

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation Working Group
MINUTES

March 4, 2022 / 9:00AM-11:30AM
Virtual Meeting

ATTENDEES:

WORKING GROUP MEMBERS

Glenn Tapia, *Working Group Leader*, Director, Probation Services/ Judicial Branch
Chris Gallo, Chief Deputy District Attorney/ 18th Judicial District (JD)
Kristin Heath, Assistant Director, Jefferson County Justice Services
Kazi Houston, Rocky Mountain Victim Law Center
Heather McClure, Adams County Division of Community Safety and Well-Being
Clay McKisson, Judge/ 3rd JD
Jenifer Morgen, Chief Probation Officer/ 17th JD
Greg Otte, Deputy Chief Parole Officer/ 8th JD
Megan Ring, Office of the State Public Defender
Elaina Shively, District Attorney's Office/ 20th JD
Abigail Tucker, (CCJJ Vice-Chair) Psychologist/ Mental health services provider and consultant

STAFF

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

ABSENT

Matthew James, Denver District Attorney's Office/2nd JD

GUESTS

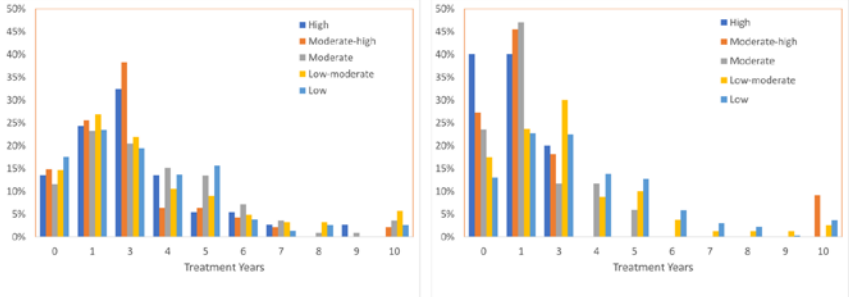
[Presenter] Erin Austin, Division of Criminal Justice, Sex Offender Management Board (SOMB),
[Presenter] Yuanting Zhang, Division of Criminal Justice, Sex Offender Management Board (SOMB)
[Presenter] Chris Lobanov-Rostovsky, Division of Criminal Justice, Sex Offender Management Board (SOMB)
Jessica Dotter, Colorado District Attorneys' Council
Kristin Kubacki, Probation Division
Dana Wilks, State Court Administrators Office

Issue/Topic	Discussion
<p>Welcome & Agenda <i>Glenn Tapia,</i> <i>Working Group Leader</i></p>	<p>Glenn Tapia, Working Group Leader, welcomed Working Group members and guests to the meeting. Glenn thanked Erin Austin, Yuanting Zhang, and Chris Lobanov-Rostovsky with the Division of Criminal Justice, Sex Offender Management Board for presenting today.</p> <p>Glenn offered a quick overview of the meeting agenda and a legislative update.</p>

Issue/Topic	Discussion
<p>Legislative Update <i>Glenn Tapia,</i> <i>Working Group Leader</i></p>	<p><u>Legislative Update:</u> <i>Elements of Recommendation FY22-SR#05: Implement Individualized Behavioral Responses to Probation Violations</i> are included in <i>House Bill 2022-1257: FY22 CCJJ Recs.</i> The bill makes changes to the arrest powers of probation officers and requires the Judicial Department to create a system of individualized behavioral responses. A bill amendment was recently introduced to add an implementation date “Before July 1, 2023” in <i>C.R.S. 16-11-205. Arrest of Probationer – Revocation.</i> The CCJJ Legislative Subcommittee convened on March 1 and determined that the amendment was consistent with <i>FY22-SR #05. Implement Individualized Behavioral Responses to Probation Violations.</i></p>

Issue/Topic	Discussion
<p>Presentation: Evidence of “Risk-Need-Responsivity” Based Treatment – Sex Offender Management Board Database <i>Yuanting Zhang</i> <i>DCJ/SOMB</i></p>	<p>Yuanting presented data in a powerpoint presentation titled, “Evidence of ‘Risk-Need-Responsivity’ Based Treatment.” The full presentation can be found on the Commission website at ccjj.colorado.gov/ccjj-srtf. Below are some highlights of the presentation:</p> <ul style="list-style-type: none"> • House Bill 16-1345 requires the Sex Offender Management Board (SOMB) to collect data from evaluators, treatment providers, and polygraph examiners who provide services to adults convicted and juveniles adjudicated for a sex offense. • Each provider is required to submit service information about the treatment of each client at the time of service completion of each client, regardless of the outcome of each service. • The SOMB Provider Data Management System collects and uses administrative data at an aggregate level to monitor how well the SOMB standards are implemented. <p><u>Overall Analysis Goals:</u> The goal of phase I analysis – offer a summary of the services provided by approved providers and determine whether the services accomplish the following:</p> <ul style="list-style-type: none"> • Adhere to standards and guidelines • Are being implemented as required by the standards and guidelines • Are consistent with RNR principles, and are being individualized based on a client’s risk and need levels.

