



COLORADO

Department of Corrections

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SB 15-124

FIRST ANNUAL REPORT: RESPONSES TO TECHNICAL VIOLATIONS OF PAROLE

A REPORT SUBMITTED TO THE
JOINT JUDICIARY COMMITTEES OF THE
SENATE AND HOUSE OF REPRESENTATIVES
DUE JANUARY 1, 2016, PURSUANT TO C.R.S. 17-2-102

TABLE OF CONTENTS

INTRODUCTION.....	1
INTERMEDIATE SANCTIONS	2
Types of Intermediate Sanctions	2
Intermediate Sanction Usage	3
THE SURE AND SWIFT INITIATIVE.....	5
The Initiative	5
Implementation	6
Quality Assurance.....	6
Outputs	7
SERVICE/TREATMENT REFERRALS	9
Approved Treatment Providers	9
Referrals.....	9
CONCLUSION	10

DRAFT

INTRODUCTION

In order “to align parole supervision with evidence-based practices and promising practices in responding to technical violations,” SB 15-124 amended the Division of Adult Parole’s arrest and revocation procedures as directed by C.R.S. 17-2-103. In doing so, it directed Community Parole Officers (CPOs), except in cases where arrest or revocation is statutorily mandated,

to consider all appropriate or available intermediate sanctions, as determined by the policies of the Division of Adult Parole, before he or she files a complaint for revocation of a parolee for a technical violation of a condition of parole for which the underlying behavior is not a criminal offense (C.R.S. 17-2-103(1.5)(a)).

This report is required pursuant to C.R.S. 17-2-102:

ON OR BEFORE JANUARY 1, 2016, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE DIVISION OF ADULT PAROLE SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A STATUS REPORT ON THE EFFECT ON PAROLE OUTCOMES AND THE USE OF ANY MONEYS ALLOCATED PURSUANT TO SENATE BILL 15-124, ENACTED IN 2015 (13).

This legislative report details the Division’s efforts in responding to technical violations of parole, including the use of intermediate sanctions, use of short-term jail stays, and referrals to community organizations for treatment and other needed support services.

INTERMEDIATE SANCTIONS

SB 15-124 amended C.R.S. 17-2-103 to include a directive for COMMUNITY PAROLE OFFICER[S TO] UTILIZE INTERMEDIATE SANCTIONS TO ADDRESS A PAROLEE’S NONCOMPLIANCE OR SEEK MODIFICATION OF PAROLE CONDITIONS, OR DO BOTH, AS DEEMED APPROPRIATE BY THE COMMUNITY PAROLE OFFICER, IN A MANNER THAT IS CONSISTENT WITH THE SEVERITY OF THE NONCOMPLIANCE AND THE RISK LEVEL OF THE PAROLEE ((1.5)(b)).

SB 15-124 provided funding effective as of July 1, 2015; thus, this report addresses outcomes from July 1, 2015 to November 30, 2015. During this time frame, the Division of Adult Parole (the Division) utilized multiple types of intermediate sanctions with parolees. These sanctions and their usage are detailed below.

Types of Intermediate Sanctions

The Division of Adult Parole implemented a sanction tracking system, the Colorado Violation Decision Making Process (CVDMP), in FY 2011. The CVDMP allows for tracking of violations and the responses for each parolee. When a violation is (or set of violations are) entered into the system, an algorithm provides the presumptive response category based on the parolee’s risk level and the severity of the violation. The possible intermediate sanctions categories include low, medium, and high.

Low-Level Sanctions

As shown in **Table 1**, low-level sanctions include referrals, increased restrictions, and interventions with the parolee’s Community Parole Officer (CPO). Some of the referral options consist of referrals to collections, Alcoholics/Narcotics Anonymous (AA/NA), a cognitive behavioral therapy program, a community support program, an education program, or a re-entry specialist. Additionally, the CPO could increase the parolee’s restrictions, including adding a curfew or geographical restriction, requiring daily reporting to his/her CPO, and increased phone check-ins or drug/alcohol testing. Further, low-level sanctions could also consist of individual interventions with a CPO, an employer, or a family member or increased therapy.

