



Colorado Commission on Criminal and Juvenile Justice

Minutes

August 14, 2015
Boulder County Sheriff's Office
5600 Flatiron Parkway, Boulder CO, 80301
Sheriff's Conference Room

Commission Members Attendance

Stan Hilkey, Chair	Jeff McDonald	Pat Steadman
Doug Wilson, Vice-Chair	Norm Mueller	Scott Turner
Jennifer Bradford	Kevin Paletta- ABSENT	Dave Weaver
John Cooke	Joe Pelle	Michael Vallejos
Kelly Friesen - ABSENT	Eric Philp - ABSENT	Peter Weir
Charles Garcia- ABSENT	Rick Raemisch - ABSENT	Robert Werthwein
Kate Horn-Murphy	Rose Rodriguez	Meg Williams
Evelyn Leslie	Brandon Shaffer	Dave Young
Beth McCann	Lang Sias- ABSENT	Jeanne Smith, <i>Ex Officio</i>

Substitutes: Steve Hager for Rick Raemisch

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chair

Stan Hilkey (Chair and Colorado Department of Public Safety Executive Director) welcomed everyone to the offsite meeting in Boulder and thanked Boulder Sheriff Joe Pelle for hosting the Commission. Mr. Hilkey added that the agenda would feature two presentations from staff of the Boulder County Sheriff's Department, followed by a tour of the Boulder County Jail. He then asked Commissioners to introduce themselves, during which time Steve Hager from the Department of Corrections announced that he was in attendance for Rick Raemisch.

Mr. Hilkey asked for approval of the July minutes and requested any additions, corrections or suggestions. No changes were offered and he subsequently made a motion to approve the minutes. The motion was moved and seconded and the minutes for July meeting were approved unanimously.

Mr. Hilkey introduced one house-keeping item of business which was that there were no solid plans and no agenda in place as of yet for the September meeting. He offered a suggestion that the September Commission meeting be cancelled with Commissioners reconvening in October. Jeanne Smith added that this happens a couple time a year when the task forces are working hard but don't have recommendation or products solidified to present to the Commission. Often in the fall the task forces and subcommittees are immersed in their work and the Commission will take a month off while these groups prepare their recommendations and proposals for presentation at the October meeting. Ms. Smith added that it is a time where the task forces and subcommittees can focus on their work.

Commissioners agreed to cancel the September meeting and reconvene in October.

TASK FORCE/SUBCOMMITTEE MEMBERSHIP DISCUSSION

Stan Hilkey/Doug Wilson

Mr. Hilkey directed commissioners to the second page in their packet which listed the task forces and subcommittees along with the corresponding membership for those groups. He noted that at the bottom of the page was a list of new members and people who need to be assigned to a task force or subcommittee. Mr. Hilkey added that one of the goals for him today is to ensure that everyone is assigned to a group that interests them while at the same time balancing the membership of the groups. Mr. Hilkey asked the Chairs of the subcommittees and task forces to discuss the work of each group so that those yet to be assigned have a better understanding of the work at hand.

Peter Weir, the Chair of the Community Corrections Task Force began the discussion. Mr. Weir noted that the Commission agreed a couple years ago that a handful of issues in community corrections were worthy of more exploration. He explained that when the task force was created part of the mission was to assess and analyze where Colorado stands with regards to community corrections and identify gaps or improvement areas. The task force has looked at ways to improve the education and training of community corrections board members and currently the task force is looking at ways to improve the functions within various community corrections programs. The task force is also looking at fostering a continuum between the Department of Corrections and Community Corrections to see if there is a better way to approach the transition of an offender from prison to the community. He noted that the task force also plans to spend more time in the near future studying issues regarding the Diversion populations.

