



Colorado Commission on Criminal and Juvenile Justice

Minutes

February 13, 2015
 Lakewood Civic Center – Employee Relations Training Rm
 480 S. Allison Parkway
 Lakewood, CO 80226

Commission Members Attendance

Stan Hilkey, Chair	Julie Krow - ABSENT	Brandon Shaffer
Doug Wilson, Vice-Chair	Evelyn Leslie	Pat Steadman
Jennifer Bradford - ABSENT	Beth McCann	Alaurice Tafoya-Modi
Theresa Cisneros - ABSENT	Jeff McDonald	Pete Weir
Sallie Clark	Norm Mueller	Meg Williams
Cynthia Coffman - ABSENT	Kevin Paletta	Dave Young - ABSENT
Kelly Friesen - ABSENT	Joe Pelle	Legislative-House (R) - ABSENT
Charles Garcia	Eric Philp	Legislative-Senate (R) - ABSENT
Kate Horn-Murphy	Rick Raemisch - ABSENT	Jeanne Smith, <i>Ex Officio</i>

Substitutes: Kellie Wasko for Rick Raemisch, CDOC; David Blake and Robert Shapiro for Cynthia Coffman, Attorney General’s office; and Robert Werthwein for Julie Krow, CDHS.

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair

Mr. Hilkey (Chair and CDPS Executive Director) welcomed everyone, but indicated that the approval of the previous minutes would be delayed until there was a quorum. He introduced Alberta Lopez (Executive Assistant) and reported that Adrienne Loye (former Executive Assistant) had moved to a different position within CDPS. Ms. Lopez serves as the Executive Assistant to both he and Deputy Director Kathy Sasak and takes the Minutes of the CCJJ meetings. He requested any additions or corrections to the agenda and there were none. Mr. Hilkey offered an overview of the agenda.

Update: Safety and Justice Challenge. Mr. Hilkey provided a brief report on the launch of the Safety and Justice Challenge Initiative by the Pretrial Justice Institute and the MacArthur Foundation at a meeting recently held in Washington, D.C. He was asked to give the closing Keynote address at this meeting. He described that the initiative supports any evidence-based program or effort that reduces the use of incarceration or improves the effectiveness of the criminal justice system to reduce recidivism. Mr. Hilkey pointed out that this program is unique in the \$75 million size of its initial investment and indicated that there may be additional funds available in the future. He added that Colorado did not have the resources available for the six to eight jurisdictions interested in the statewide proposal for the Evidence-Based Decision-Making (EBDM) Initiative sponsored by the National Institute of Corrections. This Safety and Justice Challenge program would provide the resources to undertake the efforts typical of those supported by the EBDM Initiative (*Note: the EBDM Initiative offered technical assistance, but*

no funds to support the associated work.). The MacArthur Foundation website offering additional details is www.safetyandjusticechallenge.org.

LEGISLATIVE UPDATE

Jeanne Smith, DCJ / Jana Locke, CDPS

Legislative Update. Ms. Smith added few comments in regard to the MacArthur Foundation Initiative described by Mr. Hilkey. She indicated that the information about this new Initiative would be shared with criminal justice planners statewide and the jurisdictions that had expressed an interest in the NIC EBDM Initiative.

- Similar to the EBDM Initiative, would the CO Department of Public Safety be the agency to submit a proposal to the Safety and Justice Challenge for the state?
 - Mr. Hilkey described that MacArthur is interested in targeting funds to those local jurisdictions that can have the largest impact at the “front end” of the criminal justice system. A state agency would not be prohibited from applying, if similar impacts could be demonstrated. He added that the focus of the MacArthur Foundation Initiative was derived from a publication by the Vera Institute titled, *Incarceration’s Front Door: The Misuse of Jails in America*. MacArthur is targeting the “front door” - jails - as the best way to intervene at the initial penetration into the criminal justice system.

A quorum having been reached, Mr. Hilkey briefly interrupted the agenda to conduct the vote to approve the previous Minutes. He requested any corrections to the Minutes and none were offered. A motion to approve was made and seconded and, with all in favor, the motion passed and the Minutes were approved.

Legislative Update (continued). Ms. Smith continued with the legislative update by directing members’ attention to a handout prepared by CDPS Legislative Liaison Jana Locke that summarized the status of four introduced bills and one tentative bill:

- HB 2015-1022: Juvenile Petty Offense Contracts. This bill was derived from the work of the Juvenile Justice Task Force (Recommendation FY15-JJ#01) and is awaiting a hearing in the Senate Judiciary Committee on February 24, having already passed in the House. Ms. Smith thanked the sponsors (including Commission members Rep. McCann and Sen. Steadman) and Rep. McCann thanked all those who testified on behalf of the bill.
- HB 2015-1072: Interactive Electronic Harassment. This bill was derived from the work of the Cyberbullying Subcommittee (the related report from the Subcommittee may be found at, cdpsdocs.state.co.us/ccjj/Resources/Report/2014-12_CCJJCyberbullyingRpt.pdf). This bill, sponsored by Rep. Fields and Sen. Newell, passed the second reading in the House following extensive debate regarding First Amendment concerns some legislators had with the bill. Rep. McCann reported that the bill survived several amendment attempts and was passed. It was accepted on the premise that it is acceptable to have more restrictions on the behavior of minors than might be approved if the bill were directed at adults.
- Early Discharge from Lifetime Supervision for Sex Offenders due to Disability or Incapacitation. There are no sponsors yet for this bill, derived from the work of the Comprehensive Sentencing Task Force (Recommendation FY15-CS#01). It has not been introduced and, given the remaining time in the session, it appears unlikely it will be introduced this session.

- HB 2015-1203: Retroactively Provide Earned Time Credit to Certain Individuals Sentenced Under the Habitual Criminal Statute. - This bill derived from the work of the Comprehensive Sentencing Task Force (Recommendation FY14-CS#03). Under the sponsorship of Rep. Rosenthal, the bill has been introduced, but not yet “calendered” for a committee hearing.
- SB 2015-007: Community Corrections Boards Standards. This bill, derived from the Community Corrections Task Force (Recommendations FY15-CC#01, 03, 04, 06, & 08), has passed in the Senate Judiciary and, with its hefty fiscal note, is awaiting action by the Senate Appropriations Committee. The first two years of implementation are “hefty” due to the development of evaluation tools.

