

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentencing Alternatives/Decisions & Probation Working Group
MINUTES

February 3, 2023 / 9:00AM-11:30AM
Virtual Meeting

ATTENDEES:

WORKING GROUP MEMBERS

Glenn Tapia, *Working Group Leader*, Director, Probation Services/ Judicial Branch
Clay McKisson, Judge/ 3rd JD
Jenifer Morgen, Chief Probation Officer/ 17th JD
Greg Otte, Deputy Chief Parole Officer/ 8th JD
Thea Reiff, 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
Stephané Waisanen, WG staff, Division of Criminal Justice
Jack Reed, Research Director, Division of Criminal Justice
Laurence Lucero, SRTF staff, Division of Criminal Justice

ABSENT

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
Matthew James, Denver District Attorney's Office/2nd JD
Elaina Shively, District Attorney's Office/ 20th JD

Issue/Topic	Discussion
<p>Welcome & Agenda <i>Glenn Tapia, Working Group Leader</i></p>	<p>Glenn Tapia, Working Group Leader, welcomed members and stated that the meeting objective was to gather information from the “Justice Involved Women” presentation and to analyze gender disparities in probation. At subsequent meetings, this disparity review will focus on race and ethnicity.</p>

Issue/Topic	Discussion
<p>Background of Gender Disparity Report for SRTF Review <i>Glenn Tapia, Working Group leader</i></p>	<p>Glenn provided a brief background on the 2020 Biennial Letter* from Governor Polis that charged the Commission to review race/ethnic disparities in the criminal justice system.</p> <p>Glenn explained that the Division of Probation Services (DPS) conducted an analysis of gender disparity analysis for individuals on probation and reported at a SMART Act hearing. The report provides information on the declining success rates for women on probation and highlights of the findings were offered to the Working Group.</p> <p>* The Gov. Polis Biennial Letter is available on the CCJJ website “Mandates” page at ccjj.colorado.gov/ccjj-mandates.</p>

Issue/Topic	Discussion
<p>Presentation: “Justice Involved Women” <i>Sasha Cafaro</i> <i>Division of Probation Services</i></p>	<p>Sasha Cafaro with the Division of Probation Services presented a PowerPoint titled, “Justice-Involved Women.” The presentation can be found on the Commission website on the Sentencing Reform Task Force page under the “Materials - Working Groups” tab at ccjj.colorado.gov/ccjj-srtf and is appended below.</p> <p>Over a five-year period between 2014-2018, justice-involved women on probation evidenced increased complexity in criminogenic needs as well as in complexities around stability factors. Women were sentenced to community supervision and prison at higher rates than in the past. Also, during that period, their success rates were declining. The analysis included a review of the unique factors that affect justice-involved women.</p> <p>2014-2018 data findings:</p> <ul style="list-style-type: none"> • Fewer women (27%) were sentenced to probation supervision than men (73%). • The number of women on probation increased by 26%. • Success rates have declined more rapidly for women than men. <ul style="list-style-type: none"> ▪ Women 13%, men 8%. <p>Representation of women in probation supervision services/programs: <u>Over-represented in:</u></p> <ul style="list-style-type: none"> • 37% of mental health caseloads • 33% of maximum supervision • 30% of medium supervision

<p style="text-align: center;">Issue/Topic Presentation: “Justice Involved Women” Sasha Cafaro Division of Probation Services (continued)</p>	<p><u>Under-represented in:</u></p> <ul style="list-style-type: none"> • 20% of domestic violence programs, • 3% of sex offender programs. <p><u>Typologies: 2014 through 2018</u></p> <p>The DPS has developed Colorado-specific typologies to apply risk-needs responsivity principles to probation supervision and to provide research-informed supervision strategies for individuals. Below are five different types of typologies:</p> <ul style="list-style-type: none"> • Limit Setter (Intensive supervision program) <ul style="list-style-type: none"> ▪ Women underrepresented ▪ 15% of this category are women ▪ Women assessed into intensive supervision had higher risk factors than men • Casework Control <ul style="list-style-type: none"> ▪ Women are overrepresented in this category (62%) ▪ 50% of this category are women ▪ 42% of the women who are in intensive supervision programs are identified with the following: <ul style="list-style-type: none"> ○ High treatment needs ○ High level of instability ○ Substance use ○ Mental health needs ▪ More than half of women are in treatment • Case Management <ul style="list-style-type: none"> ▪ Women and men are nearly identical in risks and needs • Selective Intervention <ul style="list-style-type: none"> ▪ Treatment: Women have higher treatment needs than men, ▪ Situational: This supervision type that mirrors the overall probation population <p>2022 Data Update - women on probation supervision:</p> <ul style="list-style-type: none"> • Fewer women were sentenced to probation than men (25% to 75%). • A nine-year comparison shows successful termination rates continue to decline. <ul style="list-style-type: none"> ▪ During the 2014-2018 timeframe, justice-involved women declined more rapidly than justice-involved men. ▪ The gap between women and men narrowed in 2018. ▪ In 2020, there was an increase in successful supervision rates for both men and women (possibly due to the pandemic) . ▪ After 2020, success rates declined by 8% for women; 7% for men.
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<p>Issue/Topic</p>	<p>Discussion</p>
<p>Discussion: Gender Disparities in Probation <i>All</i></p>	<p>Glenn engaged Jenifer Morgen and Greg Otte to discuss their respective districts' efforts that contributed to the successful outcomes of women on probation.</p>
<p>Issue/Topic Discussion: Gender Disparities in Probation <i>All</i> (continued)</p>	<p>Jenifer shared the 17th Judicial District (JD) Probation Department offered their probation officers specialized training on gender-specific concerns and the effects of trauma. She added that the training incorporates peer support, relationship-building exercises, accommodating family needs for probation meetings, and sober living guidance for women. In addition, the probation officers work with treatment providers accustomed to working with the female population. Overall, the 17th JD Probation Department has had successful outcomes for the female population on probation.</p> <p>Greg Otte explained that the 8th JD Probation Department is similar to the 17th JD and provides specialized training for probation officers. Most of the Probation officers assigned to female caseloads have experience working in women's shelters, safe houses, the Department of Human Services (DHS), and probation services.</p> <p>Judge Clay McKisson asked Sasha about the number of women sentenced to probation in 2014-2018 and if the increase corresponds to a decrease in women sentenced directly to community corrections or prison. Previously, were women sentenced to incarceration instead of probation? Glenn responded that the data suggested a disproportionate number of female intakes in prison may be due to revocations from probation, given that success rates for women were declining faster than men. Unfortunately, the evidence that revocations contributed to a decline in successful outcomes could not be validated.</p> <p>Glenn expressed that the decline in success rates may be attributed to a significant reduction in community corrections beds resulting from the closure of female facilities in Denver and surrounding areas.</p> <p>Glenn asked the group whether they had questions for Heather McClure based on her lived experience (she was unable to attend the meetings):</p> <ul style="list-style-type: none"> • How many probation officers did you report to during your probation supervision? • Were there any different approaches used by probation officers that were useful and offered a successful outcome for you? • Where do you see opportunities to reduce sentences for women probationers and increase the overall quality of the supervision? • Would increasing gender-specific treatment, evening hours, child care arrangements, and offering one place to go for treatment be helpful to successful outcomes? • Are there any issues or concerns missing from the presentation and discussion of gender disparities?

