Colorado Commission on Criminal and Juvenile Justice

Community Corrections Task Force MINUTES

October 10, 2022 / 10:30AM-12:00PM Virtual Meeting

ATTENDEES

TASK FORCE MEMBERS

Glenn Tapia, *Task Force Chair*, Division of Probation Services
Doug Carrigan, Advantage Treatment Centers
John Draxler, Probation Services/ 13th Judicial District (JD)
Tim Hand, Larimer County Community Corrections
Kristiana Huitron, Voces Unidas for Justice
James Karbach, D.A. Office/ 20th JD
Ken Kupfner, DA Office/ 20th JD
Chris Meeks, Denver Community Corrections Board
Katie Ruske, Office of Community Corrections/ Division of Criminal Justice
Mark Wester, ComCor Inc.

ABSENT:

David Coleman, Second Chance Center Todd Rowell, Sheriff's Office/ Mesa County

STAFF

Richard Stroker, CCJJ Consultant Jack Reed, Research Director, Division of Criminal Justice Laurence Lucero, CCJJ Staff, Division of Criminal Justice Stephané Waisanen, CCJJ Staff, Division of Criminal Justice

Agenda

Welcome Introductions Review of Agenda Glenn Tapia, Task Force Chair

Discussion

Glenn Tapia, Chair of the Task Force, welcomed and thanked everyone for participating in the Community Corrections Task Force. Glenn welcomed Chris Meeks from the Denver Community Corrections Board to his first meeting. He noted that the minutes from the August and September meetings were sent earlier today and proposed to postpone the approval of the minutes to allow time for Task Force members to review the minutes. Glenn reviewed the agenda of the meeting, which will start with a presentation on Community Corrections bed capacity, followed by a discussion on the "Sub-population" of misdemeanants, and a review of the Task Force mandates.

Issue/Topic

Capacity CC Capacity & Discussion

Discussion

Katie Ruske from the Office of Community Corrections (OCC) in the Division of Criminal Justice presented FY23-Q1 census data from the Community Corrections Billing System (CCIB). Katie mentioned that the OCC recently launched a new and updated CCIB software on July 1, 2022.

The highlights of the presentation are found below:

General overview

- Significant reduction in bed occupancy and capacity since COVID-19 because
 of the number of facilities that closed during the pandemic, and the
 decrease in the female population in Community Corrections Programs.
 There is about 250 beds reduction in the Community Corrections budget
 this year. The trend has gone up slightly in recent months.
- DOC provides data on the number of people coming from prison transitioning to community placements, approved both by boards and providers.
- Staffing issues across the state impact the ability to fill beds and contribute to increased waitlists.
- Significant waitlists were reported for both sentenced and diversion beds in the metro area, particularly in Adams County and Denver. Rural areas are not as affected. Overall, the availability of beds has declined in the most populated areas.

Data

- In the most recent weekly report from DOC: 344 individuals were on waitlists for placements in Community Corrections and 54 individuals were scheduled for placement.
- The referral location from DOC is based on where the original sentence occurred, where the sponsors are located, and where the client wants to go.
 This can limit the flexibility of placing someone in an area that has beds (i.e. a rural facility that is under capacity) because it may not be an appropriate placement for that person.
- In the CCIB census, 250 individuals who received a direct sentence (diversion clients) are in jails waiting for a bed in Community Corrections. If the jurisdiction in which they are sentenced accepts them, then they will be placed in a facility in that jurisdiction as long as space is available. This

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allows them to be kept closer to their family and other support services. They could be placed outside of their jurisdiction if they have a special need that is not met within that jurisdiction, such as the need for intensive substance use disorder treatment.

DISCUSSION

Are providers running at half capacity because of staff shortage, or can beds not be used?

The main reason appears to be the staffing shortage. Denver and Adams County are currently not at full capacity because of staffing issues.

How many total beds are available for Community Corrections placements? What is the capacity in rural areas?

The response depends upon how capacity is defined: There are three ways to define capacity:

- Physical capacity: Information is currently not in the CCIB system but OCC is looking at adding the ability to collect this information.
- Budget capacity: There are 3,100 residential beds funded in Colorado.
- Staff capacity: Information not currently in the CCIB system.