<p>Issue/Topic Presentation: Evidence of “Risk-Need-Responsivity” Based Treatment – Sex Offender Management Board Database <i>Yuanting Zhang</i> <i>DCJ/SOMB</i></p>	<p>Yuanting reviewed the SOISP discharge outcome categories:</p> <ul style="list-style-type: none"> • Therapeutic Transfer 1% • Administrative 2% • Successful Completion 36% • Unsuccessful-Non-Compliance 38% • Medical 3% • Lack of Progress or Non-Amenable to treatment 2% • Incompetency 1% • Administrative Transfer 13% <p>Chris defined the category of a non-sex crime with a history of a sex crime – as an individual who has a current conviction of a non-sex crime but has a past conviction/adjudication of a sex crime.</p> <p>Slide Highlights: SOISP treatment from beginning overall risk level by risk level:</p> <h3 style="text-align: center;">EVIDENCE OF RISK-BASED TREATMENT</h3> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Beginning Overall Risk Levels</th> <th>Individualized treatment plan</th> <th>Modified assignments</th> <th>Increased resources</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">High</td> <td style="text-align: center;">97%</td> <td style="text-align: center;">58%</td> <td style="text-align: center;">50%</td> </tr> <tr> <td style="text-align: center;">Moderate-high</td> <td style="text-align: center;">100%</td> <td style="text-align: center;">54%</td> <td style="text-align: center;">44%</td> </tr> <tr> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">100%</td> <td style="text-align: center;">49%</td> <td style="text-align: center;">33%</td> </tr> <tr> <td style="text-align: center;">Low-moderate</td> <td style="text-align: center;">98%</td> <td style="text-align: center;">48%</td> <td style="text-align: center;">29%</td> </tr> <tr> <td style="text-align: center;">Low</td> <td style="text-align: center;">99%</td> <td style="text-align: center;">43%</td> <td style="text-align: center;">26%</td> </tr> </tbody> </table> <p>Years in Treatment by Crime Type:</p> <h3 style="text-align: center;">YEARS IN TREATMENT BY CRIME TYPE</h3>	Beginning Overall Risk Levels	Individualized treatment plan	Modified assignments	Increased resources	High	97%	58%	50%	Moderate-high	100%	54%	44%	Moderate	100%	49%	33%	Low-moderate	98%	48%	29%	Low	99%	43%	26%
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<p>Issue/Topic Presentation: Evidence of “Risk-Need-Responsivity” Based Treatment – Sex Offender Management Board Database Yuanting Zhang DCJ/SOMB</p>	<p><u>A comparison of years in treatment by risk levels:</u></p> <p>YEARS IN TREATMENT BY OVERALL RISK LEVELS (SUCCESSFULLY DISCHARGED CLIENTS ONLY)</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="589 331 990 380" style="background-color: black; color: white; padding: 2px;">Beginning</div> <div data-bbox="1024 331 1425 380" style="background-color: black; color: white; padding: 2px;">End</div> </div>  <p>YZ comments: Beginning & End Overall Risk Levels by Actual Time Spent in Treatment (there is no projected time here, I was just doing some simple cross-tabulations; which may or may not make sense)</p> <p>Chris mentioned that, in the initial placement, there are three categories:</p> <ul style="list-style-type: none"> • Individuals who are low-risk (with the possibility of over-supervision) • Individuals who are low-risk initially and, over the course of three years, their risk escalates – supervision is adjusted to manage the risk • Higher-risk individuals in a lower-risk category that are still being determined by assessments to show actual low level of risk.
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<p>Issue/Topic Discussion of SOISP & Stakeholder Feedback All</p>	<p style="text-align: center;">Discussion</p> <p>Kazi asked if there were data on outcomes of successful completion versus unsuccessful. Chris acknowledged that 40% were successful, 40% unsuccessful, and 20% were in an administrative category (transfer or medical). Kazi shared stakeholders’ concerns regarding the reliability of risk assessment tools (70% accuracy rate).</p> <p>Jessica also echoed Kazi’s concerns about the accuracy rate of the assessment tool and that the assessments are not valid for all populations. Kristin and Abigail expressed concerns about over supervision of low-risk individuals and the under-supervision of high-risk individuals. Kristin believed that individuals should start a higher level of supervision until more assessments determine their accurate risks.</p> <p>In response to a question about the polygraph, Erin explained that the polygraph is conducted when an individual receives his/her initial treatment and ninety days after. The sexual history disclosure takes a long time (sometimes up to a year) since it is very lengthy and detailed.</p> <p>During the ten-minute break, Glenn asked the group to think about the following questions:</p> <ol style="list-style-type: none"> 1. Do we have the right data? 2. Do we have stakeholder support to advance this topic?
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<p>Issue/Topic Discussion of SOISP & Stakeholder Feedback <i>All</i> (continued)</p>	<p>Glenn shared the same concern regarding the over-supervision of low-risk offenders that are on SOISP. This could create negative outcomes resulting in higher revocation rates. After the presentation from DCJ, he understands that treatment providers rely on risk assessments more than the crime committed to refer people to treatment. Glenn suggested that there might be not enough support to continue reviewing SOISP.</p> <p>Glenn asked for members’ feedback on continuing with SOISP. After a lengthy discussion, WG members agreed that the over-supervision of low-risk sex offenders in the SOISP program is a concern. <u>However, members did not reach a consensus on a strategy to develop a proposal to reform the statutory structure of the SOISP laws and tabled the issue.</u></p>
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<p>Issue/Topic Next Steps & Adjourn <i>Glenn Tapia,</i> <i>Working Group Leader</i></p> <p>ACTION ITEM: WG will identify priorities for the next areas of study regarding over-supervision and probation practices</p> <p>ACTION ITEM: DCJ to send out The Scope of Work and Specific Study Areas from Stakeholders’</p>	<p style="text-align: center;">Discussion</p> <p>The Sentencing Alternatives/Decisions & Probation WG will pivot to examine the areas of over-supervision for the general probation population this spring and summer and identify opportunities for recommendations to submit to the Sentencing Reform Task Force.</p> <p>DCJ staff will send an email to members with documents Glenn request that group members review:</p> <ul style="list-style-type: none"> - The Scope of Work from the Commission and Sentence Reform Task Force, and - Areas of Study/Stakeholders’ feedback. <p>With no other comments, Glenn thanked members and guests for their contributions.</p> <p>Next meeting, Friday, April 1, 2022, from 9:00 a.m. to 11:30 a.m.</p>
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