Legislative Subcommittee Update. Ms. Smith reminded members of the request to CCJJ from the previous legislative session to conduct a review of the addition of first responders as a class of victims whose perpetrators would be eligible for enhanced sentencing under first degree murder and first and second degree assault. The Commission assigned this task to the Legislative Subcommittee with a report due March 1. A draft of the review is under development by the Subcommittee members with completion expected by the deadline. Ms. Smith described that the review does not take a position on the matter, but simply reports the outcome of the review. The response letter will outline the difficulty in identifying evidenced-based research that might guide the classification of victims by occupation for purposes of enhanced sentencing. Once the letter is complete, it will be distributed to Commission members via email.

Second Chance Act. Ms. Smith pointed to handouts that describe the solicitation for a Second Chance Act grant. She reported that Peggy Heil (DCJ Staff member) has been working with a number of behavioral health committees that are exploring how the state addresses the needs of those in the criminal justice system dealing with behavioral health issues. The group with whom Ms. Heil is working would like to apply for the grant specifically to address how the state responds to offenders with mental illness who are confined in jails or prisons. This focus corresponds with the concerns raised by Commission member, Sheriff Joe Pelle during the previous CCJJ priority-setting retreat in March 2014 where the Commission did not prioritize the increasing number of offenders with mental illness as a topic for attention by the Commission during the current this fiscal year.

The grant proposal would be written to support planning to develop processes to share behavioral health information across various agencies serving offenders with mental illnesses and, possibly, to develop a medication formulary that would provide improved continuity of care as offenders move through the system. The completion of the planning grant would not guarantee that an implementation grant would necessarily follow. Additionally, the planning grant would require matching funds for salaries and in-kind contributions. Two letters of support are also required to complete a successful application. The Commission membership was requested to authorize the Chair and Vice-Chair to review the application and, if appropriate, to provide one of these letters of support on behalf of the Commission.

- Brandon Schaffer moved to approve the authorization of the Chair and Vice-Chair, if appropriate, to provide a letter of support, and Alaurice Tafoya-Modi seconded.

- Sallie Clark asked if a support letter from Colorado Counties, Inc. (ccionline.org/) might be advantageous and, if so, that she would pursue such a letter. Ms. Smith will determine how many letters can be added to the application and follow-up with Ms. Clark.
- Mr. Hilkey added that the Vera Institute reports that nearly 15% of males in jails have a diagnosis of serious mental illness and nearly 30% of females have such a diagnosis. Mr. Hilkey recounted that Sheriff Pelle has reported that, at times, nearly 40% of the inmates in the Boulder jail have an Axis I diagnosis.
- Will DCJ draft the Commission's recommendation letter or will the group representing the mental health committees draft the letter? Ms. Smith responded that Ms. Heil represents the Colorado Department of Public Safety on two committees – the Task Force Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems and the Behavioral Health Transformation Council, and that she has been working with these groups on this effort.
- With requirements for a funding match and an in-kind match, will additional funds be required to meet the in-kind match requirement? Yes. An option under review is whether the Correctional Treatment Board can designate funds for this project.
- Mr. Hilkey repeated the motion on the floor to allow the Chair and Vice-Chair to review the grant and provide a letter of support on behalf of the Commission. A voice vote indicated unanimous support. The motion passed.

CCJJ 2014 ANNUAL REPORT DISTRIBUTION & MEMBERSHIP

Kim English, DCJ / Stan Hilkey, Chair

FY 2014 CCJJ Annual Report. Ms. English pointed out the FY 2014 CCJJ Annual Report in members' packets and described that the report covers the 12-month period ending on June 30, 2014. The report, mandated by statute, is organized in a fashion similar to previous reports with summaries of the activities of the Commission, Commission recommendations and the plans for future work by the Commission.

2014 Accomplishments and Timeline. Ms. English directed members' attention to and described the contents of an "at-a-glance" handout prepared by Germaine Miera summarizing Commission activities by quarter. The handout includes a quarter-by-quarter summary of Commission "products" on the top half and a month-by-month timeline of task force and subcommittee meeting frequency on the bottom half of the handout.

Membership and Terms. Referring to a membership handout, Mr. Hilkey reminded members of the status of current terms, indicating which members are concluding their first terms and which are concluding their second terms. Those completing one term are encouraged to apply for a second to the Governor's Office of Boards and Commissions. Members must use the application form available at Colorado.gov, specifically at... tfaforms.com/290254 (under "Criminal and Juvenile Justice, Commission on"). Those completing a second term will have concluded their service with the Commission.

Mr. Hilkey reported that the Commission is still awaiting legislative appointments from the House Minority Leader and the Senate President. He and Vice-Chair Doug Wilson have met

with Senate President, Bill Cadman requesting the need for the appointment at his earliest convenience. Mr. Hilkey also reported that Matt Durkin, who has been representing the Attorney General's office, is no longer with the AG's office which necessitates his replacement. The position designated for Executive Director Reggie Bicha of CDHS has been vacated by Julie Krow, who had been representing the Executive Director. Robert Werthwein, representing CDHS today, indicated that he would be meeting with Reggie Bicha next week regarding a permanent designee for the CDHS position on CCJJ.