<p style="text-align: center;">Issue/Topic Discussion: Gender Disparities in Probation <i>All</i> (continued)</p> <p style="text-align: center;">ACTION Jenifer and Greg to survey Chief Probation Officers regarding best practices for women on probation</p>	<p>Richard suggested ideas for recommendations. The group focused on four areas to improve successful outcomes for the female population:</p> <ul style="list-style-type: none"> • Training - specific gender training, judicial districts sharing best practices for probation officers who are managing this female population, • Collaboration on assessment tools/additional assessments used to evaluate and understand the risk and needs of this population, • What are the allocated resources available in managing this population? Smaller caseloads, flexible hours, dealing with probation officers’ fatigue, transportation issues, creating probation services more accessible? • Probation officers are trained in response options to anticipate the needs of individuals. <p>Glenn asked Jenifer and Greg whether they would survey their Judicial District Chief Probation Officers regarding opportunities they believe would contribute to successful outcomes for this population. Jenifer and Greg will provide feedback at the next meeting.</p>
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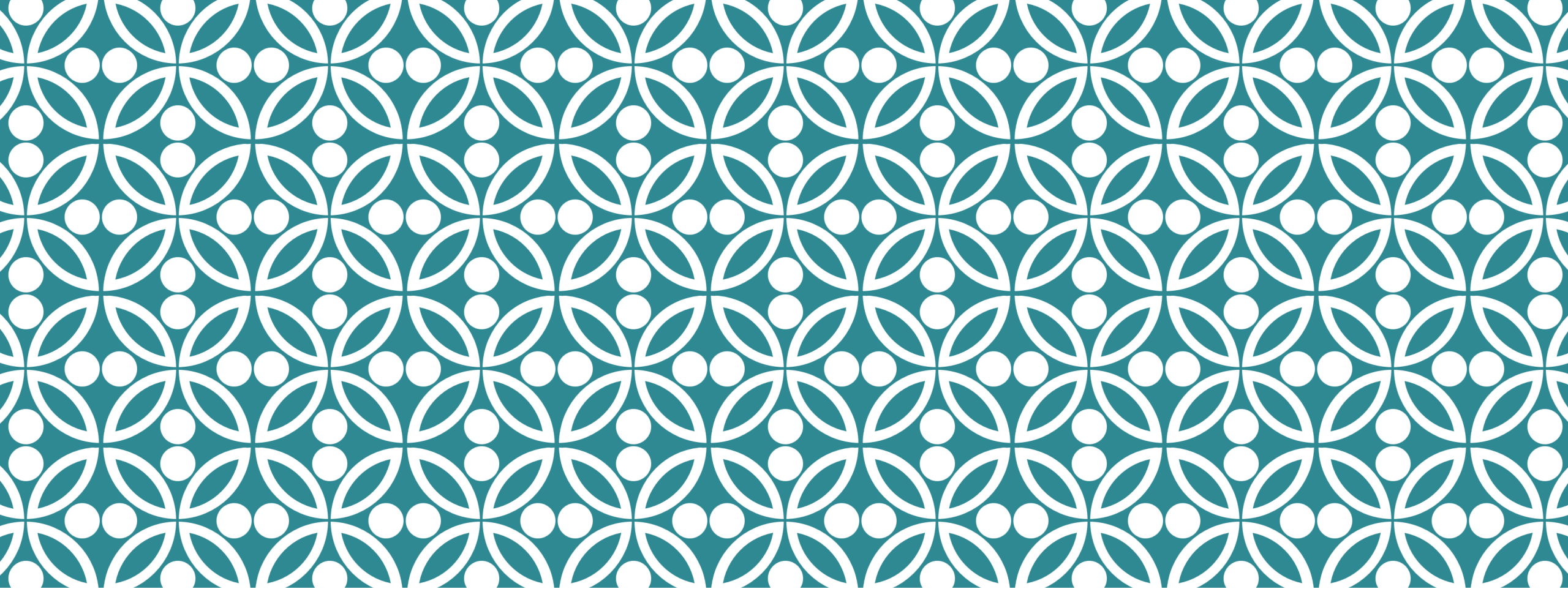
<p style="text-align: center;">Issue/Topic Next Steps & Adjourn</p> <p style="text-align: center;">ACTION See summary at right</p>	<p style="text-align: center;">Discussion</p> <p>Glenn asked the Division of Criminal Justice staff to post the video of the meeting and the presentation <i>[appended below]</i> on the Commission website for the absent members.</p> <p>Glenn reviewed the next meeting’s agenda:</p> <ul style="list-style-type: none"> • Heather to respond to questions from today’s meeting, • Jenifer and Greg to provide feedback from chief probation officers in the 17th and 8th JD on their suggestions/needs for this population, • Division of Probation Services to present data on race/ethnicity disparities. <p>Glenn thanked Sasha for her presentation. He asked if there were any questions, and with none, he thanked members and adjourned the meeting.</p>
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Next Meeting