Mr. Weir added that the task force produced a number of recommendations last year and that a handful of those recommendations were rolled into a piece of legislation (SB15-007) that made its way through the legislature but died in appropriations. Part of the request from the CCJJ after the bill failed was to take a second look at the recommendation and see if a majority of the policy could be addressed while cutting back on the fiscal note. Mr. Weir added that this issue is currently being worked on by the task force. As for membership, Mr. Weir noted that Brandon Shaffer attends meetings when his schedule permits and that (former CCJJ member) Theresa Cisneros was his co-chair before she resigned from the Commission due to a work conflict. He also added that there are many dedicated stakeholder representatives on the task force. At the end of Mr. Weir's presentation Commissioner Rose Rodriguez reported that she would like to join this task force.

Jeanne Smith spoke to Commissioners about the work of the Data Sharing Task Force. The task force is fairly new (established in April 2015) and most of the initial work up to this point has been spearheaded by the task force staff. Staff members have been holding focus groups around the state to gather input from practitioners about what information they need to do a better job with case management for the offenders they supervise. Important topics from focus group participants including the desire for better criminal history information and more availability of treatment and programming information. Ms. Smith added that the task force is also tracking

work being done in Adams County by its Criminal Justice Coordinating Committee. The Adams County CJCC, in collaboration with SEARCH¹, is focusing on the development of an information sharing, web-based portal that will have many similar elements as what the task force envisions. Ms. Smith reported that the task force will be reconvening in the next month or two to discuss next steps. Scott Turner reported that he would be interested in sitting on this task force.

Stan Hilkey is the Chair of the Re-entry Task Force and described the work of that group. He explained that the task force is working systematically on three areas including technical violations, collateral consequences of conviction, and offender access to medical and mental health services. The task force has started its work in the area of technical violations and is currently involved in that area of study. He explained that, with all the work at hand, this will be a long-standing group and will likely convene over a period of two to three years.

Doug Wilson described the work of the Mandatory Parole Subcommittee. He shared that a subcommittee differs from a task force in that it is not a long standing group but instead is focused on one particular area of work to be accomplished in 6 to 8 months. This subcommittee was established as the result of a continuing, long-standing discussion in the Commission about current periods of parole and evidence-based practices. The work around parole periods has also led to discussions about the statutory purposes of parole and whether deeper reform is in order. He added that this group is supposed to have recommendations or proposals ready by October and he believes that expectation will be met.

Jeanne Smith explained the work of the Legislative Subcommittee and emphasized that it is involved in very different work than the rest of the task forces. The Legislative Subcommittee does not develop recommendations but rather acts as the shepherd for the legislative process once a Commission recommendation becomes a bill. This subcommittee monitors how things are progressing in the legislature because amendments and changes may be made to a bill. The Legislative Subcommittee basically acts as a legislative liaison for the Commission and also makes the decision whether or not, if a bill goes through too many changes, if the Commission should withdraw its stamp of approval from the bill. The subcommittee is very active during the session but during the rest of the year the group does not meet. Ms. Smith further explained that membership is limited on this group and it is predetermined by stakeholder representation.

Stan Hilkey reported that the Minority Over-representation Subcommittee is another long-standing group focused on issues related to minority over-representation. He explained the group is not currently working on any issues and therefore is on hiatus.

Mr. Hilkey summarized that the Community Corrections Task Force is the group most lacking in membership participation and that it would be good to see members interested in that work. Senator John Cooke offered that he is interested in the Community Corrections Task Force. Dave Weaver added that he too would be interested in community corrections but that as a county commissioner, he would also like to add his voice to the Legislative Subcommittee. Judge Michael Vallejos also asked to be part of the Community Corrections Task Force. Mr. Hilkey

¹ Search is a national consortium for justice information and statistics. See <http://www.search.org/>.

thanked the commissioners for volunteering their time to work on the committees and reiterated that the majority of the commission work is accomplished in the task forces and subcommittees.

Brandon Shaffer shared that he will soon be stepping down from the Parole Board. He has accepted a position with the St. Vrain Valley School District. He will continue with the board through the end of August but this will be his final Commission meeting. He added that he believes the most important thing for all Commissioners to keep in mind is how critical it is to participate not only on the Commission but the task forces and subcommittees as well.

