

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Progression Working Group
Minutes

June 8, 2021 / 3:00 PM - 4:30 PM
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
Steve O'Dorisio, Adams County Commissioner
Michael Rourke, District Attorney/ 19th JD
Catrina Weigel, District Attorney Office/20th JD

STAFF

Linda Harrison, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice
Richard Stroker, CCJJ Consultant

ABSENT

Taj Ashaheed, Second Chance Center
Bob Gardner, State Senate/ Senate District 12
Rick Kornfeld, Defense Attorney
Andrew Matson, Colorado CURE
Meredith McGrath, Division of Parole, CDOC
Amber Pedersen, Exec. Dir. Office, CDOC
Abigail Tucker, CCJJ Vice Chair
Dean Williams, CDOC

GUESTS

Chat Dilworth, Colorado State Parole Board
Chrystal Owin, DCJ/Office of Community Corrections

Issue/Topic	Discussion
<p>Welcome & Introductions <i>Kristen Hilkey & Greg Mauro, WG Co-leaders</i></p>	<p>Co-leaders Greg Mauro and Kristen Hilkey welcomed the Sentence Progression Working Group members and reviewed the agenda.</p>

Issue/Topic	Discussion
<p>Previous Meeting Recap</p> <p>Data Study Group update & other updates</p>	<p>At the April meeting, the Working Group heard presentations on the CDOC case management tool and process timeline to Parole referrals, parole decisions in FY19, and reviewed preliminary data analyses presented by Linda Harrison. Given the lack of time remaining at the meeting, the group decided to convene a study group to review the data gathered and possibly identify other data elements before the subsequent Working Group meeting in May. Because the data analyses were not complete in time the May meeting was canceled.</p> <p>At the April meeting, the group also discussed expanding the scope of the work to broader considerations within the topic of community transition. The following questions were discussed:</p> <ul style="list-style-type: none"> - <i>How to better prepare people for release and reentry into the community?</i> - <i>How to refine and differentiate the transition options to address the risks/needs of the incarcerated individuals who are approaching their Mandatory Release Date (MRD) and engage community-based providers to be part of the solution?</i> <p>In light of the potential expanded scope of work, CCJJ staff discussed with the CCJJ leadership, the Sentencing Reform Task Force Co-chairs and the Progression Working Group Leaders the idea of creating a Task Force within which these considerations could be more efficiently and effectively addressed. This change would provide greater flexibility in the design and structure of the work to be completed.</p> <p>This idea will be discussed at tomorrow’s Sentencing Reform Task Force meeting and, depending on that discussion, may be addressed at the Commission meeting on Friday, June 11, 2021.</p>

Issue/Topic	Discussion
<p>Presentation: Review preliminary data analysis and discussion of referral patterns <i>Linda Harrison, DCJ</i></p>	<p>Linda Harrison, Division of Criminal Justice presented a preliminary analysis of community corrections and Intensive Supervision Program-Inmate (ISP-I) referral patterns. The full presentation is posted on the CCJJ website under the section labeled, “Materials - Working Groups” at, ccjj.colorado.gov/ccjj-srtf.</p>