Wednesday, March 3, 2023 / 9:00-11:30am

Details of the next meeting will be forwarded to the group and posted on the CCJJ web and calendar (ccjj.colorado.gov/ccjj-meetings & ccjj.colorado.gov/ccjj-calendar).

[NOTE: The March 3 meeting was subsequently canceled. The next meeting is scheduled April 7, 2023.]



JUSTICE INVOLVED WOMEN

Sasha Cafaro, Analyst/Division of Probation Services (DPS)

Russha Knauer, Analyst/DPS

Michelle Staley, Coordinator, Correctional Treatment Brd./ DPS

Kerry Krause, Education Specialist/ DPS

Presented to the Sentencing Alternatives, Decision & Probation Working Group 2/3/2023
Of the Sentencing Reform Task Force/ Colorado Commission on Criminal and Juvenile Justice



LITERATURE REVIEW



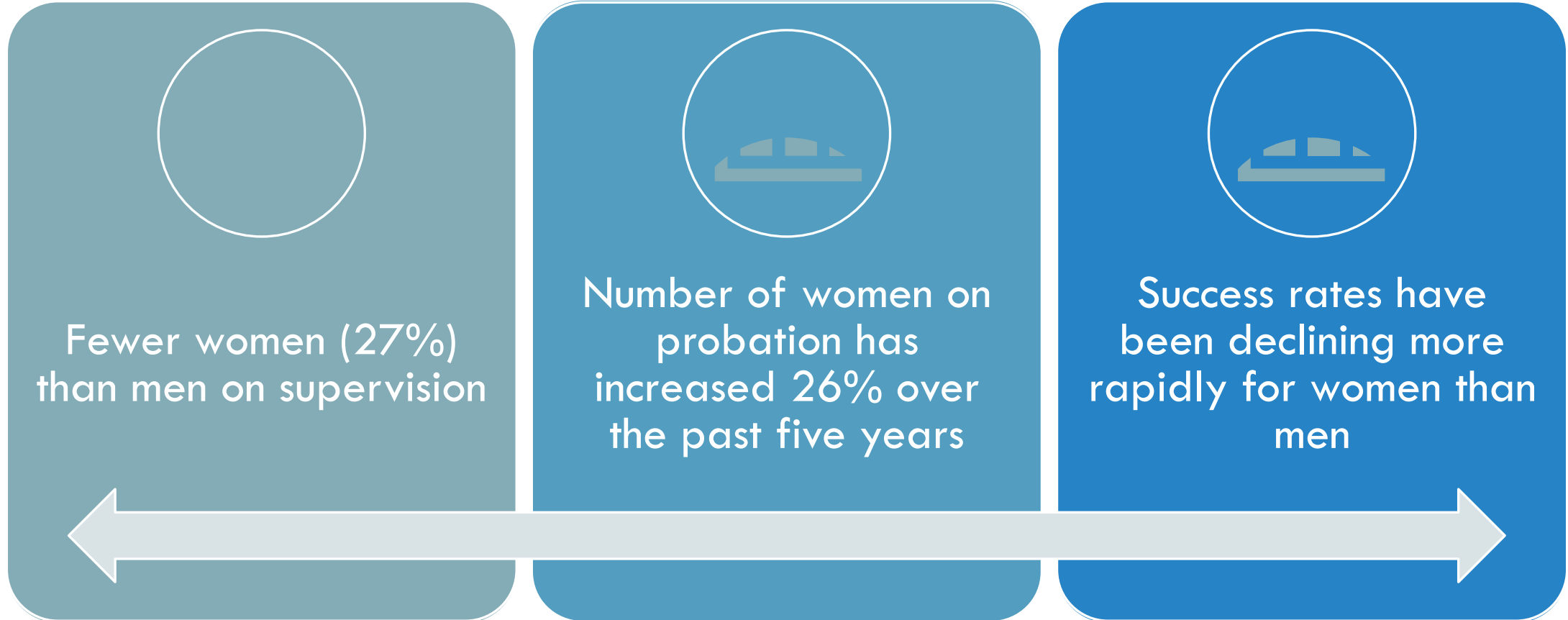
STAKEHOLDER
INTERVIEWS