“RESULTS FIRST” UPDATE / DISCUSSION

Jeanne Smith, DCJ; Rick Raemisch (represented by Kelly Wasko), Department of Corrections; Eric Philp, Judicial; & Doug Wilson, State Public Defender's Office

Mr. Hilkey introduced the Results First project and mentioned Jessica Corvinus and Tiffany Madrid as the staff assigned to this project by the Governor's office. Ms. Smith provided a quick overview of the Results First project:

- The Governor's office applied for and received a grant from the PEW Foundation that supports the Results First endeavor.
- Results First is designed to assist states in the development of a cost-benefit analysis system to help determine which programs have demonstrated effective outcomes for the costs to support the programs.
- Data are being entered into the system in two specific areas of programming: criminal justice and child welfare. The system will help identify which programs are most effective when weighing program costs.
- From DCJ's perspective the challenge has been the lack of “data infrastructure” to support the project. There has not been a huge investment in data collection and data analysis historically and, therefore, there are data necessary for the cost-benefit model that are not readily available.
- A Memorandum of Understanding was signed today between the Governor's Office and Judicial that DCJ will conduct a recidivism study that is part of the project.
- The Results First project and an accompanying report have an expected completion date of June or July 2015.
- Because the project timeline of only one year has required very quick work there are concerns regarding the value of the rapidly-collected information. All participating agencies are doing their best to identify and compile the necessary data with existing staff because there were no additional resources provided to complete the work.
- The project is somewhat related to the work of the Commission, but expectations regarding the outcomes of the project are, as yet, unclear.

Ms. Smith introduced Ann Renaud (Governor's Office of State Planning and Budgeting; Results First Project Manager) and Jessica Corvinus (Results First Staff) who were in attendance at the meeting.

Mr. Hilkey stated that others around the table have also participated in the Result First Initiative and asked that they recount their experiences:

- Kellie Wasko, attending on behalf of DOC Director Rick Raemish, reported:
 - There has been a review of the programs within CDOC that correspond with the Results First cost-benefit model.
 - Information on the participation in and the duration and capacity of these programs was reviewed.
 - As of the last meeting a few weeks ago, the Results First team has requested data on four factors that will be entered into the cost-benefit analysis system.

- Eric Philp (Judicial Branch) reported:
 - The Judicial Branch was first contacted by Results First in August 2014 and, prior to that, was unaware that there was an agreement between the Governor's Office and the General Assembly to participate in the Results First Initiative.
 - There was a period of organizational/educational meetings with representatives of the Governor's Office and Pew to inform Judicial stakeholders of the intent of the project and how the cost-benefit model works.
 - One of the struggles of the process was a misunderstanding regarding Judicial's processes related to data sharing. Judicial requires a Memorandum of Understanding (MOU) to outline the purpose of the data request, which data sources are required and how the data will be used.
 - The MOU has been completed and is currently awaiting signatures. An accounting of the time required thus far simply to produce the MOU found that between legal staff, the Chief Justice, staff of the Office of the Chief Justice and court services in excess 200 hours has been devoted to the project.
 - Judicial will next collect data points and release the data to DCJ to conduct the recidivism study.
 - DYC will conduct its own recidivism study rather than release the data to DCJ for this purpose.

- Doug Wilson (Office of the State Public Defender) reported:
 - Results First contacted his office a few months ago.
 - He had a phone conference yesterday with representatives from PEW and the Governor's Office.
 - There is a struggle on the prosecution side because Results First wants a report on the costs for five categories of crime and juvenile crime and these data may not be available to share (i.e., the cost to prosecute each type of felony).
 - Attempting to capture this data would require information from prosecution offices, public defense council offices, and private law offices to compile these costs. There is currently no method by which this can be accomplished.
 - The problem is that there no tracking of the cost per offense from start to finish - from charge to conviction.
 - It appears that alternate defense counsel has not yet been contacted by Result First. According to Tom Raynes, the Colorado District Attorneys' Council (CDAC) has been contacted.

- He summarized the struggle that both sides will have assigning a dollar figure to adjudicate a case for particular types of offenses. It would seem that the court costs should also be factored into this estimate.
- Robert Werthwein (Colorado Department of Human Services) added:
 - CDHS had initial difficulty creating an MOU due to qualms regarding whether a recidivism report produced by the Result First Initiative might differ from the recidivism report produced by the research team in CDHS.
 - An agreement has been reached to avoid producing recidivism reports that may not be consistent.

Mr. Hilkey asked Ann Renaud and Jessica Corvinus if they had feedback to share with the Commission. Ms. Renaud expressed her gratitude for the cooperation and efforts undertaken by all the stakeholders to identify difficult-to-locate data.

To conclude, Ms. Smith described that there have been questions from legislators asking for the publication date of the Results First report and whether it could serve as a guide for budget decisions regarding programs in the current legislative session. It is anticipated that the report will be used to answer questions regarding the best approach to allocate resources. While there is trepidation regarding the quality and quantity of data that is available to provide to the initiative, departments are doing their best to forward the best data that can be located.

The discussion of Results First concluded and Mr. Hilkey introduced the next item on the agenda.

TASK FORCE/SUBCOMMITTEE UPDATES

Community Corrections Task Force

Pete Weir, Theresa Cisneros - Task Force Co-Chairs

Mr. Weir reported that the Community Corrections Task Force met yesterday to discuss the status of ongoing work and to determine areas of focus in the future. The primary topic of discussion was the outcome of the previous Commission meeting in regard to the task force recommendations. Some of the recommendations from the Task Force were summarily rejected by the Commission and the members discussed how to proceed in light of this. One of the directives of the Commission was for the Task Force to collaborate with DOC on one or two pending issues regarding other recommendations. That has yet to occur, but Mr. Weir will reach out to DOC Executive Director Raemisch within the next week or two to schedule a meeting to determine whether common ground may be found on these outstanding issues. For now, the Task Force is re-grouping and generating ideas to help strengthen the recommendation development process of the Task Force.

Minority Over-Representation Subcommittee
Stan Hilkey, Task Force Chair

Mr. Hilkey explained that the Minority Over-Representation Subcommittee had previously completed its work on some of the Commission directives/recommendations from FY 2011¹, but there were three recommendations still pending follow-up action by the Subcommittee and the Commission.

Note: For reference, the following are the original internal directives/recommendations listed in order of MOR Subcommittee priority ranking [in brackets] (some directed internal action by the Commission and others directed legislative or agency policy actions):

Recommendation FY11-MOR #03

(Agency policy/administrative rule/legislation) [Original priority ranking=1]

State and local justice agencies should collect race and ethnicity information on the populations they serve.

Pending further action.

Recommendation FY11-MOR #02

(Policy) [Original priority ranking=2]

All justice agencies should track the racial and ethnic diversity of their staff. Every organization should actively recruit minority candidates for both job opportunities and as members of boards and commissions.