ACTION

Data Request: Request to Katie for data on physical and staff capacity and budget support in community corrections

Katie proposed to survey providers to get information about the physical, staff, and budget capacity, as well as waitlists in each jurisdiction.

Katie discussed an issue related to the budget cap for the allocation of beds and explained why jurisdictions might be hesitant to fill their available beds when they are at or above their TABOR cap. If a jurisdiction has nearly spent its budget for allocated beds and still has some physical beds available, the jurisdiction might have to choose between serving misdemeanor or felony clients. El Paso and Jefferson counties are the two who have encountered issues related their TABOR cap.

Doug Carrigan commented that facilities in rural jurisdictions do not face many staffing issues, and beds are available. He believes those beds should serve clients who need help regardless of the crime and engaged the group to discuss which clients can be helped in Community Corrections programs and which services they can receive.

Mark Wester echoed that there is unused bed capacity in many jurisdictions and that other factors contribute to this issue, including funding and the approval or denials of placements from local boards. He agreed about the idea of serving people who have needs regardless of their crime and believes that there is bed capacity across the state despite the TABOR limits and the group should discuss the funding issue.

Ken Kupfner reached out to the county jails and gathered information about the jurisdictions that currently offer work release programs. He shared a spreadsheet, including the current status of the jurisdictions and other related circumstances related to the operation of work release programs. Ken

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commented that 15 of the 22 judicial districts do not have work release and that many programs are closed because of the pandemic and/or financial reasons.

Ken believes in the efficacy of work release programs and agreed that the group develop a mechanism to use unused beds in the Community Corrections where there are no work release programs for the misdemeanant population but as a stabilization tool rather than a punitive one.

Community Corrections programs offer more individual-based treatment than most work release programs.

The group discussed interest in identifying the county jails that do not offer work release in conjunction with the location of community corrections facilities in the jurisdictions and further discuss funding disparities within the jurisdictions. Katie will bring the funding information by county and district.

Glenn reiterated the key points from the presentations offered at previous meetings and discussions and highlighted:

- About two-thirds of the probation population (70K) are misdemeanants, and about 30% of the misdemeanant population are classified as high-risk highneed.
- Success rates for misdemeanants vary by risk and need and only 44% of high-risk/high-need clients successfully complete their probation.
- Probation doesn't have an adequate structure to supervise misdemeanants who continually violate their conditions of probation. Individuals scoring high risks/high needs, and outcomes are especially poor for probationers with a drug misdemeanor offense.
- Importance of focusing on risks and needs rather than solely on offenses. Many offenses, and not only drug offenses, require more intensive levels of supervision and treatment.
- The data raised questions about whether Community Corrections are more successful than probation or jails for misdemeanants.
- Is Community Corrections the right answer?
- Providers are supportive of using available beds and data shows significant waitlists, mostly in the metro area.
- Work release programs and problem-solving-courts are not constantly offered across the state.
- There are not enough options to accommodate the misdemeanant population currently on probation.
- There is no common risk assessment between probation and community corrections that allows a comparison of outcomes. There is no available data on the outcomes of misdemeanant clients in community corrections.
- There is an avenue for misdemeanants to be served in intensive residential treatments in Community Corrections.

James Karbach discussed reports that suggest focusing more resources on highrisk/high-need probationers and tailoring conditions of probation based on

ACTION

Data Request: Location of jails with no work release programs juxtaposed with community corrections facilities

Data Request: CC funding by county and district level

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risks and needs. He also suggested that, if a Community Corrections model is adopted to serve the misdemeanant population, the group should statutorily define what happens when people escape or fail the program. Would they receive a sentence back in jail? How would this impact the jails' backlog? He also raised concerns regarding how some of the rules of community corrections may hinder success.

The group agreed on focusing on stability factors, including housing and employment while maintaining accountability. Community Corrections provide affordable and temporary housing, assist with the employment search, and provide training regarding the management of personal finances.

Other options to serve this population were discussed, including sober living programs and in-patient drug treatment programs.

Katie discussed that there are sets of criteria to fund in-patient beds for misdemeanants in community corrections. Clients need to meet medical necessity criteria to be accepted in inpatient treatment beds. Most clients are served as out-patients.