FOCUS GROUP

RESEARCH

DATA: 2014 THROUGH 2018



DATA: 2014 THROUGH 2018

Overrepresented

37% of mental health caseloads

33% of maximum supervision

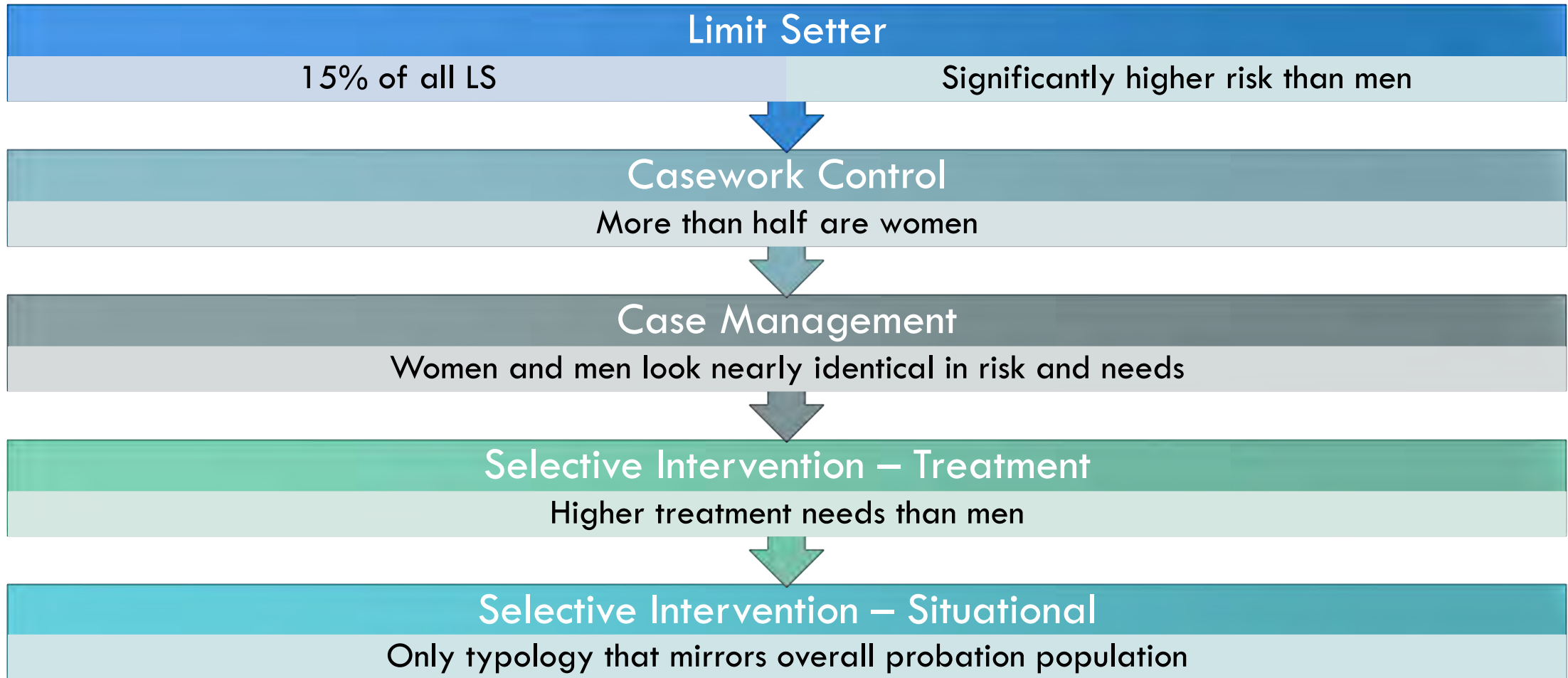
30% of medium supervision

Underrepresented

20% of domestic violence programs

3% of sex offender programs

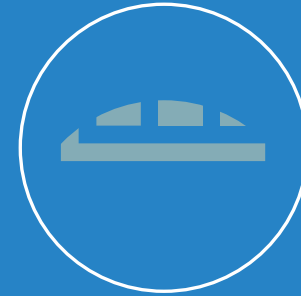
TYPOLOGIES: 2014 THROUGH 2018



DATA: 2022



Continue to be fewer women than men sentenced to probation

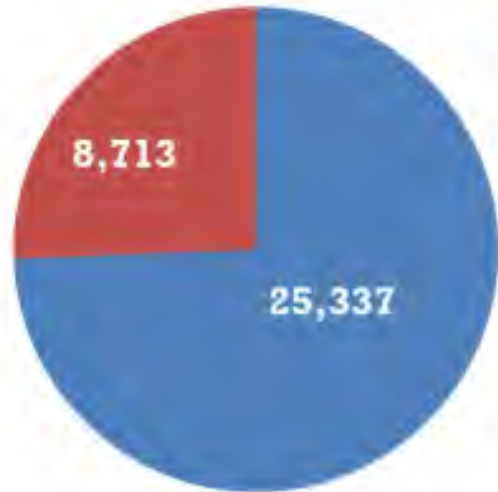


Success rates increased between 2019 and 2020, but decreased in 2021 and 2022

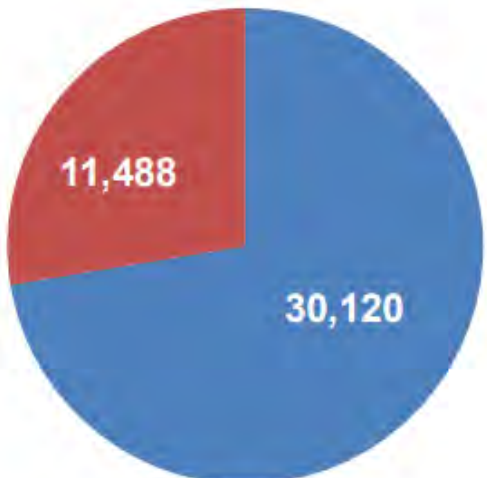


NEW ADULT PROBATIONERS BY GENDER

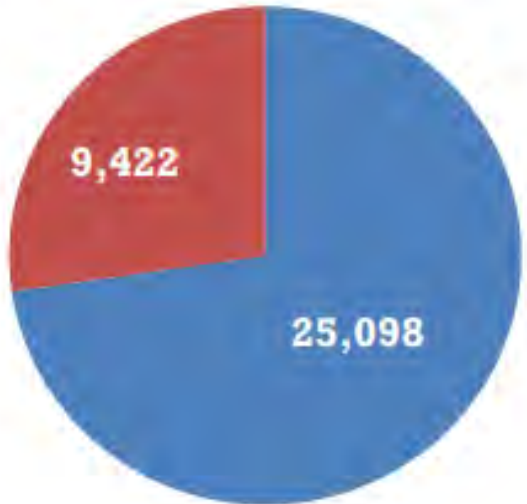
FISCAL YEAR 2013 NEW



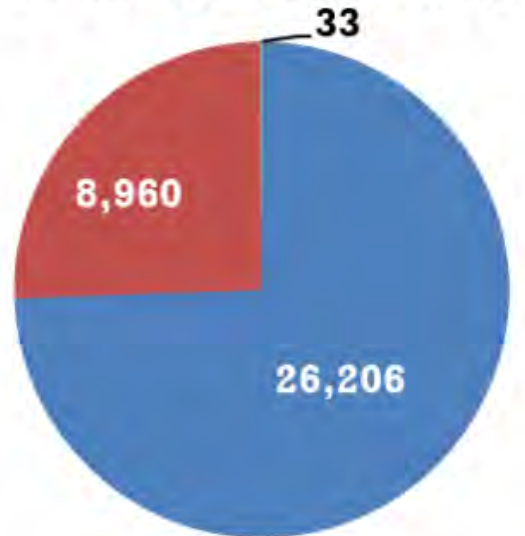
FISCAL YEAR 2019 NEW