Subsequently, approved as FY13-MOR #01, but pending further action as FY15-MOR#2.

Recommendation FY11-MOR #05

(Commission) [Original priority ranking=3]

The Commission should develop and maintain a disproportionate minority representation web site to promote recognition and understanding of this problem. The site should have local, state and national data and link to educational resources.

Completed, see colorado.gov/pacific/ccjj/ccjj-dmc .

Recommendation FY11-MOR #04

(Legislative) [Original priority ranking=4]

Develop a mechanism that requires a specific review of proposed justice legislation to determine whether the legislation will have an adverse impact on minority over-representation. Some states refer to this as a Minority Impact Statement.

Subsequently, approved as FY12-MOR #01.

Recommendation FY11-MOR #07

(Commission) [Original priority ranking=5]

The Commission's Sentencing, Drug, and Juvenile Task Forces shall review recommendations to ensure those proposals do not have a negative impact on minority over representation.

Subsequently, approved as FY12-MOR #02.

¹ All seven of the original directives/recommendations forwarded to the Minority Over-Representation for study and/or implementation may be found at, cdpsdocs.state.co.us/ccjj/Committees/MORSub/CCJJ-MOR_Recommendations-08-2011.pdf. The prioritization of these may be found at, https://cdpsdocs.state.co.us/ccjj/Committees/MORSub/MOR_Priority-Planning-04-13-2012.pdf . Final CCJJ recommendations targeting the MOR topic may be found on the Recommendations page on the CCJJ website at, colorado.gov/pacific/ccjj/ccjj-recs.

Recommendation FY11-MOR #06**(Commission) [Original priority ranking=6]**

To serve as a model for its expectations of criminal justice agencies, the Commission should develop and implement a Commission-specific mentoring program for minority juveniles and young adults who are interested in working in the criminal justice system.

Limited completion.

Recommendation FY11-MOR #01**(Policy) [Original priority ranking=7]**

Require comprehensive cultural competency training for all justice agencies and for all treatment and service organizations used by justice system agencies.

Pending further action as FY15-MOR#1.

Two of the “pending” recommendations listed above were included in members’ packet of handouts for review (FY15-MOR #01 and #02).

FY15-MOR #01: Cultural Competency Training for All Justice System Agencies

Mr. Hilkey initiated the conceptual presentation of the first of two MOR recommendations, FY15-MOR #01: Cultural Competency Training for All Justice System Agencies. This recommendation was derived from internal Recommendation FY11-MOR#01. *[Note: An initial conceptual presentation of a recommendation occurs at least one month prior to a final presentation where Commission members conduct an approval vote on the recommendation.]*

- FY15-MOR #01 is based on a previous recommendation (FY11-MOR#01) that was being re-submitted to the Commission with additional details to foster its implementation.
- One of the challenges of this recommendation is to select the correct point of delivery and how to successfully implement the recommendation, given its fiscal implications.
- There are barriers to adding mandatory hours to the Police Office Standards and Training (P.O.S.T.) Academy for law enforcement officers.
- Until last year, there had never been any mandated hours in the state. There is now a new requirement for police to receive 24 hours of in-service training, some of which includes such basic skills as driving and shooting. He stated there is some unused time within the 24 hour training for other content and the goal is to engage in a discussion with the Attorney General’s Office to determine whether this 3-hour cultural competency training can be incorporated.
- There is currently a job search ongoing to fill the P.O.S.T. Director position vacated by Matt Durkin who was Acting Director. Mr. Hilkey reported a phone conversation with the Interim Director Larry Atkinson regarding the inclusion of the cultural competency training in the 24-hour mandatory training, but no decision was made yet to include this training.
- Sheriff Joe Pelle mentioned that twelve of the hours are skill-based training and twelve are open for training at the discretion of the commanding officer. Sheriff Pelle was concerned whether this proposed training would align with the 8 hours of anti-bias training and the other 8 hours of cultural-competency-based training. In regard to the non-skills based training required of police agencies, what aspects would be or would not be mandated for every agency across the state?
- Mr. Hilkey agreed that any duplication in the training should be identified.

- Sheriff Pelle observed that his agency's analysis of minority over-representation has found that their contacts and arrests in the county look very similar to the population demographics of the county. However, minority over-representation is evident in the jail population. How will the training of peace officers address the systemic issues to cause bond setting and other criminal justice activities that appear to contribute to minority over-representation?
- Do all sheriff offices collect the same minority over-representation data? The answer was not known.
- Mr. Hilkey summarized the discussion thus far by stating that there will be an engagement with P.O.S.T. to determine what opportunities exist to integrate the cultural competency training. Understanding the unintended consequences of mandated training and the potential for duplication of training will be important.
- Rep. Beth McCann asked why the focus of the discussion was on peace officer training and not on other aspects of the justice system as was implied by the wording of the recommendation? Mr. Hilkey stated that the focus on law enforcement represented a first step to determine how this training could be implemented with other areas to be explored in the future.
- Eric Philp added that the Judicial Department requires five mandatory trainings which includes a seven-hour cultural diversity component. It is a one-time training experience for court and probation staff and the training is only repeated if the training course changes.
- Mr. Hilkey stated that the Commission may decide, given the national conversation around minority over-representation and police/race relations, that there are other issues or concerns that should be addressed by the Minority Over-Representation Subcommittee. This is a topic that can be discussed at a subsequent Commission meeting, but, in the meantime, CCJJ representatives will begin the conversation with P.O.S.T. on Recommendation FY15-MOR#01 (Cultural Competency Training)

The conceptual presentation and discussion of FY15-MOR#01 (Cultural Competency Training) concluded.