<p style="text-align: center;">Issue/Topic</p> <p>Presentation: Review preliminary data analysis and discussion of referral patterns <i>Linda Harrison, DCJ</i> (continued)</p>	<p>Below are the highlights of the presentation:</p> <ul style="list-style-type: none"> ➤ Sample included all inmates at or past their Parole Eligibility Date (PED) as of March 31, 2021 (N=5,305). Data includes demographic information, risk factors and treatment needs, and history of referrals to ISP-I and transition community corrections. ➤ Eligibility for referral (statutorily defined) in ISP-I: 9 months to PED, no Class I COPD within 12 months, no Class II COPD within 6 months, not in Security Threat Group (STG), and not place in Management Control Unit, no extraditable misdemeanor detainees. <ul style="list-style-type: none"> • Of the 365 individuals identified for referral, 320 were eligible for referral to ISP-I and 59% were accepted. • There was no difference in acceptance rates for those considered eligible and those considered ineligible. • Top reasons for rejections from ISP-I programs: Board rejection (57%), and other reasons (13%). ➤ Eligibility for referral in community corrections (statutorily defined): 19 months to PED for nonviolent offenders, 9 months to PED for violent offenders, no felony warrants/detainers, no class 1 COPD within 12 months, ineligibility for re-referral for 6 months if denied. <ul style="list-style-type: none"> • Of the 3,489 individuals identified for referral, 3,087 were eligible for referral to community corrections programs and 36% accepted (2,724 individuals). • There was no difference in acceptance rates for those considered eligible and those considered ineligible. • Top reasons for rejections from community corrections programs: current offense (19%), other reason (16%), board rejection (12%), lack of area ties (10%). ➤ Overall referrals to community corrections and ISP-I. Of the 4,586 individuals at or past their PED, 69% (or 3,176) had been referred to community corrections or ISP-I and 1,410 had not been referred. ➤ Of the 1,410 who had not been referred, 603 (43%) refused referral, 114 (8%) allowed the referral and the refusal status was unknown for 692 (49%). Therefore, of those who were not referred and where refusal status is known, 84% (603 of 717) refuse referral. ➤ Demographics: Hispanic (68.5%) and white (68.3%) inmates are referred less often than Black inmates (74.0%). Women (86.3%) are referred more frequently than men (76.8%). [The average age for both gender groups was 37.] <p>The pattern apparent in the following findings generally indicate that those with greater perceived need for transition services are more often referred to these structured transition settings.</p>
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<p style="text-align: center;">Issue/Topic</p> <p>Presentation: Review preliminary data analysis and discussion of referral patterns <i>Linda Harrison, DCJ</i> (continued)</p>	<ul style="list-style-type: none"> ➤ Substance use and mental health treatment needs matter: More than 70% of referred individuals had alcohol & drug treatment needs, medical needs, mental health treatment needs, and sex offender treatment and monitoring needs. The proportion of those referred is higher with increasing substance use treatment needs. As medical needs increase, the proportion referred decreases. Those with low to moderate mental health needs are referred more often than those with no needs or very high needs. Those with current sexual assault convictions are less often referred than those with past or alleged histories of sex assault. ➤ Risk levels do seem to matter: Those with moderate risk assessment scores are referred less often than those with low or high scores. Those with minimum or maximum scored custody levels were referred more often, while those with medium custody level assessment scores were referred less. Those with no gang involvement (past or current) were referred less often. ➤ History matters: Those previously regressed from either community corrections, ISP-I or parole were referred more often. Additionally, those with an escape or abscond history are referred more often. ➤ VRA/Violent offenses and Felony level: Those with VRA convictions and overall violent conviction crimes are referred more often. Those with lower-level felonies are referred less often. ➤ Crime types and sentence length: Those with property or drug conviction crimes are less often referred. ➤ Sentence length and time served: Governing sentences for those not referred appear to be longer than for those referred. Those referred have served much more of their sentence than those not referred. Those with shorter sentences as well as those with very long sentences are referred less often. <p>In summary:</p> <ul style="list-style-type: none"> ➤ The cohort includes individuals serving a sentence at CDOC at their PED or approaching their PED. ➤ Approximately 69% of individuals at or past their PED have been referred at least one time to COMCOR or ISP-I. Each individual averaged 2.5 referrals. ➤ The referrals to ISP-I are relatively few in number (365 referrals). More than 59% of these were accepted. ➤ Many of those who were not referred had refused to be referred. <p>DISCUSSION</p> <ul style="list-style-type: none"> • <i>Why are so many risks/needs assessments conducted throughout one's incarceration? Is there overlap of information? Is the information shared?</i> • <i>How is gang involvement determined? Is gang involvement self-reported? A variety of sources are used by CDOC case managers to gather this</i>
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<p>Issue/Topic Presentation: Review preliminary data analysis and discussion of referral patterns <i>Linda Harrison, DCJ</i> (continued)</p> <p>ACTION: Chrystal Owin will forward information on FY 2020 community corrections referrals</p> <p>Linda Harrison will gather recidivism information on non-referred vs. referred individuals</p>	<p>information, including information gathered during intake and behavior in the institution, as well as self-reports.</p> <ul style="list-style-type: none"> • <i>Can the efficiency of the application process be improved?</i> Inmates can only apply to either community corrections or ISP-I but not to both programs at the same time. • <i>Why are so few individuals referred and accepted into ISP-I?</i> The data presented today only includes direct referrals from DOC to ISP-I but not the referrals from community corrections to ISP-I. • The acceptance and denial rates in community corrections programs vary across judicial districts. It is important to enhance the consistency across jurisdictions to promote fairness and equity. • Chrystal Owin from DCJ will provide FY 2020 community corrections referrals information by community boards and judicial districts. Note, the data will not be limited to those approaching the PED. • What is the recidivism rate for individuals who were NOT referred and were released at their Mandatory Release Date (MRD) compared with those who were referred to community corrections? who were referred to ISP-I? <p>Linda Harrison will continue to compile and report data, where possible, at future meetings to assist with ongoing questions.</p>
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<p>Issue/Topic Next Steps & Adjourn Kristen Hilkey</p>	<p style="text-align: center;">Discussion</p> <p>Kristen Hilkey noted the absence of all DOC representatives at today’s meeting and suggested that DOC representation should be ensured at future meetings.</p> <p>Richard suggested that the group review the information presented by Linda Harrison and Chrystal Owin before the next meeting and proposed the following points for continued discussion:</p> <ul style="list-style-type: none"> • Define how each transition program addresses risks/needs to facilitate successful outcomes. • 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 Comcorr, ISP-I or on parole. • Review the referral process to include the use of risks/needs factors. • Define the possible characteristics or the profile of individuals appropriate for each transition program. <p>The next Sentence Progression Working Group meeting is on July 6 at 3pm-4:30pm. Details of the meeting will be forwarded to the group and posted on the CCJJ calendar (ccjj.colorado.gov/ccjj-calendar)</p> <p>The meeting adjourned at 4:30 pm.</p>
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