FISCAL YEAR 2020 NEW



FISCAL YEAR 2022 NEW



■ Male ■ Female ■ Unknown

*Colorado Judicial Branch Annual Statistical Report – Fiscal Year 2019, 2020 and 2022



Employment / Education
Housing
Intimate Relationships
Mental Health
Parental Responsibilities
Self-Esteem / Self-Efficacy
Substance Abuse
Transportation
Traumatic Brain Injury
Victimization / Trauma
Intersectional Identities

THEMES

EMPLOYMENT / EDUCATION

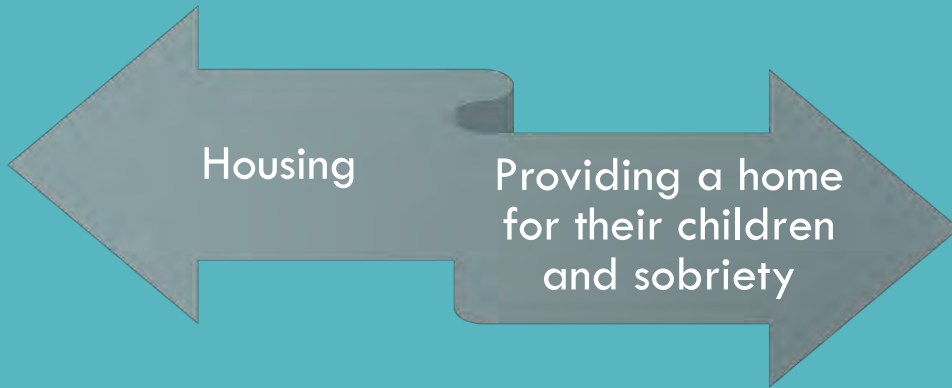
What the literature says:

- Under-educated, under-employed
- Lower wage, entry level, low skilled jobs

What we heard:

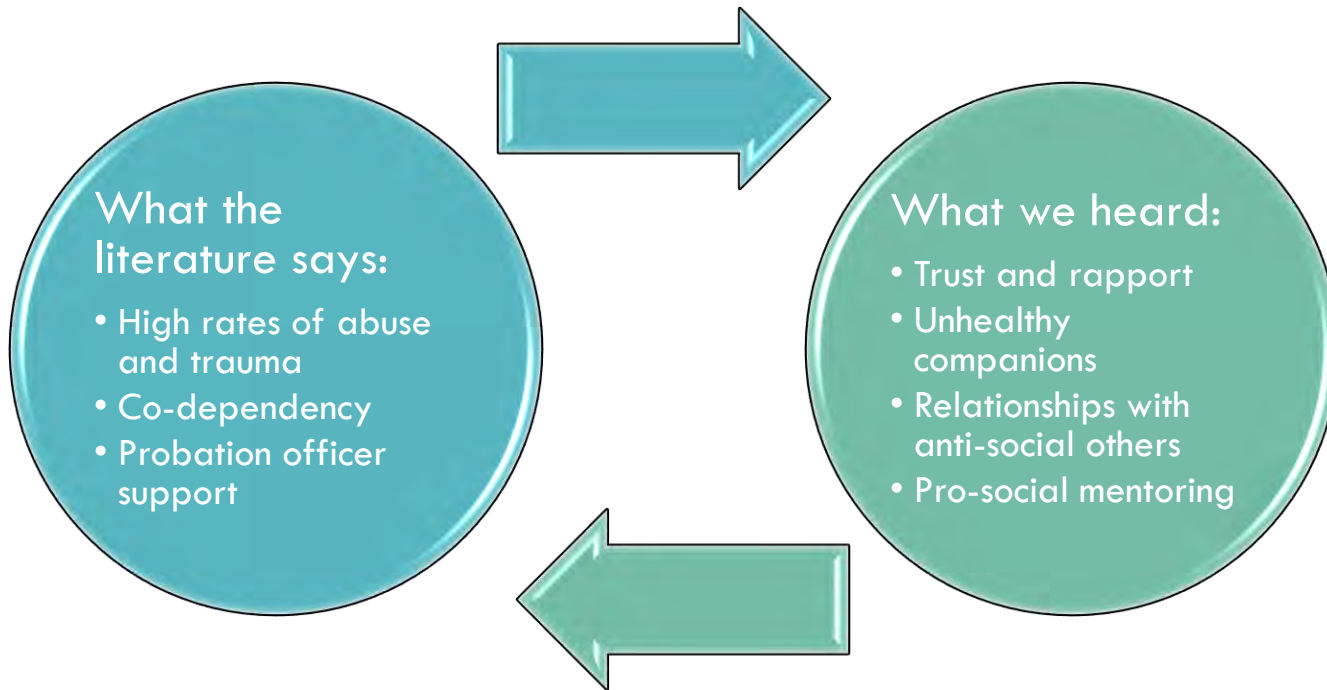
- Employment = independence
- Low paying jobs
 - Difficult to pay for childcare, housing, insurance
 - Make too much to qualify for assistance, e.g. Medicaid, food stamps

