

Governor's Community Corrections Advisory Council

Minutes

Friday, October 19, 2018

710 Kipling, Suite 308

Lakewood, Co 80215

Welcome and Introductions

Board Members: Kathy Delgado, Shannon Carst, Marti Kovener, Greg Mauro, Valarie Schamper, Joe Thome, Jagruti Shah, Eileen Kinney, John Draxler, Kristen Hilkey, David Johnson, Bill Cecil, Joan DiMaria, Doug Erler

Guests: Wendy Bacchi, Danielle Padgett, Brian Tibbs, Angie Riffel, Jeanenne Miller, Mike Koob, Ken Gaipa, Kerry Krause, Chrystal Owin, Cynthia Lockwood, Shawna Nichols, Cara Wagner, Tahnee Santambrogio, Aaron Stewart,

Minutes from June and August Meetings

John Draxler moved to approve the minutes from June and August, Eileen seconded the motion. The minutes for June and August were approved by a unanimous vote.

New OCC Positions – Update

Joe explained to the Council that the growth of the Office of Community Corrections (OCC) in support of the PACE initiative, led to a reorganization of the unit after the hiring of the new manager, Katie Ruske. He announced that with the re-organization, the unit has added a Deputy Manager position. Valarie was chosen to fill this position. Two of the positions granted to the unit last year by the legislature were reclassified into supervisor positions (Cara and Tahnee) to have two teams available to field for the PACE, audit/quality assurance and technical assistance functions. We are in the in process of filling the open PACE positions and the training position created by HB 18-1251. The training position will provide a consistent message to the field (both boards and providers) for fidelity and quality control purposes as we move toward performance-based contracting (PBC). This position will also provide a voice for both the boards and DOC as we move towards PBC. The remaining PACE positions and the training position will hopefully be filled by late November.

Joe explained that the two teams will be out doing more site visits and PACE evaluations in order to start preparing everyone for the move to PBC.

Subsistence Support Funding Issues for FY2019 - Update

Valarie advised the Council that the legislature gave Community corrections about \$275,000 to put towards subsistence support to clients in FY18-19. The council had previously formulated a policy around how to distribute those funds but after doing some research, it was determined that the policy originally drafted did not meet the legislative intent defined by a footnote in the bill. The OCC drafted a new draft policy that aligns with the legislative intent for the funds and presented it to the council for review today. The policy defines that the money is to be used specifically by transition clients to pay for their first ten days of subsistence with the hope that it will encourage them to participate in community corrections prior to their release. She explained that a new service type will be created in CCIB to track

these funds. Val advised that the money has already been allocated to jurisdictions with a facility. The funds will begin to be dispersed to programs once the council approves the policy. Shannon made a motion to accept the policy as written and was seconded by Joan. The policy was unanimously approved by the council as written.

HB 18-1251 - Update and Discussion

The OCC is working on getting this position hired and due to that, there are some tasks on hold until that person comes on board. What we are working on though, is the preliminary steps as there is an annual report due at the beginning of February regarding the implementation of structure-based decision making by all the community corrections boards as well as other statistics.

The boards are working on identifying data collection processes for referral and acceptance information, as those figures are required in the annual report. Valarie asked Greg to give an update on how that process is going. Greg explained that there is a group of board staff that meet regularly and they are working on identifying an equitable measure of acceptance rates across judicial districts, despite having different review processes. They have developed a spread sheet for the boards to use and are in the process of testing it for use before it is released for use by all boards.

Doug asked about a time frame and Valarie explained that the annual report is due to the legislature in February. Ideally we would like to be able to publish on the first two quarters of FY19 but Greg cautioned that the group is working carefully through the process so as not to generate inaccurate numbers. Doug asked for a hard deadline so the group can continue to work towards that goal. Valarie advised that she would get that deadline confirmed and make sure the group had it. Greg advised that they are only focusing on primary referrals at this time so as not to complicate the process. Valarie advised that this first report will be more about the work going in to the implementation of HB1251 but Greg and John both feel that this data will be incredibly meaningful moving forward. She also advised that the publication of this report may coincide with the release of the community corrections annual report that will have statistics that may or may not be helpful to the conversation.

Bill asked if the report will include the risk level of the people rejected or accepted by the boards and providers around the state. Greg advised that document the group is developing does not include that data but that DCJ captures that data point from those offenders who are accepted into community corrections. Greg advised that there is a high acceptance rate of high risk offenders in community corrections. Sixty percent (60%) of clients are either high or very high risk. Valarie advised the overall risk level of community corrections clients has been increasing every year for a number of years. The average LSI score of a community corrections client is nearly 30. Greg advised Bill the historically boards and programs have been accused of choosing only lower risk clients, when actually, the data suggests the opposite.

With regard to the structured-decision making (SDM) tool for the boards, the funds granted by the legislature (\$178,000.00 each year for two years) to assist boards with developing their SBD tools will start being dispersed soon. The DCJ is going to hold out a little bit of this year's funds to hire an internal consultant to assist the 1251 person in developing some prototypes for boards to use as a starting point if they wish. The consultant will also be able to help the position get the trainings started for the boards and DOC case managers as required by the bill.

Valarie reviewed the letter sent to the boards by OCC Manager, Katie Ruske, outlining the process for requesting funds for development of the SDM tools. The workload for development of the SDM tools will become easier as we go through the process as boards will be able to use other board's tools as a starting point for their own tool. Included with the letter will be a proposed scope of work for boards to use if they wish.

