

COMMUNITY CORRECTIONS TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
December 9, 2016

FY17-CC #02. New Community Corrections Reentry Referral Process (Statutory)

Recommendation FY17-CC #02

Revise five elements of the process to refer inmates to community corrections: 1) COV and Non-COV offender referrals, 2) Community referral packets, 3) COV and Non-COV offender program acceptance/approval process, 4) community corrections boards utilize structured, research-based decision-making, and 5) Repeal the statutory definition of Intensive Supervision Program-Inmate.

Referral Process:

1. Crime of Violence (COV) offenders will be eligible for community corrections reentry placement upon acceptance by both a community corrections board and a community corrections program, and at their Parole Eligibility Date (PED). Eligibility for Non-COV offenders will remain the same under current statute.
2. The Department of Corrections (DOC) shall provide a community referral packet which should include, but not be limited to: current validated actuarial offender risk and need information, projected release dates, prior supervision outcomes, institutional conduct, programming completed, verified re-entry plan, victim statement if Victim Rights Act (VRA), individualized recommendations concerning the appropriateness of placement in the community, and the Parole Board Action Sheet.
3. If a program/board accepts a COV offender, the offender will be seen by the Parole Board. If the Parole Board approves the offender for the Performance-based Parole Track, the Board will set conditions; the offender will then be transferred to the program and will be paroled upon successful completion of the program. If the Parole Board does not approve the offender for the Performance-based Parole Track, the offender will not be transferred to the program. Non-COV offenders who are accepted to community corrections will be placed without seeing the parole board and upon successful completion of the program will be paroled. The parole board will set conditions for Non-COV offenders upon successful completion of community corrections.
4. In addition to professional judgment and actuarial risk assessment tools, community corrections boards and facilities/programs shall, to the extent possible, utilize a structured, research-based decision making process.
5. Repeal the Statutory Definition of Intensive Supervision Program-Inmate: To repeal the minimum standards and criteria for the operation of Intensive Supervision Programs, specifically C.R.S. 17-27.5-102 Subsections 2, 3, 4.

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Discussion

The new community reentry process:

- Eliminates the Intensive Supervision Parole – Inmate Status (ISP-I) problem by removing the possibility that an inmate could successfully complete a Community Corrections program and then not be paroled.
- Creates a better process to ensure that those being referred to Community Corrections are appropriate for placement.
- Creates additional incentives to successfully complete Community Corrections programs.
- Creates process efficiencies in the Community Corrections referral process.
- Increases transparency of confinement and reentry to the community for victims.
- Increases inmate incentives to complete institutional rehabilitation and treatment programs.
- Furthers the purpose of Parole and Community Corrections.
- The purpose of repealing the statutory definition of Intensive Supervision Program-Inmate is to remove from statute the minimum requirements of ISP and instead allow the DOC more discretion to craft evidence-based program requirements commensurate with recommended policy change. This will facilitate the elimination of the ISP-I population.

Proposed Statutory Language

C.R.S. 17-27.5-102 (2016)

17-27.5-102. Minimum standards and criteria for the operation of intensive supervision programs

(1) The department shall have the power to establish and enforce standards and criteria for administration of intensive supervision programs.

~~(2) The standards and criteria shall require that offenders in the program receive at least the minimum services consistent with public safety, including highly restricted activities, weekly face to face contact between the offender and the program staff, daily telephone contact between the offender and the program staff, a monitored curfew at the offender's place of residence at least once a month, employment visitation and monitoring at least twice each month, home visitation, drug and alcohol screening, treatment referrals and monitoring, assuring the payment of restitution, and community service in a manner that shall minimize any risk to the public.~~

~~(3) An offender as defined in section 17-27-102 (6) is eligible for an intensive supervision program only upon the recommendation of the department if such offender has not more than one hundred eighty days remaining until such offender's parole eligibility date or upon a transfer from a community corrections residential program under article 27 of this title if such offender has not more than one hundred eighty days remaining until such offender's parole~~

[As approved]

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~~eligibility date and if the local community corrections board finds that the correctional needs of such offender will be better served by such supervision. The local community corrections board has the authority to accept, reject, or reject after acceptance the participation of any offender in each and every intensive supervision program under this article. In selecting offenders for transfer to an intensive supervision program, the department and the local community corrections board shall consider, but shall not be limited to, the following factors:~~

~~(a) The frequency, severity, and recency of disciplinary actions against the offender;~~

~~(b) The offender's escape history, if any;~~

~~(c) Whether the offender has functioned at a high level of responsibility in a community corrections program, if applicable;~~

~~(d) Whether the offender will have adequate means of support and suitable housing in the community; and~~

~~(e) The nature of the offense for which the offender has been incarcerated.~~

~~(4) At least two weeks prior to placement of a nonparoled offender in an intensive supervision program, the executive director shall notify or cause to be notified the respective prosecuting attorney and the law enforcement agency of the affected unit of local government; and he shall have previously notified the affected corrections board.~~