

# GOVERNOR'S COMMUNITY CORRECTIONS

## ADVISORY COUNCIL

*Meeting Minutes*

*Friday, June 14, 2019*

*Division of Criminal Justice*

*710 Kipling St. Suite 309*

*Lakewood, CO 80215*

Shannon called the meeting to order, explaining that Judge Delgado was detained in a hearing and was not able to make the meeting today. She asked for introductions by today's attendees:

### FEBRUARY AND APRIL MEETING MINUTES -

The minutes for February and April were resent to the council for their approval. Doug moved to accept the February and April minutes as written and was seconded by DJ. The February and April minutes were approved unanimously by the Council.

### COUNCIL INTRODUCTION LETTER TO GOVERNOR POLIS -

Members of the Council had drafted a letter introducing themselves to Governor Polis. After the last meeting, the letter was updated with the most recent population numbers and the intent was to have the Council chair and co-chair sign it today. At the last meeting the Council also voted on a letterhead to be used for Council correspondence.

The previously approved letter was also drafted on the new letterhead in preparation for forwarding to the Governor's office. Because there are many new Council members since the letter was written, Shannon gave an overview as to the reasons behind the letter. She stressed that it was drafted to advise that while community corrections offers a solution to the prison overcrowding issue, it is not the only solution. At this point it is her opinion that the letter was moot.

Copies were made for the Council and they began reviewing it one more time. Jason offered some alternate verbiage to address the services received by community corrections clients while they are in the facility in response to Tim's comment that those services are not presented anywhere in the letter.

Wendy asked the Council if they preferred to use the word offender or client when talking about people community corrections. There was discussion around this and it was agreed that client was too broad and the purpose of this letter the word offender should be used.

### **O. JOHN KUENHOLD DISTINGUISHED SERVICE AWARD -**

There were four nominations for the Kuenhold Distinguished Service Award. The Council members received the nomination packets for review prior to today's meeting. Ballots were distributed and votes were cast and collected. The award will be presented to the recipient at the Colorado Association of Community Corrections Board's annual meeting; being held on June 28th and 29<sup>th</sup> in Montrose, Colorado.

Peggy suggested in the future that a committee be formed to develop a criteria matrix or guidelines that will help the decision for this award be more objective. Wendy commented that she believes there is a by-law that defines a committee for this award process.

After tallying the votes, the award recipient will be Brad Kamby. Brad works for the Arapahoe County Community Corrections Board.

### **OCC STAFF UPDATES -**

Katie advised that conditional offers were made for the last two PACE positions in this office. The OCC will have no open positions and be fully staffed at 19 if these two candidates accept these positions. She commented that the OCC has grown quite a lot in the last couple of years. The full team has the lofty task of completely the baseline in both the PACE and Core Security by the end of June 2020.

### **COMMUNITY CORRECTIONS INFORMATIONAL SHEET FOR JUDGES -**

At one of Katie's first Council meetings, Judge Delgado had suggested that judges could be helped by information and training about community corrections. It is her thought that with new judges coming to the bench, this information may be incredibly helpful with their sentencing decisions. She and Chrystal spoke with the training coordinator for the judges and she advised that probably the best way to convey this information to the judges would be a single page fact sheet about community corrections.

Katie asked the Council, since many members are involved in the criminal justice system, to start thinking about what facts should be included in the information sheet.

Eileen asked if the purpose of this was increase diversion sentences. Katie clarified that in the initial conversation about this Judge Delgado felt like judges were sentencing people to community corrections without knowing exactly what community corrections is or does. She thought the information may help judges understand what a community corrections sentence means for a person.

Council members suggested that the following points might be helpful:

- What kinds of services are offered in community corrections?
- What risk level is appropriate for placement?
- What is the difference between residential and non-residential?
- A day in the life of a community corrections client (checking in, checking out, working, etc.).

- How the process works once they report to community corrections (the timeline for getting to work, receiving services, etc.).
- Community Corrections Flowchart – shows how the system works and where decisions may have an impact on the people being sentenced.

Alison asked about how the diversion population affects the goal of having eight percent of the eligible prison population (transition/parole clients) residing in community corrections. Katie explained that the message in the conversations with the Governor's office and other stakeholders around the utilization question, is that, were it not for the community corrections sentence, a good majority of those diversion clients would be sentenced to DOC. Katie added that the OCC does not put a cap on any type of bed allocation in an effort to keep placements flexible to judicial and DOC.