Valarie explained that development of this tool is required of boards by statute and she and Katie have plans to go out be supportive of the process for the boards. Joan asked if there were other tools around the country that have already been developed so that boards do not have to start from scratch. Greg explained that Colorado is very unique in the way their community corrections functions but the Colorado system could be equated with parole board decision-making. He explained that when Denver developed their tool, they used a consultant who had worked with parole boards on their tools. The purpose of the consultant is to give boards a solid point in which to start developing their tool.

Greg referred to DOC for some of the other items that are effected by HB1251 (community referral process, a feedback loop for boards when a DOC offender is denied community corrections placement, etc.). DJ advised that DOC has an upcoming meeting where these details are going to be discussed by the different entities working on each part of HB 1251. With regard to community referrals, a prototype form was developed and was to be uploaded into the new DOC system. He expects an update in the meeting about when this might be made accessible. A survey has been sent out to DOC staff regarding the feedback loop around reasons for denial. The results of the survey will be discussed at the meeting to ascertain how to implement this loop into CWISE for boards to utilize. The other points of the bill will also be discussed at this meeting and will hopefully receive action steps from DOC. DOC staff will give a report of these discussions at the upcoming CACCB meeting.

Board Contract Renewals – Discussion

The community corrections boards around the state contract with DCJ/OCC on a five-year master contract cycle. We are currently in year five of the current contract. It is time to revise the master contract for community corrections boards. The OCC has reached out to the cognoscenti group of board staff to put together a working group to start looking at the current scope of work in the contracts and start identifying revisions that will need to be done for the new contract period.

One of the discussion points for the contract revisions will be around what kind of groundwork can be put in the scope of work to support the idea of performance-based contracting (PBC), even though we do not have any specific details about how that is going to function nor does DCJ have the statutory authority to engage in PBC. There is momentum in the upcoming legislative session to move towards PBC but contracts will need to be revised prior to that decision being made. Valarie advised that if PBC goes through and gets funded the five year contracts that have already been completed will have to be re-done to include PBC. The idea is to do some of the ground work now in preparation of what may come later. We have also heard that our JBC analyst has suggested PBC for boards as well (performance matrix for boards), but we aren't sure what this might look like.

The board types defined in the current scope of work will need to be revised as well. With the move towards PBC and development of Core Security Audit process, we will be looking at the board types to see what adjustments may need to be made moving forward. With PBC there will be more expectations for accountability for all of us, and we will need to explore what accountability measures look like between our office and the boards.

Performance Based Contracting – Update

There continues to be discussion about the move to PBC within the General Assembly. The original plan was complete in 2015 by this council. Does the council want to review the original plan in this setting and still see if it is representative of our current vision? Shannon thinks it would be a good idea to revisit the PBC plan from 2015. Shannon asked about the status of hiring a consultant to help with these discussions.

We have been working in our office to create a plan for getting all baselines on the PACE and Core Security side completed, and also taking a realistic look at this timeline for our team.

Valarie gave the affirmation that baseline will not be funded so if the legislation comes through we may be able to use that hire a consultant to assist with these discussions around how to incentivize PBC after baseline. The question now is not around funding but gaining the statutory authority to engage in PBC. The other detail that needs to be visited is to clearly define risk informed outcomes. This detail will need to be the next issue tackled by the groups define this detail and how specifically this data will be used.

Greg summarized Valarie's question asking if the Council wants to review the plan again. If not, he asked if that leaves DCJ to figure out the details that still need work in the plan? Valarie proposed that the Council could choose to just review the risk-informed outcomes section of the plan. The office of research and Statistics has released a new recidivism study that is available on-line and we can try to get someone from that office to present that data to the Council at an upcoming meeting. This may help formulate the plan for the risk-informed outcome piece of PBC.

Greg and Judge both agreed to keep it on the agenda and further the conversation with data at the February meeting. Valarie proposed to discuss outcome statistics in general at the next meeting and see if that leads to further conversations about how to use them as a performance measure as opposed to revisiting the whole plan. Valarie and Greg both agreed that the risk-informed outcomes piece of the plan needs more all-around work.

Governor's Advisory Council Structure & Bylaws – Discussion

This is something that stood out to Katie as she was learning about community corrections. The by-laws for the council have not been updated since 2006. She was wondering if there was interest in updating these by-laws and as we bring on new members how we may want to do that. We will have a larger conversation about it in February if you want to review.

Wendy reviewed the nomination process and expirations of the current council members.

There is a new law, HB18-1198 or C.R.S. 24-3.7-102 ("Best practices for state boards and commissions"), that mandates best practices for all statutorily created state Boards and Commissions. It requires implementation of written policies or bylaws and annual training on the best practices. The council is not a statutorily created board or commission but do we want to revise the by-laws to align with this new law anyway.

Joe advised that DCJ administers 13 different boards and 28 different sub-committees/working groups, some of which fall under HB1198 and some that don't. The department is looking to see if it is valuable for the council to move this direction in anticipation of this applying to all eventually.

Valarie asked that you all please review the by-laws for the February meeting when this discussion will be revisited. Shannon commented at the defined make-up of the board and that it may need to be re-visited. Judge asked to set up a sub-committee to review and revise these by-laws and Valarie advised that Katie would be happy to work with you all on this.

Sub-committee members: Judge Delgado, Marti Kovener, Eileen Kinney, John Draxler, Shannon Carst, Doug Erler

2019 Meeting Schedule

Wendy reviewed the dates available for this meeting for the coming year. The council reviewed the dates and decided on the following schedule for 2019:

February 1, 2019

April 26, 2019

June 28, 2019

August 16, 2019

October 25, 2019 (initially presented as October 22 it was a typo as that is a Wednesday, not a Friday)

February 7, 2020

Next Meeting

Friday, February 1, 2018

Adjournment

Judge Delgado adjourned the meeting at 1:25 pm