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Meeting Minutes - March 16, 2022

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**Member Attendance**

Glenn Tapia, John Draxler, Peggy Ritchie, Chris Lobanov-Rostovsky, Angela Cifor, Jenny Wood, Alison George, Tim Hand, Alex Walker, Hassan Latif, and Chad Dilworth

**Guests Present:**

Meredith McGrath  
Katie Ruske  
Tahnee Santambrogio  
Chrystal Owin  
Valarie Schamper  
Jill Trowbridge

Meeting Began: 1:02 pm

**Welcome & Introductions (Council)**

Wendy Bacchi introduced the Council Members and Office of Community Corrections (OCC) Staff

**Approval of the Minutes (Council)**

A motion was made to approve the December 3, 2021 minutes. The motion was seconded by Tim Hand and The December minutes were approved by consensus.

**PBC Figure Setting (Katie Ruske)**


Katie Ruske (OCC Program Manager) gave an update of the Request for Information (RFI) to the Governor's Office and the PBC figure setting from the Joint Budget Committee (JBC), and noted the following:

- **Figure Setting:**

- **How to utilize the reversion dollars from this year:**

Katie Ruske indicated that a second facility payment has been issued if the facilities met the conditions of actively serving clients in the program, they will submit a plan as to how to utilize those funds to cover the costs of the pandemic, or use the payment for hiring or employment retention.

Katie Ruske noted that Justin Brakke proposed the following to the JBC at figure setting regarding how to utilize the reversion dollars available: (Katie Ruske noted that clients received a 2<sup>nd</sup> facility payment this year as long as they conformed to the required conditions.)



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1. Covering Subsistence; a possible third facility payment; and the creation of a Reversion Cash Fund to help fund Performance Based Contracting (PBC) - **the JBC has delayed action on this item.**
2. Proposed caseload reduction, based on projections for the next year – proposed a reduction in overall budget (by the 3<sup>rd</sup> - 4<sup>th</sup> year, caseloads will return to full capacity) - **the JBC has delayed action on this item.**
3. Request to fund PBC for the first round of payments which would start incentive based per diem in the next fiscal year for risk informed outcomes – **this was approved by the JBC.**
4. An additional facility payment in FY23 – **the JBC has delayed action on this item.**

**Questions regarding figure setting:**

Glenn Tapia (Council Member) asked how much the caseload reduction is in terms of the number of beds. Katie Ruske (OCC Program Manager) responded that she will update this information by the end of the meeting. She noted that the caseloads are in line with the loss of capacity in Denver, and that it is not a large reduction. Katie Ruske noted that she is confident they will not have to ask for supplemental funding for next fiscal year.

**PBC Discussion:**

Katie Ruske (OCC Program Manager) gave a presentation on the Performance Based Contracting and Plan. Some of the highlights are as follows:

**What is PBC**

**Request for Information proposal submitted to the Legislature by 1/3/2022**

**Defining Performance included risk-informed outcomes, program compliance, program quality, and key performance indicators:**

- Risk-Informed Outcomes
- Program Compliance
- Program Quality

**Payment Models**


- Slow progression into increased incentives and decrease of base per diem to allow for the to become accustomed to the new contracting and reimbursement method;
- A model that allows for flexibility in metrics, weights, and payment that can evolve with the system over time;
- Solutions to address concerns about funding and initial investment to ensure the success of PBC;
- Increased accountability and financial impacts for poor performance.

**Questions:**

John Draxler (Council Member) asked how this affects the administrative dollars of core funding. Katie Ruske (OCC Program Manager) explained that the facilities that have high performing programs will receive the highest administrative dollars.

**Warning System**

- Katie Ruske indicated that PBC does not replace the Office of Community Corrections regulatory expectations to issue corrective actions.