HOUSING



Women need access to affordable housing that will allow them to engage in treatment services in safe communities with access to healthy recreation and career opportunities

INTIMATE RELATIONSHIPS



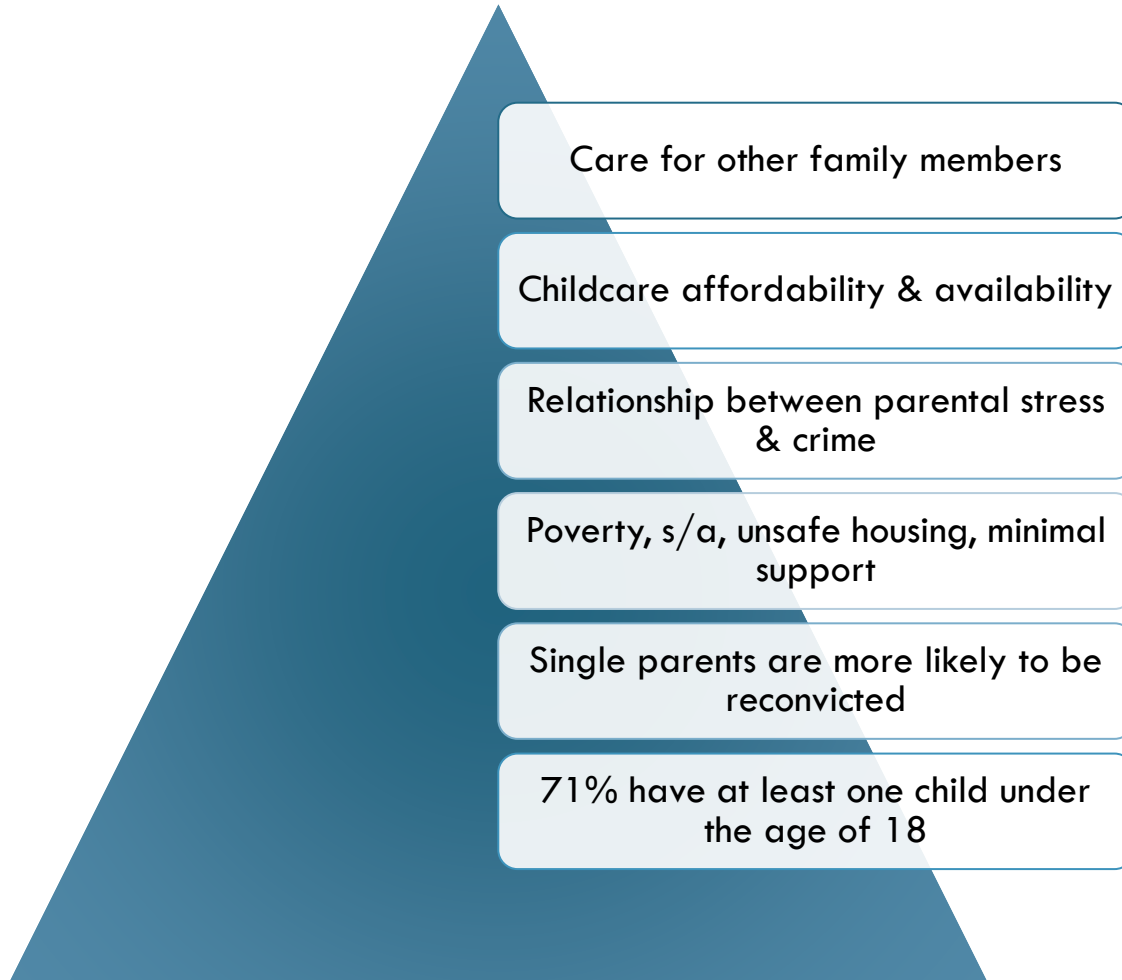
MENTAL HEALTH



Depression, Anxiety, Self-harm,
Co-occurring dx, PTSD

Recidivism contributions: stress,
depression, fearfulness, suicidality

PARENTAL RESPONSIBILITIES





SELF-ESTEEM / SELF-EFFICACY

"Probation Working Group"

Justice-Involved Women

Sentencing Reform Task Force/Colorado Commission on Criminal and Juvenile Justice

Creates pathways out
criminal behavior

Helps with desistance

Justice system involvement
paired with parental rights
determination

Justice involved women
experience a lot of:

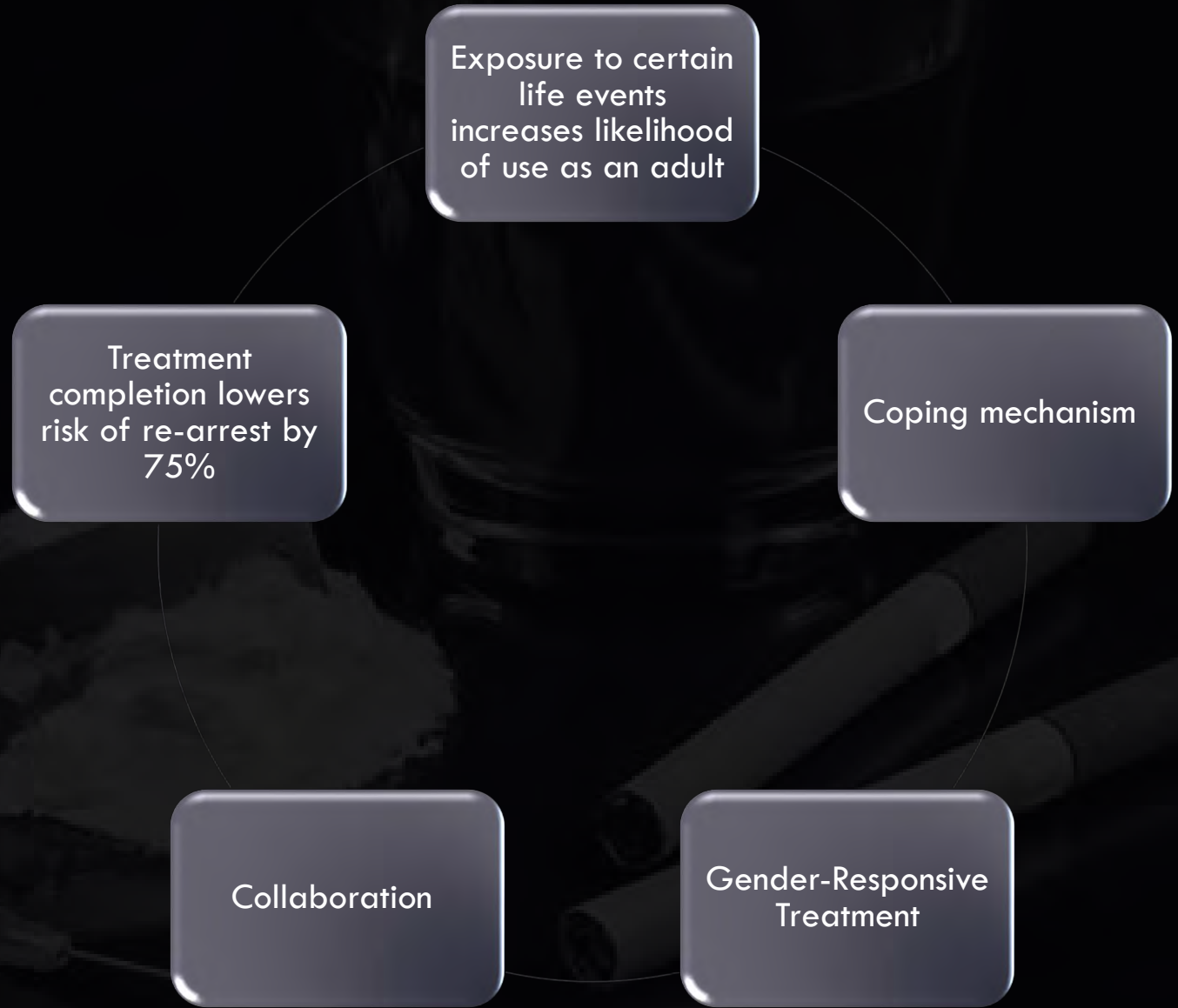
Shame

Labeling

Stigma

2/3/2023

SUBSTANCE ABUSE





TRANSPORTATION

"Probation Working Group"

Justice-Involved Women

Sentencing Reform Task Force/Colorado Commission on Criminal and Juvenile Justice

