

**Governor's Community Corrections
Advisory Council Minutes**
Friday, August 17, 2018
Division of Criminal Justice
710 Kipling Street
3rd Floor Conference Room, Suite 308
Denver, Co 80215

Welcome and Introductions

Council members: Judge Delgado, Shannon Carst, Joe Thome, Eileen Kinney, David Johnson, Marti Kovener, Jagruti Shah, Valarie Schamper, Doug Erler, Greg Mauro, John Draxler, Bill Cecil

Special Guests: Aaron Stewart, Cara Wagner, Shawna Nichols, Tahnee Santambrogio, Cynthia Lockwood, Brian Hulse, Steve Allen, Vance Roper, Chrystal Owin, Kerry Krause, Jeanenne Miller, Frances Faulk, Charity Bellerdine, Gabby Reed, Jim Pyle, Jenny Remack

Minutes from April 27, 2018

A motion was made to approve the minutes from the April meeting as written. The motion was seconded and the April minutes were approved by a unanimous vote of the Council.

HB 18-1251 - Discussion

Valarie, explained that former OCC manager, Glenn Tapia, had created a standing agenda item to discuss the utilization of community corrections by the Department of Corrections (DOC) as a result of HB1251. Valarie explained the utilization goal (8%) outlined by HB1251 and how the two ways to count the population (jurisdictional versus prison) change the way the utilization goal looks. She reported the numbers are figured using the jurisdictional population (which is a higher count than the prison population) and currently the utilization rate is 6.8% at the end of July. The target for the end of the fiscal year is 8%. The last 12 months have shown significant progress in meeting this goal. The utilization rate in July of 2017 was 5.4%. Shannon asked what populations the 6.8 % represented. Valarie clarified that 6.8% of the DOC jurisdictional population are transition clients in community corrections. She advised that we have been figuring out the best way to report these utilization numbers to the general assembly and the JBC. She asked the Council to provide some things that our office can take back to the legislature as we speak to these utilization numbers. What are steps boards and providers taking to increase these

utilization numbers? Shannon reported that providers have come together and started doing in-reach programs at DOC. Frances advised that they have entered a partnership with Division of Prisons. They work directly with the wardens to set up a day where they provide information on the Progression Matrix, BSMART to the management team and the case managers within the prison. They discuss the expectations in community corrections, what does community look like, and the benefits of community corrections. A provider meeting is then scheduled a few weeks later that is similar to a job fair but it is a community corrections fair where offenders can come talk to program staff and directors from the different jurisdictions to discuss the benefits of community corrections and they can get all of their questions answered as well as information about their referral to community corrections. They will be going to Arkansas Valley, Buena Vista, and Sterling Correctional in the next couple of months. She advised that this round is for the male population as the female prison populations have already been through this process. Shannon explained that they started with the females first because they were noticing a large number of female vacancies in community corrections facilities with the staff to accommodate those filled beds.

Greg advised that in the short-term, as of yesterday, the Denver board is adding extra meetings and review for an extra 200 plus cases in the next three months. This additional review will keep the Denver facilities full over the next few months. what the board is doing there will be working on 200 extra case in the next couple of months. The City of Denver is also looking at its zoning code that effects community corrections facilities. GEO, CoreCivic and Independence House have been on a committee that reviews these codes and could possibly loosen the codes up, allowing for the possibility of more beds within Denver.

John and Tim advised they have been working together to address the lengthy Larimer county wait list for community corrections. John advised that their board reviewed 80 cases from Larimer for placement in the 13th judicial district. Tim explained they are also having the same conversations with GEO regarding their female wait list.

Shannon spoke that community corrections providers are also a standing agenda item in the DOC Case Manager III meetings to discuss community corrections referrals.

Charity explained that the El Paso board is looking at their criteria for review to address the backlog of referrals to the county. The county also has regular vendor meetings to discuss the backlog problems and discuss solutions to the backlog. John spoke to the legislative liaisons in the room about making sure the facilities are funded for all the beds they can supply to the population. He discussed how he is funded for approximately \$1.6 million dollars but spent just over \$2 million last year.