BOULDER COUNTY JAIL PRESENTATION

Joe Pelle, Boulder County Sheriff

Bruce Haas, Jail Division Chief

Tim Oliveira, Jail Division Commander

Sheriff Joe Pelle welcomed Commissioners to the Boulder County Sheriff's Office and thanked them for making the trip to Boulder to learn more about the jail and jail programs. The Sheriff offered a brief description of the jail and logistics for the afternoon including information about the tour of the jail (to take place during the second half of the meeting). He noted that the jail is 30 years old and very crowded. He introduced Bruce Haas and explained that he's the Division Chief of the jail, which means he runs the jail and is the onsite manager. Tim Oliveira is the Commander of the jail and he's responsible for the programs in the jail. Both will make presentations prior to the jail tour. Sergeant Lydia Mitchell was also in attendance and she is the jail's Program Supervisor. Sheriff Pelle turned the meeting over to Division Chief Haas and Division Commander Oliveira.

Bruce Haas, Jail Division Chief

Division Chief Bruce Haas began a PowerPoint presentation and explained that he would start out by giving a bit of background on the jail. Prior to this current facility, jail operations took place in the previous jail for 11 years. Boulder has been in this facility now for 27 years. The jail was designed to be a single bunked 280 bed facility with showers and dayrooms designed to accommodate only that number of people. Currently, nearly the entire jail is double-bunked. In order to manage double bunking, the jail operates under a scheme of 'split lockdowns', which means half of the inmates are in their cells when the other half is out. Therefore when half the inmates are in the dayroom or the yard, the other inmates are locked down.

In 2005 Sheriff Pelle worked with county commissioners and other county stakeholders on a plan for additional jail beds. This resulted in converting one of the courtyards into more jail space, which added an additional 32 rooms. However, those rooms have since been double-bunked to accommodate 64 inmates. That has been the only growth to the jail since 1988. Unfortunately staffing has not increased proportionally. Present total jail capacity is between 535 and 550 inmates.

Chief Haas shared that when it comes to jail philosophy he believes one of the things that minimizes problems is that the staff in Boulder is great. Staff gives considerable attention to the inmate's behaviors and they work from a place of compassion, self-control, humanity, kindness

and discernment. All of that helps with suicide prevention, over-crowding and prevention of conflicts. Another prong of the philosophy is that when people come to the jail, staff members do not want them to leave any worse than when they came in. Staff does not focus so much on 'rehabilitation' as they do on opportunities for people to change. There is also a 'character first' philosophy which is focused on doing the right thing. Staff follow-up on what they say they are going to follow-up on. That has resulted in respect and trust from the inmate population.

Jail programs include educational components and preparation for GED testing. There used to be a way for inmates to actually take the GED test at the jail but the GED has since become an electronic only test and the jail does not have the infrastructure to offer the test electronically. However, when inmates are released they can go to a local testing facility and take the actual test. Jail staff is currently exploring whether there is a way to bring that testing onsite in the future. Prior to losing testing ability there were years when up to 50 inmates received their actual GED while in the jail.

Another program is the Transition Program which identifies offenders likely to be released back to the community in the near future and prepare them for re-entry. The program focusses on helping people find a job and find a place to live. It also helps people get stabilized with their medications and treatment. Criminal Justice Services (CJS) has partnered with the jail by providing staffing to assist inmates while they are still in jail with transition services. The goal in the future is to create a direct link with CJS to basically hand off the inmate for community release.

There is also a Jail Based Behavioral Services (JBBS) program, funded by a grant from the state Office of Behavioral Health, in the jail which provides behavioral health treatment. There are also a number of volunteers that come into the jail and provide traditional programs such as Alcohol Anonymous, Narcotics Anonymous, and various religious services. It is important to note that all services and programs in the jail are tailored to both male and female inmates.