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**Regulatory Role and Accountability to Standards (still mandated by Statute)**

- Corrective Actions
- Probationary Status

**Natural Consequences Built Into the payment model and PBC (not meant to be a punitive process)**

- Reduction in Per Diem
- Less Competitive for Contract

**Questions:**

Alex Walker (Council Member) indicated that the Division of Criminal Justice (DCJ) expectations vary by who you speak with, and asked how to keep these payment measurements and feedback expectations consistent. Katie Ruske (OCC Program Manager) responded that the payout scale has many checks and balances included in it, and noted that OCC will adjust baseline payments based on feedback received.

**Timeline**

- The audit and evaluation cycle will consider resources needed and adequate time between audits and evaluations for improvements and corrections to be made.
- FY 21-22
  - Complete RFI
  - Standards Review
  - Core Security and PACE updates
- FY 22-23
  - Development KPIs
  - Finish Core Security PACE Updates
  - Begin Evaluations/Audits


**Questions:**

Peggy Ritchie (Council Member) asked for a program example of what the PBC payment model would look like using actual dollars. Katie Ruske (GAC Program Manager) and John Draxler (Council Member) then gave some real-life program incentive payment information.

**Governor's Comprehensive Safety Plan – Council Discussion (Tim Hand)**

Tim Hand (Council Member) asked for ways to be included in and supply feedback to the Governor's Safety Plan. He noted that it would have been great to see Judge Delgado included in the announcement of this plan with the Governor. Tim Hand indicated that the Governor's Advisory Council (GAC) be a part of the conversations with the Governor regarding various topics that impact the State. John Drexler (Council Member) asked what the best avenue would be to be included in some of these discussions. Katie Ruske (OCC Program Manager) responded that each initiative has different engagement avenues.

Chad Dilworth (Council Member) noted that Tim Hand's point is very relevant, indicated the need to get the PBC initiative out to the public, and that it has an identified model based on relevant research. He also mentioned the need to be a part of justice reform, and have a voice championing these ideas.



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John Drexler (OCC Member) indicated that it would be good to have the GAC represented. Katie Ruske (Program Manager) responded that in the past that the Council has written letters to the Governor. Chad Dilworth (Council Member) then asked how can the GAC increase communication with the Governor's office, and expressed the need to be more involved.

Chris Lobanov-Rostovsky (Council Member) suggested speaking with Joel Malecka (DCJ Legislative Liaison) who represents the various Boards and Commissions. Chris Lobanov-Rostovsky suggested inviting Joel Malecka to attend a GAC meeting in order for him to understand the lack of communication with the Governor's office, and that the GAC be kept apprised of how best to communicate with the Governor's office. Tim Hand (Council Member) agreed with Chris Lobanov-Rostovsky, and suggested sending a letter to Joel Malecka. Katie Ruske (OCC Program Manager) responded that she will invite Joel Malecka to a future meeting to make him aware of the lack of communication from the Governor's office, and to ensure the GAC is aware of relevant issues. Chad Dilworth (Council Member) suggested inviting the Governor's Cabinet members who work with Criminal Justice issues to come to speak to the GAC, and to keep communication open. Katie Ruske indicated that she will reach out to Brandon Davis from the Governor's office. Chris Lobanov-Rostovsky (Council Member) suggested putting together a brief presentation of the work the GAC is doing to provide information to the Cabinet Members if they attend a GAC meeting. Tim Hand (Council Member) noted the need to create a brochure that focuses on what the GAC is doing.

### **Action Items (Council)**

#### **Judges Information Sheet (Katie Ruske/Judge Bland)**

Announced a lunch and learn training scheduled for judges on April 10, 2022 that will focus on what happens when a client enters Community Corrections, what are the expectations, and will answer judges' questions that they have previously submitted. She noted that the judges requested to have this presentation before an information sheet is created.


#### **Misdemeanants in Community Corrections (Tim Hand)**

Tim Hand noted that he gave a presentation to the CACCB to help Probation officers with misdemeanor cases that noted a 2-track system that will initially assess clients for high risk, high need at the initial office visit, or in lieu of revocation. He noted that funding streams were discussed, and indicated the coalition indicated that Community Corrections and Probation to work together to have more discussion and conversation before moving forward with any plans.