He is concerned that with a conservative board and the funding uncertainty that they will not be able to serve as many clients as they have in the past. Greg pointed out that if the utilization numbers were run using the prison population rather than the jurisdictional population, that it seems like the utilization would be very close to the goal right now. Valarie agreed and said that if the numbers were being run against the prison population, that utilization rate right now would be approximately 7.4%. He asked about years ago when this goal was in place, if the numbers were run against the prison population and not the jurisdictional population? Valarie stated she did not look back that far so she was not sure. She advised that the budgetary target was set in several different places and work was done to review all of the sources to figure out how to figure the data. Greg also asked if the diversion population has increased during the same time-frame as the transition population. Valarie replied that yes, it did increase as well. Greg wanted to that information to be reported in this forum as well due to having the JBC analysts in the room.

Steve Allen agreed that the diversion population did increase, even more so than the transition population. He pointed out that due to this increase in the diversion population, it leaves even less beds for the transition population. Vance asked John to expand on his comment about the funding issues. He wants to know where the issues are whether, it is timing, amount, etc. John replied that is it down to two issues. The first is the overall funding, he referred to his previous comments about much he spent last year versus how much he was funded for. The second issue is the timing of the funding as they did not receive their first quarter payment until August which puts a financial strain on a smaller jurisdiction like his.

Frances explained that in El Paso county, the GEO facility has 100 vacant beds that could be filled from their referral list but they are not funded for those beds. Shannon explained the open allocation change that was made in Adams county. DCJ changed the allocation in that jurisdiction to an open allocation whereby if they overspend in one facility they can move the money from an underspent program to cover the difference. CoreCivic keeps in touch with DCJ monthly to check the budget and see where they are.

John explained that the extra money they get at the end of the year does not include any admin funds so they need to out 4% of those funds to cover admin costs.

Charity then explained how they do not have open allocations in Arapahoe and El Paso. There is a set number and no way to move the money around. They have unfunded beds available in both of their programs in those jurisdictions that cannot be used because the money is not available. Vance asked how quickly they could open up those beds if they received funding for them. Frances explained that it could take 2-3 months to get them open. She also advised that they have

requested to make ACRC a male/female facility but they have not yet received a reply.

Valarie explained that the supplemental was a part of how Shannon was able to cover the overspending in the open allocation jurisdiction. She also explained that is an on-going conversation with providers throughout the year. Historically, there is a drop in utilization/population in May and June due to tight budgets and then the numbers go right back up again in July when the new fiscal year starts.

Valarie recognized and thanked the providers for getting their vacancy numbers to us per HB1410.

Subsistence Support Funding Issues for FY2019 - Update

Valarie presented the foot note to the Council for review and explained the ideas that the council decided on last time. She stressed that the discussion revolved around a strategic use of public funds. At the last meeting, the Council agreed to disperse these funds to clients after they had successfully completed level 4 and were going to go out on non-residential status. Unfortunately, this decision does not match up with what the footnote is requesting. She explained there is a need to clarify legislative intent around this footnote and that is why we do not have a policy for the council to look at today. Joe explained there is a meeting next week to clarify this and we will send out the policy by email as soon as it is ready after this meeting.

Treatment Services Funding for Transition Client – Discussion

Valarie gave the background on the transition funding from DOC for services not covered by other funding sources for clients coming from DOC. She spoke to the client piece and placement of transition offenders in community corrections and referenced the letter from DJ advising that the funding of these services will continue while some research is done to identify funding sources and the purposes of the funding. That being said, Valarie and DJ both encouraged boards and providers to please accept these transition clients as you have been and continue to use these funds for their treatment. It is important to continue using these funds so the research being done about where the money is going is not skewed. Valarie stressed that funding is through the year not just October as originally stated. Tim asked about if and when the providers were updated about this change. Valarie advised that both boards and providers were included in the email informing them of this change the Friday prior to this meeting. Valarie welcomed any other ideas for getting this updated information out to all who need it.

Status of New Positions in the OCC - Discussion

Joe first called out Valarie for all the work she has done since Glenn's departure. She has been an incredible asset to the team and the stakeholders alike during her interim status as the OCC manager.

Joe advised that a new manager for the OCC has been named and her name is Katie Ruske. She is highly qualified comes to the OCC from the Division of Youth Services. Joe explained the grueling process that was initiated to identify the new OCC manager. Her scheduled start date is September 10.

