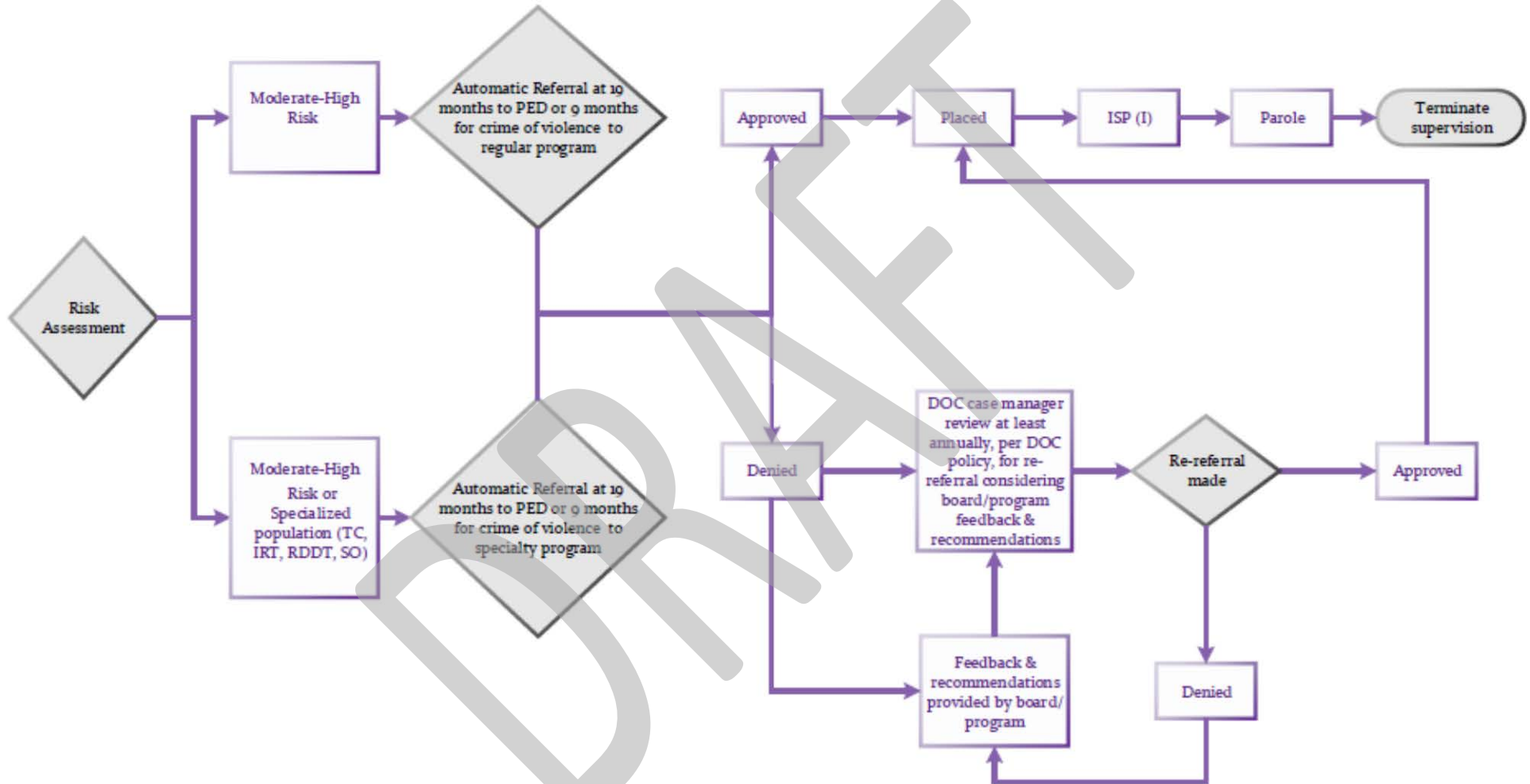
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Transition Referral Process for Low Risk Inmates



