

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
MINUTES

March 9, 2021 / 3:00PM-4:30PM
VIRTUAL MEETING

ATTENDEES

WORKING GROUP MEMBERS

Greg Mauro, *WG Co-leader*, Denver Division of Community Corrections
Kristen Hilkey, *WG Co-leader*, Colorado State Parole Board
Joseph Archambault, Office of the State Public Defender
Valarie Finks, Crime Victim Compensation, DA Office/1st JD
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Meredith McGrath, Division of Parole, CDOC
Steve O'Dorisio, Adams County Commissioner
Amber Pedersen, Exec. Dir. Office, CDOC
Michael Rourke, District Attorney/ 19th JD
Catrina Weigel, District Attorney Office/20th JD

STAFF

Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Richard Stroker, CCJJ Consultant

ABSENT

Taj Ashaheed, Second Chance Center
Bob Gardner, State Senate
Dean Williams, CDOC

GUESTS

Chrystal Owin, DCJ/Office of Community Corrections
Katie Ruske, DCJ/Office of Community Corrections

Issue/Topic	Discussion
<p>Welcome & Introductions Co-Leader Announcement New Working Group Members <i>Richard Stroker, CCJJ Consultant</i></p>	<p>Richard Stroker, CCJJ Consultant, welcomed the Sentence Progression Working Group members. He reminded members that Dean Williams stepped down from his position as Working Group Leader and announced the appointments of Kristen Hilkey (Colorado Parole Board) and Greg Mauro (Denver Community Corrections) as Co-leaders of the Working Group.</p> <p>Additionally, Kristen Hilkey, Meredith McGrath (Parole Division, CDOC) and Taj Ashaheed (Second Chance Center) were welcomed as new Working Group members.</p>

Issue/Topic	Discussion
<p>Previous Meeting Recap <i>Richard Stroker, CCJJ Consultant</i></p>	<p>Richard recapped the last meeting and goals for the current meeting.</p> <p>At the prior meeting, the Working Group decided to focus an examination of the existing transition options for incarcerated individuals who are approaching their release dates.</p> <p>The group generally agreed that too many people return to prison after being released from prison, and that the end of a sentence should look different from the beginning of a sentence.</p> <p>The group decided to gather additional information to be better informed about the existing transition options (community corrections [comcor], parole and the Intensive Supervision Program-Inmate [ISP-I]). Today, the Working Group will hear presentations about these different systems.</p> <p>At the next Working Group meeting, members will review additional data that will be compiled and presented regarding these individuals as they move through these correctional systems. The Working Group will discuss gaps, opportunities for improvement and alternative solutions.</p>

Issue/Topic	Discussion
<p>Reentry/Transition System Presentations</p>	<p>There were three informational presentations on existing reentry/transition systems and the processes associated with each:</p> <ol style="list-style-type: none"> 1) Community Corrections Chrystal Owin (Office of Community Corrections, Div. of Criminal Justice) 2) Intensive Supervision Program - Inmate Merideth McGrath (Division of Parole, CDOC) 3) Colorado State Board of Parole Kristen Hilkey (Parole Board) <p>The highlights of these presentations follow.</p>

<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Reentry/Transition System Presentations (continued)</p> <p style="text-align: center;">Community Corrections <i>Chrystal Owin</i></p>	<p>Chrystal Owin presented an overview of Transition Referrals to Community Corrections. This presentation is posted on the CCJJ website.¹</p> <ul style="list-style-type: none"> • Community Corrections Eligibility Criteria <ul style="list-style-type: none"> + Referral timelines: For individuals with a non-violent conviction, 19 months prior to Parole Eligibility Date (PED) and placement at 16 months. For individuals with a violent conviction, referral at 9 months prior to PED, placement at 6 months. + No felony warrants/detainers. + No Class 1 COPD (Code of Penal Discipline) violation within 12 months. + Upon referral <i>denial</i>, must wait six months for re-referral. • Community Corrections Referral process <ul style="list-style-type: none"> + DOC case managers submit a community referral packet with client information. + Community Referral Unit (CRU) does a quality control review of the referral and assigns a primary jurisdiction for placement, per parole plan. <ul style="list-style-type: none"> - If homeless/no parole plan – sentencing jurisdiction. + Victim Rights Act cases – 30 day hold at CRU to allow notifications. + Most Community Corrections Boards have developed and use a structured, research-based decision-making process that includes the use of professional judgment and actuarial risk/need assessments. • FY 2020 Community Corrections Program Acceptance Rates <ul style="list-style-type: none"> + 41% of 6,911 Transition referrals statewide were approved. + 48% of 974 Condition of Parole referrals statewide were approved. • FY 2020 Community Corrections Client Risk Categories <ul style="list-style-type: none"> + 24% of clients were in the Very High Risk category + 36% of clients in High Risk + 33% of clients in Medium Risk + 7% of clients in Low Risk (Note: There has been a substantial increase of those in the High Risk category between 2017 and 2020, 26% versus 36%, respectively). <p>Following the meeting, Chrystal forwarded additional handouts, which can be found on the CCJJ website:²</p> <ul style="list-style-type: none"> - CDOC-to-Community Corrections Referral Decisions³ - FY20 Community Corrections Referral Reports by Quarter⁴
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¹ Can be found in the “Materials” section at, ccjj.colorado.gov/ccjj-srtf and the direct document link is, cdpsdocs.state.co.us/ccjj/Committees/SRTF/Materials/2021-03-09_CCJJ-SRTF-SentProgWG-Overview-ComCorTransitions.pdf