Joe explained that the OCC is expanding from a staff of 14 to a staff of nineteen. Eventually the OCC will be moving to a bigger office space on the second floor of this building to make room for the staff. There will also be some reorganization to better structure the OCC so we can support the field better than we are able to do now. Joe also explained that the new model will help stakeholders utilize the talents that are available in this office.

Performance Based Contracting Status (PBC) - Update

Valarie reminded the Council that a funding model for PBC was discussed at the last meeting. She wanted to give the Council an update as to what status of PBC since then and what they Council might want to work on moving forward. We have received approval from the department to continue to move forward with the legislative concept around PBC. We are hopeful that legislation will be presented before the general assembly that would allow for PBC (a change in statute would allow for it). She explained that the details around PBC will be the most important piece of the work being done prior to implementation. The Council requested the hiring of a consultant to assist a subcommittee with drafting a funding plan for PBC. We are still trying to find a funding source to hire the consultant to assist the subcommittee in developing a good solid plan for PBC. The plan the council approved in 2015 is included in the packets today. It was included so the Council could become familiar with what is contained in the original plan and maybe see where details need to re-visited by the sub-committee.

Valarie also gave an update on the performance evaluation side of the PBC conversation. The Council originally agreed that it was necessary to have a baseline for all programs prior to beginning PBC. The OCC has been working diligently to get that baseline completed for all programs using the PACE and the Quality Assurance team

There have been 10 PACE evaluations out of the 32 programs with a very aggressive schedule to get them all completed by December of 2019. There have been some delays but we are trying to be thoughtful as we work through these evaluations.

Another piece of the PBC evaluation plan is the Core Security Audit. The QA team has developed tools and trainings to address this component and it is important because it is also part of the local partnership where boards and DCJ work together to complete these audits. The team has developed training for the boards and programs around this piece and have several trainings already scheduled for boards and providers to attend and learn about the process, co-auditing and the tools.

Greg asked if the consultant idea was moving forward and Valarie said that it was, however, she is still searching for a way to fund it. She knows it is an important step and will continue to search for way to make it happen. Joe added that the idea has been elevated to him and they are actively working with budgeting staff to find a way to pay for it. The subcommittee will be brought together once there is a solution for the consultant.

2017 Standards Cost Survey – Reminder

Valarie used today's meeting to remind boards and providers to fill out the cost survey sent to them back in July. The responses are due at the end of August and a failure to fill out the survey will denote an amount of zero dollars spent on 2017 Standards implementation. Shannon explained that the Coalition has been actively working on this request and that may be why there has not been much response from providers. Tim asked if the boards and providers can submit a single survey for both and Valarie explained that we would prefer separate surveys from the board and the provider to map out the differences of their costs.

Shannon also explained that very difficult to document out overtime that is tied to Standards implementation for this survey. Her decision was to not to complete those questions.

Steve Allen explained about the decline in per diem rates and then how the survey came about to possibly set higher per diem rates based on the data that is collected. He said the data could give a good basis for requesting higher per diem rates.

Next Meeting – October 19, 2018

Greg mentioned that the Distinguished Service Award will be awarded to Joe Ferrando (possibly in absentia – Tim is going to work on getting him to attend) at the fall CACCB meeting.

There was some discussion about how this process is supposed to work and Wendy proposed to skip 2017 and just award this for 2018. The Council wanted to keep it for 2017 and then get this award back on its original schedule. The Council decided to keep the award to Joe for 2017 and nomination forms for 2018 will be sent out to the

field with nominations due in time for the review and voting during the February Council meeting to be awarded at the May CACCB meeting.

Bill spoke about companies that hire offenders from community corrections and parolees. He asked that providers and programs reach out to unions about getting jobs for community corrections clients. He wanted to make sure these options are being explored when programs are trying to find jobs for their clients. Frances explained that GEO is doing some work along these same lines at Tooley Hall. GEO is going to expand this program to the female facilities under GEO's purview. He also asked that the rules around client travel be reviewed to maybe allow clients to travel out of town.

Adjournment

Judge thanked everyone and adjourned the meeting.

DRAFT