Glenn Tapia (Council Member) noted the need for stakeholder inclusion, and asked where this stakeholder process would live. He then asked it is a good idea for the GAC to work through some of the ins and outs in the interim, if this goes the way of legislative direct sentencing.

Peggy Ritchie (Council Member) asked for NIC technical request and facilitations with stakeholder and systems mapping that would show where this initiative could live. She also noted the need to know who the stakeholders are and what their responses are. Tim Hand responded that he will look into that.

#### **Spotlight on Community Corrections (Tim Hand, Council)**



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- In-Person Meetings (Council) – Katie Ruske (OCC Program Manager) noted that the rules and expectations have been relaxed, and that meetings can meet in person now. She indicated that there will be a learning curve to make these meetings hybrid.
- The next GAC Meeting is scheduled on 4/22/22 (1:00 – 4:00 pm) – Wendy Bacchi noted that the 710 Kipling conference room has been booked, and she ensured all that the AV is working for a hybrid option. Wendy Bacchi mentioned that it appears that there is consensus to meet in person again after polling the Council.
- The Next Steps – Identify first Presenter – Tim Hand will work with the Council to let them know which program will be presenting.

### **O. John Kuenhold Distinguished Service Award (Wendy Bacchi)**

Wendy Bacchi was not able to get the background on this award and asked Glenn Tapia for background on this award. Glenn Tapia (Council Member) noted that it started to recognize the good work of the stakeholders. It was named after Judge John Kuenhold who was a legacy member on the Council. Katie Ruske (OCC Program Manager) asked if the Council wants to continue with this award, and if so, a request for nominations from the field will need be sent. John Draxler (Council Member) indicated that this is normally announced at the annual CACCB meeting, which will be held in June. Katie Ruske (OCC Manager) noted that nominations will need to be submitted by the April 22<sup>nd</sup> meeting in order to recognize the awardee(s) by the June meeting. Tim Hand (Council Member) suggested taking a look at what this process has been in the past. He noted there are many in the community corrections field that are worthy of this award.

Wendy Bacchi noted that she has the previous nomination forms and indicated the following:


- Wendy displayed the current nominee information and award type;
- Wendy will update and send the nomination information and nomination form to the Council;
- John Draxler (Council Member) indicated that nominations will be due by 4/15/22. Katie Ruske (GAC Program Manager) noted there is the option to vote by email in May, with the possibility of extending the nomination period if necessary.

## **Standing Items**

### **Updates**

**Legislative (Katie Ruske)** – Katie noted the following legislation in process:

- **SB 22-049 – Victim Rights Act** – cleanup of who does the notifications of the early terminations for diversion direct sentence clients, where Probation is to inform the providers of court dates, etc., who in turn will notify the providers of these dates.
- **HB 22-1278 – BHA (Behavioral Health Administration) Bill** – this bill has been introduced. Glenn Tapia (Council Member) asked if they will be using the same contract, data system, and governance. Katie Ruske (OCC Program Manager) responded that there is no indication at this time to move to a universal contract. Jenny Wood (Council Member) responded that the OBH group that is working on the road-mapping will ask for a list of questions to send to Commissioner Medlock.
- **CCIB 2.0 (Valarie Schamper/Wendy Bacchi)**



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Valarie Schamper (OCC Staff) reviewed that the final features of CCIB 2.0 are being completed, and that OIT is building the last coding in the system. She noted that this system is in the user testing phase now to gather feedback, and to make necessary changes before going live at the end of this fiscal year. Valarie Schamper noted that this will be an ongoing project with continuous upgrades and new features added when needed.

**Announcements (Council)**

None

**Adjournment (Chair/Co-Chair)**

- Next Meeting - Friday, April 22, 2022 (1:00 pm – 4:00) – In person

Meeting Adjourned 2:56 pm