Tim told the story of how the Judges in the Eighth Judicial District were invited to come tour the Larimer County facility and learn more about community corrections. Since that time, the community corrections numbers for Larimer have risen significantly and there is now a waitlist for the facility.

Alison asked about the court liaison program. Because this is a new service, Eileen offered to get her in touch with someone who would be able to provide her with more information.

Doug suggested to include the steps to sentencing as there are different times (negative termination, early termination, etc.) when judges are seeing these offenders. Focus on the details a judge would find important to choosing the best sentence for an individual. He also suggested that once this sheet was done and approved, to also do information sheets for district attorney's and police department.

It was suggested to make sure the sheet explains that every jurisdiction has a slightly different process for approving clients sentenced to community corrections.

Katie asked for volunteers to help with development of this information sheet and Eileen and Nikea offered their assistance. She also advised that once this is developed, we can work to develop sheets for other stakeholder groups.

### **MEDICAID RESIDENTIAL BENEFIT –**

Lydia, our specialized auditor, has been attending meetings discussing substance abuse treatment for community corrections clients through Medicaid. In 2018, a house bill was passed last year mandating that the Department of Health Care, Policy and Financing (HCPF) look into creating a full continuum of substance abuse services through Medicaid. To be in compliance with the bill, HCPF is pursuing a waiver for Medicaid to be able to pay for substance abuse treatment for residential populations.

Lydia, explained that federal Medicaid does not cover any substance abuse disorder treatment as a benefit category. HCPF is appealing the censure of Medicare/Medicaid services through this waiver application process to pay for the inpatient, residential substance use disorder treatment and social detox. Currently, Medicaid can only pay for medical intervention through a hospital, not for services through a social detox facility or for medications used to treat substance use disorders.

The waiver is in process at HCPF and they are working with a contractor to assist them. The waiver should be submitted October 2019. If approved, implementation will occur in July 2020. Currently 32 states have been approved for this waiver, so the thought is that Colorado will be approved as well.

Katie confirmed with Lydia that there are some restrictions around the length of treatment and other details. Lydia advised that a provider can elect to become a provider for Medicaid. They work with a subcontract of their regional accountable entity to determine what those practices and processes look like for Medicaid, to make sure they get reimbursed for those services. This could impact some of the specialized programs within community corrections, specifically the Intensive residential treatment program (IRT), possibly the therapeutic communities (TC) and the residential dual diagnosis programs (RDDT).

Katie explained that HCPF has begun touring around with the Office of Behavioral Health to start speaking with the criminal justice entities who would be impacted by this change. There is a possibility that the waiver could be rolled out in phases or that it is not necessarily useful in some criminal justice environments. These meetings will get these conversations going, to see what this means for community corrections and other criminal justice entities. Katie also explained that states could be penalized for keeping clients in substance abuse disorder treatment for longer than 30 days but most of the community corrections programs in Colorado are longer than 30 days so this initiative will have to be worked through.

Katie said that they are using the ASAM scores to determine how much care a person is needing. Jason explained the ASAM scales describe the level of service/care for and gave examples of what different scores might indicate. He described that it is similar to the TxRW used by community corrections. Katie advised that you need to have a ASAM score of 3.2 to qualify for this funding. Anyone who would like to become a provider for this program would have to be able to administer the ASAM. She stressed that with the ASAM, once a client dropped their ASAM score below that 3.2 threshold, they would no longer receive the funding for this treatment.

The OCC sent the SOR-R and TxRW assessments, used by community corrections, to HCPF to see how they compare to the ASAM. This process will help determine approximately how many community corrections clients would be eligible for this funding. Katie asked Eileen if Probation had done anything to explore this initiative and she replied that while they have met with HCPF, they are waiting to see what happens with the waiver process.

Katie wanted stakeholders to be updated about this initiative so they could do some work on their own if they wanted to. There is also a capacity question that will need to be addressed as right now there are not enough providers; what does this look like moving forward. There are a lot of details to consider with this initiative.

Katie asked the council, as stakeholders, to check into this and bring back any thoughts that come to you. A cost benefit analysis of this initiative from boards and providers might be a good idea to explore.

## PBC UPDATE AND CONSULTANT FUNDING

Katie advised that the OCC is working towards the completion of baseline assessments of all of the community correction programs in anticipation of PBC. This office also would like to be ready to respond to any questions around PBC during the upcoming legislative session.