FY15-MOR #02: Race and Ethnicity Diversity Tracking of All Justice Agency Staff

Mr. Hilkey initiated the conceptual presentation of the second recommendation, FY15-MOR #02: Race and Ethnicity Diversity Tracking of All Justice Agency Staff. [*Note: As shown above, earlier versions of this recommendation were labeled, FY11-MOR #02 and FY13-MOR #01. This version of the recommendation now includes implementation elements.*]

- The Subcommittee engaged in extensive discussion regarding how the recommendation would be implemented: should the data be collected and maintained internally, should it be reported to a central repository, and, if it were readily available to the public, how might this be accomplished?
- Because P.O.S.T. collects information on all police officers across the state, there might be an opportunity within this context to gather race and ethnicity information of staff. A conversation with P.O.S.T. representatives would determine the feasibility and cost associated with adding these data to the P.O.S.T. database. This obviously would have a cost, but this system would offer a statewide system with one point of entry and contact point for the gathering of staff data.

- Both topics - cultural diversity training and staff diversity data - would be the topics of conversations with P.O.S.T. Interim Director Larry Atkinson.
- Chief Kevin Paletta observed that, regarding both the previous and this recommendation, these data are already collected by many agencies as a consequence of accreditation requirements. However, this may not be true of all agencies, particularly in small jurisdictions.
- Sen. Pat Steadman asked whether “diversity” was solely defined by race and ethnicity? Mr. Hilkey responded that that was true, given that the focus was minority over-representation. The focus has been to refine the collection of data identifying race and the collection of data on ethnicity. It is also problematic that the data on race may not be reflective of the race variations in the population.
 - FOLLOW-UP. Mr. Hilkey asked if there were other minority indicators that would be of interest?
 - There is a desire across the country for the characteristics of law enforcement agencies to reflect the diversity and composition of the population it serves on such characteristics as gender, sexual orientation, and other characteristics. This would enhance the feeling that law enforcement is part of the community and composed of individuals with whom one can identify and are not different or scary.
 - Many agencies are attempting to address this issue along with issues of minority over-representation. Mr. Hilkey indicated that the Commission will work with Post on the narrower definition, but the broader diversity concern may be a future topic that Commission could address.
- Charlie Garcia raised another issue regarding law enforcement staff and recruiting. During the staff hiring process, one may not know the race or ethnicity of applicants and to ask such questions would violate hiring rules.

The conceptual presentation and discussion of FY15-MOR#02 (Race/Ethnicity Diversity Tracking of Agency Staff) concluded.

Mr Hilkey described that a third recommendation was still tabled due to the challenge of implementation.

- This recommendation involves the collection of data by law enforcement on the race and ethnicity of those who are merely contacted and those who are arrested. Currently, there may or may not be an item on forms to indicate ethnicity or ethnicity may be entered into forms in the field intended for race.
- One might assume a simple option would be to collect this information along with the acquisition of fingerprints and to store it in the Automated Fingerprint Identification System (AFIS). However, there is no place to indicate ethnicity in that system.
- Meg Williams reported an email exchange with an agent of the FBI who reported that this issue is also present in the Bureau.
- Mr. Hilkey also raised the possibility that the data could be collected the FBI’s National Incident-Based Reporting System (NIBRS); however, law enforcement contacts are not reported through this system.
- Mr. Hilkey also reported that there a couple of bills in the Colorado legislature this session that attempt to address the lack and inconsistency of race and ethnicity data.

- Mr. Hilkey asked if Paul Herman (CCJJ Consultant) had thoughts on the topic of this tabled recommendation.
 - Mr. Herman stated that members had raised several important questions on the topic and these are similar to the questions raised on this topic in prior discussions about this recommendation. This particular recommendation is very difficult to implement, given the difficulty in identifying the current state of race/ethnicity data collection across the state.
 - The previous attempts to solve this data collection problem always concludes in the same way, by encountering barriers to the identification of a solution that works for all the involved criminal justice agencies.
 - Although NIBRS mandates the collection of race and ethnicity, the ability to share and “transport” data from NIBRS to the interested agencies that need the information always runs into insoluble problems.
 - Ultimately, the solution may necessarily reside at the federal level. Each time the issue is addressed, the ability to solve the problem on a broad scale concludes with recommendations for only very narrowly defined solutions applicable to very small segments of the criminal justice system.

The discussion of MOR-related topics concluded.

EXPLORATORY PLANNING GROUPS UPDATE

Stan Hilkey, on behalf of the Re-entry Planning Group and Eric Philp, Data Planning Group

Mr. Hilkey introduced the next agenda item on the outcomes of the work of two planning groups: one on Re-entry and one on Data. Each of the planning groups was tasked to generate potential topics that task forces might address.

Re-Entry. Mr. Hilkey offered a Powerpoint presentation that described the work of the Re-entry Planning Group.

- The members of this group (displayed on the projection screen) met three times between November 2014 and January 2015.
- The identification of priorities was guided by the following definition of re-entry: “An offender reentering the community from institutional confinement or a secure facility.”
- The group surveyed the environment to determine what other efforts may be underway to address re-entry, identified the agencies affected by re-entry, and examined all the CCJJ recommendations previously proposed to address the topic.
- Key topics for attention were identified and prioritized.
- Mr. Hilkey pointed out eight potential topics identified by the planning group for study:
 1. There is a significant gap in finding stable housing for offenders in the community.
 2. Providing IDs for offenders leaving custody facilities continues to be a problem even though some progress has been made over the last few years.
 3. Collateral consequences of conviction are roadblocks to successful re-entry.
 4. Technical violators continue to be a problem for the criminal justice system as a whole, in probation, community corrections and parole.