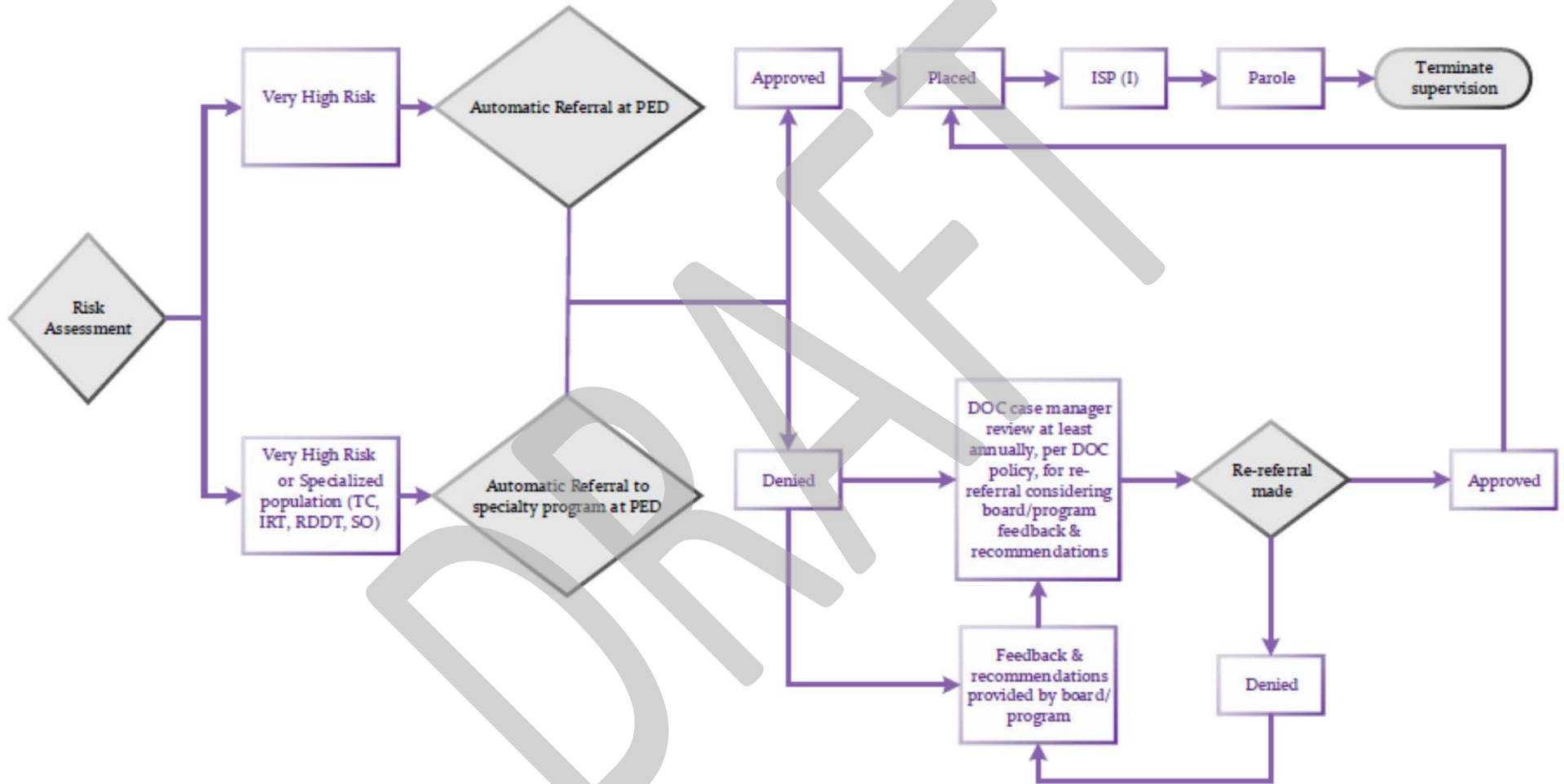
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Transition Referral Process for Moderate to High Risk Inmates



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Transition Referral Process for Very High Risk Inmates



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**FY15-CC#11 Allow for Objective Recommendation
(Policy)**

Recommendation FY15-CC#11

The Department of Corrections (DOC) shall develop a process that allows appropriate personnel familiar with the offender to provide a current recommendation, positive or negative, based on objective factors, for community placement.

Discussion

Currently, the DOC does not allow staff to make a recommendation. Currently (AR) 1450-01 prohibits advocacy for an offender. Transition cases are referred based on time-driven eligibility only.

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**FY15-CC#12 Readiness-To-Change Assessment
(Policy)**

Recommendation FY15-CC#12

The Department of Corrections (DOC) shall research readiness-to-change assessment options and implement an offender readiness assessment to assist with the community placement decision.