Table 1: Low-Level Intermediate Sanctions

RESPONSE OPTIONS
Curfew Restrictions
Daily Reporting to CPO
Geographical Restrictions
Increased Check-In by Phone
Increased Drug/Alcohol Testing
Increased Therapy
Intervention with Employer
Intervention with Family
Intervention with Supervisor
Outpatient Therapy
Referral to AA/NA
Referral to Cognitive Program
Referral to Collections
Referral to Community Support Program
Referral to Educational Program
Referral to Re-entry Specialist
Residential In-House Sanctions
Safety Plan Development
Verbal Reprimand
Withhold Earned Time
Written Homework

Medium-Level Sanctions

As detailed in Table 2, medium-level sanctions include enhanced treatment, interventions, and restrictions. Enhanced treatment options include participation in cognitive behavioral therapy, an intensive outpatient program, or a short-term inpatient program, along with antabuse treatment. The remaining options are forms of restrictions, including curfew restrictions and daily office or reporting center check-ins, increased drug/alcohol testing, loss of driving privileges, use of electronic monitoring, and withholding of earned time.

High-Level Sanctions

The high-level sanctions involve mostly further restrictions upon the parolee. Those include remediation to community corrections or a summons to the parole board. A parolee could also receive a high-level sanction to residential therapy or a short-term inpatient treatment program (Table 3).

Table 2: Medium-Level Intermediate Sanctions

RESPONSE OPTIONS
Antabuse
Cognitive Behavioral Therapy (CBT)
Curfew Restrictions
Daily Office Check-In
Day Reporting Center
Increase/Extend Level of Supervision
Increased Drug/Alcohol Testing
Increased Therapy
Intensive Outpatient Therapy
ISP-EM/TMS/GPS
Letter of Reprimand
Outpatient Therapy
Remote Alcohol Testing
Residential In-House Sanctions
Return to Sending State
Short-term Inpatient Treatment Program
Specific Issue Polygraph
Sure and Swift Short-term Jail Stay
Withhold Earned Time

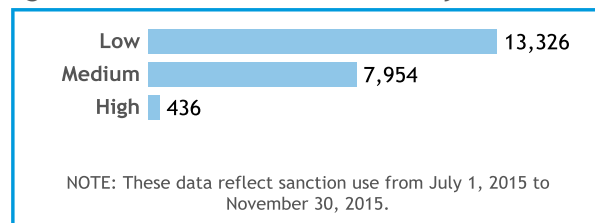
Table3: High-Level Intermediate Sanctions

RESPONSE OPTIONS
Long-term Residential Therapy
Remediation to Community Corrections
Short-term Inpatient Treatment Program
Summons to Parole Board
Sure and Swift Short-term Jail Stay

Intermediate Sanction Usage

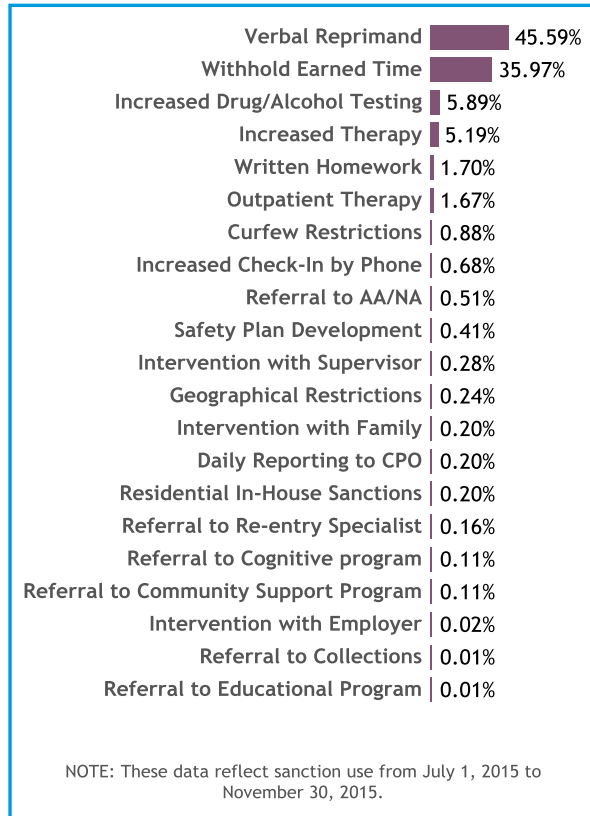
From July 1, 2015 to November 30, 2015, the Division utilized a total of 21,716 intermediate (i.e., non-revocation seeking) sanctions. That included a total of 13,326 (61%) low-level sanctions, 7,954 (37%) medium-level sanctions, and 436 (2%) high-level sanctions (Figure 1).