5. There is a gap in residential treatment beds for behavioral health problems. This results in offenders not receiving timely and appropriate services and increasing the likelihood of failure in the community.
 6. Access to medical and mental health care including medication continues to be a significant barrier to successful offender re-entry. Access and coverage under the ACA is a barrier for offenders released to the community.
 7. Young adult males 18-25 years old are failing at a significant rate.
 8. The most significant concern for Youth Corrections is post-custodial recidivism.
- The planning group utilized the following criteria to select the highest priorities for attention:
 - Issues that are legislative or policy oriented
 - Ones that are contributing most to recidivism
 - Areas which have a relationship to prior CCJJ issues and that the Commission is already familiar with
 - Prioritize issues that aren't just about a 'lack of resources'
 - Ones that address the largest audience / greatest impact and biggest bang for the buck (as far as for the majority of offenders, and those who are most dangerous)
 - Ones that are most achievable
 - Based on the above criteria, the original eight potential topics were narrowed to the three with the highest priority (sub-topics are provided under each priority area):
 - #3. Collateral consequences of conviction are roadblocks to successful re-entry
 - Who should have access to criminal justice info
 - For what purpose, at what level, and public perception issues
 - Benefits
 - Housing
 - Employment
 - "Ban the Box" (The "box" asking one about criminal history)
 - Record sealing
 - #4. Technical violators continue to be a problem for the criminal justice system as a whole, in probation, community corrections and parole
 - Substance abuse-related technical violations
 - Sustained reduction of technical violations
 - Issue about supervision, not just violations
 - Swift/Sure policy issues
 - Other states and prohibition on revocation for 'technicals'
 - #6. Access to medical and mental health care including medication continues to be a significant barrier to successful offender re-entry. Access and coverage under the ACA is a barrier for offenders released to the community
 - Access, availability and continuity of care issues
 - ACA provides new opportunities but also challenges
 - 'Gap' populations
 - Different issues for jails and DOC
 - Inmate exemptions
 - Crisis center access / Connecting services with jails
 - Assessment and screening issues

- Rep. McCann asked for an explanation of “gap populations” under the last of the priority topics.
 - Mr. Herman responded that one perspective has to do with issues of the continuity of care for those inmates moving from facility to facility or between different levels of the criminal justice system (for example, from incarceration to community corrections to the community). There are different rules regarding medical coverage as one moves from institution to institution which corresponds with changing medical (Medicaid) eligibility.
- Mr. Garcia recounted continuity of care issues related to medication consistency and the maintenance of continuous provision of medications.
- Mr. Wilson asked about the difference in Medicaid eligibility and responsibility for transition clients and diversion clients in the same community corrections facilities. There are also differences between those categorized as residential clients and those who are non-residential clients. Additional eligibility issues arise for those who are on parole who occupy a community corrections bed as a condition of parole and for those who are on parole who are remanded to a community-return-to-custody facility for a technical violation.
- These variations in coverage stem from the interpretation of the definition of “inmate status” by the Center for Medicare and Medicaid Services (CMS). Those characterized as an “inmate,” regardless of their location in a prison or a county jail, do not qualify for coverage from Medicaid.
- Mr. Hilkey thanked the members for the discussion on the topic confirmed that, given the passion on the topic, the planning group had, in fact, selected a high priority topic for study.
- Brandon Shaffer offered that the Parole Board is attempting to improve the re-entry transition of inmates to the community by better utilizing community corrections.
- Mr. Hilkey indicated that the to-be-seated Re-entry Task Force will seek advice and feedback on any potential topics from stakeholders (listed on a slide), including the Parole Board.
- Mr. Hilkey noted that additional stakeholders can be added if necessary.
- Mr. Hilkey asked if there were any questions regarding the work of the planning group or any of the top three priorities identifies for further study.
- Sallie Clark asked that county representation be included on the upcoming Re-entry Task Force.

The update and discussion of the Re-entry Planning Group concluded.

Data Planning Group. Mr. Hilkey introduced Eric Philp to present the work of the Data Planning Group. Mr. Philp offered a PowerPoint presentation of the efforts of this group:

- The members of this group (displayed on the projection screen) met several times between November 2014 and January 2015.
- The purpose of this group was to define the data sharing problem, identify key stakeholders, and propose a work plan for a new task force.
- Two focuses on the topic were considered: helping policy makers evaluate criminal justice programs, or on improving offender management. After extensive discussion, it was decided that the latter focus was the higher priority. It will also be possible to include

- considerations of data for research purposes as the offender management system is explored and developed.
- The goal is to create a system where data is collected on offenders as they move through the criminal justice continuum. Each agency would contribute their relevant data from their data system or hold data in their system that can be shared with other agencies. No agency would be required to replace their data system, but rather to augment them with the ability to share data.
 - The Task Force would be required to address the following issues:
 - Obtaining executive support for the project
 - Limiting the project scope to a well-defined problem
 - Ensuring data privacy and statutory confidentiality requirements
 - Ensuring data security
 - Ensuring agency control of data
 - The Colorado Integrated Criminal Justice Information System (CICJIS; “see-jis”) offers the infrastructure within which data can potentially be stored and/or shared.
 - If CICJIS is selected as the data sharing platform, a two Phase work plan would be developed.
 - In Phase I, discussions would be required with the Executive Directors of the agencies that would participate in the data sharing enterprise along with the Governors’ Office and the Judicial Branch to make the case for the new process of data sharing.
Additional tasks would include:
 - Define the purpose of an offender data repository and the problems it solves
 - Identify the consumers of this data
 - Identify the data elements that the repository will contain
 - Identify the source agencies that will contribute data
 - Identify the benefits and beneficiaries of the offender data repository
 - In Phase II the system elements would be specified and a concept document would be developed. Specific tasks would include:
 - Identify issues with data definitions across systems
 - Identify the privacy issues that need to be addressed
 - Identify the security issues that need to be addressed
 - Identify acceptable uses of the data
 - Obtain guidance from OIT and CJIS on what they would need to proceed
 - Identify next steps
 - Compile results of Phase I and Phase II into a concept plan and present to the full CCJJ for approval
 - The group is aware that there have been numerous attempts in the past to accomplish this goal. The barrier that typically thwarts goal accomplishment is the attempt to identify the data that should be included and collected in the system. There must be justifiable reasons for the inclusion of each data point and inclusion cannot be based on simple curiosity. In the case of this approach, the required data are those that contribute to the improved management of offenders.
 - Following the data specification process, data collection systems must be inventoried to determine what data is available and what new data items must be collected.
 - Finally, the platform that will serve as the repository of data and/or the platform within which data can be requested must be determined. There can be significant gains in efficiency

and effectiveness with a more comprehensive hub for the exchange of information throughout the criminal justice system.