Transportation is a barrier to success

Importance of car ownership, especially for care givers

Independence from anti-social others

2/3/2023

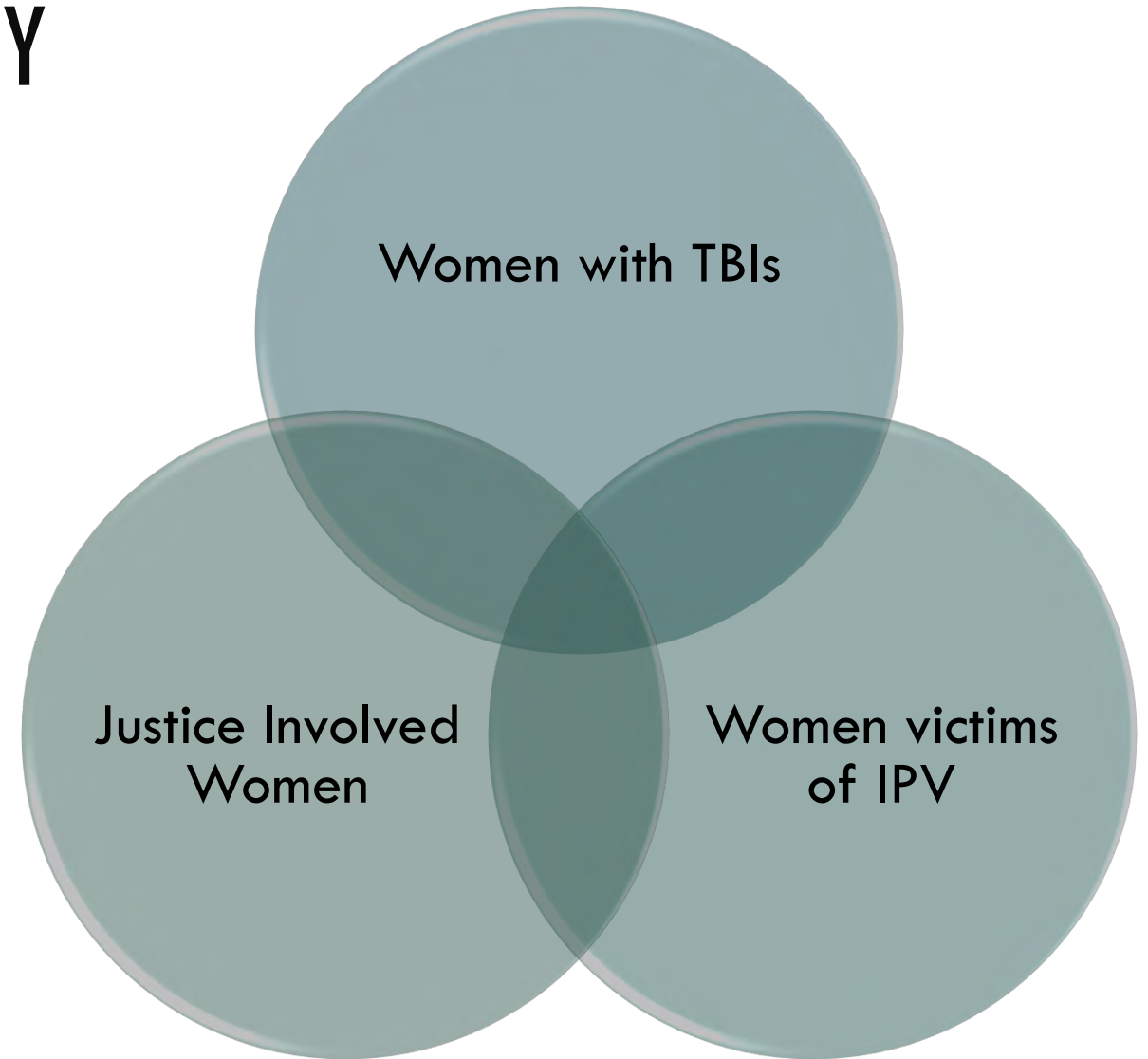
TRAUMATIC BRAIN INJURY

Women in justice systems are more likely to have TBIs

Injuries occur in violent circumstances

Long term impacts

One Colorado site: 97% of women had TBIs



VICTIMIZATION / TRAUMA

Justice Involved Women

- Histories of abuse

- Co-occurring disorders associated with likelihood of trauma

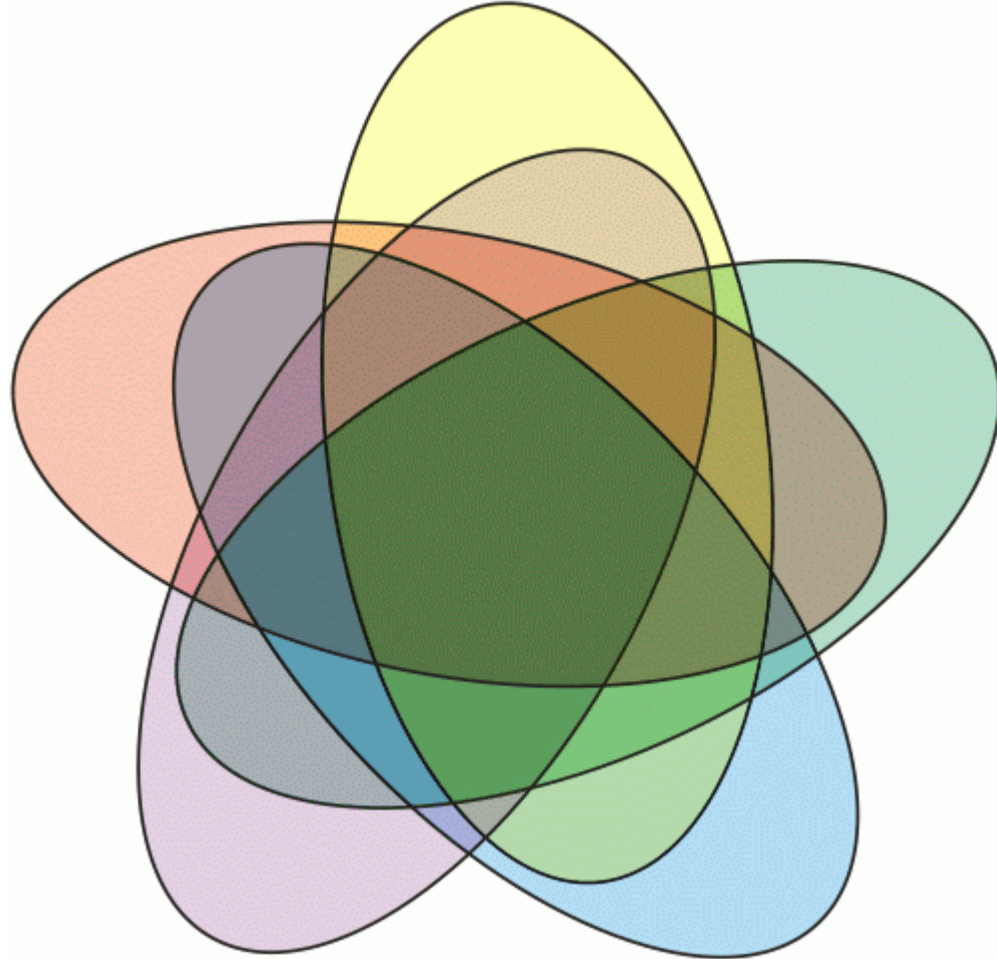
Gender responsive officers

- Facilitate pro-social coping strategies

- Effective responses to trauma

- Prevent further re-traumatization





INTERSECTIONAL IDENTITIES

"Probation Working Group"

Justice-Involved Women

Sentencing Reform Task Force/Colorado Commission on Criminal and Juvenile Justice

- Intersection of gender, race, religion, and other identities
- Disproportional Representation of non-white male populations
- Norms are white, heterosexual men (e.g. assessments)
- Magnifies differences and disadvantages
- Importance of relating to someone in the room
- Ask people what they prefer for pronouns and descriptors

2/3/2023

EFFECTIVE SUPERVISION APPROACHES SUPPORTED BY RESEARCH

Adjust Supervision Practices

Holistic

Collaborative

Relational Needs

Strength Based

Pro-social supports

Stability

Relationship Building



Individualized gender-responsive holistic supervision strategies

Strength based supervision

Coordinated Interventions

Peer mentorship programs

Build Life Skills

Adjust meeting locations & expectations

Kid friendly appointment times and locations

Build pro-social community supports

Build stability factors

Focus on relationship building

WHAT ARE DISTRICTS DOING NOW?