Figure 1: Intermediate Sanctions by Level



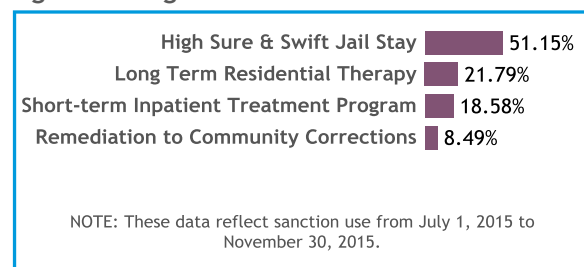
For low-level sanctions, verbal reprimands were utilized the most (46%), followed by withholding earned time (36%) and increases in drug or alcohol testing (6%) or therapy (5%). The remaining low-level sanction options were utilized less than 2% of the time, which included, for example, written homework, curfew restrictions, referral to AA/NA, and referral to a Community Re-entry Specialist (CRES) (Figure 2).

Figure 2: Low-Level Sanction Use



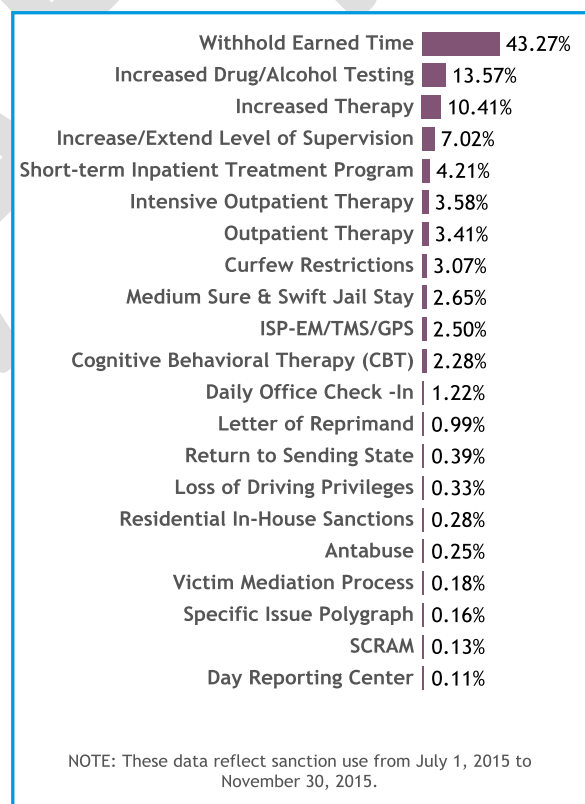
Although only used 2% of the time from July 1 to November 30, 2015, high-level sanctions included the use of a high-level Sure & Swift¹ stay (51%), long-term residential therapy (22%), short-term inpatient treatment (19%), and remediation to community corrections (8%) (Figure 4).

Figure 4: High-Level Sanction Use



Medium-level sanctions were also utilized. Withholding earned time was used the most (43%), while increasing drug and alcohol testing followed at 14%. Additionally, increasing therapy was used 10% of the time, followed by increasing the level of supervision (7%), adding short-term inpatient treatment (4%), and utilizing intensive outpatient therapy (4%) (Figure 3).