² Can be found in the “Materials” section at, ccjj.colorado.gov/ccjj-srtf.

³ Direct document link: cdpsdocs.state.co.us/ccjj/Committees/SRTF/Materials/2021-03-09_CCJJ-SRTF-SentProgWG-Data-DOC-Ref-to-ComCor.pdf

⁴ Direct document link: cdpsdocs.state.co.us/ccjj/Committees/SRTF/Materials/2021-03-09_CCJJ-SRTF-SentProgWG-FY20-ComCor-Ref-RptsByQuarter.pdf

<p style="text-align: center;">Issue/Topic</p> <p style="text-align: center;">Reentry/Transition System Presentations (continued)</p> <p style="text-align: center;">Intensive Supervision Program-Inmate (ISP-I) <i>Meredith McGrath</i></p>	<p>Meredith McGrath presented an overview of the eligibility criteria for direct referrals from a CDOC facility to the Intensive Supervision Program- Inmate (ISP-I). The presentation can be found on the CCJJ website.⁵</p> <ul style="list-style-type: none"> • ISP-I Eligibility Criteria <ul style="list-style-type: none"> + Individuals who have not yet been paroled can be placed directly on ISP-I when they meet the following criteria: <ul style="list-style-type: none"> + They are within 180 days of their parole eligibility date (PED) + They have demonstrated acceptable institutional behavior • Not eligible for referral or placement: Individuals who are more than 9 months from of PED; felony warrant/detainer/pending charges/ICE detainer/misdemeanor detainer for consecutive jail sentence/community corrections sentences; individuals sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998; individuals who have not progressed in treatment; individuals whose case has been tabled by the Parole Board pending successful program completion; individuals with prospective residence plans that are not within the geographical area of the ISP-I or community corrections board authority. • ISP-I Referral process <ul style="list-style-type: none"> + Placements must be approved by local community corrections boards and programs when a referral requests residential placement. + The CDOC case manager/community parole officer liaison reviews their caseload to identify and refer eligible individuals. This involves reviewing, at a minimum, the following information: <ul style="list-style-type: none"> a) Estimated parole eligibility date (PED) b) Classification (violent/non-violent conviction) c) Disciplinary record/COPD convictions d) Chronological records to ensure acceptable institutional behavior e) Any immigration-related queries to determine whether there is an Immigration and Customs Enforcement detainer/notification + An offender can refuse or waive the referral process. + Upon determination of eligibility, the case manager updates the community referral plan in the Case Management Tracking System (CMTS). + In addition to the CMTS referral plan submission, referral documents are e-mailed to the Community Referral Unit (CRU). + The CRU notifies, via email, the affected city and county law enforcement agencies, district attorney, and community corrections board that an individual has been referred for community corrections board review and potential placement in their community.
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⁵ Can be found in the “Materials” section at, ccjj.colorado.gov/ccjj-srtf and the direct document link is, cdpsdocs.state.co.us/ccjj/Committees/SRTF/Materials/2021-03-09_CCJJ-SRTF-SentProgWG-Overview-ISP-I.pdf