Discussion

Community corrections board members need more information about DOC offenders who are referred for community placement. The readiness-to-change assessment should be conducted as of the community corrections referral process for transition offenders. Examples of such instruments include the University of Rhode Island Change Assessment Scale (URICA)¹² and the Stages of Change Readiness and Treatment Eagerness Scale (SOCRATES).¹³

¹² For more information see <http://alcoholrehab.com/drug-addiction-treatment/university-of-rhode-island-change-assessment-scale-urica/> and <http://www.uri.edu/research/cprc/Measures/urica.htm> for an example of the measure.

¹³ For more information see <http://alcoholrehab.com/drug-addiction-treatment/readiness-to-change-socrates/> and <http://casaa.unm.edu/inst/SOCRATESv8.pdf> for an example of the measure.

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**FY15-CC#13 Disallow Refusal To Be Referred
(Policy)**

Recommendation FY15-CC#13

The Department of Corrections shall revise Administrative Regulation (AR) #250-03,¹⁴ which currently allows inmates to refuse a referral to community corrections, to disallow this refusal option **except for inmates who are completing a vocational rehabilitation or treatment program.**

Discussion

Currently, offenders may refuse a referral to community corrections. It is believed that this often occurs when they anticipate being denied placement by the local community corrections board. This likely reduces the number of offenders who could benefit from placement. Note that offenders would still retain the right to refuse placement if accepted.¹⁵

[***Bold italic*** text reflects a change by the Community Corrections Task Force following the preliminary Commission presentation in October 2014]

¹⁴ For a full view of the Administrative Regulation see

http://www.doc.state.co.us/sites/default/files/ar/0250_03_060114.pdf.

¹⁵ This right is in compliance with C.R.S. § 18-1.3-301(j)(2)(a, b, and c). See also, AR Form 250-03A at

http://www.doc.state.co.us/sites/default/files/ar/0250_03_060114.pdf.

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**FY15-CC#14 Feedback on Referral Rejection
(Policy)**

Recommendation FY15-CC#14

Community corrections boards and programs, in conjunction with the Department of Corrections (DOC) shall develop a communication mechanism to provide appropriate feedback to the inmate regarding the decision to reject placement for a transition referral.

Discussion

Currently, community corrections boards notify DOC that a case was rejected and do not provide the rationale for the decision. Details regarding the reasons for the placement denial would assist the inmate to prepare for future release to community corrections (***a checklist of common reasons could be created***). This information is particularly useful if there are dynamic risk factors that can be addressed that allow the offender to be a more suitable candidate in the future.

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**FY15-CC#15 Limit Referrals to Two Options
(Policy)**

Recommendation FY15-CC#15

Transition referrals from the Department of Corrections (DOC) to community corrections shall be to a *primary* and *alternate* release destination only. A primary referral shall be a viable and verified county of parole destination or county of conviction. County of conviction shall not be used for crimes occurring within a Department of Corrections facility.

Discussion

Currently, DOC provides up to four location recommendations. However, due to low acceptance rates by the 3rd and 4th level referrals, this process requires significant additional work for DOC staff and local boards. Additionally, these options are not typically associated with a relevant parole plan or county of conviction.

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**FY15-CC#16 Intensive Residential Treatment (IRT) Referral Process
(Policy)**

Recommendation FY15-CC#16

The Department of Corrections shall collaborate with community corrections stakeholders to develop an Intensive Residential Treatment (IRT)¹⁶ and Residential Dual Diagnosis Treatment (RDDT)¹⁷ referral process that is focused on where the individual will eventually parole.

Discussion

Currently, the DOC sends a single referral to each of the six IRT programs, regardless of where the offender will live and work upon release. The first IRT program to respond with an acceptance decides placement. Similar concerns exist for the RDDT placement referral process.

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¹⁶ For more information on IRT programs see section III of the *Colorado Community Corrections FY2012 Annual Report*. <https://docs.google.com/a/state.co.us/file/d/0B2U96WYBS1wNd3RUVE1VUHA0ZUE/edit>.

¹⁷ For more information on RDDT programs see section IV of the same report

<https://docs.google.com/a/state.co.us/file/d/0B2U96WYBS1wNd3RUVE1VUHA0ZUE/edit>.