Figure 3: Medium-Level Sanction Use



¹ See the next section for a detailed account of the Sure & Swift intermediate sanction.

THE SURE AND SWIFT INITIATIVE

SB 15-124 amended C.R.S. 17-2-103 to include a directive for a new intermediate sanction:

IF A PAROLEE HAS A TECHNICAL VIOLATION, THE PAROLEE'S COMMUNITY PAROLE OFFICER, WITH THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF ADULT PAROLE OR THE DIRECTOR'S DESIGNEE, MAY IMPOSE A BRIEF TERM OF CONFINEMENT IN THE COUNTY JAIL, NOT TO EXCEED FIVE CONSECUTIVE DAYS, AS AN INTERMEDIATE SANCTION ((1.5)(d)).

This new option, termed Sure & Swift, provided officers with the ability to utilize jail time as a sanction without having to seek revocation. The following details the background of this initiative and its utilization in Colorado.

The Initiative

The Sure and Swift (S&S) Initiative, loosely modeled after Hawaii's HOPE program², follows the Swift, Certain, and Fair (SCF) model of supervision³. According to the Bureau of Justice Assistance (BJA), the SCF approaches seek to:

- (a) improve supervision strategies that reduce recidivism
- (b) promote and increase collaboration among agencies and officials who work in community corrections and related fields to enhance swift and certain sanctions
- (c) enhance the offenders' perception that the supervision decisions are fair, consistently applied, and consequences are transparent
- (d) improve the outcomes of individuals participating in these initiatives⁴

Utilizing this concept of deterrence, where a sanction should be swift, certain, and fair, the S&S Initiative provides officers with the option to impose swift and certain sanctions on parolees for certain medium- and high-level violations of their conditions of parole, namely, short-term (1-5 day) jail stays. Officers have the option of imposing a medium-level S&S stay (1-2 days) or a high-level S&S stay (3-5 days).

In deciding how to best use limited jail beds, the Division decided to focus on using the S&S short-term jail stay for medium- and high-level violations. Thus, a S&S stay could be utilized, for example, for a GPS violation, possession of certain weapons or ammunition, tampering with a drug test, or contact with a victim.

² See Bulman, P. (2010). In brief: Hawaii HOPE. *NIJ Journal*, 266, 26-27.

³ See, for example, National Network for Safe Communities. (2015). *Swift, certain, & fair*. Retrieved from: <http://nnscommunities.org/our-work/strategy/swift-certain-fair>.

⁴ Directly quoted from: Bureau of Justice Assistance. (2015). *Swift, Certain, and Fair Sanctions Program (SCF): Replicating the concepts behind Project HOPE FY 2015 competitive grant announcement*, BJA-2015-4056. Retrieved from: <https://www.bja.gov/Funding/15Swift&CertainSol.pdf>.

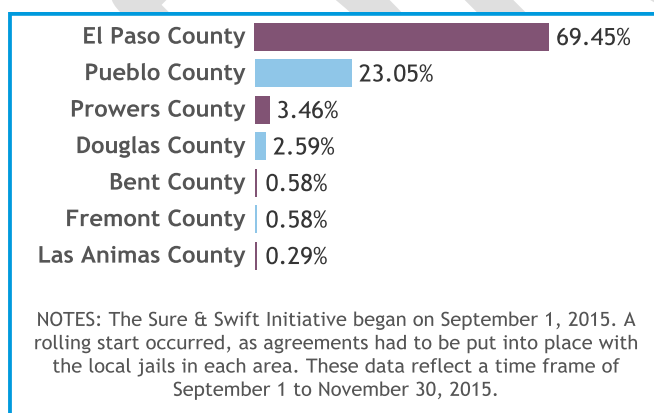
Implementation

The statewide implementation of the S&S Initiative began in September 2015, with training and on-boarding of locations occurring prior to that date. Staff training consisted of education on the violation response principles noted in evidence-based practice research and the changes being made to the CVDMP to incorporate short-term jail stays as an intermediate sanction to certain medium- and high-level violations. The Division, in collaboration with CWISE, the Office of Information Technology (OIT), and the CDOC's Office of Planning and Analysis (OPA), updated the CVDMP as of the end of August 2015 to accommodate S&S stay tracking.