Alternative sentencing programs include options such as those where an offender is sentenced to jail, lives in the jail, but then goes out into the community every day to work either for the City of Boulder or with county facilities agencies often in parks or other outdoor jobs. There are alternative sentencing options such as work release, day reporting, home detention and regular work release; however, there is also an extensive waiting list for these programs. There are currently 100 people on work release and 50 to 60 more on the wait list. Day reporting options include work with a private contract vendor, and home detention includes a traditional home ankle monitor. The Boulder County Jail manages approximately 200 people who are out-of-custody and not actually in jail.

The success rate with work release and other alternative sentencing programs is between 70 and 75%. The success rate with home detention is around 95%.

Chief Haas discussed arrest standards. Arrest standards are offense-based but are also influenced by ties to the community and prior Failures to Appear (FTA). Sheriff Pelle worked with other law enforcement chiefs in Boulder to establish standards regarding who really needs to go to jail. The outcomes from those agreements have resulted in good compliance with arrest issues.

However at the same time, Boulder law enforcement is under pressure from the City Council to enforce city ordinances with the homeless population. For jail operations, the end goal is to minimize the impact of municipal offenders on the jail population.

Regarding Bond Commissioners, Boulder uses the Colorado Pretrial Assessment Tool (CPAT). Implementing the CPAT has resulted in positive change with the bonding process because the CPAT focuses on risk rather than the type of offense the person committed. This means that those without economic means to pay for a money bond have the ability to be released without serving time pretrial. The pretrial population used to register between 50 and 70 percent, but the last two jail population snapshots reflect fewer pretrial inmates. A recent snapshot of the jail population report showed that only eight people were in the jail because they were unable to pay bond, and that many other pretrial detainees were being held for other jurisdictions. Implementing the CPAT has positively influenced more people being put into pretrial programs in lieu of incarceration.

Additionally, the population is getting older and they are coming in with more offenses. With all of these factors the pretrial population continues to creep up, however, pretrial success ratios are also going up. The jail population continues to be a hot topic in Boulder with regards to what are jailable offenses, especially around homeless offenses, camping and smoking, etc.

In addition to the programming previously described, the Boulder County Jail is currently contracting with community-based Mental Health Partners. Mental Health Partners also comes into the jail twice a week to perform assessments on people while they are still incarcerated but on their way out. This partner agency provides treatment and prescriptions for medication while the offender is still in the jail, so that when they leave, they leave with their medications and an appointment to go to a community-based treatment provider. That means that offenders are leaving the jail already in a cycle of treatment. There are many jails that will send someone out the door with a prescription, but generally that is not enough for the offender to proceed into a treatment plan. It is often unknown whether someone is going to take their medications, or instead fill the prescription and sell the medication. The Boulder County Jail works with Mental Health Partners to look at the best avenue for continuity of care. The jail provides all medical data on an offender and contact information to Mental Health Partners to assist in getting these individuals connected with community services.

On any given day about 130 people in the jail have mental health conditions. Offenders with mental health problems fill the mental health area and overflow into many other areas of the jail. Boulder has had to establish an expanded mental health unit and reorganized the jail space to accommodate the number of people with an Axis 1 mental health diagnosis.

There is also an overcrowding problem with female inmates. There were 16 female beds which were expanded and double-bunked into 32 beds. However, as with the men, some of the women needed isolation. Recently the female population grew to about 80 women and the jail was forced to shut down its work release unit to incorporate more beds for female inmates. With the arrival of even more women the jail staff had to reorganize additional jail space. Jail officials are also transferring women to jails in other jurisdictions.