- Mr. Garcia asked whether there will be privacy issues that create barriers to the exchange and sharing of health-related offender data. Yes, these hurdles must be overcome. Legal staff in Judicial are exploring methods to acquire consent for the cross-agency sharing of offender information.
- Meg Williams described that these hurdles have been addressed in the juvenile justice system where a common consent form has been developed that, when signed, grants permission for the sharing of data.
- Norm Mueller recommended that an error correction methodology and protocol be developed as part of the system that allows mistakes in the data to be corrected.

The update and discussion of the Data Planning Group concluded.

<There was a break from 2:20-2:30pm at this point in the meeting>

2015 WORK PLAN

Stan Hilkey, Chair and Paul Herman, CCJJ Consultant

Current Committees. Mr. Hilkey provided a brief overview of the meeting prior to the break. Referencing the handout titled, “CCJJ Retreat Outcomes / March 2014,” he reviewed the current task forces and subcommittees of the Commission:

- The Commission appears prepared to establish a Re-entry Task Force and a Data Sharing Task Force. The Commission must decide if these are the appropriate groups to create or whether the proposed topics should be split into different task groups.
- He reminded members that, due to the lack of “critical mass” of interest and the lack of supporting resources, the Commission decided not to pursue the technical assistance grant from the Evidence-Based Decision Making Initiative offered by NIC/Center for Effective Public Policy and, therefore, there will be no associated EBDM Subcommittee.
- Mr. Hilkey described that members will receive an email soliciting participation on the task forces being created. The Chair and Vice-Chair will then review potential participants to determine whether the membership of the task force is balanced and representative of the stakeholders who should be involved.
- Regarding the Juvenile Task Force, it was determined that the work as outlined was completed. Mr. Hilkey reminded commissioners that he met with those interested in the juvenile justice topic to determine whether there were high-priority issues to address. He asked Meg Williams to describe the Juvenile Justice Delinquency Prevention Council (JJDP) and the ongoing work of that group.
 - Ms. Williams referred members to the JJDP Council handout and described the composition of the Council, the responsibilities of the Council, the development of the three-year comprehensive plan (a “revolving” plan that is updated every three years), and the issues identified on the current three-year plan. The JJDP Council, like the Commission, creates subgroups to address the prevailing issues across the state. The Council is very good at generating solutions to problems, but, unlike the Commission, the Council is not designed to produce recommendations that can be drafted into

legislation. The Council must depend on other entities to follow through on solutions that require statutory change.

- Ms. Williams suggested that, if any of the topics being addressed by the Council are of interest to the Commission or specific Commission members, individuals should feel free to attend the meetings of the Council or any of its subgroups. If there are topics that interest the Commission, she proposed that the JJDP Council serve as the group to study issues and propose solutions that the Commission would then take into consideration via its normal process of study and recommendation development.
- Ms. Williams mentioned that the typical issues addressed by the Council include minority over-representation, the holding of juveniles in secure setting, and Native American programming. The issues on which there might be more fruitful collaboration with the Commission would include juvenile justice system improvement efforts (starting on page 2 of the handout).
- Ms. Williams stated that when federal funds were halved, the Council knew that the funding of individual programs to serve children could not continue. There was a conscious decision by the Council to identify and focus on systemic change rather than providing funds for the provision of individual services.
- The Council took on the task of studying the most significant issues faced by juveniles in the state. The first topic of interest was to explore low risk, high need juveniles who are being pushed into the juvenile justice system by virtue of their needs, rather than their risks. If there were an adequate system to serve these juveniles, they would never end up in the juvenile justice system. Their unmet mental health needs are not being addressed and there is no system to address these juveniles.
- An example where the Commission addressed some of these juveniles was in the case of children who were truant who were being placed in detention beds. The Commission developed a recommendation that led to legislation that changed this process. As a result of these efforts, there has been a 25% reduction in the use of detention beds for truant youth. The Council is studying outcomes associated with this legislation and a report should be released by September 2015.
- The second topic of interest is the use of evidence-based programs to meet kids' needs. The initial step is to determine what the needs actually are and how data can be shared across various systems that serve children. The Results First project may help identify the effective evidence-based programs available to meet these children's needs or we may find that there are no evidence-based programs targeting these youth.
- The third topic addresses professional development of those who work with juveniles. This topic was previously addressed via a recommendation generated by the Commission.
- In summary, Ms. Williams stated the group will most likely identify potential legislative issues that require statute modification. Would the Commission members like to participate in the Council's work or would the Commission be interested in reviewing proposed solutions designed by the Council? The Commission could utilize the Council as a *de facto* Task Force to do the initial work on a topic that would be translated into recommendations without having to seat another Juvenile Justice Task Force.
- Lastly, there is a small group within the Council that is willing to address the reordering and re-writing of the Children's Code - a topic previously identified by the

Juvenile Justice Task Force, but not assigned any resources by the Commission in the current fiscal year.

- Jeanne Smith added that, because the Commission does not have unlimited bandwidth, the decision was made to conclude the Juvenile Task Force for now. There was some concern that the mandate that the Commission address juvenile justice was being set aside due to the focus on other issues. One of the hopes is that the Commission can stay connected to juvenile issues through members who want to join the work of the JJDP Council or by asking the Council to provide regular updates to the Commission regarding the work of the Council.
- Ms. Smith reminded members that the Commission has been careful to avoid being a legislative stamp on the work conducted by others. There may be other ways to stay connected with the activities of the JJDP Council. The approach by the Council to address specific issues in its three-year plan will solve the previous problem of overly broad directives given to the Juvenile Justice Task Force.
- Sallie Clark observed that the Juvenile Justice Task Force generated recommendations that impacted counties and that stronger representation of county human services entities in this work would be advantageous for the JJDP Council. Ms. Clark indicated that she would reach out to the local human services directors to locate someone with a particular interest in these juvenile topics. There is a great deal of overlap in the issues of children served by human services and by the criminal justice system.
- Robert Werthwein observed that a group is being seated to explore the children being served by human services programs and they intend to include representatives of the SB 094 Committee.
- Rep. Beth McCann asked if the JJDP Council would be serving as the Juvenile Justice Task Force for the Commission? Ms. Williams explained that there wouldn't be the same direct reporting relationship with the Commission. Rather, the JJDP Council would simply keep CCJJ in the loop about its activities and when there was an overlap in interests, the Commission could become involved in those specific circumstances.
- Ms. Smith stated that Council is not submitting a specific request to the Commission, but simply reporting that it will be addressing the statewide issues that, currently, the Commission does not have the resources to address. The Council might identify targeted issues that it feels would be best addressed by a specific subcommittee of the Commission.
- Mr. Hilkey observed that the composition of the Council looks similar to the composition of the Juvenile Justice Task Force. There is no action required of the Commission, but there might be instances where the Council will reach out to the Commission for assistance to accomplish a specific goal related to legislation.
- Ms. Williams agreed with that assessment and simply wanted to introduce this concept of the Council approaching the Commission for assistance on specific issues.
- Eric Philp stated that there has been a reduction in the number of children on probation and he sees the advantage of this informal connection with the Council.
- Jeff McDonald indicated his support of this informal relationship with the Council.