<p>Issue/Topic Reentry/Transition System Presentations (continued)</p> <p>Parole Board <i>Kristen Hilkey</i></p>	<p>Kristen Hilkey presented an overview of the Colorado Board of Parole. The full presentation can be found on the CCJJ website⁶</p> <ul style="list-style-type: none"> - Common Misconceptions <ul style="list-style-type: none"> + The Parole Board <u>is not</u> part of CDOC. + The Parole Board <u>does not</u> have direct control over the Adult Division of Parole and their supervision strategies. The Parole Board is a separate state agency; collaboration between agencies is extensive. + The Parole Board <u>does not</u> have direct control over comcor and program placement decisions. + The Parole Board <u>does not</u> approve or deny parole plans. This is the responsibility of the Division of Adult Parole. - Application hearings <ul style="list-style-type: none"> + Each parole board member has a weekly agenda of Application Hearings. + Full Board Review consists of seven parole board members who review cases with Victim Rights Act convictions, violent offenses, and any other case a parole board member wants reviewed by the Full Board. - Revocation Hearings <ul style="list-style-type: none"> + Parolees can be revoked due to new conviction, abscond, in possession of a weapon, terminated unsuccessfully from sex offender treatment, tampering or removal of an electronic monitoring device, and/or unlawful contact with victim(s). - Mandatory vs. Discretionary Parole <ul style="list-style-type: none"> + Discretionary Parole can be granted prior to one’s mandatory parole by the Parole Board. + Separate from the Parole Board, CDOC can: <ol style="list-style-type: none"> 1. Refer someone to Community Corrections 2. Place someone on ISP-P (there is a difference between ISP-Inmate and ISP-Parole) + Mandatory Parole of inmates is automatic per statute for whom the Parole Board sets parole conditions.
<p>General Discussion Of the Reentry/Transition System Presentations</p>	<p>DISCUSSION</p> <ul style="list-style-type: none"> • <i>What are the reasons for denial of applications to Community Corrections programs? Is feedback offered to applicants?</i> Chrystal will share FY 20 data on the top denial reasons. She stated that individuals receive feedback regarding the denial to ameliorate the concerns prior to any subsequent community corrections application. • <i>Are there processes in place to prevent bias in referral decision-making?</i> A structured decision-making tool is used to help decrease bias and a majority vote is required by members of community corrections boards. DCJ’s Office of Community Corrections is preparing annual training for boards on implicit (nonconscious) bias. The Community Corrections Boards

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<p>Issue/Topic Reentry/Transition System Presentations (continued)</p> <p>General Discussion</p>	<p>sometimes rely on the type of conviction offense as a factor in the application decision.</p> <ul style="list-style-type: none"> • <i>How many individuals referred by DOC and denied by a comcor board were within 12 to 15 months of their MRD? What were the denial reasons?</i> This would help the group better understand the profile of individuals denied by Community Corrections boards. <p>Prior to COVID, the average daily population (ADP) in both residential and non-residential community correction programs was about 4,000. Of those, about 1,300 individuals were in Transition programs (referred from CDOC). Today, the ADP is about 2,500 individuals in both residential and non-residential and about 1,000 individuals are in Transition programs.</p> <ul style="list-style-type: none"> • <i>How many are considered for and how many are accepted into ISP-I?</i> Since November 2018, 182 referrals (cases) were denied, 82 were accepted, and 350 cases were closed (<i>Note: These are cases (or instances of referral) and not individuals.</i>) Cases are “closed” for multiple of reasons such as: ineligible after re-review by the referral unit, lack program completion in a particular area, or people instead transitioned to parole or comcor. The numbers of referrals and acceptance are low. It is worth noting that clients have the right to refuse an ISP-I transfer and many who are close to their PED often prefer to wait for parole, rather seek placement in comcor or ISP-I. The risk of regression (return to CDOC) is higher in comcor and ISP-I. • <i>How might the group identify who is the most appropriate for each system (community corrections/transition, ISP-I or parole). Is each system or should each system be designed to serve specific members of the potential inmate population?</i> It is true that the current challenge in the utilization of these systems is that each can serve (or competes for) the same population.
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<p>Issue/Topic Public Comment</p> <p>Next Steps & Adjourn <i>Kristen Hilkey & Greg Mauro,</i> <i>Co-leaders</i></p> <p>ACTION Krsiten and Merideth will offer more information on the transition to parole</p>	<p>Discussion</p> <p>There was no public comment.</p> <p>Richard summarized the meeting discussion and identified discussion points for future meetings:</p> <ul style="list-style-type: none"> • Examine how each system addresses risks/needs to facilitate successful outcomes. • Gather more data and information about how individuals are accepted or denied at different stages in the process. • Review the types of services and supervision available in each program and which are associated with better outcomes. • Discuss possible options and/or better preparation for release for those incarcerated individuals who are not in comcor, ISP-I or parole. <p>At the next meeting, Kristen and Meredith will discuss referrals to Parole.</p> <p>The meeting adjourned at 4:30 pm.</p> <p>The next Sentence Progression Working Group meeting is: Tuesday, April 6, 2021 at 3pm-4:30pm.</p>
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