In order to develop support for short-term jail stays and to negotiate the number of beds available for use, Division staff met with county jail administrators around the state. Use of S&S short-term jail stays first began in the southern Colorado parole offices, as pre-existing purchase orders were already in place between local jails and the Division. Those agreements were utilized to begin the use of the S&S stays, while the Division determined the best method for expanding the program to other counties. The Division chose to establish Letters of Agreement (LOAs) with local agencies to provide bed space for the S&S program.

As **Figure 5** shows, local jails in seven counties collaborated with the Division in using the S&S sanctions during the reporting time period of September 1 to November 30, 2015. Those counties include: Bent, Douglas, El Paso, Fremont, Las Animas, Prowers, and Pueblo. As LOAs continue being negotiated between CDOC and local agencies across the state, implementation is expanding to other areas, as well. As of the report deadline, four additional counties had signed LOAs (Custer, Delta, Larimer, and Mesa) and 11 counties were in the process of completing an agreement.

Figure 5: Counties with Sure & Swift Jail Participation



Quality Assurance

Maintaining program fidelity is important for all initiatives; thus, the Division has instituted two processes to track program integrity. From a data management perspective, both the project manager and the Division's Research and Evaluation Specialist review the S&S stays on a regular basis for data entry and usage issues. All issues are investigated

and updated for accurate data tracking. Additionally, from a management perspective, the Division management team reviews all arrests related to technical violations. Parole Managers, or their designated representatives, meet with Division Directors⁵ weekly to discuss each case and the availability of other possible intermediate sanctions that might

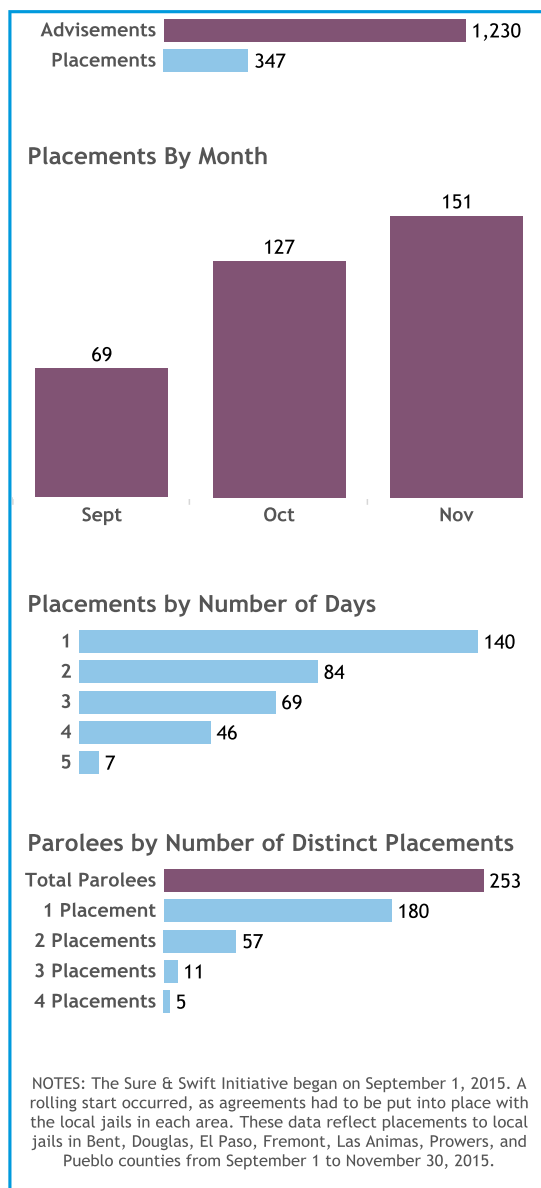
⁵ This review process began in October 2015.

be used prior to seeking a revocation. Although not available for this report, data on these reviews will be included in the FY 2016 edition of this report.