Re-Entry Task Force and a Data Sharing Task Force. Mr. Hilkey returned to the review of task forces on the “CCJJ Retreat Outcomes / March 2014” handout. He stated that the Community Corrections Task Force would continue its work and that, as described earlier, the Commission would be seating a Re-Entry Task Force and a Data Sharing Task Force. The MOR Subcommittee is in a tentative position where it may complete its work or, depending on what happens in the next few weeks regarding legislation in this area, may need to continue.

Other Areas of Interest. Mr. Hilkey asked if there were any other issues on the horizon that should be under consideration by the Commission?

- Brandon Shaffer described that the Parole Board is interested in the topic of the efficacy of mandatory parole as it is currently designed in Colorado. Parole has existed “inside” and “outside” the sentence and he feels the time is right to investigate how parole should be designed to best serve the needs of offenders and to enhance public safety.
- The current patterns of technical violations for those considered low risk might suggest that there is over-supervision of some offenders.
- Doug Wilson concurred that parole should be served inside the sentence and that evidence would support this approach. This topic has been raised previously in Commission discussions. He feels there would be widespread support for the concept of the Parole Board granting parole inside the sentence.
- Mr. Hilkey asked whether this topic had been previously addressed by the Commission.
- Mr. Wilson described that this issue had been among the potential topics for study by the original Sentencing Task Force and the subsequent Comprehensive Sentencing Task Force, but that other issues always were of higher priority. It was also one of the potential topics for the Post Incarceration Supervision Task Force, but, similarly, other topics considered of greater priority were addressed and the mandatory parole topic was not.
- Mr. Hilkey asked whether this topic should be included among those to be addressed by the Re-entry Task Force or whether a separate group should be seated to study the design of parole.
- Mr. Weir stated that he is concerned with the 75% recidivism rate of high and very high risk offenders. He is uncertain of the effectiveness of the current approach to serve this subset of offenders. Although 50% successfully complete the transition placement in Community Corrections, after three years, a large proportion subsequently fails while on parole. Therefore, about 75% of the most dangerous individuals are failing in the community and that should be addressed.
- Eric Philp observed that the assessment of risk is problematic for offenders who serve long sentences in the Department of Corrections. Community Corrections has been more effective for the offender at the middle levels of risk and not for those who are at low or higher risk levels. The Community Corrections Task Force has been working on this and previously attempted to propose recommendations to address these exact problems.
- Mr. Hilkey posed the question of the placement of the parole topic for study; namely, whether it should be explored by a separate group or located in the Re-Entry Task Force. He expressed the concern that there might not be enough Commission resources to support a separate group along with the other two Task Forces to be seated. Additionally, how should the topic of the transition of high risk offenders be addressed? Does that topic belong in the Community Corrections Task Force or should it be addressed in some other fashion?

- Eric Philp observed that the Probation Division has reduced the number of technical violators being sent to DOC from 1800 in 2005 to 500 in 2014.
- Mr. Weir feels there is confusion surrounding the definition of technical violation and that some technical violations can be serious offenses.
- Mr. Philp said that the most common failure is related to a failure in treatment. He described that another focus in the Probation Division are those offenders who abscond.
- Paul Herman shared that the Re-entry Task Force might be the place to address technical violation issues and the problem of absconding. It might be best to seat a small group to address the issue of mandatory parole. If the topic was again placed in a task force looking at a variety of complex topics - like the Re-Entry Task Force - mandatory parole may again fall through the cracks and not be addressed. Another factor to consider is that, although mandatory parole as a topic impacts re-entry, as a concept, mandatory parole is more akin to matters of sentencing.
- Mr. Hilkey restated Mr. Herman's suggestion that a fourth group be seated with a very narrow charge and a shorter timeline to address mandatory parole.
- Mr. Shaffer moved the creation of a Mandatory Parole Subcommittee and Alaurice Tafoya-Modi seconded. Without objection the motion passed.
- Mr. Hilkey then identified the groups that would be ongoing or seated as:
 - Community Corrections Task Force (would address the transition of high-risk offenders)
 - Re-entry Task Force (would address technical violations and absconding)
 - Data Sharing Task Force, and
 - Mandatory Parole Subcommittee
- Ms. Smith asked that the topics of study assigned to the Re-entry Task Force be clarified. Previous problems have surfaced when the assignments to a task force are unclear or too broad.
- Sheriff Pelle indicated that, of the three proposed topics for the Re-entry Task Force, (collateral consequences, technical violations, and access to medical and mental health care) he felt that the technical violation topic might become less significant, given there is a current bill in the legislature that addresses this topic. The other two topics will require extensive attention and take some time to address. The collateral consequences topic will require quite a bit of study to accomplish.
- Mr. Hilkey recapped the four task forces that are ongoing or will be seated, reminded members that a solicitation for participation would be sent soon, and that the Chair and Vice-Chair would review the participants for balance and representativeness.

The discussion of the 2015 Work Plan concluded.

Future Meetings / Adjournment

Mr. Hilkey pointed out the schedule of future meetings. Ms. Smith asked that those re-applying for a second term on the Commission please notify DCJ of that intent.

There being no further business, Mr. Hilkey adjourned the meeting at 3:31 p.m.