The jail staff has studied at length the issues related to overcrowding using data from Boulder's Criminal Justice Management Board, probation, the police department, the sheriff's office and the public defender's office. Eventually, Boulder contracted with the National Institute of Corrections (NIC) for technical assistance to help study the problem. The technical assistance provider met with the district attorney's office, the police department, probation, and all the stakeholders on the criminal justice management board. While he was impressed with the collaborative effort in Boulder, one recommendation he made was to implement a method of early case resolution in cases where everyone knew the anticipated outcome. That approach is intended to help people move through the court process more quickly. NIC also noted that cases were taking longer than they should to process and that Boulder should consider methods to expedite case processing. Another identified problem area was that people were in the jail who did not need to be there (e.g. people who could not pay bond for pretrial release). Boulder officials determined that the least expensive alternative to the jail overcrowding problem would be to use an Alternative Sentencing Building where people who were on work release could be housed. That approach resulted in an additional 80 beds which is expected to assist with overcrowding issues for at least three more years.

In terms of trends, officials reported seeing more defendants in custody with mental health issues, extensive criminal histories and a growing female offender population. Offenders with mental health issues are more dysfunctional with a higher level of volatility, yet at the same time there is an emphasis in the criminal justice literature NOT to isolate these individuals. It is challenging to manage individuals with mental health problems who are a danger to themselves and others—that is when the use of isolation cells becomes important. In order to address this particular problem Boulder created a weekly review panel that meets every Wednesday to review cases in isolation, with the goal of moving the person back into the regular population. The panel consists of jail commanders, members of the classification team and mental health workers.

Tim Oliveira, Jail Division Commander

Jail Division Commander Tim Oliveira addressed Commissioners and explained Boulder's re-entry Jail Education and Transition (JET) Program. Commander Oliveira shared that the goal of the JET Program is to prepare inmates to reenter the community safely and as productive members of their families and communities.

Mr. Oliveira explained that, prior to JET and in an effort to assist inmates, deputies would create their own curriculum and lesson plans. These educational components would cover anything from resume writing to stress management, reentry planning, financial management and skill building. Deputies were wearing two hats, one for ensuring a safe jail environment and one for teaching classes. As the work evolved the JET Program was implemented in January 2013 to become more deliberate in the delivery of services to participants housed at the Boulder County Jail. JET has developed into a program which matches programming curricula to the offender's level of motivation to change.

Phases of programming for JET are aligned with Stages of Change, a model used to help people move through the personal change process.² Classes and services are tailored to inmate needs and are consistent with jail operations and safety procedures.

Commander Oliveira noted that bringing the JBBS program to the jail has been very beneficial. When the drug laws were changed in Colorado (a CCJJ initiative), savings related to prison beds were transferred to the Correctional Treatment Funding Board which provided the state Office of Behavioral Health resources to provide services in county jails. However, these are 1-year grant funds, and it is a challenge to hire staff when funding for the position could run out in a year. Commander Oliveira noted that a five year grant would be much more ideal for hiring people. He added that it is difficult to run a quality program in an incarceration facility with brand new therapists every year.

There are four phases to the JET program including Transition, Community Workers and One Stop Reentry. All of the phases include components such as AA/NA, faith-based services and even yoga for stress management. The inmates who sign up for the yoga classes report that they gain insight they never anticipated while they are in a calm and reflective place of contemplation. Yoga is taught to offenders with no deputy present and there have never been any disciplinary problems. The Boulder jail has received calls from the Denver Jail about how to implement a yoga curriculum.

Benefits of the Jet Program include the fact that inmates are more prepared with skills to reenter the community. There is also an integration of community providers to promote access to services. Service providers have the opportunity to network and collaborate with each other as they determine the best way to work with an individual. The goal of JET is to keep people in the community, working toward healthy lifestyles.

Adjournment

At the conclusion of the presentations Mr. Hilkey thanked both presenters for their passion and excellence in their field and for the enlightening and informative presentations.

Mr. Hilkey asked the group for final comments. With no further business, Mr. Hilkey adjourned the first part of the meeting and reminded commissioners that the second part of the meeting would be a tour of the Boulder County Jail. Commissioners dispersed and reconvened at the jail. At the conclusion of the jail tour the full meeting adjourned at 5:15 p.m.

² Studies of change have found that people move through a series of stages when modifying behavior. For more information, see <http://www.prochange.com/transtheoretical-model-of-behavior-change>.