Outputs

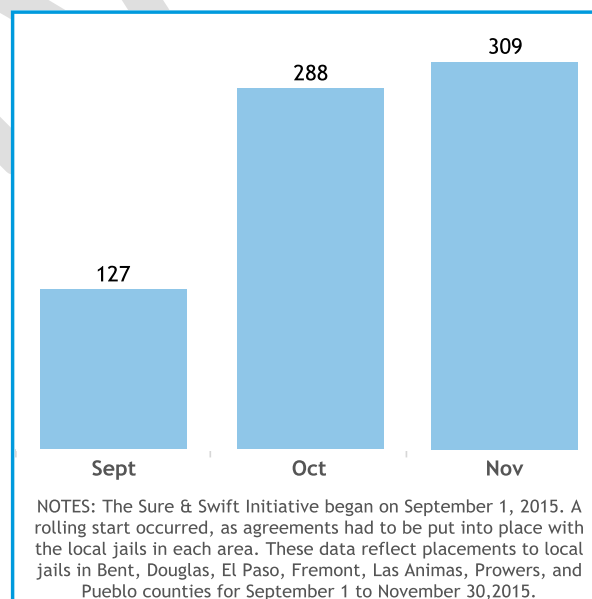
As shown in **Figure 6**, from September 1 to November 30, 2015, the Division provided 1,230 S&S advisements⁶ and a total of 347 S&S placements, with an average of 116 placements per month. Those placements were for a total of 253 parolees, where the average number of placements during the reporting period was 1.37 per placed parolee. The majority (71%) had one S&S placement during the reporting period, while 23% had two placements, 4% had three placements, and 2% had four placements.

Figure 6: Sure & Swift Advisements & Placements



As **Figure 7** shows, those placements equated to a total of 724 jail bed days⁷. The majority, (40%) of placements were for one-day stays, followed by two-day stays (24%), three-day stays (20%), four-day stays (13%), and five-day stays (2%) (Figure 6). Based on these figures, the total expenditure for jail bed stays for September 1 to November 30, 2015 was approximately \$38,835⁸ with an average of \$12,945 per month. In comparison, this is 4% less than the average cost per day for the same amount of time (724 days) in a prison facility of \$40,558⁹.

Figure 7: Sure & Swift Jail Bed Days



⁶ An S&S advisement consists of the parolee being notified that a S&S stay is a potential response for a parole violation.

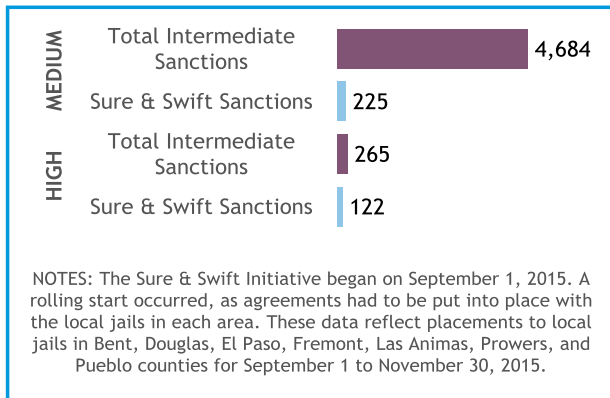
⁷ S&S jail bed days are billed per night, rather than per any portion of a day.

⁸ The nightly cost of an S&S jail bed stay is \$53.64.

⁹ This was calculated using the average cost per day for bed space in a private prison, which is \$56.02.

Further, the Division utilized a total of 13,037 intermediate sanctions from September 1 to November 30, 2015 (**Figure 8**). Of those, 265 (2%) were high-level, 4,684 (36%) were medium-level, and 8,088 (62%) were low-level sanctions. Of the total intermediate sanctions from September 1 to November 30, 2015, 347 (3%) were S&S sanctions, with 225 medium-level S&S sanctions (5% of all medium-level sanctions) and 122 high-level S&S sanctions (48% of all high-level sanctions).