The legislature granted \$75,000 to the OCC to hire a consultant to start the work around PBC. With that in mind, how does the Council want to use the money for the consultant? Does anyone have a recommendation for a specific consultant?

DJ asked if we need to bid for this service. Katie explained that this would depend on how many consultants are going to be hired.

The following are suggestions as to what things will need to be developed with assistance from a consultant:

- Financial details (how much is enough to be an incentive)? How are the incentive levels divided?
- Meaningful risk-informed outcomes (how is this defined and measured)?

Valarie explained that the key will be how do the three pieces (PACE, Core Security, Risk-Informed Outcomes) of this initiative come together to incentivize programs? Shannon also it would be important to define why we are doing this and certainly update the original plan.

DJ asked if the JBC analyst had ideas about how PBC should be accomplished. Katie answered that the analyst has expressed some ideas but as subject matter experts, we should continue to work on our plans for PBC.

Doug asked if the timeline for this work conflicts with the ongoing PACE and Core Security evaluations. Katie advised that these tasks can happen at the same time. Ideally, these details will be defined by the time the baseline measurements are complete so the three pieces may be put together at that time to find the true baseline for each program.

If PBC is passed by the legislature, it will still take the OCC time to implement PBC to the field. These steps include re-writing all of the contracts, figuring out how the incentives will be dispersed, etc.

Alison suggested a phased approach to build this out. For example, baselines first (so the measurements are defined), then the contract development. Katie advised this may be what has us hiring 2 consultants rather than just one.

Katie asked the Council if anyone would be interested in joining a workgroup to develop the request for a consultant. Shannon volunteered to work on this task while Doug designated Greg to also work on this. We will reach out to convene this group after year-end close is done.

Shannon asked where spending was for the year (FY19) and Katie replied that it was very close. Katie looked for support from executive staff to request a 1331 to supplement the spending for this due to the increase in the community corrections population.

Katie encouraged everyone to look at the long bill as it is important. Katie also stated that a lot of math was done to keep the community corrections boards' admin funds for the three

board types as best as possible. We understand that boards are being asked to do more and we know that the funding is tight and is tied to the allocations for their jurisdiction. While the providers got an increase, the boards admin funds were not increased and therefore were slightly reduced from last year. Doug commented that the formula used to fund boards is very old. Katie advised that the JBC analyst is also exploring PBC with the Boards in addition to the PBC with programs.

### **HOUSE BILL 1251 – UPDATE**

Chrystal's reported that she has been out working with boards, providers and DOC on the referral processes for transition clients in community corrections. This bill also provided rules for the parole board as well.

She has been working with the community corrections board to develop and implement a structure-based decision making (SDM) tool. There are funds available to assist boards in paying for the services to develop their SDM tool. Five boards were able to start their tools this fiscal year. The allocation for the next fiscal year is nearly spent already and boards are working hard to complete these tools.

Chrystal has been working with a consultant on the OCC side to develop a workshop to help providers build their own SDM tools. DJ asked what happens if a board does not develop and use a tool. Chrystal advised that she has not really run into that resistance, it more a process and staffing question to see how this works exactly. She just sent out a survey to gauge interest in these tool-building workshops and will send out the final dates for these regional classes at a later date.

DJ advised that as part of HB-1251, DOC is required to give clients the reasons why they have been denied as part of the referral. These changes are in process and should be implemented very soon.

Chrystal advised the Council that the OCC, in cooperation with the CACCB, the Coalition and CACCB, will be holding a statewide educational conference for community corrections staff, providers and boards. The save the date will go out very soon. The conference will be held on February 19th and 20th and Friday 21st will be the CACCB meeting. It will be held at the Jefferson County Fairgrounds and the theme is Best Practices and Interagency Collaboration. A planning has been convened and will be sending a call-out for presenters. She advised the Council that we would love to see them there.

### **FOLLOW-UPS FOR THE NEXT MEETING:**

Revisit the By-laws.

ORS will be here to review the dashboard and the most recent annual report.

Peggy asked that we document an action item list from the today's and the last two meetings – things that are not listed in the agenda

Start work on the PBC consultant.

Shannon asked about revisiting the UA standard revision. Katie responded that we will do that as well as revisit the Standards as a whole to tweak the based on the outcomes of a few more Core Security audits.

Doug asked to add a Core Security audit and PACE touch base to report where they are at in the process.

Doug also asked for an update and review of the budget for FY19.

DRAFT