James commented that outpatient substance abuse treatment might be another option and other programs addressing the stabilization factors such as housing, employment, etc.

Glenn mentioned an analysis conducted several years ago on Community Corrections in Colorado from the Results First Initiative. The analysis intended to measure the return on investment and cost analysis of the various Community Corrections programs in Colorado based on a model from the Washington State Institute for Public Policy. The analysis showed that there was no cost-benefit return for the specialized programs in community corrections. Many issues regarding the methodology and questions about whether such analysis was even fitting for Colorado were raised.

The following discussion points are summarized below:

- Define the "sub-population" of misdemeanants
- In-patient misdemeanants are already served in Community Corrections.
- Success in Intensive Residential Treatment.
- If a Community Corrections model is adopted:
 - Define the process, including statutory changes, structure for the approval of misdemeanants, and what happens when the client fails.
 Consider unintended consequences.
- If not Community Corrections, what other options are recommended and why?

Issue/Topic	Discussion
Potential "Sub-population" of	This discussion was postponed to the next meeting in November.
misdemeanants	

Issue/Topic Review the 8 statutory tasks assigned to the CC TF

ACTION: Presentations: Gender/race/ethnicity on probation CC Services CC Capacity

Discussion

The group discussed the 8 statutory tasks assigned to the Task Force and the data needed to respond to the first 4 questions. The mandates can be found on the Commission webpage at https://ccjj.colorado.gov/ccjj-cctf2022 under "Mandates."

A) Analysis of the population convicted of misdemeanors, including crime of conviction and assessed risk by gender, age, race, and ethnicity. Glenn explained the lack of ethnicity information in the statewide court data system. Specifically, the Judicial Branch data system does not distinguish between race and ethnicity. As a result, persons of Hispanic ethnicity are typically in the White race category, and thus significantly under-counted in the Hispanic category. The Division of Criminal Justice developed a statistical model to predict whether an offender was Hispanic.

Glenn will present data on gender/race/ethnicity on probation

B) The services provided by community corrections programs that may be beneficial to persons convicted of misdemeanors;

Mark Wester and Doug Carrigan will present on community corrections programs, particularly specialized programs. They will also reach out to the Community Corrections Coalition to gather information on the services provided statewide and their repartition across the state. As discussed for their presentation, Mark and Doug will also share some preliminary findings from a report due by the Coalition at the end of the year regarding barriers to success and treatment evaluations at the point of entry of a program and exit.

Jack Reed will research peer literature regarding what works and national best practices.

 Which persons convicted of misdemeanors, based on their assessed risk, would benefit from services provided by community corrections programs;

The group will discuss "subpopulation" misdemeanants at the next meeting.

 The ability to provide services to persons convicted of misdemeanors that align with their assessed risk using existing community corrections program resources;

Katie will survey the community corrections providers to get more information about their capacity using the different definitions: staff, waitlist, budget, and physical).

Issue/Topic Next Steps & Adjourn

Richard Stroker, CCJJ Consultant & Glenn Tapia

Disciussion

The following presentations will be prepared for the next Task Force meeting in November.

- Data on gender/race/ethnicity on probation Glenn Tapia
- Community Corrections Services Mark Wester and Doug Carrigan
- National Best Practices Jack Reed
- Community Corrections capacity Katie Ruske
- The Denver experience with Probation revocation Greg Mauro [this presentation was added subsequently to the meeting].

Richard and Glenn discussed that the group the following important issues to address related to the statutory tasks:

- 1) Is there a population of misdemeanants who might be well served by being placed in Community Corrections?
 - Is the population defined by risk and those failing on probation? Is the population subject to revocation?
 - Is the population defined by need? For example, stability factors such as housing, employment, and treatment needs?
- 2) What is the capacity of Community Corrections to serve this population?
- 3) Is Community Corrections the better answer? If YES, there is a need to define a process. If the answer is NO, the group should identify other options.

Glenn thanked the group for their participation and adjourned the meeting. With no further discussion, the meeting adjourned at 11:45 am.

Next Meeting

Monday, November 5, 2022 / 10:30 am-12:00 pm

Meeting information will be emailed to members and posted at, colorado.gov/ccjj/ccjj-meetings