Figure 8: Sure & Swift Sanctions



SERVICE/TREATMENT REFERRALS

SB 15-124 amended C.R.S. 17-2-103 to include a directive for

A COMMUNITY PAROLE OFFICER [TO] MAKE REFERRALS TO ANY NEEDED TREATMENT OR OTHER SUPPORT SERVICES THAT MAY HELP A PAROLEE BECOME COMPLIANT WITH THE CONDITIONS OF PAROLE AND SUCCEED IN REINTEGRATING INTO SOCIETY ((1.5)(c)).

The Division has historically made referrals for parolees who need services and treatment. During the reporting time period, the Division continued referring parolees to agency-approved treatment providers as part of its regular supervision practices.

Approved Treatment Providers

As of November 30, 2015, the Division had formal service partnerships with 106 non-governmental community organizations, or Approved Treatment Providers (ATPs), to provide services for parolees. From July 1 to November 30, 2015, referrals were made to 84 (79%) of those organizations.

Referrals

Division staff provide referrals to providers, from which parolees may receive multiple services. From July 1 to November 30, 2015, the Division made 5,337 distinct referrals to ATPs, with an average of 64 referrals per organization and a range of 1-518 referrals. As **Figure 9** shows, the majority (94%) of those referrals were for services paid for by CDOC, while the remaining 6% were paid for by the offender.

Referrals for treatment and services for parolees fall into three main categories: cognitive behavioral therapy, mental health treatment, and sex offender treatment. From July 1 to November 30, 2015, parolees utilized those distinct referrals for a total of 24,929 services. The majority (64%) of service/ treatment referrals consisted of sex offender treatment, which was followed by referrals for mental health treatment (23%) and cognitive behavioral therapy (12%) (**Figure 10**). Additionally, on average, parolees participate in five services per ATP referral, with a range of 1-33 services provided by the ATP per referral during this report time period.

Figure 9: Approved Treatment Provider Referrals

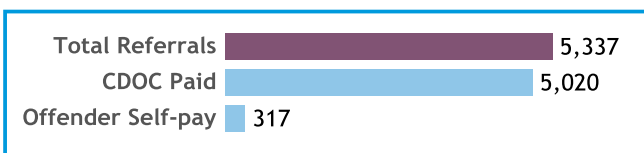
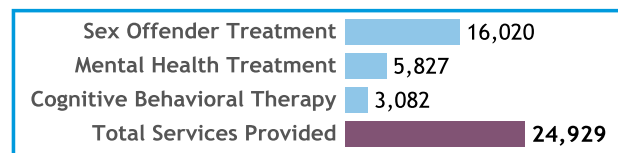


Figure 10: ATP Services Provided by Type



CONCLUSION

From July 1 to November 30, 2015, the Division utilized various methodologies in responding to technical violations of parole. As detailed previously, those included the use of intermediate sanctions, short-term jail stays, and referrals to community organizations for treatment and other needed support services.

These efforts consist of a range of intermediate sanctions across presumptive severity ranges. Low-level sanctions include: curfew restrictions, geographical restrictions, verbal reprimands, and increased reporting requirements. Medium-level sanctions consist of: cognitive behavioral therapy, withholding earned time, increased drug/alcohol testing, and in/outpatient treatment programs. High-level sanctions are more intensive, to include: inpatient treatment programs, residential therapy, remediation to community corrections, and summons to the Parole Board.

An addition to the previously available intermediate sanctions, the Sure & Swift sanction was added as an intermediate sanction option as of September 2015. With this option officers have the ability to utilize short-term jail stays in response to technical violations. Those stays consist of a medium-level sanction for one or two days in jail or a high-level sanction for three to five days in jail.

Beyond the use of regulatory intermediate sanctions, the Division also incorporates the use of referrals to community organizations for treatment and services as part of its response to technical violations. Those organizations must be on the Division's ATP list.

During FY 2016, the Division is developing and implementing new jail-based treatment alternatives to further enhance the available intermediate sanctions for use in response to technical violations, especially for those with alcohol and/or drug issues.

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